



FULL COUNCIL

BURNLEY TOWN HALL

Wednesday, 22nd February, 2017 at 6.30 pm

PRESENT

MEMBERS

Councillors J Sumner (Chair), H Baker (Vice-Chair), G Birtwistle, C Briggs, M Brindle, F Cant, I Carmichael, J Cunningham, T Ellis, D Fleming, B Foster, S Graham, J Greenwood, J Harbour, T Harrison, D Heginbotham, A Hosker, S Hussain, M Ishtiaq, M Johnstone, A Kelly, A Khan, 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
Asad Mushtaq	Head of Finance
Lukman Patel	Head of Governance, Property, Law and Regulation
Joanne Swift	Head of Streetscene
Howard Hamilton-Smith	
Jeremy Richards	
Amanda Rumbelow	Property Solicitor
Alison McEwan	Democracy Officer
Claudia Wilcock	Business Administration Apprentice
David Farrar	Mayor's Officer
Imelda Grady	Democracy Officer

55. Minutes of the Last Meeting

RESOLVED

The Minutes of the meeting of the Council held on the 21st December 2016 were confirmed and signed by the Chair.

56. Declarations of Interest

Councillor Margaret Lishman declared an other interest (personal) in the budget items 6(d) to 6 (i).

57. Public Question Time

Mrs Pat Woolven addressed the Council under the Request to Speak Policy thanking Streetscene staff for their efforts in tidying up an area in Burnley and presented a thank you card to the Mayor.

58. Road Safety

Notice of Motion

It was moved by Councillor Mark Townsend and seconded by Councillor Liz Monk

“Burnley Borough Council notes the concerns of local residents on the subject of road safety and in particular about the issues related to the hire of vehicles, whether as day hire or through leasing schemes.

Our main aim is not to unduly restrict the hiring of vehicles but to stop misuse and bring about more sensible behaviour. In moving this motion we wish to prevent people from harming themselves, others and property. We want to make the Borough a safer place for drivers, cyclists and pedestrians.

We resolve to ask the Chief Executive to write to the appropriate Government Department Ministers and our MP and to ask them to work with the relevant insurance agencies to bring forward legislation that restricts the ability of young drivers to hire high powered vehicles for limited periods of time or for other drivers to hire such vehicles and then allow young and inexperienced drivers to use them. This practice is a cause of concern for our constituents and has been a contributory factor in some road accidents.”

On being put to the vote the motion was declared to be carried and it was RESOLVED accordingly,

59. Voting ID

Notice of Motion

It was moved by Councillor Mark Townsend and seconded by Councillor Asif Raja

“The government has proposed that the Council is invited to be a pilot in 2018 whereby all voters in elections in Burnley will need to supply evidence to prove their identity if they are going to be allowed to vote at Polling Stations. This change is being introduced to deal with the potential issue of voter impersonation although there have been no proven examples of this crime within Burnley.

This change will significantly inconvenience all law abiding electors and, in some cases, will prevent them from voting because they will not be able to supply the relevant documentation. It will involve the Council in additional expensive bureaucracy and will also present serious operational problems for polling clerks who will be expected to check pieces of documentation while a queue of voters builds up.

On behalf of all law abiding electors in Burnley, this Council calls upon the Chief Executive to make these concerns known to the Electoral Commission and for the council to not be involved in the pilot. We also call upon our MP to make these concerns known to Ministers at the Department for Communities and Local Government.”

On being put to the vote the motion was declared to be carried and it was RESOLVED accordingly.

60. Council Tax Renovated Property

With reference to Minute 101 of the Executive (13th February 2017) consideration was given to a new policy for awarding local Council Tax discount to the owners of renovated properties which were previously classed as either uninhabitable or long-term empty.

RESOLVED

- (1) That approval be given to this new policy for awarding local Council Tax discount from 1 April 2017. As shown in Appendix 1 to the report ; and
- (2) That delegated authority be given to the Head of Housing and Development Control in conjunction with the Head of Finance to amend the criteria of the scheme to ensure it remains cost effective and achieves the objectives of the policy.

61. Revenue Budget Monitoring 2016/17

With reference to Minute 103 of the Executive (13th February 2017) consideration was given to forecast outturn position for the year as at 31st March 2017 based upon actual spending and income to 31st December 2016.

