



# FULL COUNCIL

## BURNLEY TOWN HALL

Wednesday, 21st February, 2018 at 6.30 pm

### PRESENT

### MEMBERS

Councillors H Baker (Chair), C Briggs (Vice-Chair), G Birtwistle, B Brindle, M Brindle, F Cant, I Carmichael, S Chaudhary, J Cunningham, D Fleming, B Foster, R Frost, S Graham, J Greenwood, J Harbour, T Harrison, D Heginbotham, A Hosker, M Ishtiaq, M Johnstone, A Kelly, A Khan, L Khan, W Khan, S Malik, T Martin, E Monk, N Mottershead, A Newhouse, L Pate, M Payne, T Porter, A Raja, P Reynolds, D Roper, A Royle, A Tatchell, C Towneley, M Townsend and C White

### OFFICERS

Mick Cartledge	Chief Executive
Lukman Patel	Chief Operating Officer
Asad Mushtaq	Head of Finance
Chris Gay	Governance Manager
Howard Hamilton-Smith	Finance and Commercial Manager
Eric Dickinson	Democracy Officer
David Farrar	Mayor's Officer

#### 52. Minutes of the Last Meeting

**RESOLVED** The Minutes of the meeting of the Council held on the 22<sup>nd</sup> November 2018 were confirmed and signed by the Chair.

#### 53. Declarations of Interest

Councillor Charlie Briggs and Councillor Anne Kelly declared a disclosable pecuniary interest in the item relating to the Appointment of Mayor and Deputy Mayor for the Municipal Year 2018/19.

#### 54. Mayor's Communications

The Mayor congratulated Steve Pycroft who had worked as a volunteer based in Scott Park for the last 3 years.

To begin with Steven set about repairing and repainting the benches in Scott Park together with other benches on Manchester Road and around Rosehill and some in Cliviger.

Over the last year, Steven had taken on the challenge of restoring all 70 of the cast iron benches in Thompson Park. Each bench had been stripped back to bare metal, fitted with new timbers and stainless steel fixings and carefully repainted in the traditional green and red.

This Council was very grateful to Steven for the many hundreds of hours that he had given to the task of restoring park benches and the Mayor was delighted to present Steven with a certificate in recognition of his contribution

The Mayor also drew Members' attention to a letter of appreciation from Padiham Town Council regarding the refurbishment of Padiham Town Hall.

#### **55. Making it in Burnley: The Aspiration Strategy**

With reference to Minute 50 of the Executive (19<sup>th</sup> December 2017) consideration was given to the *Making it in Burnley* Aspiration Strategy.

#### **RESOLVED**

- (1) That the *Making it in Burnley* Aspiration strategy be approved;
- (2) That approval be given to use up to £20,000 from reserves to help fund the growth of the Children's University Burnley Campus; and
- (3) That approval be given to include an increase in the draft revenue budget for 2018/19 to meet an anticipated shortfall in external funding for the Children's Partnership Co-ordinator post.

#### **56. Revenue Budget Monitoring 2017/18**

With reference to Minute 59 of the Executive (12<sup>th</sup> February 2018) consideration was given to the forecast outturn position of the year as at 31st March 2018 based upon actual spending and income to 31<sup>st</sup> December 2017.

## **RESOLVED**

- (1) That the projected revenue budget forecast underspend of £98k (see the overview table in paragraph 6) be noted;
- (2) That approval be given to the latest revised budget of £14.596m as shown in Appendix 1;
- (3) That approval be given to the net transfers to earmarked reserves of £427k as shown in Appendix 4; and
- (4) That approval be given to carry forward of forecast unspent budgets as requested by Heads of Service in Appendix 5. These amounts totalling £216k to be transferred into the transformation reserve and transferred back out to create additional revenue budgets in 2018/19 or when required.

### **57. Capital Budget Monitoring 2017/18**

With reference to Minute 63 of the Executive (12<sup>th</sup> February 2018) consideration was given to a revised capital budget.

