



FULL COUNCIL

BURNLEY TOWN HALL

Wednesday, 21st December, 2016 at 6.30 pm

PRESENT

MEMBERS

Councillors J Sumner (Chair), H Baker (Vice-Chair), G Birtwistle, C Briggs, B Brindle, M Brindle, F Cant, I Carmichael, S Chaudhary, J Cunningham, T Ellis, D Fleming, G Frayling, B Foster, R Frost, S Graham, J Greenwood, J Harbour, T Harrison, D Heginbotham, A Hosker, S Hussain, M Johnstone, A Kelly, L Khan, W Khan, M Lishman, 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, M Townsend and C White

OFFICERS

Pam Smith	Chief Executive
Mick Cartledge	Director of Community Services
Lukman Patel	Head of Governance, Property, Law and Regulation
David Bristow	Deputy Mayor's Officer
Eric Dickinson	Democracy Officer
Imelda Grady	Democracy Officer
Claudia Wilcock	Business Administration Apprentice

37. Minutes of the Last Meeting

RESOLVED The Minutes of the meeting of the Council held on the 23rd November were confirmed and signed by the Chair.

38. Public Question Time

Mrs Alice Thornber addressed the Council under the Request to Speak Policy on homelessness and vulnerable people.

39. Notice of Motion

It was moved by Councillor Mark Townsend and Seconded by Councillor John Harbour that

“This Council respects the call by 5% of residents to hold a referendum to decide the Council's governance model and will work positively to implement a directly elected Mayor if that is the preference of residents as determined by the referendum result.

This Council however expresses its concern about the financial, accountability and ceremonial implications of a directly elected Mayor for the Borough.

At a time of massive government cuts being imposed on this Council the petition compels the Council to spend £80,000 on a referendum in 2017/18. If the referendum decision is to have a Mayor this increases to £240,000 in 2017/18. The estimated additional annual cost to the Council thereafter is estimated to be £117,000 per annum which equates to a 2% increase in Council Tax. This Council would much rather be spending residents Council Tax on essential services than using it to establish an unneeded additional politician that carries with it an estimated annual salary of £50,000. A £40,000 increase on current Council Leader allowances.

This Council also believes that an elected Mayor weakens democratic accountability within the Council with Ward Councillors only able to change major policy decisions if 2/3 of Councillors are in agreement.

A directly elected Mayor would also require a new position of Chairman of the Council to be created which could replace the traditional role of a ceremonial Mayor. This Council supports the current arrangements of appointing a politically neutral Mayor to Chair the Council who would also carry out the popular ceremonial duties across the Borough.

This Council believes its current leadership model of governance is cost effective and provides best value for residents for both the civic and ceremonial functions of the Council.”

In accordance with Council Procedure Rule 16.4 it was requisitioned that the names be recorded to indicate how each Member present gave his or her vote.

For the Motion

Councillors Baker, Briggs, B Brindle, M Brindle, Cant, Carmichael, Chaudhary, Cunningham, Ellis, Fleming, Foster, Frayling, Frost, Graham, Greenwood, Harbour, Harrison, Heginbotham, Hosker, Hussain, Johnstone, Kelly, L Khan, W Khan, Lishman, Malik, Martin, Monk, Mottershead, Newhouse, Pate, Payne, Porter, Raja, Reynolds, Roper, Royle, Tatchell, Townsend and White.

Abstained

Birtwistle and Sumner

The motion was declared to be carried and it was **RESOLVED** accordingly.

40. Mayoral Referendum

Consideration was given to a valid petition seeking a Referendum on whether the Council should be run in a different way by a Mayor who is elected by voters for the area that the

Council serves and the procedures that the Council needed to follow in order to hold the Referendum in accordance with the relevant regulations.

