



# Meeting of the Burnley Borough Council

To be held at 6.30 pm on  
Wednesday, 23rd November, 2016





Sir or Madam,

Notice is given of a MEETING of the COUNCIL of the BOROUGH OF BURNLEY to be held at the TOWN HALL, BURNLEY, on

**DATE: Wednesday, 23rd November, 2016**

**starting at 6.30 pm**

To transact the business specified below.

**Lukman Patel**

**Head of Governance, Law and Regulation**

**Members of the public may ask a question, make a statement, or present a petition relating to any matter for which the Council has a responsibility or which affects the Borough.**

**Notice in writing of the subject matter must be given to the Head of Governance, Law and Regulation by 5.00 pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or at the Contact Centre, Parker Lane, Burnley or from the web at: [www.burnley.gov.uk/meetings](http://www.burnley.gov.uk/meetings). Requests will be dealt with in the order in which they are received.**

## **A G E N D A**

1. Minutes of the Last Meeting 1 - 4  
To receive, as read, the Minutes of the proceedings of the Council held on the 28<sup>th</sup> September 2016 and to confirm them or otherwise.
2. Declarations of Interest  
To receive any declarations of interest.
3. Mayor's Communications  
To receive communications (if any) from His Worship the Mayor.
4. Public Question Time  
To receive questions, statements or petitions (if any) from members of the public.
5. Items for Decision by the Council
  - a) Parliamentary Boundaries Proposals 5 - 8  
That Full Council consider the proposed changes to the parliamentary boundaries put forward by the Boundary Commission



b) Constitutional Updates and Delegations

9 - 16

To note the constitutional updates since the last meeting to Part 3 (Executive) of the constitution by the Leader relating to the Head of Regeneration and Planning Policy and the Chief Executive, and to the Director of Resources; and to consider the exercise of delegations regarding the Director of Resources.

6. Questions

To deal with questions (if any) relating to matters not contained in the Minutes before the Council and of which notice in writing has been received in accordance with Standing Order No. 10(2).



This page is intentionally left blank





## BURNLEY BOROUGH COUNCIL

### BURNLEY TOWN HALL

Wednesday 28<sup>th</sup> September 2016

#### PRESENT

#### MEMBERS

His Worshipful The Mayor (Councillor Jeff Sumner) in the Chair;

Councillors Baker, Birtwistle, Briggs, Bill Brindle, Margaret Brindle, Cant, Carmichael, Cunningham, Ellis, Fleming, Foster, Frayling, Greenwood, Harbour, Harrison, Heginbotham, Hosker, Hussain, Ishtiaq, Johnstone, Kelly, Arif Khan, Lubna Khan, Wajid Khan, Malik, Martin, Monk, Mottershead, Newhouse, Pate, Payne, Porter, Raja, Reynolds, Royle, Tatchell, Towneley, and White.

#### OFFICERS

Pam Smith	- Chief Executive
Mick Cartledge	- Director of Community Services
Lukman Patel	- Head of Governance, Law, Property & Regulation
Eric Dickinson	- Democracy Officer
Imelda Grady	- Democracy Officer
David Bristow	- Mayor's Officer

#### 20. Minutes

**RESOLVED** The Minutes of the meeting of the Council held on the 13<sup>th</sup> July 2016 were confirmed by the Chair.

#### 21. Declarations of Interest

The Mayor indicated that Pam Smith and Lukman Patel would leave the chamber when Item 5 (e ) on the agenda was being discussed, regarding Update Officer Disciplinary Procedure Rules and Appointment of the Independent Panel (Standing Panel), as they each had a prejudicial interest in that item.

#### 22. Mayor's Communications

The Mayor indicated that following consultation with Group Leaders it had been agreed that the next Full Council meeting would be moved from 14<sup>th</sup> December to 21<sup>st</sup> December 2016.



**23. Revenue Monitoring Cycle 1 2016/17**

With reference to Minute 36 (16<sup>th</sup> August 2016) of the Executive consideration was given to the forecast outturn position for the year as at 31<sup>st</sup> March 2017 based upon actual spending and income to 30<sup>th</sup> June 2016.

**RESOLVED**

- (1) That the latest revised budget of £15,223k be approved as shown in Appendix 1; and
- (2) That the net transfers from earmarked reserves in the quarter of £735k be approved as shown in Appendix 4 .