## **RESOLVED**

- (1) That approval be given of the net budget changes totalling a reduction of £3,930,713 giving a revised capital budget for 2017/18 totalling £11,417,995 as detailed in Appendix 1;
- (2) That approval be given to the proposed financing of the revised capital budget totalling £11,417,995 as shown in Appendix 2; and
- (3) That the latest estimated year end position on capital receipts and contributions showing an assumed balance of £3,088,221 at 31st March 2018, in Appendix 3, be noted

### **58. Revenue and Capital Budget and Council Tax for 2018/19**

Consideration was given to the Revenue and Capital Budgets and Council Tax for 2018/19:

It was moved by Councillor Mark Townsend and seconded by Councillor John Harbour:

“That the Council approves the proposals contained in items 5(d) to 5 (i) on the agenda and adopts the relevant minutes of the Executive. These relate to the approval of the Council’s revenue and capital budgets and setting the rate of Council Tax for 2018/19.”

An amendment was moved by Councillor Gordon Birtwistle and seconded by Councillor Sumner as follows;

“£100,000 into the Capital Budget for the retention of the Ward Opportunities Fund for 2018/19, funded by utilisation of reserves”.

In accordance with Council procedure rule 16.7 a recorded vote was taken on the amendment.

For the Motion

Councillors Gordon Birtwistle, Ida Carmichael, Roger Frost, Alan Hosker, Anne Kelly, Neil Mottershead, Mark Payne, Tom Porter, David Roper, Jeff Summer and Christine White

Against the motion

Councillors Bill Brindle, Margaret Brindle, Frank Cant, Saeed Chaudhary, Jean Cunningham, Danny Fleming, Bea Foster, Sue Graham, Joanne Greenwood, John Harbour, Tony Harrison, David Heginbotham, Mohammed Ishtiaq, Marcus Johnstone, Arif Khan, Lubna Khan, Wajid Khan, Sobia Malik, Tony Martin, Elizabeth Monk, Andrew Newhouse, Lian Pate, Asif Raja, Paul Reynolds, Ann Royle, Andrew Tatchell, Cosima Towneley and Mark Townsend

Abstained from the motion

Councillors Howard Baker and Charlie Briggs

Accordingly, the amendment was declared to be lost.

In accordance with Council procedure rule 16.7 a recorded vote was taken on the motion;

For the motion

Councillors Howard Baker, Charlie Briggs, Bill Brindle, Margaret Brindle, Frank Cant, Saeed Chaudhary, Jean Cunningham, Danny Fleming, Bea Foster, Sue Graham, Joanne Greenwood, John Harbour, Tony Harrison, Mohammed Ishtiaq, Marcus Johnstone, Arif Khan, Lubna Khan, Wajid Khan, Sobia Malik, Tony Martin, Elizabeth Monk, Neil Mottershead, Lian Pate, Mark Payne, Asif Raja, Paul Reynolds, David Roper, Ann Royle, Andrew Tatchell, Mark Townsend and Christine White

Against the Motion

Councillors Gordon Birtwistle, Roger Frost, Alan Hosker, Anne Kelly, Tom Porter, and Jeff Summer

Abstained from the Motion

Councillors Ida Carmichael, David Heginbotham, Andrew Newhouse and Cosima Towneley

Accordingly, the motion was declared to be carried and it was RESOLVED:

- 1) That the latest Medium-Term Financial Strategy be approved;
- 2) That the Reserves Strategy, as appended to the Medium-Term Financial Strategy be approved;

