



EXECUTIVE

BURNLEY TOWN HALL

Tuesday, 27th May 2008

PRESENT

MEMBERS

Councillor Gordon Birtwistle, in the Chair.

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

OFFICERS

Steve Rumbelow	-	Chief Executive
Nick Aves	-	Director of Resources
David Brown	-	Director of Environment
Mick Cartledge	-	Director of Community Services
Tom Forshaw	-	Head of Chief Executive's Office
Angela Culleton	-	Environmental Services Manager
Paul Chapman	-	Head of Information Services
Cameron Collinge	-	Bereavement Services Manager
Kate Thorp	-	Development Manager
Mike Waite	-	Head of Community Engagement and Cohesion
Sean Spencer	-	Contracts Manager
Paul Gatrell	-	Head of Housing
Kevin Keith	-	Communications Officer
Imelda Grady	-	Democracy Officer

ALSO IN ATTENDANCE

Councillors Frank Cant and Darren Reynolds

1. Minutes

The Minutes of the last meetings held on 22nd April 2008 were agreed as a correct record and signed by the Chair.

2. Additional Items of Business

Purpose To approve that consultation commences and a decision is taken on British Telecom's proposal to remove four payphones within the Burnley Area.

Reason for Decision In order that consultation with the community can commence on the proposals as a matter of urgency to meet the required consultation deadline of 6th September 2008.

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 consultation on the removal of telephone boxes should be considered in view of the special circumstances outlined.

3. Memorial Safety in Burnley and Padiham Public Cemeteries

Purpose To report the outcome of the investigation by the Environment and Housing Scrutiny Committee into the options, costs and timescale for the permanent making-safe of memorials in Burnley and Padiham public cemeteries.

Reason for Decision The proposed policy for dealing with unsafe memorials will ensure that the Council fulfils its obligation to maintain the cemeteries in a safe condition whilst being sensitive to the needs of the bereaved and minimising the costs to the council taxpayer.

Decision That the recommendations of the Environment and Housing Scrutiny Committee be approved as follows;

1. That, subject to the inclusion of a clause which deals specifically with the treatment of and methods for making safe historic memorials, the policy for dealing with unsafe memorials, as detailed in the report now submitted, be adopted;
2. That the methods for permanently making safe memorials on Burnley's cemeteries, as detailed in the report now submitted, be approved; and
3. That the Scrutiny Members and Officers involved in the review be thanked for their efforts in carrying out this work.

4. Environmental Services Charging Policy

Purpose To advise the Executive of recent clarification by DEFRA and Lancashire County Council regarding the collection of some types of waste known as Schedule 2 wastes that will affect the Council's waste collections service / obligations.

To seek approval for additional items to be added to the Environmental Services Charging Policy 2007.

Reason for Decision A change in legislation reclassified waste from education establishments, charities and residential care homes to domestic household waste, however, local authorities across the County have interpreted this change differently.

Recent clarification from DEFRA and LCC has confirmed that Burnley Borough Council have an obligation to collect waste from these premises if requested. At the moment the Council do not collect general waste from these establishments and have not had a request to do so.

The change in legislation allows a charge to be made to the customer in order to cover the collection costs associated with collecting the waste. The cost of disposal cannot be passed onto the customer.

To collect general waste from education establishments, charities and residential care homes free of charge will result in a significant growth in the Streetscene budget. The current contract with Veolia ES does not include general waste collections from such establishments.

The new charges support and encourage waste minimisation and follow the producer pays principle. Recycling by schools will be encouraged through a free collection of paper and card.

- Decision
- (1) That approval be given for a charge to be introduced for the collection of general waste from schools and educational establishments, charities, residential care homes, churches and places of worship and public meeting rooms; and
 - (2) That recycled material (paper & card) continue to be collected from existing customers (education establishments) free of charge.

5. North West Operational Programme 2007-13 - European Regional Development Fund

Purpose To update Members on the latest developments in relation to the new European Funding Programme, the North West Operational Programme (NWOP) 2007-13.

To outline schemes that have been identified as having potential to be taken forward under this programme and to seek approval of how these are prioritised given the limited funding available through the programme and the level of competition submissions will face across the region.

Reason for Decision The NWOP has limited funding available and early prioritisation will enable us to concentrate the council's resources where most appropriate, thereby maximising opportunities afforded by this funding stream to deliver key projects within the Borough and across Pennine Lancashire.