**24. Capital Budget Monitoring 2016/17 Cycle 1**

With reference to Minute 37 (16<sup>th</sup> August 2016) of the Executive consideration was given to capital expenditure and the resources position and any variances for Cycle 1 to 30<sup>th</sup> June 2016.

**RESOLVED**

- (1) That an increased capital budget of £148,000 for the Burnley Town Centre Pedestrian Upgrade scheme (50% of the overall increased cost) be approved to be financed by additional borrowing or in year revenue savings in the event that sufficient revenue savings should arise;
- (2) That the revised capital budget for 2016/17 totalling £9,332,789 be approved as outlined in Appendix 1;and
- (3) That the proposed financing of the revised capital budget totalling £9,332,789 be approved as shown in Appendix 2.

**25. Revenue Budget 2017-2020 Latest Position and Savings Proposals**

With reference to Minute 48 (20<sup>th</sup> September 2016) of the Executive consideration was given to the latest position regarding balancing the Revenue Budgets 2017-20 and proposed savings.

**RESOLVED**

- (1) That proposed savings totalling £2.166 million to assist in balancing the 2017/18, 2018/19 and 2019/20 revenue budgets be approved as shown in Appendix 1;and
- (2) That the proposed invest to save of £30k be approved as shown in Appendix 2.



**26. Appointment to Committees and Working Groups for the 2016/17 Municipal Year**

Consideration was given to the replacement of a Liberal Democrat Member on the Audit and Standards Committee for the remainder of the 2016/17 Municipal Year.

**RESOLVED** That Councillor Gordon Birtwistle be appointed to replace Councillor Charlie Briggs as a Liberal Democrat Member on the Audit and Standards Committee for the remainder of the 2016/17 Municipal Year.

**27. Update Officer Disciplinary Procedure Rules And Appointment Of The Independent Panel (Standing Panel)**

*Pam Smith and Lukman Patel left the room for this item and did not take part in the discussion.*

Consideration was given to an update on the Officer Disciplinary Procedure Rules and the establishment and appointment of an Independent Panel (Standing Panel) in order to implement the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

**RESOLVED**

- (1) That the anomaly and consequential amendments to the Officer Disciplinary Procedure Rules as set out in paragraphs 7 and 8 be noted, and the resulting updated Part 4.9 of the constitution (Appendix 1 ) be noted; and
- (2) That the relevant Standing Panel be established and appointed to, and its consequent Independent Panel be established, as set out in paragraphs 10 and 15 including the following Labour Members- Councillors Baker, Cant, Frayling, Arif Khan, Lubna Khan, Raja and Tatchell.

**28. Constitutional Updates and Council Delegations**

Consideration was given to constitutional updates regarding Part 3 (Executive) decisions by the Leader and Minor Amendments by the Monitoring Officer, and to the approval of a Part 3 (Council) delegation regarding the suspension of taxi licences.

**RESOLVED**

- (1) That the following constitutional updates be noted relating to;
  - (a) Part 3 (Executive Functions) Scheme of Delegation updates by the Leader on;
    - (i) 11<sup>th</sup> August 2016 Finance delegations transferred from the Head of Finance and Property Management to the Accountancy Division Manager from 1<sup>st</sup> September 2016 (Appendix 1); and
    - (ii) 30<sup>th</sup> August 2016 Property Delegations have been reviewed



and amendments made relating to the Head of Governance, Law & Regulation from 1st September 2016 (Appendix 2).

(b) That minor amendments to Part 4.6 of the constitution (Financial Procedure Rules) by the Monitoring Officer, which were made on 31<sup>st</sup> August 2016, be noted as follows;

(i) The words “and the Executive” should be included after “Scrutiny Committee” in FPR B5.2;and

(ii)Amend FPR B5.9 and include the words “virements and” after the opening words “A report detailing any”.

(2) That the following delegation for the Head of Governance, Law & Regulation be added to Part 3 of the Constitution relating to the Scheme of delegation (Council Functions) for Licensing Committee (see Appendices 3a and 3b);

“Enable the suspension or refusal to renew, as appropriate, of any Hackney Carriage and/or Private Hire Drivers and/ or Operators Licence where the holders of such licences have failed to complete a council approved child sexual exploitation (CSE) course by 31st December 2016.

Where the Council intends to suspend a drivers/operators licence because they have failed to complete a CSE course, the licence holder will be offered the opportunity to put forward any exceptional circumstances to the Licensing Committee to show why the licence should not be suspended or why it should not be renewed.