- 3) That it be noted that a refreshed document will be provided regularly when required as an aid to monitoring the continued delivery of an annually balanced budget;
  - 4) That the approach that has been adopted in developing budget proposals that reflect the Council's Strategic Objectives for 2018/19 be endorsed;
  - 5) That the proposals contained in the revenue budget 2018/19 report be approved;
  - 6) That the setting of a Council Tax Requirement of £6,738,897 for the financial year 2018/19 be approved;
  - 7) That the setting of a Net Budget Requirement of £15,089,625 for 2018/19 be approved;
  - 8) That the statutory report issued by the Chief Finance Officer under the Local Government Act 2003 be received;
  - 9) That the Chief Operating Officer/Heads of Service be authorised to progress action plans to deliver the 2018/19 budget;
  - 10) That approval be given to a Council Tax (Band D) figure of £291.50 for this Council for the year commencing 1<sup>st</sup> April 2018 and adopt the statutory resolution to set the full Council Tax for the year. This is equivalent to a 2.99% Council tax increase;
  - 11) That the Statutory report of the Chief Finance Officer for the Revenue Budget 2018/19 be noted and that regard was had to its contents when setting the Revenue Budget for 2018/19;
  - 12) That the treasury management strategy statement for 2018/19 as set out in Appendix 1 to the report be approved;
  - 13) That the prudential and treasury indicators for 2018/19 to 2020/21 as per Appendix 2 to the report, including the authorised limit for external debt of £33.817m in 2018/19 be approved;
  - 14) That the list of Counterparties for Deposits outlined within Appendix 3 to the report be approved
  - 15) That the Council's Medium Revenue Provision (MRP) Statement for 2018/19 as set out in Appendix 4 to the report be approved;
  - 16) That the 2018/19 Capital Budget totalling £10,140,512 as set out in Appendix 1 be approved;
  - 17) That the 2018-21 Capital Investment Programme as set out in Appendix 1 be noted;
  - 18) That the estimated position on capital resources as set out in Appendix 2 be noted;
  - 19) That it be noted that on 16<sup>th</sup> January 2018 the Council calculated the Council tax base 2018/19;
- a) for the whole Council area as 23,118 band D equivalent properties (Item T in the formula in Section 31B of the Local Government Finance Act 1992 [the "Act"] as amended by the Localism Act 2011);**
- b) for dwellings in those parts of its area to which a Parish precept relates as**

*in the attached Appendix B.*

**20) That the Council Tax requirement calculated for the Council's own purposes for 2018/19 (excluding parish precepts) is £6,738,897;**

21) That the following amounts be calculated by the Council for the financial year 2018/19 in accordance with Sections 31 to 36 of the Act;

- (a) £55,397,867 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) (a) of the Act taking into account all precepts issued to it by Parish Councils;
- (b) £48,549,114 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act;
- (c) £6,848,753 being the amount by which the aggregate at (20)(a) above exceeds the aggregate at (20)(b) above, calculated by the Council in accordance with Section 31A (4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act);
- (d) £296.25 being the amount at (20)(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish Precepts);
- (e) £109,856 being the aggregate of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Appendix B);and
- (f) £291.50 being the amount at (20)(d) above less the result given by dividing the amount at (20)(e) above by Item T (the amount at 18(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item (Parish precept) relates.

**22) To note that the County Council, the Police and Crime Commissioner for Lancashire and the Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table below;**

23) That the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables at the end of the Minutes and in Appendix A as the amounts of Council Tax for 2018/19 for each part of its area and for each of the categories of dwellings; and

24) That it be determined that the Council's basic amount of Council Tax for 2018/19 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

#### **59. Strategic Plan 2018**

With reference to Minute 65 of the Executive (12<sup>th</sup> February 2018) consideration was given to the Strategic Plan 2018-21.

#### **RESOLVED**

The approval be given to the Strategic Plan 2018-21.

#### **60. Health and Safety Intervention Plan 2017/18**

With reference to Minute 69 of the Executive (12<sup>th</sup> February 2018) consideration was given to Health and Safety Intervention Plan necessary to meet statutory requirements.

#### **RESOLVED**

That approval be given to the Health and Safety Intervention Plan (reviewed 2017/18) as detailed in Appendix 1.

#### **61. Food (Official Controls) Delivery Plan 2017/18**

With reference to Minute 68 of the Executive (12<sup>th</sup> February 2018) consideration was given to the Food (Official Controls) Delivery Plan necessary to meet statutory requirements.