To enable officers to respond quickly and appropriately to emerging and unpredictable programme deadlines and requirements with project submissions to access funding from the programme in line with previously agreed corporate priorities.

- Decision (1) That approval be given to the following schemes as priorities for funding:
- a Pennine Lancashire wide scheme to support enterprise development, building on the existing LEGI Programme.
 - the Weavers Triangle and Princess Way Enterprise Park
 - a Pennine Lancashire wide scheme to support worklessness activity
 - a scheme to upgrade Manchester Road rail station, subject to eligibility
- (2) That the Head of Regeneration and Economic Development be authorised to develop funding applications for projects under the North West Operational Programme 2007-13 in line with these priorities.

6. Concessionary Transport 2008-09

Purpose To confirm the Council's involvement in the countywide arrangement for pooling the costs of concessionary travel for three years commencing on 1st April 2008.

Reason for Decision To enable a consistent countywide concessionary travel scheme to be offered to local residents.

- Decision (1) That the commitment to participate in the countywide arrangement for pooling costs for 2008/09 be confirmed; and
- (2) That the existing concessions for travel after 11.00 p.m. be ended with effect from 31st August 2008.

7. Statement of Pensions Policy
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Purpose To review the Council's Statement of Pensions Policy and determine what changes should be made in the light of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, which came into effect on 1 April 2008.

Reason for Decision The Council needs to have a Pensions Policy that reflects the new Regulations.

Decision That Council be recommended to approve the amended Statement of Pensions Policy.

8. Local Area Agreement

Purpose To update the Executive on the County-wide Local Area Agreement and to endorse the Agreement, including the Burnley District specific targets.

Reason for Decision The draft Local Area Agreement has been subject to significant development and discussion, both by Officers of the County and District Councils within Lancashire, but also with other partners, including the Police, Primary Care Trust and the Voluntary Community and Faith sector.

In addition there has been negotiation with Government Office North West (GONW) on the indicators and targets and the final date for agreeing those targets is the end of May 2008.

Decision (1) That the County-wide Local Area Agreement and the Burnley District specified targets be endorsed.

(2) That approval of the Local Area Agreement Partner Delivery Agreement be delegated to the Chief Executive in consultation with the Leader of the Council.

9. Release of Capital Programme Monies - Car Park Improvement

Purpose To request that the Executive approves the release of the £100,000 in the Capital Programme for Car Park Improvements 2008 – 2009.

To seek authority for the Head of Streetscene to tender the proposed works up to the value of £100,000.

Reason for Decision To improve the safety and amenity of town centre car parks in order to stimulate increased use and investment in the Borough.

Decision That approval be given for the release of £100,000 set aside in the Capital Programme for car park improvements detailed in paragraph 6 of the report and the Head of Streetscene be authorised to tender the proposed work in accordance with Standing Orders and accept the most economically advantageous tender.

10. Release of Capital Programme Monies - Cycling and Access Works

Purpose To request that Executive approve the release of £100,000 set aside in the Capital Programme 2008 – 2009 for the proposed Cycling and Access works in continuation of previous schemes.

To request that Executive give authority to the Head of Streetscene to

proceed with the detailed design and tender of the proposed works.

Reason for Decision The works are part of the five year programme working with a number of external funding partners to improve existing 'off – road' access in and around the Borough for cycling, walking and horse riding. We are working with Lancashire County Council, Sustrans and British Waterways who are all contributing financially to bring the total works value to £470,000 this year. Burnley Borough Council have £100,000 set aside in the Capital Programme to put towards this sum. This work is part of the Cycling and Access Strategy approved by Council in 2003.

Decision That approval be given for the release of £100,000 set aside in the Capital Programme 2008 – 2009 for cycling and access work and the Head of Streetscene be authorised to tender the works in accordance with Standing Orders and accept the most economically advantageous tenders for the work.

11. Release of Capital Programme Monies - PC Replacement

Purpose To seek approval for release of £57,000 allocated in the capital budget 2008-2009 for the replacement of Council PC's, Laptops and other IT hardware.

Reason for Decision To replace Council PC's, laptops, member laptops and photocopiers that are over five years old and out of warranty.

PC replacement is a rolling capital programme. At a previous executive it has been agreed to replace the Councils PC stock over a five-year rolling period. This used to be every three years.

To improve efficiency by replacing old equipment. As PC's age there is a reduction in performance resulting in slower access to corporate systems and applications. This problem is further augmented by new software systems and implementation of resource intensive applications, which require more processing power.