The suspension of any licence would continue until such time as a driver/operator is able to complete the CSE training.”

**29. Scrutiny Committee Chair’s Cycle 2 Report 2016/17**

Consideration was given to the Scrutiny Committee Chair’s report for cycle 2.

**RESOLVED** That the cycle 2 report of the Scrutiny Chair be noted.

**30. Strategic Plan Progress Reports**

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



## Parliamentary Boundaries proposals

### REPORT TO FULL COUNCIL



<b>DATE</b>	<b>23/11/2016</b>
<b>PORTFOLIO</b>	<b>Leader</b>
<b>REPORT AUTHOR</b>	<b>Rob Dobson</b>
<b>TEL NO</b>	<b>Ext 3115</b>
<b>EMAIL</b>	<b>rdobson@burnley.gov.uk</b>

### PURPOSE

1. That Full Council consider the proposed changes to the parliamentary boundaries put forward by the Boundary Commission.

### RECOMMENDATION

2. Full Council is recommended to either:
  - a) Ask the Chief Executive to write to the Boundary Commission supporting the changes to the Burnley Parliamentary boundary, or;
  - b) Ask the Chief Executive to write to the Boundary Commission opposing the changes to the Burnley Parliamentary boundary, or
  - c) Not respond to the consultation.

### REASONS FOR RECOMMENDATION

3. The consultation ends on 5<sup>th</sup> December 2016. The views of Council will be submitted as the Council's consultation response.

### SUMMARY OF KEY POINTS

#### Parliamentary Boundary Review 2018

4. The Parliamentary Constituencies Act 1986, as amended, requires the four Boundary Commissions (one for each country of the UK) to keep the boundaries of Parliamentary constituencies under continuous review, and conduct periodic reviews of all constituencies. The Boundary Commission for England is an independent and impartial non-departmental public body which is responsible for reviewing Parliamentary constituency boundaries in England.
5. In 2011 the Parliamentary Voting and Constituencies Act was passed to reduce the number of MPs from 650 to 600. Under the law as it still stands, a new review by the Boundary Commissions must be completed by October 2018. The reduction in MPs is expected to save £12.2M per annum.
6. The boundary review process is as follows:



- **Consultation.**

The Commission is consulting on the initial proposals for 12 weeks, until 5 December 2016.

- **Consultation on representations received.**

The Commission are required to publish all the responses they receive to their initial proposals. This publication will mark the start of a four-week 'secondary consultation' period, likely to take place in spring 2017. People will be able to see all the comments on the website, and use the site to give the Commission their views on what others have said.

- **Development and publication of revised proposals.**

Once the Commission have all the representations and comments from both the initial and secondary consultation periods, they will analyse those representations and decide whether changes should be made to the initial proposals. If they decide that the evidence presented to them persuades them to change their initial proposals, then they must publish their revised proposals for the areas concerned, and consult on them for a further period of eight weeks. This is likely to be towards the end of 2017. When they consult on their revised proposals, there will be no further public hearings, nor will there be a repeat of the four-week period for commenting on the representations of others. People will be able to see all the Commissions revised proposals, and give their views on them, on their website.

- **Development and publication of the final report and recommendations.**

Finally, following the consultation on revised proposals, the Commission will consider all the evidence received at this stage, and throughout the review, before determining their final recommendations. The recommendations will be set out in a published report to the Government, who will present it, without amendment, to Parliament on behalf of the Commission. The legislation states that the Commission must report to the Government in September 2018.

7. The law requires that every new constituency (except four specified island constituencies) must have roughly the same number of electors: no fewer than 71,031 and no more than 78,507. Burnley's current electorate is 64,000.
8. Initial proposals were published on 13<sup>th</sup> September 2016 and information about proposed constituencies is now on the Boundary Commission for England website.
9. The North West has been allocated 68 constituencies – a reduction of seven from the current number. Due to the significant change required throughout the region, the proposals leave just 14 of the 75 existing constituencies unchanged.
10. In re-drawing the boundaries in order to fit in the prerequisite number of voters, the Commission can take into account: special geographical considerations, including in particular the size, shape and accessibility of a constituency; local government boundaries; boundaries of existing constituencies; and any local ties that would be broken by changes in constituencies.

