



EXECUTIVE

BURNLEY TOWN HALL

Tuesday, 23rd September 2008

PRESENT

MEMBERS

Councillor Gordon Birtwistle, in the Chair.

Councillors Charlie Briggs, Roger Frost, and Martin Smith

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
Sue Graham	-	Head of Planning and Environment
Paul Gatrell	-	Head of Housing
Farida Ahmed	-	Head of Property Consultancy
Simon Goff	-	Head of Green Spaces and Amenities
Ian Sturzaker	-	Parks Development Manager
Sue Richardson	-	Communications Manager
Peter Henderson	-	Principal Licensing Officer
Helen Jones	-	Strategic Arts Development Officer
Eric Dickinson	-	Democracy Officer

ALSO IN ATTENDANCE

Councillors Peter Doyle and Wajid Khan.

70. Apologies

Apologies were received from Councillors Charles Bullas, Margaret Lishman and Jeff Sumner.

71. Minutes

The Minutes of the last meeting held on 19th August 2008 were agreed as a correct record and signed by the Chair.

72. Additional Items of Business

- Purpose** To seek authority regarding asset management to dispose of 2 and 6 Kinross Street and 84 and 86 Melrose Avenue, Burnley.
- Reason for Decision** In order that asset management issues regarding 2 and 6 Kinross Street and 84 and 86 Melrose Avenue, Burnley could proceed quickly to obtain a capital receipt.
- Decision** In accordance with the provisions of Section 100 (B)(4)(b) of the Local Government Act 1972, the Chair decided that the item of business relating to asset management at 2 and 6 Kinross Street and 84 and 86 Melrose Avenue should be considered in view of the special circumstances outlined.

73. Exclusion of the Public and Order of the agenda

- 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 No. 85 contains 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 item relating to asset management at 2 and 6 Kinross Street and 84 and 86 Melrose Avenue 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 and that this item be considered after item 16 on the agenda.

74. Public Question Time

Mr Charles Oakes, Councillor Frank Cant and Mr Mohammad Arif addressed the Committee under the Council's right to speak policy on the Vocational Training for Hackney Carriage and Private Hire Drivers.

75. Vocational Training for Hackney Carriage and Private Hire Drivers

Purpose For Members to consider the introduction of vocational training for applicants for, and all current holders of, hackney carriage and private hire vehicle drivers' licences.

Reason for Decision To improve the standards of the provision of passenger transport by taxi and private hire vehicles within the Borough.

To improve the skills, knowledge and performance of Hackney Carriage and Private Hire drivers' within the Borough.

To improve the standing and status of Hackney Carriage and Private Hire drivers' within the passenger transport industry.

Decision That the following be approved with effect from 1st November 2008:

(1) To approve the introduction of a Local Knowledge Test for new applicants for hackney carriage and private hire drivers' licences at a cost of £15 per test;

(2) To require all new applicants, upon applying for a Hackney Carriage or Private Hire Drivers' Licence, to have registered for the Drivers' VRQ2 (BTEC) course for Transporting Passengers by Taxi and Private Hire and to have passed that course within 6 months of the application date;

(3) To require all existing licensed hackney carriage and private hire drivers' to undertake and successfully complete the Drivers' VRQ2 (BTEC) course for Transporting Passengers by Taxi and Private Hire by 31st October 2011;

(4) That in the event that a driver fails to successfully complete the Drivers' VRQ2 (BTEC) course for Transporting Passengers by Taxi and Private Hire within the time limits set out in b and c above, to approve the use of the Head of Planning and Environment's delegated powers to revoke or refuse to renew, as appropriate, the Hackney Carriage and/or Private Hire Drivers' Licence;

That in such cases the driver to be offered the opportunity to put any exceptional circumstances to the Licensing Committee to show why the licence should not be revoked or renewed.

(5) To accept, as an alternative to VRQ2 (BTEC), a similar qualification that includes such learning modules as may be required by the Council, and that at least matches or exceeds the level of qualification attained by VRQ2 (BTEC); and

(6) That Officers provide a monitoring report for Licensing Committee 12 months after the commencement of this initiative.

