



EXECUTIVE

BURNLEY TOWN HALL

Tuesday, 28th April 2009

PRESENT

MEMBERS

Councillor Gordon Birtwistle, in the Chair.

Councillors Charlie Briggs, Charles Bullas, Margaret Lishman, Roger Frost, 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
Mike Cook	-	Director of Regeneration and Housing
Farida Ahmed	-	Head of Property Consultancy
Tom Forshaw	-	Head of Chief Executive's Office
Paul Gatrell	-	Head of Housing
Gerard Vinton	-	Head of Recreation and Leisure
Jeremy Richards	-	Public Relations Officer
James Warnock	-	Development Officer
Imelda Grady	-	Democracy Officer
Elaine Newsome	-	Democracy Officer

ALSO IN ATTENDANCE

Councillors Peter Doyle, John Jones and Andy Tatchell

218. Minutes

The Minutes of the last meeting held on 7th April 2009 were agreed as a correct record and signed by the Chair.

219. Additional Items of Business

Purpose To seek approval for release of £79,000 allocated in the capital budget 2009/10 for the replacement of the Council PC's, Laptops and other IT hardware.

Reason for Decision In order that the replacement of the Council's PC's, laptops and other IT hardware can comply with the Government Connect's security standards deadline of September 2009.

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 circumstance outlined.

220. Public Question Time

Councillor John Jones addressed the Committee under the Council's Right to Speak Policy on the provision of free parking places, dedicated parking bays, anchor points and signage for motorcycles and motor scooters on all council owned car parks.

Mr John Rowe addressed the Committee under the Council's Right to Speak Policy on the South West Burnley Overarching Development Agreement.

221. PC Replacement

Purpose To seek approval for release of £79,000 allocated in the capital budget 2009-2010 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.

Most of the equipment being replaced falls well below the Government Connect security standards and therefore needs upgrading to comply with the September 2009 Government Connect deadline.

Decision (1) That approval be given for the release of £79,000 allocated in the capital budget for PC replacements; and

- (2) That Standing Order 17 (contracts exceeding £50,000 requiring public notice) be waived in order that the Council can take advantage of the East Lancashire e-partnership's procurement auction exercise for IT hardware.

222. Teenagers Working Group "I'm Bored Nothing To Do" Report

- Purpose To report on the improvements recommended by the Teenagers "I'm bored nothing to do" Working Group after an intense piece of scrutiny work which included schools, sport centres, voluntary organisations, sports & recreation and the private sector.
- Reason for Decision To allow the Executive to formally consider recommendations from the Teenagers Working Group "I'm bored nothing to do" and whether the recommendations relate to body/ies within or outside the Council to develop a better way of delivering information, advertising activities and sending out the message to young people on the availability of those activities.
- Decision That the improvement plan detailed in appendix 2 to the report be endorsed as a basis for further work.

223. Tackling Health Inequalities Programme 2009-2010

- Purpose To approve the Council's Tackling Health Inequalities Programme for 2009/10.
- Reason for Decision The Programme has been designed in such a way that it meets the both the priorities of the Primary Care Trust's 'Save a Million Years of Life Campaign' and the Government's Communities for Health funding.
- Decision (1) That approval be given to the Tackling Health Inequalities Programme for 2009/10 as shown in section 8 of the report; and
(2) That an annual report be produced to assess the impact of the programme.

224. Adoption of a Designated Public Place Order

- Purpose To consider the measures that are available, in the Criminal Justice and Police Act 2001, to restrict anti social drinking.
- To obtain approval to move from the consultation stage required to implement a borough wide Designated Public Place Order (DPPO) to the actual implementation.

To give the police and the police community support officers (PCSO) immediate powers to deal equitably with alcohol related disorder amongst mixed age groups.

To improve public perception relating to efforts made to tackle alcohol related disorder.

To avoid “displacement” whereby alcohol related disorder moves to areas not covered by a DPPO.

Reason
for
Decision

To provide the police with additional powers to control Anti-Social Behaviour (ASB)

To support the work being undertaken by Streetscene ASB teams.

To provide a uniform approach to the policing of alcohol related ASB.

The response from the police, local Members and members of the public has indicated that there is a desire to implement a DPPO.

To assist with the Community Safety Partnership’s (CSP) work on alcohol-related problems, both social and medical.

Decision

That Full Council be recommended to make a Designated Public Place Order under Section 13(2) of the Criminal Justice and Police Act 2001, revoking the existing Designated Public Place Orders and identifying all public places within the Borough of Burnley as Designated Public Places for the purposes of the said Act.