As all the equipment due for replacement is either out of warranty or is due to come out of warranty this year, it is important this equipment is replaced to avoid service units having to resort to paying for parts replacements from their revenue budgets.

Decision (1) That approval be given for the release of £57,000 allocated in the capital budget for PC replacements; and

(2) That Standing Order 17 (Contracts exceeding £50,000 require Public Notices) be waived in order that the Council can take advantage of the East Lancashire e-partnership's procurement auction exercise for IT Hardware.

12. Accommodation Works - Parker Lane

Purpose To seek approval to amend a previous decision about accommodation works at the Parker Lane Offices.

Reason for Decision There is not sufficient budget available to finance a scheme that provides satisfactory accommodation for the staff concerned. To proceed with the scheme would not represent value for money for the Council.

Decision (1) That the scheme approved by the Executive in April 2007 not proceed.

(2) That the Head of Property Consultancy continue to investigate options to address outstanding accommodation issues in line with the Council's Accommodation Utilisation Policy and Asset Management Strategy.

13. Additional budgets for work to build Community Cohesion

Purpose To seek agreement to amend the budget of the Community Engagement and Cohesion Unit for 2008/2009 to incorporate three allocations of central government funding made available for specific purposes from the Department for Communities and Local Government.

Reason for Decision During March 2008, three sums were allocated to Burnley Borough Council by the Department for Communities and Local Government, for work on community cohesion in 2008/2009, outside of and in addition to the process of setting the overall Council budget. Two of these sums are categorised as Area-Based Grant – £116,000 for community cohesion work; and £105,000 for work on preventing violent extremism. The Department for Communities and Local Government have given an indication that they intend to make further Area-Based Grant allocations for these areas of work in 2009/2010 and 2010/2011. The third allocation is a one-off allocation of £25,000 for project work, which is a grant to Burnley of funds that were unused in a central Department for Communities and Local Government pot for project work.

Specific proposals for the use of the funds are being drawn up by the Head of Community Engagement and Cohesion, and it is proposed to determine the detailed use of these funds in consultation with the Executive Member for Community Access and Community Engagement, and the Executive Member for Resources.

Decision (1) That the Community Engagement and Cohesion Unit budget for 2008/2009 be amended to incorporate an allocation of £116,000 for general community cohesion work; an allocation of £105,000 work for to address the government's agenda on preventing violent extremism; and an allocation of £25,000 for project work.

- (2) That responsibility for determining the detailed use of these budgets be delegated to the Head of Community Engagement and Cohesion, in consultation with the Executive Member for Community Access and Community Engagement, and the Executive Member for Resources.

14. Appointment to Traffic Regulation Sub-Committee

- Purpose** To seek appointment of any three Members of the Executive to serve as the Traffic Regulation Order Sub Committee, the terms of reference being:
- Reason for Decision** To amend or confirm Traffic Regulation Orders or refer them to the Executive for a decision.
- Decision** That Councillors Charlie Briggs, Roger Frost and Jeff Sumner be appointed as the Executive members to serve on the Traffic Regulation Sub Committee for the 2008/09 Municipal Year.

15. Appointment to Community Engagement Working Group

- Purpose** To seek appointment of any three Members of the Executive to serve on the Community Engagement Working Group.
- Reason for Decision** To lead the Council's work on the development of proposals for Area Structures with the specific objective of achieving improved communications and engagement in all areas of the Borough.
- Decision** That the Leader and Councillors Margaret Lishman and Jeff Sumner be appointed as the Executive Members to serve on the Community Engagement Working Group for the 2008/09 Municipal Year.

16. Removal of British Telecom payphones

- Purpose** To seek Member approval for consultation and decision on British Telecom's proposal to remove four payphones within the Burnley area.
- Reason for Decision** Under OFCOM guidelines, the local planning authority is required to canvass the views of the local community and to notify British Telecom of its decision to consent or object to the proposal by the close of the consultation period on 6th September 2008.
- Decision**
- (1) That approval be given for the carrying out of a consultation process with the local community; and
 - (2) That the Head of Planning and Environment, in consultation with the Executive Member for the Environment, be authorised to respond to British Telecom.

17. Exclusion of the Public

Purpose	To exclude the public from the meeting.
Reason for Decision	Minute Nos.18,19, 20 and 21 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.