- RESOLVED**
1. That the position concerning the receipt of a valid petition referred to in paragraph 10 of the report and the requirement to hold a Referendum be noted;
 2. That approval be given to the extent to which the (local choice) functions specified under Section 9D (3) (b) of the Local Government Act 2000 are to be the responsibility of the Executive if the Directly Elected Mayor and Cabinet form of governance is approved following the Referendum as set out in **Appendix 1** to the report;
 3. That approval be given to the proposals set out in **Appendix 2** to the report for the operation of Executive arrangements based on a Directly Elected Mayor and Cabinet form of governance should this model be implemented as a consequence of the outcome of the Referendum:
 4. That the draft notice required to be published by the Proper Officer, as set out in **Appendix 3** to the report be noted:
 5. That, in the event of a vote in favour of a change to the Directly Elected Mayor and Cabinet form of governance in the Referendum, the Council's Independent Remuneration Panel be asked to make recommendations on the arrangements for remuneration that should apply to a Directly Elected Mayor Model and that the Panel's report and recommendations be submitted to the Council for determination before a Mayoral election in October 2017.

41. Hackney Carriage Bye Laws

With reference to Minute 15 of the Licensing Committee (27th October 2016) consideration was given to an amendment to the Hackney Carriage Byelaws.

RESOLVED That approval be given to the changes to the Burnley Hackney Carriage Byelaws as detailed in Appendix A to the report

42. Council Tax Support Consultation

With reference to Minute 56 of the Executive (1st November 2016) consideration was given to the Council Tax Support Scheme for the financial year 2017/18.

RESOLVED That the Council Tax Support Scheme for 2017/18 remain unchanged from 2016/17 and that a fundamental review of the scheme be carried out during 2017.

43. Treasury Management Mid-Term Report

With reference to Minute 59 of the Executive (1st November 2016) consideration was given to the treasury management activity for the period 01/04/16 to 30/09/16.

- RESOLVED** (1) That the Treasury Management activities undertaken during the period 1st April to 30th September 2016 be noted; and
- (2) That the mid-year update on Treasury Management Strategy for 2016/17 be endorsed in compliance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management.

44. Revenue Budget Monitoring Cycle 2 2016/17

With reference to Minute 72 of the Executive (6th December 2016) consideration was given to the forecast outturn position for the year as at 31st March 2017 based upon actual spending and income to 30th September 2016.

- RESOLVED** (1) That the projected revenue budget forecast underspend of £123k be noted as detailed in the overview table in paragraph 6 of the report;
- (2) That approval be given to the latest revised budget of £15.223m as shown in Appendix 1 to the report; and
- (3) That approval be given to the net transfers from earmarked reserves in the quarter of £32k as shown in Appendix 4 to the report.

45. Capital Budget Monitoring Cycle 2 2016/17

With reference to Minute 73 of the Executive (6th December 2016) consideration was given to the capital expenditure and resources position and any variances.

- RESOLVED** (1) That approval be given to a new Capital Scheme for the Padiham Pump Track – Phase 2, totalling £18,000 which is fully funded as per paragraph 5a of the report;
- (2) That approval be given to a revised capital budget for 2016/17 totalling £8,878,322, as outlined in Appendix 1;
- (3) That approval be given to the proposed financing of the revised capital budget totalling £8,878,322 as shown in Appendix 2; and
- (4) That the latest estimated year end position on capital receipts and contributions be noted showing an assumed balance of £2,466,296 at 31st March 2017, in Appendix 3.

46. Fees and Charges Tariffs 2017

With reference to Minute 74 of the Executive (6th December 2016) consideration was given to the proposed list of fees and charges to be levied from 1st January 2017.

- RESOLVED**
- (1) That the proposed tariff of fees & charges as amended from 1st January 2017 be approved as outlined in Appendix A of the report;
 - (2) That the Head of Finance be authorised in consultation with the relevant Head of Service to determine any new charges or changes to existing charges relating to the preparation and approval of the 2017/18 revenue budget;
 - (3) That the Executive Portfolio Members be authorised to amend fees & charges periodically in their own area on the basis that overall income in their portfolio area remains the same as a minimum; and
 - (4) That the Head of Regeneration and Planning Policy be authorised in consultation with the Executive Member for Resources and Performance Management and the Section 151 Officer to adjust fees and charges in relation to the Markets service from time to time to reflect current trading conditions and the overall position of the market.

47. Health & Safety Intervention Plan 2016/17

With reference to Minute 76 of the Executive (6th December 2016) consideration was given to the plan necessary to meet statutory requirements.