225. <u>Vacant Property Initiative</u>

Purpose To seek approval to amend clause 3.12 of the Council’s Disposal Policy for Empty Dwellings.

Reason for Decision The clause is seen to be restrictive and in one case has resulted in a lost sale of a property (26 Saxon Street). Sales of properties in the future are at risk because of the clause (12 Haven Street); advice from a local estate agent is that the clause is being seen as prohibitive by mortgage lenders.

As from April 2009, an integral part of the Home Information Pack will be the new Property Information Questionnaire. One of the questions specifically asked by the questionnaire is “does the lease prevent you from subletting”

A further report at a later Executive will include a full review of the Disposal Policy to try and make the renovated vacant properties more attractive to first time buyers.

Decision That approval be given to amend clause 3.12 of the Council's Disposal Policy for Empty Dwellings to state that:

"If there are no expressions of interest the Council will sell the vacant dwelling on the open market taking reasonable steps to ensure the sale is to owner occupiers."

226. <u>Proposed Clearance Area for Properties in Burnley Wood</u>

Purpose To seek approval in principle to the clearance of properties within both a possible Clearance Area and also Compulsory Purchase Order to enable all preparatory work and formal consultation to take place ahead of any formal decision both to declare a Clearance Area and also to make a Compulsory Purchase Order.

Reason for Decision To enable the Council to continue to deliver the regeneration of Burnley Wood.

To deal with the housing conditions evident in the properties in line with the Council's Housing Renewal Strategy.

Decision

- (1) That approval be given in principle to the possible clearance of the properties 129 -181 Oxford Road, Burnley and the inclusion of them in a possible Clearance Area and Compulsory Purchase Order to enable all preparatory work and consultation with all interested parties;
- (2) That the Head of Housing be authorised to undertake all necessary preparatory work ahead of the declaration of any Clearance Area and the making of any Compulsory Purchase Order; and
- (3) That the Head of Property Consultancy be authorised to acquire properties by agreement ahead of the declaration of any Clearance Area and the making of any Compulsory Purchase Order, under all relevant statutory powers.

227 <u>Leisure and Recreation - Dual Use Facilities</u>
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Purpose To brief Members on the current and proposed arrangements to manage Dual-Use facilities at the new 'Building Schools for the Future' sites from the Spirit of Sport Centre.

Reason for Decision The strategic review of leisure included the use of the sports facilities at the new school campuses as they become available.

The income for the leisure facilities should be treated as a whole to balance out the anomalies from charging reduced rates to young people and disabled groups to encourage usage from these targeted participants.

As the new Building Schools for the future sites are currently unavailable, the Council would be left in a position of not having enough capacity to cater for current demand. As the Council will only pay for utility and staffing costs income from hire fees will cover this expenditure.

- Decision
- (1) That the report be noted and the actions to ensure community access to the new facilities at the 'Building Schools for the Future' sites in the long-term and the operation of the old Towneley Dual-Use Centre on a no cost basis until the new facilities are available, be endorsed;
 - (2) That the previous decision to cease the operation of Towneley Dual-Use Centre be reversed and approval be given to extend its operation up to the 31st March 2010 for the reasons outlined in the report, which will be reviewed on a quarterly basis; and
 - (3) That the rationale of approaching the leisure facilities income budgets as a whole rather than individual budget heads, to account for socially responsible pricing for young people and disability groups be noted.

228. <u>Play Area Improvement Programme</u>
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Purpose To seek approval to release the balance of funding allocated for the 2009/10 Play Area Improvement Programme.

Reason for Decision Approval of the Executive is required for changes to the approved capital programme and for any capital spend exceeding £50,000.

- Decision
- (1) That approval be given to the schemes included in the 2009/10 Play Improvement Programme as shown in section 6 of the report;
 - (2) That the approved Play Area Improvement budget in 2009/10 be increased to £186,114, financed from external funding received from the Big Lottery Fund; and
 - (3) That approval be given to the procurement methods shown in sections 7 to 11 of the report and the expenditure of £152,114 from the 2009/10 Play Area Improvement budget, £34,000 for Hargher Clough having been approved previously and that the Head of Green Spaces and Amenities be authorised to tender works where appropriate and accept the most economically advantageous tenders.

229. Asset Management - Neptune House, Sandygate

Purpose To seek Executive approval to undertake urgent repairs to Neptune House, Sandygate, Burnley, shown edged black on the plan attached to the report, to be funded from the Council's Capital Programme for the Weavers' Triangle regeneration programme.