### **Burnley proposals**

11. The proposed changes to the Burnley boundary are in part a consequence of the existing Hyndburn constituency requiring additional wards to bring its electorate to within the electoral quota. Having proposed that it should lose the Worsley and Greenfield wards to



the Rossendale and Darwen constituency, the Commission propose to top up Hyndburn with the inclusion of the three wards of Gawthorpe (which includes Padiham), Hapton with Park, and Coal Clough with Deerplay in the east from the existing Burnley constituency. That proposed constituency will cease to be called Hyndburn and is instead being called Accrington. In addition to the loss of the three wards from the existing Burnley constituency to the proposed Accrington constituency, the Commission propose that the Burnley constituency, in order to increase its electorate, should extend north to include eight wards from the existing Pendle constituency (up to and including the town of Nelson). Appendix 1 includes a map of the proposed boundaries.

#### **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

12. None directly arising from this report.

#### **POLICY IMPLICATIONS**

13. None arising directly from this report.

#### **DETAILS OF CONSULTATION**

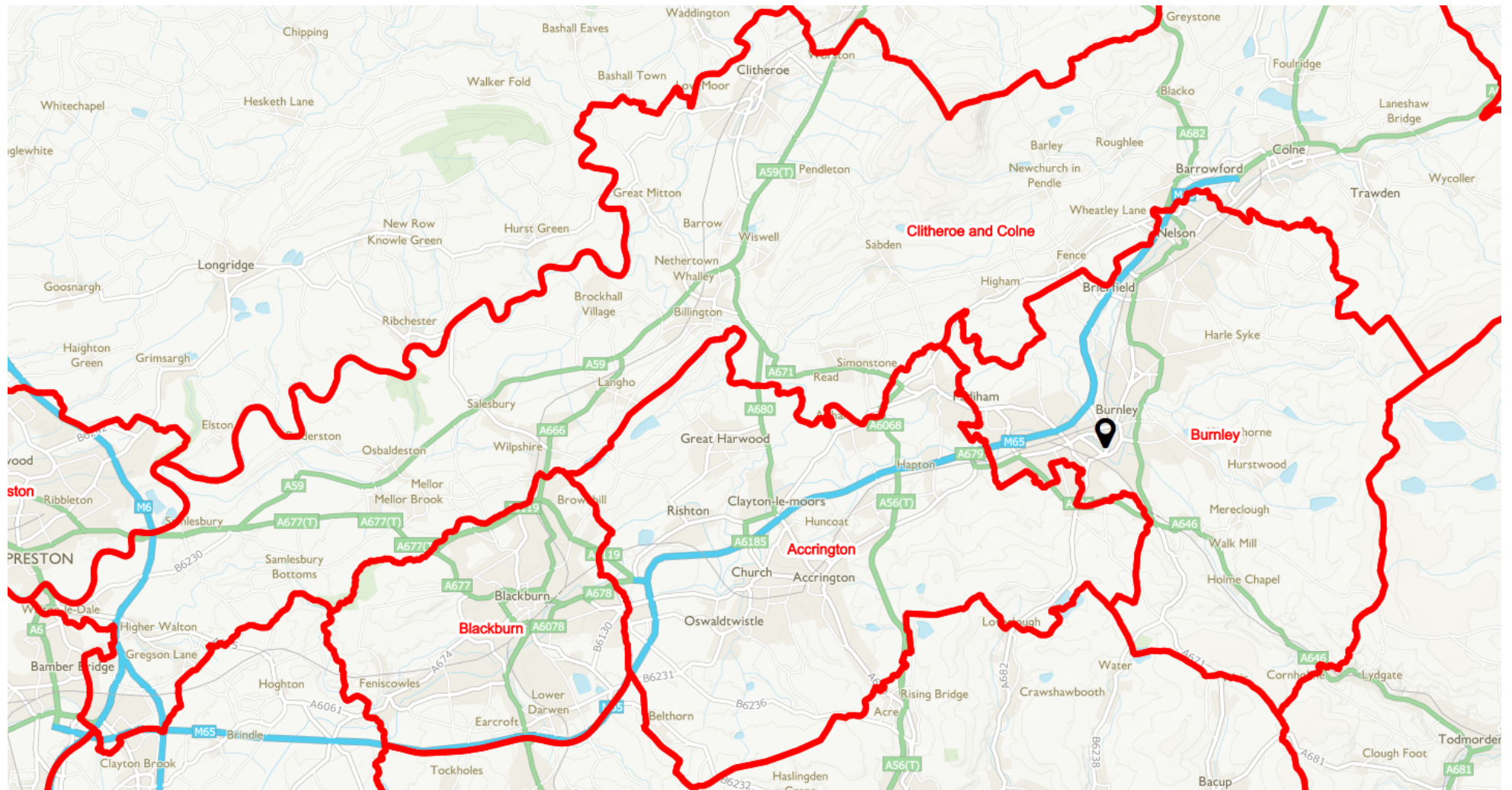
14. Group Leaders.

