



# EXECUTIVE

## BURNLEY TOWN HALL

Tuesday, 19<sup>th</sup> August 2008

### PRESENT

### MEMBERS

Councillor Gordon Birtwistle, in the Chair.

Councillors Charles Bullas, Charlie Briggs, Roger Frost, Margaret Lishman, 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
David Wilcock	-	Head of People and Law
Phil Moore	-	Head of Finance
Sue Graham	-	Head of Planning and Environment
Paul Gatrell	-	Head of Housing
Farida Ahmed	-	Head of Property Consultancy
David Donlan	-	Accountancy Manager
Gillian Duckworth	-	Senior Solicitor
Eric Dickinson	-	Democracy Officer

### ALSO IN ATTENDANCE

Councillors Howard Baker, Frank Cant and Derek Dawson.

#### 48. **Apologies**

Apologies were received from Councillor Martin Smith

#### 49. **Minutes**

The Minutes of the last meeting held on 23<sup>rd</sup> July 2008 were agreed as a correct record and signed by the Chair.

**50. Exclusion of the Public and Re- Order of the Agenda**

- Purpose To exclude the public from the meeting when relevant.
- Reason for Decision Item 7, the Call in of Former Gannow Pool on Sycamore Avenue, contained 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 Item 7, to be considered in the private part of the agenda as item 25A, 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 Part VA of the Local Government Act 1972.

**51. Determining Taxi Licence Fees – Policy Proposal**

- Purpose To adopt a pricing policy for the setting of taxi licence fees.
- Reason for Decision To establish a consistent and fair mechanism for fee setting, that ensures the administration and regulation of taxi licensing activities are cost neutral to the Council.
- Decision That the setting of taxi licence fees based on a cost neutral budget over a rolling three year period incorporating the previous year's actual budget, and the current and following year's estimated budgets, be approved.

**52. Vehicle Safety in the Taxi and Private Hire Fleet**

- Purpose For members to consider the introduction of a policy to improve the safety standards of the taxi and private hire fleet.
- Reason for Decision To ensure that the safety of the travelling public is not compromised by the use of dangerous and unroadworthy vehicles.
- Decision That the following recommendations be approved with effect from 1<sup>st</sup> September 2008:
- (1) That Officers, using existing delegated powers refuse to renew a hackney carriage or private hire vehicle licence where a vehicle has failed it's compliance test on 3 occasions in a rolling period of 18 Months and the reason for failure is for 2 or more faults that fall within

the Council's definition of serious. (That definition is, 'any fault relating to the vehicles tyres, brakes, steering or suspension that would normally result in immediate suspension of the vehicle licence either on routine test or on enforcement exercises');

- (2) That any proprietor of a hackney carriage or private hire vehicle that is under 3 years old that fails it's compliance test on any occasion, the reason for failure being for 2 or more serious faults, will be required to submit the vehicle for test on 3 occasions per year and will be issued with licences of 4 months duration after any such test;
- (3) That any vehicle over 3 years old that has been tested on 3 consecutive occasions, without having failed the test for more than 1 serious fault per test will subsequently be tested every 6 months until such time as the vehicle age limit is reached or there is a test failure for more than 1 serious fault; and
- (4) That the current upper age limit of 7 years for private hire vehicles be confirmed and the annual review cease.

### **53. Government's Free Swimming Programme**

**Purpose** To consider the Council's response to the Government's Free Swimming Programme.

**Reason for Decision** The introduction of free swimming for residents aged 60 or over and those aged 16 years or under, should increase participation in swimming within the Borough and assist in the campaign to reduce obesity, reduce CHD (coronary heart disease) and increase the length and quality of life for local residents.

The Government have introduced financial incentives to encourage Councils to take up the scheme and these are outlined later in this Report. It is estimated that there will be no adverse overall impact on the revenue budget for the Council.

**Decision**

- (1) That participation in the Free Swimming offer for those aged 60 years or over be approved to the Department for Culture, Media and Sport (DCMS);
- (2) That the submission of an expression of interest to DCMS to participate in the Free Swimming offer for those aged 16 years or under be approved; and
- (3) That the final decision regarding the participation in the Free Swimming offer for those aged 16 years or under be delegated to the Head of Leisure and Recreation, in consultation with the Executive Member for Leisure and Culture and the Executive Member for Resources.