Reason for Decision The Council has recently acquired a substantial number of properties in the Weavers' Triangle in order to consolidate its existing portfolio of land and property in the Sandygate area. North West Development Agency funding has been secured for the forthcoming five years in order to meet the immediate repair and ongoing maintenance/holding costs for these buildings prior to any major area regeneration taking place.

Neptune House is situated within the Canalside Conservation Area, is locally listed and is reputedly the oldest building in the Weavers' Triangle. The Council acquired Neptune House some years ago. It is currently vacant and in a dilapidated condition following the theft of stone slates from its roof. In the long term it is proposed that this building be renovated and restored as part of the wider regeneration of the Sandygate area, forming an attractive feature and valuable asset at the heart of the Weavers' Triangle. The proposed development of Sandygate Square is likely to incorporate Neptune house as a prominent feature.

Urgent works are required in order to protect and preserve the fabric and structural integrity of the building. Exposure to the elements, particularly, long-term water ingress is having a severe detrimental impact on the condition of the building. If left unattended, the building would deteriorate rapidly and eventually be lost. Several buildings have already been lost in the Weavers' Triangle in recent years, most notably Clock Tower Mill. The current strategy is to retain as many of the buildings within the area as possible pending regeneration and redevelopment.

Decision

- (1) That approval be given to carry out urgent repairs to Neptune House, Sandygate, Burnley at an estimated cost of £65,000 during financial year 2009/10, using some of the Capital Programme allocation of funds for the Weavers' Triangle; and
- (2) That the Head of Property Consultancy be authorised to tender the works in accordance with Standing Orders and in consultation with the Executive Member for Resources accept the most economically advantageous tender for the works.

230. Asset Management - Energy Efficiency Works

Purpose To seek authority from the Executive for expenditure from the Capital Programme budget on Energy Efficiency Works in 2009/10.

Reason for Decision These works will reduce energy consumption and carbon emissions inline with the Council's Strategic Objectives, Sustainability Action Plan and Carbon Management Plan.

- Decision
- (1) That approval be given for the release of £100,000 from the Council's Capital Programme for the energy efficiency works as shown in paragraph 6 of the report; and
 - (2) That the Head of Property Consultancy be authorised to tender the works in accordance with Standing Orders and in consultation with the Executive Member for Resources accept the most economically advantageous tender for the works.

231. Asset Management - Disability Discrimination Act and Access to Council Buildings

Purpose To obtain Members approval to release funds from the Capital Programme 2009/10 DDA Accessibility Works and agree an outline programme of specific works to be undertaken in 2009/10.

Reason for Decision It is an obligation on the Council as the 'service provider' to undertake a programme of works to comply with the Disability Discrimination Act (DDA) 2005 and in line with Council's Policy and Strategic Objective B4d.

- Decision
- (1) That approval be given for the release of £125,000 from the Council's Capital Programme 2009/10 for the programme of works set out in Appendix 1 to the report; and
 - (2) That the Head of Property Consultancy be authorised to tender the works in accordance with Standing Orders and in consultation with the Executive Member for Resources accept the most economically advantageous tender for the works.

232. Asset Management - Fire & Asbestos Works to Council Buildings

Purpose To obtain approval to release funds from the Capital Programme 2009/10 to undertake Fire & Asbestos works.

To agree an outline programme of specific works to be undertaken in 2009/10 within the Council Buildings.

Reason for Decision It is a legal requirement for the Council as the 'Duty Holder' under Regulation 4 of the Control of Asbestos at Work Regulations 2006 to assess and manage asbestos on non-domestic buildings.

It is a legal requirement for the Council as an 'employer' or 'controller of premises' under the Regulatory Reform (Fire Safety) Order 2005, to assess and manage fire safety on its premises.

- Decision (1) That approval be given for the release of £75,000 the Programme of Works set out in Appendix 1 be approved, and the budget of £75,000 in the Capital Programme for 2009/10 be released.
- (2) That the Head of Property Consultancy be authorised to tender the works in accordance with Standing Orders and in consultation with the Executive Member for Resources accept the most economically advantageous tender for the works.

233. <u>Capital Programme 2009-2010 - Legionella Works</u>

Purpose To seek approval to release monies from the Capital Programme and to obtain suitable tenders for Legionella Precaution Works to Council buildings.

Reason for Decision These are essential works that have to be undertaken under the requirement of the Health and Safety Executive (HSE) Approved Code of Practice on the Control of Legionella Bacteria in Water Systems.

Decision The Executive agrees to release the sum of £40,000 from the Capital Programme for 2009/10.