#### **BACKGROUND PAPERS**

15. Consultation website: <https://www.bce2018.org.uk/>



## Appendix 1: proposals map





## Constitutional Updates and Delegations

### REPORT TO FULL COUNCIL



<b>DATE</b>	<b>23/11/2016</b>
<b>PORTFOLIO</b>	<b>Leader</b>
<b>REPORT AUTHOR</b>	<b>Eric Dickinson</b>
<b>TEL NO</b>	<b>01282 477256</b>
<b>EMAIL</b>	<b>edickinson@burnley.gov.uk</b>

### PURPOSE

1. To report on constitutional updates since the last meeting regarding updates to Part 3 (Executive) of the constitution by the Leader relating to the Head of Regeneration and Planning Policy and the Chief Executive, and to the Director of Resources..
2. That Full Council consider the exercise of delegations regarding the Director of Resources.
3. That Full Council consider an update to Part 4.3 of the constitution which is the Budget and Policy Framework.

### RECOMMENDATION

4. That the following constitutional updates be noted relating to Part 3 (Executive Functions) Scheme of Delegation updates by the Leader on;
  - (1) 18<sup>th</sup> October 2016 -Business Grant delegations of the Head of Regeneration and Planning Policy amended, with some also transferred to the Chief Executive (Appendix 1);
  - (2) 1<sup>st</sup> November 2016 -Delegations in the absence of the Director of Resources (Appendix 2)
5. That Full Council approve that in the absence of the Director of Resources, the Officers listed in the first column of the table in Paragraph 7 of this report shall have authority to exercise such of the powers set out in the second column of the said table as are vested in the Director of Resources, save for any such powers as are contained in Part 3 (Executive Functions) of the Council's constitution.
6. That Full Council approve an amendment to Part 4.3 of the constitution regarding Paragraph 5 (b) of the Budget and Policy Framework to update the virement level from £10k to £20k.



## REASONS FOR RECOMMENDATION

7. To ensure that the requirements of the constitution are upheld, and to allow relevant decision making to continue to take place.

## SUMMARY OF KEY POINTS

### 8. Part 3 Updates by the Leader

#### (a) Regeneration

On 18<sup>th</sup> October 2016 the Leader approved amendments to Business Growth delegations of the Head of Regeneration and Planning Policy and also the transfer of some of them to the Chief Executive (Appendix 1).

#### (b) Resources

On 1<sup>st</sup> November 2016 the Leader approved the transfer of Part 3 (Executive) delegations of the Director of Resources in her absence (Appendix 2).

The constitution requires that changes made by the Leader to Part 3 (Executive) delegations be reported to the a Council meeting at the earliest opportunity.

### 9. Director of Resources

The table set out below is as referred to in Paragraph 5 of this report;

<b><u>Officer</u></b>	<b><u>Powers</u></b>
Deputy Section 151 Officer	(a) all powers relating and incidental to the administration of the financial affairs of the council;
Head of People & Development	(b) all powers relating to the management, health, safety and welfare of council employees or as relate to the contractual relationship between employees and the council (insofar as those powers do not relate or are incidental to the administration of the financial affairs of the council);
Head of Governance, Law, Property & Regulation	(c) all powers which derive from statutory obligations to which the council or any of its employees or agents are subject (insofar as those powers are not otherwise delegated to another officer under paragraph (a) or (b) above)
Chief Executive	(d) all powers not otherwise delegated to an officer under paragraphs (a), (b) or (c) above.



## 10. Part 4.3 Budget and Policy Framework

Following recent updates to the Council's Financial Procedure Rules under Part 4.6 of the constitution which amended the budget virements, it is recommended to consequently approve an amendment to Part 4.3 of the constitution regarding Paragraph 5 (b) of the Budget and Policy Framework to update the virement level from £10k to £20k.

