



EXECUTIVE

BURNLEY TOWN HALL

Tuesday, 2nd April 2013

PRESENT

MEMBERS

Councillors Julie Cooper (in the Chair), Howard Baker, John Harbour, Shah Hussain, Andy Tatchell and Mark Townsend

OFFICERS

Steve Rumbelow	-	Chief Executive
Mike Cook	-	Director of Economic Regeneration
Helen Seechurn	-	Director of Resources
Tom Forshaw	-	Head of Chief Executive's Office
Jeremy Richards	-	Public Relations Officer
Eric Dickinson	-	Democracy Officer

125. Apologies

Apologies for absence were received from Mick Cartledge.

126. Minutes

The Minutes of the Meeting held on the 18th February 2013 were confirmed as a correct record and signed by the Chair.

127. Minutes of Individual Decisions

The Minutes of the following individual decisions made since the last meeting were noted;

Minute 24 - Additional Funding Request to finance the Award of Discretionary Housing Payments
Minute 25 - DDS Disposal Daneshouse
Minute 26 - RAPP Finance and Property Management Staffing Review

128. Revenue Budget Monitoring 2012-2013 Cycle 4

Purpose To report the forecast outturn position for the year as at 31st March 2013 based upon actual spending and income to 28th February 2013.

To recommend any changes to the approved revenue budget which are

considered necessary.

To determine any areas where Members require further information.

Reason for Decision To give consideration to the level of revenue spending and income in 2012/13 and to ensure that the budget is revised where appropriate to reflect changing circumstances.

Decision

- (1) That the revised net salary savings figure of £511,517 be approved as shown in Appendix 1 and that it be noted that a further £40,000 was estimated to be saved to the 31st March 2013 giving a total of £551,517;
- (2) That Full Council be recommended to approve the estimated reduction in net spending of £522,629 (including £448,330 further estimated underspend in cycle 4) and the related transfer to earmarked reserves as shown in Appendix 2;**
- (3) That the revised forecast non-salary variances of £648,206 lower than the approved budget as shown in Appendix 3 be noted; and
- (4) That the revised forecast of total net revenue spending being £999,723 lower than the approved budget as shown in Appendix 4 be noted.

129. Capital Budget Monitoring 2012-2013 Cycle 4

Purpose To provide Members with an update on capital expenditure and resources position along with highlighting any variances.

Reason for Decision To effectively manage the 2012/13 capital programme.

Decision

- (1) That Full Council be recommended to approve a revised capital budget for 2012/13 totalling £8,326,080, as outlined in Appendix 1;**
- (2) That the proposed financing of the revised budget totalling £8,326,080 as shown in Appendix 2 be noted; and
- (3) That the latest position on capital receipts and contributions showing an assumed balance of £3,089,348 in appendix 3 as at 31st March 2013 be noted.

130. Release of Capital Programme Funds 2012-2013
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Purpose The purpose of this Report is to request the release of funds in the Council's Capital Programme for 2013/14 to allow the commencement of work on the reinstatement of the direct rail link from Accrington and Burnley to Manchester, and on the provision of highway, infrastructure and public realm improvements in the Weavers' Triangle; all of this work is externally funded.

Reason for Decision The release of these capital sums is necessary in order to meet the contractual requirement (contained in the Government's Regional Growth Fund offer letter) that all of the approved work should be completed, and all grant expended, before the end of December 2013.

Decision That the release from the Capital Programme of the sum of no more than £9,872,646 in 2013/14 (the precise amount subject to the final awaited approval of the ERDF grant), to be allocated to projects as follows be approved:

(1) Infrastructure and Highways Improvements in the Weavers' Triangle: £2,047,155 (Regional Growth Fund), and no more than £1,300,000 (ERDF); and

(2) Todmorden Curve: £6,525,491.

131. Capital Programme Green Spaces Procurement - Towneley Hall Alarm System,
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Purpose To seek approval to release the budget of £20,000 for replacement of the alarm system in Towneley Hall.

Reason for Decision The approval will enable the timely purchase of the replacement of the alarm system. Approval of the Executive is required before funds in the capital programme are released.

Decision That funds of £20,000 contained in the Council's capital programme 2013-2014 for the procurement of a new alarm system for Towneley Hall be released.

132. Localised Scheme for Council Tax - Council Tax Support and Housing Benefit Discretionary Policies

Purpose To inform members of the proposed policy to help those Council Tax Support claimants who are facing Exceptional Hardship in paying their Council Tax.

To present to members an updated policy for Discretionary Housing Payments.