- RESOLVED** That approval be given to the Health and Safety Intervention Plan for 2016/2017, as detailed in Appendix 1.

48. Food (Official Controls) Delivery Plan 2016/17

With reference to Minute 75 of the Executive (6th December 2016) consideration was given to the plans necessary to meet statutory requirements.

- RESOLVED** That approval be given to the Food (Official Controls) Delivery Plan 2016/17.

49. Committee and Outside Body Appointments

Consideration was given to a report on changes to the membership of Committees during the remainder of the Municipal Year.

- RESOLVED**
- (1) That Councillor Gordon Birtwistle be appointed to replace Councillor David Roper as a Liberal Democrat member on the Development Control Committee for the remainder of the 2016/17 Municipal Year;
 - (2) That Councillor Roger Frost be appointed to replace Councillor David Roper as a Liberal Democrat member on the Audit and Standards Committee for the remainder of the 2016/17 Municipal Year;
 - (3) That Councillor Shah Hussain be appointed, as a Labour member, to replace Councillor Tom Porter on the Licensing Committee for the remainder of the 2016/17 Municipal Year;
 - (4) That approval be given to the appointment of Ms Kathryn Haworth as a co-opted Parish Member on the Audit and Standards Committee for a period of three years from 22nd December 2016 to 21st December 2019.

50. Constitutional Updates

Consideration was given to amendments to Parts 2 and 3 of the Constitution and an urgent delegated decision by the Chief Executive to appoint an Interim Section 151 Officer.

RESOLVED

- (1)(a) That a minor amendment by the Monitoring Officer to the delegations of the Head of Housing and Development Control, which were made on 29th September 2016, be noted as follows;

Regarding Rent Repayment Orders, which are not in relation to the condition of properties, in order to make it clearer the following wording was added as Paragraph 31 of the Head of Housing and Development Control's delegations;

To exercise all the powers relating to the application and enforcement of Rent Repayment Orders under the Housing Act 2004 including the service of any statutory notices in connection therewith".

- (b) That changes to Part 3 (Executive Functions) made by the Leader on 6th December 2016 (Appendix1) relating to the delegations of the Head of Housing and Development Control, Head of Governance, Law, Property and Regulation, and Section 151 Officer be

noted (Appendix 1).

- (2) That Part 2 of the Constitution be amended in respect of the membership of the Audit and Standards Committee to remove the qualification that council members who sit on this committee must not be parish councillors or parish clerks.
- (3) That the reason for Call in having been waived in relation to an Urgent Individual Executive Decision made on 29th November 2016 regarding an Organisation Review be noted
- (4) That an urgent delegated decision by the Chief Executive on 6th December 2016 to appoint an Interim Section 151 Officer until the start of the employment of a Head of Finance, and to allow the exercise of the Director of Resource's Council delegations by the section 151 Officer, be confirmed (Appendix 1)
- (5) That the Head of Finance be appointed as Section 151 Officer from the start of their employment, and their exercise of the Director of Resource's Council delegations as section 151 Officer be confirmed.
- (6) That approval be given approve the changes to Part 2 of the Council's constitution and to Part 4.7 Standing Orders for Contracts as they relate to the sealing of documents, as set out in paragraph 19 of the report.

51. Report from the Chair of Scrutiny

RESOLVED That the Cycle 3 report of the Scrutiny Chair be noted.

52. Strategic Plan Progress Reports

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

53. Exclusion of the Public

RESOLVED That the public be excluded from the meeting before discussion on Minute 54 on the grounds that 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 relating to any consultation 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.

54. Organisation Review

Consideration was given to the agreed changes to the Council's operating model and structure as part of the Council's need to reshape itself to meet future challenges, in the context of reducing budgets.

Mick Cartledge left the room for this item and did not take part in the discussion.

- RESOLVED** (1) That the revision of the salary of Band 1 of the Chief Officer Pay Policy detailed in paragraph 21, which is the average minimum for the role as advised by Local Government Association be confirmed:
- (2) That the appointment of Mick Cartledge to the post of Chief Operating Officer by the Council's Appointment Committee be noted: and
- (3) That delegated authority be given to the Monitoring Officer to make any consequential amendments to Part 7 of the Constitution (Management Structure).