RESOLVED

- (1) That the projected revenue budget forecast underspend of £276k (see the overview table in paragraph 6) which includes utility savings and an improved income position be noted:
- (2) That approval be given to the latest revised budget of £15.223m as shown in Appendix 1.
- (3) That approval be given to the creation of a new reserve, Burnley bondholders, and the transfer of the balance of contributions totalling £35k from the Growth reserve;
- (4) That approval be given for the creation of a new reserve, Town Centre Masterplan, utilising the £89k balance on the Housing Benefits Administration Subsidy reserve and £54k of the balance on the Rail Services reserve;
- (5) That approval be given to net transfers to earmarked reserves of £721k as shown in Appendix 4; and

- (6) That approval be given to the carry forward of forecast unspent budgets as requested by Heads of Service in Appendix 5. These amounts totalling £60k to be transferred into the transformation reserve and transferred back out to create additional revenue budgets in 2017/18 or when required.

62. Capital Budget Monitoring 2016/17

With reference to Minute 107 of the Executive (13th February 2017) consideration was given to a revised capital budget.

RESOLVED

- (1) That approval be given to the revised capital budget for 2016/17 totalling £7,500,591, as outlined in Appendix 1.
- (2) That approval be given to the proposed financing of the revised capital budget totalling £7,500,591 as shown in Appendix 2.
- (3) That the latest estimated year end position on capital receipts and contributions showing an assumed balance of £2,749,051 at 31st March 2017, in Appendix 3, be noted.

63. Revenue and Capital Budget and Council Tax for 2017/18

Consideration was given to the Revenue and Capital Budgets and Council Tax for 2017/18.

It was moved by Councillor Wajid Kahn and seconded by Councillor Mark Townsend:

“That the Council approves the proposals contained in items d to 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 2017/18”.

It was moved by Councillor Gordon Birtwistle and seconded by Councillor Alan Hosker that in accordance with Council Procedure Rule 22.1, Council Procedure Rules 11 and 15.1 be suspended to allow debate on an amendment to the budget. On being put to the vote the motion was lost.

An amendment was proposed by Councillor David Heginbotham and seconded by Councillor Ida Carmichael that Council Tax be frozen for 2017/18 and the £119k required be funded by the utilisation of revenue underspends from 2016/17”

On being put to the vote, the amendment was lost.

In accordance with Council Procedure Rule 16.7 a recorded vote was taken on the

amendment

For the amendment

Councillors Ida Carmichael, David Heginbotham, Andrew Newhouse and Tom Porter

Against the Amendment

Councillors Howard Baker, Gordon Birtwistle, Charlie Briggs, Frank Cant, Jean Cunningham, Trish Ellis, Bea Foster, Sue Graham, Joanne Greenwood, John Harbour, Tony Harrison, Shah Hussain, Mohammed Ishtiaq, Marcus Johnstone, Anne Kelly, Arif Khan, Lubna Khan, Wajid Khan, Margaret Lishman, Sobia Malik, Tony Martin, Elizabeth Monk, Lian Pate, Asif Raja Paul Reynolds, Ann Royle, Andrew Tatchell and Mark Townsend

Abstentions

Councillors Danny Fleming, Alan Hosker, Neil Mottershead, Mark Payne, David Roper, Jeff Sumner and Christine White

In accordance with Council Procedure Rule No. 16.7, a recorded vote was taken on the motion;

For the Motion

Councillors Howard Baker, Frank Cant, Jean Cunningham, Trish Ellis, Danny Fleming, Bea Foster, Sue Graham, Joanne Greenwood, John Harbour, Tony Harrison, Shah Hussain, Mohammed Ishtiaq, Marcus Johnstone, Arif Khan, Lubna Khan, Wajid Khan, Sobia Malik, Tony Martin, Elizabeth Monk, Lian Pate, Asif Raja Paul Reynolds, Ann Royle, Andrew Tatchell and Mark Townsend

Against the Motion

Councillors Gordon Birtwistle, Charlie Briggs, Ida Carmichael, David Heginbotham, Alan Hosker, Anne Kelly, Margaret Lishman, Neil Mottershead, Andrew Newhouse, Mark Payne, Tom Porter, David Roper, Jeff Sumner and Christine White