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

234. <u>Burnley Education Trust</u>
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Purpose To seek approval for the Council becoming a member of the new Burnley Schools' Education Trust.

Reason for Decision Both the Department for Children, Schools and Families (DCFS) and Lancashire County Council feel that the new Trust will be a key tool in improving educational attainment at the 3 National Challenge Schools in the Borough. The Council has a strategic priority to improve education and skills in the Borough and can make a significant contribution to this priority by becoming involved in the Trust. The Trust meets a number of the Council's criteria for being added to the Outside Bodies List.

- Decision (1) That approval be given for Council becoming a member of the newly proposed Burnley Schools' Education Trust;
- (2) That the negotiations on any matters in relation to the finalisation of the Memorandum of Understanding and Articles of Association be delegated to the Chief Executive in consultation with the Leader of the Council and the Head of People and Law; and

- (3) That Full Council be recommended to add the Burnley Schools' Education Trust to the Council's Outside Bodies List and that the appointment of the Council's representative(s) be decided at the Annual Council Meeting on 14 May 2009.

235. 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 No. 236, 237 and 238 contains exempt 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.

236. Weavers' Triangle: Townscape Heritage Initiative
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Purpose	<p>To update the Executive on recent developments in the Weavers' Triangle and on proposed next steps.</p> <p>To seek the Executive's agreement to delegate to the Director of Regeneration and Housing and the Director of Resources the authority to renegotiate the terms of the Council's agreement with the Heritage Lottery Fund (HLF) in respect of the Weavers' Triangle Townscape Heritage Initiative (THI) programme, and to accept a revised Contract on behalf of the Council.</p>
Reason for Decision	<p>Recent developments have moved the Weavers' Triangle regeneration programme to a new stage, and it is now important to build on the positive steps that have been taken in recent weeks. Activities now in hand will constitute a highly visible indication of the Council's commitment to the area's regeneration.</p> <p>For a number of reasons, prominent among which is the decline in the property market over the last year, many of the assumptions underpinning the original approval of the THI no longer hold good, to the extent that the current structure of the programme may contain some real barriers to the securing of best outcomes. HLF officers have asked the Council to submit a case for revisions to the Programme for consideration by their Board in May.</p>
Decision	<p>(1) That the recent developments and proposals for future actions as set out in the report be noted; and</p> <p>(2) That the Director of Regeneration and Housing and the Director of Resources be authorised to renegotiate and agree the terms of the</p>

Council's contract with the Heritage Lottery Fund, on the understanding that there shall be no reduction in the level of grant on offer from them and with the objective of securing an early release of the funding.

237. Housing Market Renewal, South West Burnley - Overarching Development Agreement

Purpose To seek authority to underwrite the developer's costs in submitting a planning application.

Reason for Decision The submission of the planning application at this stage will assist in land assembly. A planning application from the Lead Developer Partner in South West Burnley will assist the Council in pursuing a Planning Act Compulsory Purchase Order (CPO) within Phase 2a and 2b in South West Burnley (plan attached in Appendix 1).

The company are unwilling to proceed with the submission of the planning application under the current market conditions without these costs being underwritten by the Council. If the Council underwrites the costs, the company will proceed with the submission of a planning application in the Summer of 2009 and support the Council in pursuing a Planning Act CPO for these phases.

Decision That the Head of Property Consultancy, in consultation with the Director of Regeneration and Housing, be authorised to agree to underwrite costs up to a sum of £20,000 for the submission of a planning application to develop Phase 2a and 2b in South West Burnley, subject to the planning application being submitted by no later 31st July 2009.

238. Burnley Market Escalator Replacement

Purpose To seek Members approval for replacement of the existing 30-year-old escalator, following an insurance inspection and subsequent recommendations, at a cost of £119, 017.

Reason for Decision To fully meet insurance recommendations and protect the council against future unsuccessfully defended public liability claims in the event of serious accident.

No alternative location for an escalator is available and customer practice is to use this entrance.

To minimise the potential for disruption to business and avoid the potential of future compensation claims from Tenants.

New replacement is the best financial option to meet future liabilities.

- Decision
- (1) That approval be given for a new escalator to be installed in the existing location, to current standard insurance inspection requirements in order to reduce inconvenience to customers and the potential of longer term disruption to tenants trade; and
 - (2) That Full Council be recommended to amend the Capital Programme for 2009/10 to allocate funding of £118,500 to permit the replacement of the escalator, previously allocated to the Electronic Document Management System, to be funded through the Prudential Code of borrowing.

239. Regeneration and Housing Staffing Re-Structure

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