Reason for Decision To ensure that local policies are in place to support those claimants suffering severe hardship as a result of national welfare reform changes.

Decision That the new Exceptional Hardship Payments policy and the updated Discretionary Housing Payments policy be adopted.

133. Targeted Family Services Extension of Contract (TFS)

Purpose To request an extension of contract and commissioning arrangements between Burnley Council and Action for Children to continue to deliver Targeted Family Services for 2013/14.

Reason for Decision Additional sources of funding from Supporting People and Working Together with Families (both administered by Lancashire County Council), in addition to Burnley Council's financial support have been identified to continue the delivery of Targeted Family Services project in 2013/14.

Decision That the extension of contract and variation of terms and conditions of the work undertaken by Action for Children's Targeted Family Services Team from the 1st April 2013 for 12 months be approved.

134. Land and Property Disposals Procedure

Purpose To update Members on the current position regarding the Council's Land disposal procedures.

Reason for Decision To ensure that all land and property disposals are dealt with in a consistent and appropriate manner.

Decision That the amended Property Disposals Framework be approved.

135. Leisure Trust

Purpose To consider options for the future delivery of Sport and Culture services in the Borough

Reason for Decision The previous consideration of options as shown in sections 5 and 6 of this report had highlighted that the move to a Leisure Trust scored the highest against the assessment criteria. There is now clarity on the impact of the changes to the Business Rate regime and this, along with the further major financial constraints facing the Council, means that the setting up of a Leisure Trust will secure the longer term sustainability of core leisure facilities whilst realising significant savings to the Council.

The leisure trust route will also best secure jobs within the Borough and avoid any redundancies in the Unit.

Decision (1) That "in principle" the setting up of a Leisure Trust with a start date of 1 April 2014 be approved;
(2) That the draft Project Plan shown in Appendix 2 of the

report be approved;

(3) That Standing Order 18 (advertisement) be waived and that the Head of People, Law and Regulation be authorised to seek quotes and accept the most economically advantageous tender from relevant legal and consultancy firms including those from the North West Legal Consortium to provide specialist legal and financial advice for the development of a charitable leisure trust;

(4) That further reports be brought to the Executive to confirm areas such as the length of the agreement, the level of grant or management fee, support services, staffing, governance, building leases, etc; and

(5) That Full Council be recommended to establish a Leisure Trust Project Implementation budget of £70,000 funded from the Modernisation Reserve.

136. Former Michelin Site Local Development Order
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Purpose To seek approval to consult on the Draft Burnley Aerospace Supplier Park Local Development Order, attached at Appendix 1.

Reason for Decision The purpose of the Local Development Order is to accelerate development at the Burnley Aerospace Supplier Park site through simplifying the planning permission requirements on the site. This will give businesses and developers more certainty in an uncertain economic climate by detailing the specific types of development and uses which are permitted.

Decision That the Draft Burnley Aerospace Supplier Park Local Development Order be approved for consultation.

That the Head of Regeneration and Planning Policy be authorised to make any necessary minor amendments to the Draft Burnley Aerospace Supplier Park Local Development Order prior to the start of the consultation period.

137. Empty Homes CPO

Purpose To seek approval for the Empty Homes Clusters Compulsory Purchase Orders as detailed below.

To put in place the necessary delegations needed to effectively deliver the programme.

To dispose of the properties in accordance with the Council's Disposal of Empty Dwellings Policy.

Reason for Decision These properties are long term vacant with the average length of time vacant being over 4 years. Without intervention by the Council through acquisition by agreement or CPO the properties may remain vacant, continue to deteriorate, attract anti-social behaviour, fly-tipping and arson, all of which cause fear in local residents, resulting in a declining neighbourhood.

The Empty Homes Clusters Programme gives us the opportunity to address the empty homes in the proposed areas, bringing them back in to use, and through working with our partners addressing other associated problems to make the cluster locations desirable places to live.

The owners of these properties have been contacted on numerous occasions and have either not responded at all or have given no reasonable proposals for renovating the properties or bringing them back into housing use.