18. Migration of IT Systems

Purpose	<p>To explore the options available and seek approval for the migration from our current Novell systems to Microsoft based systems.</p> <p>To provide details of options available as follows</p> <p><u>Option 1</u> Stay with Novell</p> <p><u>Option 2</u> Move to Novell's latest platform under Linux</p> <p><u>Option 3</u> Migrate all services from Novell to Microsoft</p>
Reason for Decision	<p>The current Novell Netware systems have been in place for over 10 years and are no longer fully supported by Novell.</p> <p>Upgrading Novell to Linux would be expensive and would not resolve the integration issues.</p> <p>The Microsoft platform is needed to enable several aspects of the Governments Transformational agenda, such as mobile and flexible working.</p> <p>Although there is an initial capital cost to the migration in the long term there will be cost savings around integration and support.</p>
Decision	<p>(1) That Standing Orders for contracts 16 and 17 be waived to allow the migration programme to Microsoft through a Microsoft Enterprise Agreement.</p> <p>(2) That approval be given to re-profile the Capital programme to achieve this project.</p>

19. Colne Road Development Programme - Transport and Connectivity Study
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- Purpose** To inform Members of the latest position in respect of the Colne Road Development Programme.
- To seek approval to establish a budget of £70,000 for financial year 2008/09 to enable a highways study to be undertaken in connection with the Programme.
- To seek approval to waive Standing Order for Contracts 17, contracts exceeding £50,000 require Public Notices.
- To seek approval for the acceptance of the most favourable tender to be delegated to the Head of Property Consultancy, in consultation with the Member for Resources.
- To seek approval for the Head of People and Law to complete a contract with the successful consultant to enable the study to proceed.
- Reason for Decision** The establishment of the budget will enable the Council to commission an essential highways study. This study will provide key financial information so that the Colne Road Development Programme bid to English Partnerships can progress to the next stage.
- It is recommended that SOC17 is waived and that the acceptance of the most favourable tender is delegated to the Head of Property Consultancy, in consultation with the Member for Resources, in the interests of expediency.
- Decision**
- (1) That approval be given for the establishment of a budget of £70,000 to enable a highways study in connection with the Colne Road Development Programme to be commissioned in 2008/09, the costs to be reimbursed by funding partners in the same financial year;
 - (2) That Standing Order 17 (Contracts exceeding £50,000 require Public Notices) be waived in the interests of expediency;
 - (3) That the Head of Property Consultancy, in consultation with the Member for Resources, be authorised to accept the most favourable tender; and
 - (4) That the Head of People and Law Services be authorised to complete the contract with the successful consultant.

20. Saunder Bank Project

- Purpose** To request the release of monies allocated in the capital budget 2008-2009

for the Saunder Bank Project

Reason for Decision To enable the council to assemble a development site at Saunder Bank as per our funding agreement with the NWDA.

- Decision
- (1) That approval be given to the re-profiling of the project to increase the budget from £250,000 to £330,000 to accommodate funding rolled forward from 2008/09 as agreed with the NWDA;
 - (2) That approval be given to release the £330,000 set aside in the Capital Programme 2008-2009; and
 - (3) That demolition works be tendered in accordance with Standing Orders SOC 16 - 22 (works of value over £50,000) and the Head of Streetscene in consultation with the Executive Member for Environment be authorised to accept the most economically advantageous tender and form a contract for the works.

21. Affordable Housing in Phase 1, South West Burnley
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Purpose To inform Members of a request by Calico Housing Ltd for financial assistance to gap fund its proposed acquisition of 18 affordable homes in Phase 1, South West Burnley.

To seek approval to subsidise affordable homes within Phase 1, South West Burnley, to be funded from the Housing Capital Programme.

Reason for Decision To facilitate housing redevelopment in SWB H1/5 of the South West Burnley Area Action Plan area to proceed as negotiated by the Partners, Burnley Borough Council, its Lead Developer Partner Keepmoat Ltd and its Lead Registered Social Landlord, Calico Housing Ltd.

- Decision
- (1) That the request made by Calico Housing Ltd for financial assistance to gap fund the proposed acquisition of 18 affordable homes in Phase 1, South West Burnley be noted; and .
 - (2) That approval be given for the allocation of £200,000 from the Housing Capital Programme to subsidise the acquisition of 18 Affordable Houses in the South West Burnley Area Action Plan area SWB H1/5 (also referred to as Phase 1 South West Burnley), by the Council's Lead Registered Social Landlord, Calico Housing Ltd.