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 2017/18 be endorsed;
- 5) That the proposals contained in the revenue budget report be approved;
- 6) That the setting of a Council Tax Requirement of £6,390,760 for the financial year 2017/18 be approved;
- 7) That the setting of a Net Budget Requirement of £14,595,648 for 2017/18 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 2017/18 budget;
- 10) That approval be given to a Council Tax (Band D) figure of £283.04 for this Council for the year commencing 1st April 2017 and adopt the statutory resolution to set the full Council Tax for the year. This is equivalent to a 1.9% Council tax increase;
- 11) That the treasury management strategy statement for 2017/18 as set out in Appendix 1 to the report be approved;
- 12) That the prudential and treasury indicators for 2017/18 to 2019/20 as per Appendix 2 to the report, including the authorised limit for external debt of £35.067m in 2017/18 be approved;
- 13) That the list of Counterparties for Deposits outline with in Appendix 3 to the report be approved
- 14) That the Council's Medium Revenue Provision (MRP) Statement for 2017/18 as set out in Appendix 4 to the report be approved;
- 15) That the 2017/18 Capital Budget totalling £12,027,721 as set out in Appendix 1 be approved;
- 16) That the 2017/8 -20 Capital Investment Programme as set out in Appendix 1 be noted;
- 17) That the estimated position on capital resources as set out in Appendix 2 be noted;
- 18) That subject (15) above the release of capital scheme budgets including slippage from 2016/17, subject to compliance with the Financial Procedure Rules and that there will be full compliance with Standing Orders for Contracts.
- 19) That it be noted that on 4th January 2017 the Council calculated the Council Tax base 2017/18
 - a) for the whole Council area as 22,579 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 2017/18 (excluding parish precepts) is £6,390,760
- 21) That the following amounts be calculated by the Council for the financial year 2017/18 in accordance with Sections 31 to 36 of the Act

- (a) £60,702,054 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) £54,218,730 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act;
- (c) £6,483,324 being the amount by which the aggregate at (21)(a) above exceeds the aggregate at (21)(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) £287.14 being the amount at (21)(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) £92,564 being the aggregate of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the attached Appendix B);
- (f) £283.04 being the amount at (21)(d) above less the result given by dividing the amount at (21)(e) above by Item T (the amount at 19(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 Borough 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 below and in Appendix A to these minutes as the amounts of Council Tax for 2017/18 for each part of its area and for each of the categories of dwellings.

VALUATION BANDS

Burnley Borough Council

A	B	C	D	E	F	G	H
£188.69	£220.14	£251.59	£283.04	£345.94	£408.04	£471.73	£566.08

Lancashire County Council

A	B	C	D	E	F	G	H
£814.49	£950.24	£1,085.99	£1,221.74	£1,493.24	£1,764.74	£2,036.23	£2,443.48

Police and Crime Commissioner for Lancashire

A	B	C	D	E	F	G	H
£110.30	£128.68	£147.07	£165.45	£202.22	£238.98	£275.75	£330.90

Lancashire Combined Fire Authority

A	B	C	D	E	F	G	H
£43.67	£50.94	£58.22	£65.50	£80.06	£94.61	£109.17	£131.00

Aggregate of Council Tax Requirements

A	B	C	D	E	F	G	H
£1,157.15	£1,350.00	£1,542.87	£1,735.73	£2,121.46	£2,507.17	£2,892.88	£3,471.46

24) That it be determined that the Council's basic amount of Council Tax for 2017/18 is not excessive in accordance with principles approved under Section 52ZB Local Government Finance Act 1992.

64. Appointment of External Auditors

With reference to Minute 6 of the Audit and Standards Committee (11th January 2017) consideration was given to the appointment of external auditors for the 2018/19 accounts.

RESOLVED

That approval be given to the appointment of an External Auditor for the 2018/19 accounts utilising option 3 a – using the national Public Sector Auditor Appointments body to make the appointment on behalf of the Council.

65. Localism Act 2011 - Annual Pay Policy Statement

Consideration was given to the Council's Pay Policy Statement for 2017/18

RESOLVED

- (1) That approval be given to the Pay Policy Statement for 2017/18; and
- (2) That approval be given to amend the Council's National Joint Council (NJC) Pay Policy and pay spine with effect from 1st April 2017 to accommodate the increase in the Foundation Living Wage to £8.45 per hour announced in October 2016.

66. Strategic Plan 2017/18

With reference to Minute 104 of the Executive (13th February 2017) consideration as given to the updated Strategic Plan for 2017- 2020

RESOLVED

That approval be given to the Council's Strategic Plan 2017-2020.