#### **RESOLVED**

That approval be given to the Food (Official Controls) Delivery Plan (reviewed 2017/2018)

#### **62. Localism Act 2011 - Annual Pay Policy Statement 2018/19**

Consideration was given to the Council's Pay Policy Statement for 2018/19.

#### **RESOLVED**

(1) That approval be given to the Pay Policy Statement for 2018/19; and

(2) That the Council's Gender Pay Gap report at appendix H of the Pay Policy Statement be noted.

#### **63. Appointments to Committees, Outside Bodies and Panels**



Consideration was given to the appointments to Committees and Outside Bodies for the remainder of the Municipal Year and to the re-appointment of members to the Independent Remuneration Panel.

## **RESOLVED**

That the following appointments to Committees, Outsides Bodies and Panels be made for the remainder of the Municipal Year 2017/18:l Council is recommended to appoint;

- (a) Councillor Briggs to replace Councillor Mottershead as the Burnley and Padiham Independent member on the Development Control Committee for the remainder of the 2017/18 Municipal Year;
- (b) That Mrs Ann Slater and Mr Graham Knott be re-appointed as independent members on the Independent Remuneration Panel for a period of 3 years from the 22<sup>nd</sup> February 2018 to 21<sup>st</sup> February 2021.
- (c) Councillor Mark Townsend to replace Councillor Mohammed Ishtiaq on the Audit and Standards Committee for the remainder of the 2017/18 Municipal Year.
- (d) Councillor Mark Townsend to replace Councillor Mohammed Ishtiaq as the council's representative on the outside body North Western Local Authorities Employers' Organisation for the remainder of the 2017/18 Municipal Year.
- (e) Councillor John Harbour to replace Councillor Mark Townsend as the council's substitute representative on the outside body North Western Local Authorities Employers' Organisation for the remainder of the 2017/18 Municipal Year.

### **64. Appointment of Mayor and Deputy Mayor 2018/19**

Consideration was given to the position regarding the appointment of the Mayor and Chair of the Council and Deputy Mayor and Vice Chair of the Council for the Municipal Year 2018/19.

## **RESOLVED**

That the position on the appointment of Mayor and Chair and Deputy and Vice Chair of the Council for the Municipal Year 2018/19 be noted.

### **65. Calendar 2018/19**

Consideration was given to a calendar of meetings for the 2018/19 Municipal Year. A revised calendar was circulated at the meeting.

## **RESOLVED**

That approval be given for the amended calendar of meetings for the 2018/19 Municipal Year based on a 12 week cycle as set out in the appendix to the report.

## **66. Constitutional Updates**

Consideration was given to changes to Part 3 of Constitution by the Leader and amendments made to parts 4.8 and 5.7 of the Constitution.

### **RESOLVED**

- (1) That the changes made to the constitution be noted, as follows;
  - (a) 20<sup>th</sup> November 2017 by the Leader-Additional delegations to the Chief Operating Officer in order to discharge the delegations of the Head of Governance, Law, Property and Regulation until further notice (Appendix 1);and
  - (b) Changes to Part 3 of the constitution by the Leader relating to the Scheme of Delegation, regarding Executive Member portfolios (Appendix 2).
- (2) That the amended Guidance for Councillors and Officers involved in Outside Organisations (Part 5.7 of the Constitution) be noted, as set out in Appendix 3;and
- (3) That the Officer Employment Procedure Rules (Part 4.8 of the Constitution) be approved, as set out in Appendix 4.

## **67. Report from the Chair of Scrutiny**

### **RESOLVED**

That the cycle 4 report of the Scrutiny Chair be noted.

## **68. Strategic Plan Progress Reports**

### **RESOLVED**

That the Strategic Plan Progress Reports of Executive Members be noted.