Decision (6) That it be approved in pursuance of the powers obtained under Section 17 of the Housing Act 1985 (as amended) to make the following compulsory purchase orders for the purpose of renovation and/or re-sale by the most appropriate method:

The Burnley (9 Renshaw Street Burnley) Compulsory Purchase Order 2013

The Burnley (14 Renshaw Street Burnley) Compulsory Purchase Order 2013

The Burnley (8 Green Street Burnley) Compulsory Purchase Order 2013

The Burnley (8 Walpole Street Burnley) Compulsory Purchase Order 2013

The Burnley (4 Randall Street Burnley) Compulsory Purchase Order 2013

The Burnley (10 Rawson Street Burnley) Compulsory Purchase Order 2013

The Burnley (26 Wynotham Street Burnley) Compulsory Purchase Order 2013

The Burnley (10 Ainslie Street Burnley) Compulsory Purchase Order 2013

The Burnley (91 Gannow Lane Burnley) Compulsory Purchase Order 2013

The Burnley (99 Gannow Lane Burnley) Compulsory Purchase Order 2013

The Burnley (134 Gannow Lane Burnley) Compulsory Purchase Order 2013

The Burnley (45 Windsor Street Burnley) Compulsory Purchase Order 2013

The Burnley (42 Woodbine Road Burnley) Compulsory Purchase Order 2013

The Burnley (53 Athol Street North Burnley) Compulsory Purchase Order 2013

The Burnley (55 Athol Street North Burnley) Compulsory Purchase Order 2013

The Burnley (48 Coal Clough Lane Burnley) Compulsory Purchase Order 2013

The Burnley (1 Colin Street Burnley) Compulsory Purchase Order 2013

The Burnley (39 Nairne Street Burnley) Compulsory Purchase Order 2013

The Burnley (53 Nairne Street Burnley) Compulsory Purchase Order 2013

The Burnley (29 Ulster Street Burnley) Compulsory Purchase Order 2013

- (7) That the Head of Finance and Property Management be authorised to agree terms for acquisition of the properties, to acquire the properties in this report by agreement as an alternative to compulsory purchase in accordance with the terms of delegation and to re-sell the property once renovated in accordance with the Disposal of Empty Dwellings Policy;
- (8) That the Head of People, Law & Regulation be authorised to make minor amendments, modifications or deletions to the CPO schedule of interests and map, should this be necessary, and to finalise the making and submission of the CPO, including promoting the Council's case at public inquiry, if necessary;
- (9) Subject to confirmation by the Secretary of State that the Head of People and Law be authorised to secure full title to and possession of the CPO land as appropriate by:
 - a. Serving notice of confirmation of the CPO on all interested parties;
 - b. Serving notice of intention to execute a General Vesting Declaration;
 - c. Executing the General Vesting Declaration;
 - d. Serving Notices to Treat and/or Entry as appropriate;
- (10) That the tendering of any renovation works be authorised in accordance with SOC 15 and 16 and delegates power to accept the tender to the Head of Housing and Development Control; and.
- (11) That the Executive approves that the proceeds from the sale of the properties is recycled back in to the Vacant Property Initiative for further acquisitions and renovations.

138. Leader's Amendments to Constitution - Part 3 Scheme of Delegation

Purpose To notify the Executive and Full Council of decisions made by the Leader to add and remove delegations to Officers within the Executive functions of the Council's Scheme of Delegation (Part 3).

Reason for Decision To consolidate and streamline the administrative process regarding discretionary policies within Revenues and Benefits.

Decision That it be noted and that **Full Council be recommended to note that on 21st March 2013 the Leader made the following amendments to the Council's Scheme of Delegation within the Executive Functions of Part 3 of the constitution.**

(1) To add the following delegation to the Head of Revenues and Benefits, as Paragraph 12 (4);

12. To determine applications for:

1. reductions in the level of Council Tax under s13a Local Government Finance Act 1992
2. hardship relief for business rates under s49 Local Government Finance Act 1992
3. discretionary housing payments

ADD 4. Exceptional hardship payments for Council Tax Support

(2) To remove the current Part 3 Paragraph 14 delegation to the Director of Resources;

'To determine appeals made by applicants against determinations regarding reductions in the level of Council Tax, hardship relief for business rates, and hardship payments for housing benefits in consultation with the Executive member for Resources. Appeals will be considered on the basis of a written submission by the applicant'.

139. 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 Number 140 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 remaining item since 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.

140. Capital Programme Green Spaces Procurement - Transport Vehicles

- Purpose To seek approval to release the budget of £61,259 for replacement of transport fleet vehicles and horticultural machinery in the capital programme 2013-2014.
- Reason for Decision The approval will enable the timely purchase of mowers and other equipment that is required for the coming season.
- Decision
- Decision (1) That funds of £61,256 contained in the Council's capital programme 2013-2014 for the procurement of transport fleet vehicles and horticultural machinery be released;
- (2) That Standing Orders 18 and 20 be waived in respect of the purchase of grounds maintenance equipment in order that the council can take advantage of discounts arising from the maintenance contract as set out in the report.