**54. [Tackling Health Inequalities Programme 2008/09](#)**

- Purpose To approve the Council's Tackling Health Inequalities Programme for 2008/09.
- Reason for Decision The Programme has been designed in such a way that it meets the priorities as identified within the PCT's "A Million Years of Life Saved" Programme and also assists in leveraging in other external funds.
- Decision (1) That the amendments to the Communities for Health Programme and approve the Tackling Health Inequalities Programme for 2008/09, as shown in paragraph 7 of the report, be approved; and
- (2) That the decision on the allocation of the NHS Lifechecks allocation be delegated to the Director of Community Services, in consultation with the Executive Member for Resources.

**55. [Padiham Linear Park](#)**

- Purpose To secure the Executive's support for the Padiham Linear Park Project.
- To recommend that the Full Council establish a capital budget to enable the project to proceed.
- To seek delegated authority to enter into agreement with Lancashire County Council and Sustrans to offer licences to undertake work on Borough Council land, and agree a 15-year lease where such land is to be included as part of the scheme.
- Reason for Decision The principal funders of the scheme, Lancashire County Council and the North West Development Agency, require the assurance of commitment from Burnley BC, both in-principle and financial to enable the deliverability of the scheme.
- Officers need approval to negotiate the lease of Borough Council land to LCC.
- Decision (1) **That Full Council be recommended to establish a capital budget of £23,000 in 2008/09 and £20,973 in 2009/10 to finance the Borough Council's contribution to the Padiham Linear Park Project;**
- (2) That £2,000 of this capital budget be allocated in the current financial year (2008/09) as a contribution to Sustrans for their administrative and legal costs incurred in acquiring the former rail line site from Network Rail; and

- (3) That the Head of Property Consultancy be authorised to enter into agreement with Lancashire County Council and Sustrans to offer licences to undertake work on Borough Council land and agree a 15-year lease where council land is to be included as part of the scheme.

**56. [Empty Homes Strategy 2008/11](#)**

- Purpose** The report presents a new Empty Homes Strategy to be implemented in 2008 to 2011. The strategy sets out a framework for the effective implementation of policies and initiatives to reduce the number of long term empty homes in Burnley. Details of these initiatives are set out in the Action Plan. A copy of the strategy is available from the Housing Unit on request.
- Reason for Decision** The Executive's approval is requested to ensure that the Council has an effective strategy in place and makes best use of new tools available to tackle the considerable problems posed by long-term empty homes in Burnley.
- Decision** That the Empty Homes Strategy 2008/11 and the implementation of the Action Plan be approved.

**57. [Prevention of Homelessness Strategy 2008/13](#)**

- Purpose** The report sets out a new Prevention of Homelessness Strategy to be implemented in 2008 to 2013. The strategy sets out a framework for the effective implementation of policies and initiatives to reduce the number of households becoming homeless in Burnley. Details of these initiatives are set out in the Action Plan. A copy of the strategy is available from the Housing Unit on request.
- Reason for Decision** The Council is required by the Homelessness Act 2002 to undertake a review of homelessness and to formulate an effective strategy to deal with it every five years. Executive's approval is requested to ensure that the Council meets its statutory obligations.
- Decision** That the Prevention of Homelessness Strategy 2008/13 and the implementation of the Action Plan be approved.

**58. [Switch onto Savings Scheme Policy Amendments](#)**

- Purpose** To request that the Executive approves a number of policy amendments to the Switch onto Savings Scheme.

Reason for Decision To encourage the greater take up of energy efficiency measures by ALL Burnley households which will help to reduce domestic fuel bills, and contribute towards reducing carbon dioxide emissions from the borough of Burnley.

Amending the CRISP policy to allow any 'family with children under 5, living in a small home' and increasing the grant maxima to £800 will enable the maximum number of fuel poor or near fuel poor households to benefit from an insulation grant.