## **69. Exclusion of the Public**

### **RESOLVED**

That the public be excluded from the meeting before discussion takes place on the next item of business on the grounds that 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 relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

## 70. Organisation Review

*Asad Mushtaq left the room and did not take part in this item.*

With reference to Minute 76 of the Executive (12<sup>th</sup> February 2018) consideration was given to a revised structure as part of the Council's need to reshape itself to meet future challenges, in the context of reducing budgets.

### **RESOLVED**

- (1) That approval be given to the proposed operating model as detailed in the report and Appendix 1 that delivers total savings of £102,000 over 3 years (payback period of a maximum of 3 years) and delegates to the Chief Operating Officer (COO) any resulting adjustments to job roles and/or post designations which are required;
- (2) That approval be given to the transfer responsibility for the Property function to the Head of Finance and the Environmental Health and Licensing function to the Head of Streetscene;
- (3) That the additional responsibilities assumed by officers following the deletion of the Director of Resources post in December 2016 which delivered annual savings of £85,905 be noted;
- (4) That approval be given for the deletion of the vacant post of Head of Governance, Law, Property and Regulation(HGLP&R) from the Council's senior management establishment together with the posts sets out in paragraph 7 on the dates indicated or on expiry of any relevant redundancy notice;
- (5) That approval be given for the creation of the posts of Head of Policy and Engagement and Head of Legal and Democratic Services (Band 3); (Appendix 2);
- (6) That the Head of People and Development be authorised to issue a redundancy notice to the relevant postholder where no suitable alternative employment is identified; subject to consideration of any further representations made within the consultation period;
- (7) That the proposed succession planning set out in paragraph 9 of the report be noted;
- (8) That approval be given to the revised Band 2 and 3 salaries of the Chief Officer Pay Policy as set out in paragraph 25 of the report;
- (9) That approval be given to the changes to be made to Part 3 Council Functions arising from the Organisation Review relating to those previously

discharged by the Head of GLP&R (transferred to the Chief Operating Officer on 22 November 2017), in particular relating to licensing and their redistribution to the Head of Legal and Democratic Services, and the Head of Streetscene –as follows;

- (a) All the HGLP&R Licensing delegations are to be transferred to the Head of Streetscene, except that Paragraphs 5-7 are to be transferred to the Head of Legal and Democratic Services and Paragraph 8 will also apply to the Head of Legal and Democratic Services; and
  - (b) All the HGLP&R Development Control delegations are to be transferred to the Head of Legal and Democratic Services, as will those Council delegations previously discharged by the HGLP&R.;
- (10) That approval be given that the Chief Operating Officer shall undertake the Council functions delegated to the Head of Legal Democratic Services until that post is filled;
  - (11) That approval be given that the Council's Senior Solicitor shall also be entitled to exercise the Licensing Council functions delegations referred to in paragraphs 5-8 (formerly with the HGLP&R) even if the Head of Legal and Democratic Services is not absent until that post is filled;
  - (12) That approval be given for the retention payment outlined in paragraph 30 of this report;
  - (13) That the Monitoring Officer be given delegated authority to the making of consequential amendments to the Constitution (Council functions) and associated policies and procedures;
  - (14) That it be noted that that the Leader will be making the relevant amendments as set out in Appendix 4 to the HGLP&R's Executive Functions delegations (transferred to the Chief Operating Officer on 20th November 2017) to reflect their transfer to the Head of Legal and Democratic Services, the Head of Streetscene, and the Head of Finance;
  - (15) That the Council's Internal Audit Manager be appointed as the Council's Data Protection Officer for the purposes of the General Data Protection Regulations; and
  - (16) That subject to approval by Full Council of recommendations (1) to (15) above, the Executive assigns the delegations it has previously granted to:
    - (i) The Head of Governance, Law, Property & Regulation as follows;
      - (a) Delegations relating to property matters to be assigned to the Head of Finance; and
      - (b) Any remaining delegations to be assigned to the Head of Legal and Democratic Services when that post is filled, and until then to the Chief Operating Officer; and
    - (ii) The Head of Community Engagement to the Head of Policy and Engagement when that post is filled.