76. [Memorial Park, Padiham - Heritage Lottery Fund - Parks for People Programme](#)

- Purpose To seek approval from the Executive to release a budget of £ 44,000 within the Capital Programme 2008/09 for this scheme to support the project planning work.
- To seek approval to submit a stage 1 application to the HLF Parks for People Programme at the end of September 2008.
- Reason for Decision Capital Programme budgets that exceed £50,000 require release approval from the Executive.
- All grant applications exceeding £50,000 require Executive approval.
- Decision (1) That a budget of £44,000 be released for 2008/9 and the remaining budget of £53,999 be moved into 2009/10; and
- (2) That the submission of the stage 1 application to the Heritage Lottery Fund's Parks for People Programme be approved.

77. [Wildabout Burnley - Funding Application to Natural England](#)

- Purpose To seek approval of the Executive to submit a funding application to Natural England's Access to Nature programme to develop the Wildabout Burnley project.
- Reason for Decision External funding bids exceeding £50,000 require formal approval.
- Decision That submission of an initial bid to the Access to Nature Programme for revenue funding for Wild About Burnley be approved.

78. [Vacant Property Initiative - Compulsory Purchase Order](#)

- Purpose To seek approval to make the Compulsory Purchase Order (CPO) for a vacant property in the private sector.
- To dispose of the property in accordance with the Council's Disposal of Empty Dwellings Policy.
- To tender the renovation works in accordance with Standing Order SOC16 and for the power to accept the tender to be delegated to the Head of Property Consultancy.
- Reason The owner of this property has been contacted on numerous occasions since

for
Decision September 2003. Despite several promises to renovate the property, no substantial works have been carried out at the property and it remains in a very poor condition both internally and externally. The Compulsory Purchase, renovation and re-sale of this property will enable it to be brought back into housing use.

This property has been empty for approximately 6 years and is a cause of repeated complaints from neighbours. This vacant property is a detriment to the neighbourhood as it continues to attract, vandals and fly tipping.

Decision (1) That in pursuance of the powers obtained under Section 17 of the Housing Act 1985 (as amended) to approve the making of the following compulsory purchase order for the purpose of renovation and re-sale by the most appropriate method:

The Burnley (155 Manchester Road Burnley) Compulsory Purchase Order 2008

(2) That the Head of Property Consultancy be authorised to agree terms for acquisition of the property and to re-sell the property in accordance with the Disposal of Empty Dwellings Policy;

(3) That the Head of Property Consultancy be authorised to acquire the property in this report by agreement as an alternative to compulsory purchase if terms can be agreed with the owner;

(4) That the Head of People and Law be authorised to; take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order, including the publication and service of all notices, and the presentation of the Council's case at any Public Inquiry; approve agreements with land owners for the withdrawal of objections to the Order and take all necessary steps to acquire interests in land within the Compulsory Purchase Order by agreement;

(5) That the tendering of the renovation works be authorised when the estimated cost of the works is in excess of £50,000 in accordance with Standing Order SOC16 and delegates power to accept the tender to the Head of Property Consultancy; and

(6) That it be approved that the proceeds from the sale of the property be recycled back in to the Vacant Property Initiative for further acquisitions and renovations.

79. <u>Procurement of Capital Accounting Software</u>

Purpose To seek budgetary approval of £20,700 to enable the procurement of essential capital accounting software.

To inform members of the reasons behind the need to procure the software.

Inform members of the selection of the software provider.

Reason for Decision The software is required to enable the authority to meet the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) Statement of Recommended Practice (SORP) for 2008/09 and beyond. In order to achieve this it will be necessary for the software to be in operation before the end of the current financial year.

There are not sufficient suppliers of software to the specification required to be able to comply with the requirements of Standing Orders for Contracts.

Decision **(1) That it be recommended to Full Council to establish a budget of £20,700 within the Capital Programme for the current year in order to finance the procurement of capital accounting software, and reduce the existing budget provision for Office Accommodation by an equivalent amount ;and**

(2) That standing orders SOC14 and SOC15 for contracts relating to contracts valued at between £15,000 and £50,000 be waived to enable the work to proceed.