Decision That the following amendments, as set out in the report, be approved: -

- (1) Introduce a subsidised 'Able to Pay' cavity wall and loft insulation scheme at £75 per measure for all Burnley private sector households whilst utility funding remains available;
- (2) Introduce a £300 heating rebate scheme available to private sector households that are in receipt of CRISP grant qualifying criteria, or that live in a small home (2/3 bed terrace or 2/3 bed semi-detached), or £500 for households in receipt of means tested benefits;
- (3) Increase the CRISP grant maxima to £800 per property available over a 3-year period;
- (4) That the CRISP scheme criteria 'any family with children under 5, within a Burnley SureStart boundary' be broadened to include 'any family with children under 5, living in a small home borough-wide'; and
- (5) Revise the Switch onto Savings budget to £266,418 to incorporate £150,418 of utility company match funding that has been secured.

<b>59.</b> <b><u><a href="#">Capital Spending Approval - Towneley Hall Climate Control System</a></u></b>
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Purpose To seek approval from the Executive to progress the replacement of the climate control system in the Art Gallery.

Reason for Decision The council's financial regulations require that officers obtain authority of the Executive to spend capital money and to tender schemes where the value exceeds £50,000.

Decision (1) That the expenditure of £50,000 in the Capital Programme 2008/09 be approved; and  
  
(2) That the Head of Property Consultancy be authorised to obtain and accept suitable tenders to procure and install a replacement climate control system at Towneley Hall.

**60. Statement of Accounts 2007/08 – Revenue Account Issues**

- Purpose To report on the final position on the Council's revenue account for 2007/08
- To consider under and over-spending in 2007/08
- To recommend that requests to carry forward unspent budgets from 2007/08 to 2008/09 will not be approved
- To endorse the transfers to and from earmarked reserves approved by the Audit Committee
- Reason for Decision To assist in finalising the Council's Statement of Accounts for 2007/08
- Decision
- (1) That the final position on the Council's revenue account for 2007/08 and the requirement for funding from general balances to support revenue spending of £185k be noted;
  - (2) That the unplanned revenue account deficit for 2007/08 of £93k and the analysis of this overall figure as shown in Appendix 1 be noted;
  - (3) That requests from Heads of Service for carrying forward unspent budget provision from 2007/08 into 2008/09 shown at Appendix 2 be refused in view of the Council's overall financial position; and
  - (4) That the approval by the Audit Committee of the transfers to and from reserves as summarised at Appendix 3 be endorsed.

**61. Revenue Budget Monitoring 2008/09**

- 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.
- An amended timetable for reporting was circulated at the meeting as additional information.

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 be approved;
  - (2) That the net salary savings as shown in Appendix 2 be approved;
  - (3) 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; and
  - (4) That the approval of Full Council be sought for the net increase in budgets funded from earmarked reserves as shown in Appendix 3.**

**62. [Capital Budget - Final Accounts 2007/08](#)**

Purpose To report to Members on the performance of the 2007/08 capital investment programme. Members to note the financing of the 2007/08 capital programme and to make recommendations to Full Council regarding those schemes requiring carry forward into 2008/09.

Reason for Decision To enable the revenue and capital accounts for 2007/08 to be completed and to assist in finalising the Council's Statement of Accounts for 2007/08.

- Decision
- (1) That the final position on capital expenditure incurred during 2007/08 against budget approvals set out in Appendix 1 be noted;
  - (2) That the financing of capital expenditure incurred during 2007/08 as outlined in Appendix 2 be endorsed; and
  - (3) That it be recommended to Full Council that those schemes listed in Appendix 3 requesting carry forward of unspent budget provision from 2007/08 into 2008/09, be incorporated into the current years capital investment programme, totalling £693,673.**

**63. [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.  
To maximise the opportunity to secure a new tenant at Padiham Town Hall.

- Decision
- (1) **That Full Council be recommended to approve a revised capital budget totalling £26,385,811 as outlined in Appendix 1 to the report;**
  - (2) That the transfer of £30,000 from the Office Accommodation scheme to the Padiham Town Hall scheme be approved; and
  - (3) That the revised assumptions made regarding Capital Resources as outlined in Appendix 3 to the report be endorsed.