### FINANCIAL IMPLICATIONS AND BUDGET PROVISION

11. None.

### POLICY IMPLICATIONS

12. None.

### DETAILS OF CONSULTATION

13. Group Leaders

### BACKGROUND PAPERS

14. None.

### FURTHER INFORMATION

**PLEASE CONTACT:** Eric Dickinson

**ALSO:** David Talbot



This page is intentionally left blank



To: The Head of Governance, Law & Regulation

To: The Chief Executive, Directors, and Head of Regeneration and Planning Policy

To: The Executive Member for Regeneration and Economic Development

**Amendment to Part 3 Scheme of Delegation (Executive Functions)**

I give notice that on 18 October 2016, I approved the following recommendation;

That the Leader approves changes to Part 3 (Executive) of the Council's constitution, i.e. the Scheme of Delegation, effective from 18 October 2016 relating to the Part 3 (Executive) delegations of the Head of Regeneration and Economic Development and the Chief Executive in line with the revised Business Grants Procedures, as follows;

From ;

<b>Head of Regeneration and Planning Policy</b>	
<u>Grant procedures</u>	
12.	To deal with grant applications of a value up to and including £5,000.
13.	To deal with grant applications for a value of above £5,000 and less than £10,000 in consultation with the Chief Executive.
14.	To deal with grant applications to the value of £10,000 or more in consultation with the Chief Executive and the Executive Member. All grant offers of a value of £10,000 or more to be signed by the Director of Resources or other delegated financial responsible person together with the Executive Member.

To;

<b>Head of Regeneration and Planning Policy</b>	
<u>Business Grant procedures</u>	
12. amended	To deal with grant applications of a value up to and including <b>£20,000</b> .
13. amended	To deal, including with the approval of the Chief Executive, with grant applications for a value of above <b>£20,000</b> and up to and including <b>£50,000</b> .
14. Deleted	

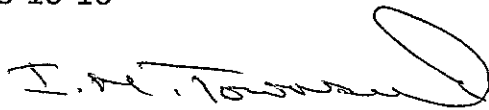


and

Chief Executive	
Grant procedures	
Add cross referenced to Para 13	To deal, including with the approval of the Head of Regeneration and Economic Development, with grant applications for a value of above <b>£20,000</b> and up to and including <b>£50,000</b> .
Add	<p>To deal with grant applications above the value of £50,000 in consultation with the <b>Executive Member for Regeneration and Economic Development</b>.</p> <p>All grant offers of a value above <b>£50,000</b> to be signed by the Director of Resources or other delegated financial responsible person together with the Executive Member for Regeneration and Economic Development.</p>

DATED: 18-10-16

SIGNED:



Leader- Councillor Mark Townsend

18/10/2016



To: The Head of Governance, Law & Regulation

To: The Chief Executive, Director of Resources

To: The Executive Member for Resources and Performance Management

**Amendment to Part 3 Scheme of Delegation (Executive Functions)**

I give notice that on 1<sup>st</sup> November 2016, I approved the following recommendation;

That the Leader approves changes to Part 3 (Executive) of the Council's constitution, i.e. the Scheme of Delegation, effective from 1<sup>st</sup> November 2016 relating to the Part 3 (Executive) delegations of the Director of Resources, as follows;

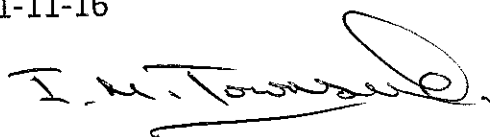
That in the absence of the Director of Resources, the Officers listed in the first column of the table below shall have authority to exercise such of the powers set out in the second column of the said table as are vested in the Director of Resources.

<b><u>Officer</u></b>	<b><u>Powers</u></b>
Deputy Section 151 Officer	(a) all powers relating and incidental to the administration of the financial affairs of the council;
Head of People & Development	(b) all powers relating to the management, health, safety and welfare of council employees or as relate to the contractual relationship between employees and the council (insofar as those powers do not relate or are incidental to the administration of the financial affairs of the council);
Head of Governance, Law, Property & Regulation	(c) all powers which derive from statutory obligations to which the council or any of its employees or agents are subject (insofar as those powers are not otherwise delegated to another officer under paragraph (a) or (b) above)
Chief Executive	(d) all powers not otherwise delegated to an officer under paragraphs (a), (b) or (c) above.



DATED: 01-11-16

SIGNED:

A handwritten signature in black ink, appearing to read "I. M. Townsend", written over a horizontal line.

Leader- Councillor Mark Townsend

1/11/2016.