80. Exclusion of the Public

Purpose To exclude the public from the meeting.

Reason for Decision Minute Nos. 81,82,83,84 and 85 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.

81. Phase 2 Town Centre - Creative Scope Project

Purpose To gain Executive approval to continue with phase 2 of the town centre creative scope project.

Reason for Decision The second phase of the town centre creative scope will commission seven temporary creative installations exploring different ways that creative interventions can support quality public realm, visitor sign posting and the creation of a unique town centre. This will not only provide development opportunities for local artists but also enable us to consult with local residents about what they would like to see as part of town centre developments. The

project will also provide the Council with information that can be used in a supplementary planning document that will guide future larger scale permanent developments.

This proposal came from Noah Rose and Ian Banks as a result of the scoping work they were employed to do for the Council (after submitting a proposal and attending interview) highlighting potential creative interventions in the town centre masterplan. Due to the experience and knowledge that was built up as part of their scoping work it is appropriate to assign the project management of the programme to them.

Decision That the delivery of a second phase to the town centre creative scope project managed by public art specialists Noah Rose and Ian Banks be approved and supported by the Council's strategic arts development officer.

82. Asset Management - Property at Park Road, Padiham

Purpose To seek authority to dispose of the former Park Road Depot, shown edged black on the attached plan.

Reason for Decision The premises are currently non-operational and surplus to requirements. Whilst they generate a small annual income, the premises are in need of significant repair, and remedial work estimated at £75,000 is required to bring them up to standard.

The disposal will generate a significant capital receipt, which can be used as part of the Council's Capital Programme.

Decision (1) To authorise the Head of Property Consultancy to advertise the former Park Road Depot, Padiham, for sale on the open market, inviting sealed bids;

(2) To authorise the Head of Property Consultancy to accept the most favourable offer, in consultation with the Member for Resources; and

(3) To authorise the Head of People and Law to complete the transaction.

83. Disposal of land a property at Cog Lane, Burnley

Purpose To seek authority to dispose of an area of land adjacent 318 Cog lane, comprising 593 square metres, or thereabouts and nos 334 and 340 Cog lane, shown edged black on the attached plan contained in Appendix 1 to Lancashire County Council.

Reason for Decision The disposal will generate a capital receipt and comprehensively bring into long term after use the site of 320-340 Cog Lane, currently comprising an area of vacant land and four boarded up residential properties.

Decision That the Head of People and Law be authorised to complete the transaction.

84. Prairie Development

Purpose To consider the next stages of the proposed project with PlayFootball Ltd at Prairie Playing Fields.

Reason for Decision To create a facility that meets existing and future football development needs and to ensure the development proceeds.

Decision (1) That the revised development with PlayFootball Ltd (as shown in Appendix 1) be approved;

(2) That Full Council be recommended to contribute £100,000 from the Council towards the overall cost of the scheme; and

(3) That authority be delegated to the Head of Property Consultancy to finalise the negotiation of and complete a lease with PlayFootball Ltd, in consultation with the Executive Member for Leisure and Culture, Director of Community Services and Head of People and Law.

85. Asset Management 2 and 6 Kinross Street and 84 and 86 Melrose Avenue, Burnley

Purpose To seek authority to dispose of 2 and 6 Kinross Street and 84 and 86 Melrose Avenue, Burnley.

Reason for Decision The properties are surplus to requirements and are no longer required in connection with the replacement of Hameldon College. Calico owns the majority of the surrounding residential properties but has confirmed that it does not wish to pursue the acquisition of these four houses to add to its portfolio.

Under Circular 06/2004 from the Office of the Deputy Prime Minister, local authorities are recommended to follow what are known as the Crichel Down Rules. These apply where a local authority has acquired property under its compulsory purchase powers or in advance of a Compulsory Purchase Order. These rules involve offering property for sale to the former owner at market value, in the event that the property is no longer required for the purpose for which it was acquired.

Decision To authorise the Head of Property Consultancy to dispose of 2 and 6 Kinross St and 84 and 86 Melrose Ave at best consideration, with any sale to result in the properties brought back into residential use.