<b>64. <a href="#">Treasury Management Activity – Review of 2007/08 Activity</a></b>
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- Purpose To comply with the Council’s approved Treasury Policy Statement, CIPFA codes of practice on Treasury Management in the Public Services, and The Prudential Code for Capital Finance in Local Authorities.
- Reason for Decision To fulfil statutory and regulatory requirements and to provide a clear framework for local authority capital finance and treasury management.
- Decision That the Treasury Management Activity Statement for the year ended 31 March 2008 be approved.

<b>65. <a href="#">Treasury Management Quarterly Monitoring Report 08/09</a></b>
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- Purpose To inform Members of the Council’s treasury management dealings during the period 1 April 2008 to 30 June 2008, in compliance with the CIPFA codes of practice on Treasury Management in the Public Services, and the Prudential Code for Capital Finance in Local Authorities.
- Reason for Decision The Council is required to fulfil statutory and regulatory requirements set out by the CIPFA Code of Practice on Treasury Management in the Public Services and to provide a clear framework for local authority capital finance and treasury management, and the monitoring requirements for treasury were set out in both the Treasury Management Strategy for 2008/09 and The Prudential Indicators for 2008/09, approved at Council on the 27 February 2008.
- Decision That the treasury management dealings carried out within the Finance Unit during the period 1 April 2008 to 30 June 2008 be noted.

## 66. Exclusion of the Public

Purpose	To exclude the public from the meeting.
Reason for Decision	Minute Nos. 67,68 and 69 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 next items of business 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 Part VA of the Local Government Act 1972.

## 67. The Burnley Town Centre Oval Development, Curzon Street, Burnley

Purpose	To seek approval for the variation of the existing Development Agreement and Ground Lease to develop the site edged black on the attached plan in Appendix 1 for a major retail development.  Amendments to the report were submitted as additional information.
Reason for Decision	The variation of the Development Agreement and Ground Lease will allow the Council to proceed with Henry Boot Developments' development proposals.
Decision	(1) That the Head of Property Consultancy, in consultation with the Head of People and Law and the Executive Member for Resources, be authorised:  (a) To negotiate agree and complete a Deed of Variation of the Development Agreement dated 20 November 2006 made between the Council and Henry Boot Developments Limited to effect the variation outlined in Appendix 1, as amended; and with a revised demise as shown in Appendix 2: and  (b) To make any minor amendments modifications and/or deletions to the terms of the variation as deemed appropriate; and  (2) <b>That Executive recommends to Full Council that a budget be established within the current year's Capital programme for £60,000 to cover legal and Surveyors' costs to proceed with this development, with Henry Boot Developments Limited to £30,000 of these costs and the remainder being funded from the Council's capital receipts.</b>

**68. Lodge House, Brunshaw Road, Burnley**

Purpose	To inform Members of proposals to sell Lodge House, Brunshaw Road.
Reason for Decision	To secure the best consideration reasonably obtainable for the sale of the property.
Decision	(1) That the Head of Property Consultancy be authorised to arrange for the sale of the Lodge House by an Estate Agents for the best price reasonably obtainable in consultation with the Executive Member for Resources; and  (2) That the Head of People and Law be authorised to complete the required legal formalities.

**69. Better Services Scrutiny Committee - Call In of Former Gannow Pool Site, Sycamore Avenue**

Purpose	To inform Members of the outcome of consideration by the Better Services Scrutiny Committee of a call in relating to the Gannow Pool Site,
Reason for Decision	Formal consideration of the outcome of the call in process, relating to the Gannow Pool Site and its consideration by the Better Services Scrutiny Committee, being the referral back to the Executive of Minute (45) 3 for reconsideration.
Decision	(1) That the recommendation of the Better Services Scrutiny Committee on 11 <sup>th</sup> August 2008 be noted; and  (2) That the terms of the overage agreement be delegated to the Head of Property Consultancy, in consultation with the Executive Member for Resources and the Director of Resources.