



## **FULL COUNCIL**

**VICTORIA MILL, TRAFALGAR  
STREET, BURNLEY BB11 1RA**

**Wednesday, 19th July, 2023 at 6.30 pm**

### **SUPPLEMENTARY AGENDA**

#### **Item 5 – Minute Extracts**

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| c) <i>Management Structure</i>                                  | 3 - 4   |
| d) <i>Change to delegations Licensing Act 2003</i>              | 5 - 6   |
| e) <i>2022/23 Final Outturn Revenue Position</i>                | 7 - 8   |
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## EXECUTIVE

BURNLEY TOWN HALL

Wednesday 12<sup>th</sup> July 2023, at 6.30 pm

### 18. Senior Management Structure

#### PURPOSE

To consider proposals to review the Council's Senior Management Structure.

#### REASONS FOR DECISION

- i) The Head of Paid Service is to ensure that the authority's functions are properly co-ordinated as well as organising staff and appointing appropriate management.
- ii) Following recent senior personnel changes, the Senior Management Structure has been reviewed by the Chief Executive/Head of Paid Service (Designate) to ensure that the structure remains up to date and can continue to deliver on the Council's priorities which include the re-procurement/extension of the council's two strategic partnerships, strategic delivery of the climate change agenda and improving the quality of the Borough's housing supply and stock.

#### DECISION

That the Executive recommend to Full Council to (from 11<sup>th</sup> August 2023):

- (a) Endorse this report and the updated Management Structure as set out in the Appendix;
- (b) Redesignate the Strategic Head of Economy & Growth (RR1002) to Director of Economy and Development and transfer the management of the Head of Housing & Development Control to this post;
- (c) Redesignate the Head of Finance & Property Services (AS0007) to Director of Resources and transfer the management of the People & Development service to this post;
- (d) Note the inclusion of the Head of Housing & Development Control to the Chief Executive's Management Team;
- (e) Redesignate the role of Monitoring Officer to the Head of Legal & Democratic Services; and
- (f) Delegate authority to the Monitoring Officer to make any consequential amendments to the constitution (Part 3 – Scheme of Delegation & Part 7 – Management Structure) to give effect to this decision.

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## LICENSING

BURNLEY TOWN HALL

21<sup>st</sup> June, at 6.30 pm

### 20. Amendments to Statement of Licensing Policy in respect of Delegated Functions

In discussing the report there were some queries around the delegations in Appendix 2.

It was explained that the relevant objectors had come from the Statutory Guidance. In relation to applications for personal licences the guidance sets out the following at Para 4.53,

*'4.53 Where an applicant has an unspent conviction for a relevant or foreign offence, and the police object to the application on crime prevention grounds the applicant is entitled to a hearing before the licensing authority. The applicant is also entitled to a hearing if the Home Office (Immigration Enforcement) object to the application on the grounds of the prevention of illegal working where the applicant has an unspent conviction for a relevant immigration offence or has been required to pay an immigration penalty. If the police or Home Office (Immigration Enforcement) do not issue an objection notice and the application otherwise meets the requirements of the 2003 Act, the licensing authority must grant it. Home Office (Immigration Enforcement) can object only with respect to convictions and civil immigration penalties received on or after 6 April 2017.'*

With regard to decisions around 'irrelevant, vexatious or frivolous' representations, the recommendation in the guidance is that the decision should be delegated to officers for the reasons set out below in the guidance at Paras 9.8/9.9;

*'9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.'*

*9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.*

***Following the debate, it was duly RESOLVED to recommend Full Council approve the amendments to Appendix A of the Council's Statement of Licensing Policy in line with Appendix 2 of this report.***



## EXECUTIVE

BURNLEY TOWN HALL

Wednesday 12<sup>th</sup> July 2023, at 6.30 pm

### 15. 2022/23 Final Revenue Outturn Position

#### PURPOSE

To report the provisional position on the Council's revenue accounts for 2022/23.

#### REASON FOR DECISION

To conclude the revenue budget monitoring process for 2022/23 and report the final outturn position as outlined in the Council's Statement of Accounts for 2022/23.

#### DECISION

**The Executive recommend that Full Council approve:**

- a) **The provisional final position on the Council's revenue account for 2022/23, being a net underspend of £61k which is to be transferred to the Revenue Support Reserve. The projected underspend estimated at quarter 3 budget monitoring was £9k.**
- b) **The transfers to/from Earmarked Reserves totalling a net £2.368m increase to reserves *including* carry forward requests subject to approval but *excluding* the recommended Revenue Support Reserve transfer above (see Appendix 2).**
- c) **The approval of additional revenue budget carry forward requests from Heads of Service totalling £671k and assumed within the net underspend reported above for presentation purposes only at this time (see Appendix 3).**

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## EXECUTIVE

BURNLEY TOWN HALL

Wednesday 12<sup>th</sup> July 2023, at 6.30 pm

### 16. 2022/23 Final Capital Outturn Position

#### PURPOSE

- i) To report on the performance of the 2022/23 capital investment programme and present the financing of capital expenditure incurred during 2022/23.
- ii) To seek approval of a revised 2023/24 capital budget after incorporating net carry forward commitments (slippage) from 2022/23.

#### REASONS FOR DECISION

- i) To conclude the capital budget monitoring process for 2022/23 and report the final outturn position as outlined in the Council's Statement of Accounts for 2022/23.
- ii) To increase the 2023/24 Council capital programme for amounts carried forward from 2022/23 and other budget adjustments as shown in Appendix 3.

#### DECISION

**The Executive recommends that Full Council approve:**

- a) **The final position on capital spending and financing of £21.810m for 2022/23 as shown in Appendices 1 & 2, which equates to 92% of the final resources position.**
- b) **The revised capital budget for 2023/24 totalling £40.426m as outlined in Appendix 3, (including net carry forward of £1.925m).**

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## EXECUTIVE

BURNLEY TOWN HALL

Wednesday 12<sup>th</sup> July 2023, at 6.30 pm

### 17. Annual Treasury Management Review of 2022/23 Activity

#### PURPOSE

To inform members of the Council's treasury management activity during 2022/23.

#### REASONS FOR DECISION

To comply with the regulations issued under the Local Government Act 2003 to produce an annual treasury management report containing a review of activities and the actual prudential and treasury indicators for 2022/23. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code). Performance against the approved prudential and treasury indicators are shown in Appendix 1.

During 2022/23 the minimum reporting requirements were that Full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Full Council, 23rd February 2022)
- a mid-year treasury update report (Full Council, 7th December 2022)
- an annual review following the end of the year describing the activity compared to the strategy (this report).

The regulatory environment places responsibility on Members for the review and scrutiny of treasury management policy and activities. This report is therefore important, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.

This Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Scrutiny Committee before they were reported to Full Council. Member training on treasury management issues was undertaken during the year on 25th November 2022 in order to support Members' scrutiny role.

#### DECISION

**The Executive recommends that Full Council note the annual treasury management activity for the year ended 31 March 2023.**

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