67. Constitutional Reporting

Consideration was given to the consequential and minor amendments to the Constitution made since the last meeting and to amendments to Standing Orders for Contracts, the protocol for Awards to Recognise Service to the Community or the Council and Code of Conduct regarding training of members relating to Equality and Diversity and Child Sexual Exploitation.

RESOLVED

- (1) That the consequential and minor amendments to Part 3 of the constitution made by the Monitoring Officer relating to the changes in Senior Managements which have taken effect since the last meeting be noted; and
- (2) That the consequential and minor changes made to the constitution relating to the changes in Senior Managements be noted as follows;
 - (a) Part 2 Articles
 - (b) Part 4.6 Financial Procedure Rules
 - (c) Part 4.8 Officer Procedure Rules
- (3) That approval be given to the non-minor changes where relevant to
 - (a) Part 4.7 Standing Orders for Contracts (at appendix 1 to the report)
 - (b) Part 5.9 Protocol for Award to Recognise Service to the Community or the Council relating to a Certificate of Honour

- (c) Part 5.1 Code of Conduct, regarding the training of Members relating to the Code of Conduct/ethical standards, Equality and Diversity and Child Sexual Exploitation to be made annual and mandatory.

68. Report from the Chair of Scrutiny

RESOLVED

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

69. Strategic Plan Progress Reports

RESOLVED

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

70. Exclusion of the Public

RESOLVED That the public be excluded from the meeting before discussion takes place on the next items of business 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 the financial or business affairs of any particular person (including the authority holding that information).

71. Land at Grove Lane Padiham

With reference to Minute 93 of the Executive (25th January 2016) consideration was given to the purchase of 18.5 acres of land at Grove Lane Padiham.

RESOLVED

- (1) That approval be given to the purchase as set out in paragraphs 6 and 9 of this report.
- (2) That approval be given to the contribution as set out in section 8 of this report.
- (3) That delegated authority be given to the Chief Operating Officer in consultation with the Leader to conclude negotiations and agree terms.
- (4) That delegated authority be given to the Head of Governance, Law, Property and Regulation to agree and execute all documents necessary to give effect to the above decision.
- (5) That approval be given to transfer the sum referred to in paragraph 9 of the report from the Transformation Reserve to fund the capital spend and create the appropriate budget.

72. Council tax schedule 2017/18 Appendix A

	Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
Burnley Borough Council	188.69	220.14	251.59	283.04	345.94	408.84	471.73	566.08
Lancashire County Council	814.49	950.24	1,085.99	1,221.74	1,493.24	1,764.74	2,036.23	2,443.48
Police and Crime Commissioner for Lancashire	110.30	128.68	147.07	165.45	202.22	238.98	275.75	330.90
Lancs. Combined Fire Authority	43.67	50.94	58.22	65.50	80.06	94.61	109.17	131.00
Total - Areas Outside Parish/Town Council Areas	1,157.15	1,350.00	1,542.87	1,735.73	2,121.46	2,507.17	2,892.88	3,471.46
Parish/Town Council Areas	Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
<u>Briercliffe with Extwistle</u>								
Parish/Town Council Only	7.94	9.26	10.59	11.91	14.56	17.20	19.85	23.82
Parish/Town and District	196.63	229.40	262.18	294.95	360.50	426.04	491.58	589.90
Total	1,165.09	1,359.26	1,553.46	1,747.64	2,136.02	2,524.37	2,912.73	3,495.28
<u>Cliviger</u>								
Parish/Town Council Only	7.49	8.74	9.99	11.24	13.74	16.24	18.73	22.48
Parish/Town and District	196.18	228.88	261.58	294.28	359.68	425.08	490.46	588.56
Total	1,164.64	1,358.74	1,552.86	1,746.97	2,135.20	2,523.41	2,911.61	3,493.94
<u>Habergham Eaves</u>								
Parish/Town Council Only	6.56	7.65	8.75	9.84	12.03	14.21	16.40	19.68
Parish/Town and District	195.25	227.79	260.34	292.88	357.97	423.05	488.13	585.76
Total	1,163.71	1,357.65	1,551.62	1,745.57	2,133.49	2,521.38	2,909.28	3,491.14
<u>Padiham</u>								
Parish/Town Council Only	9.06	10.57	12.08	13.59	16.61	19.63	22.65	27.18
Parish/Town and District	197.75	230.71	263.67	296.63	362.55	428.47	494.38	593.26
Total	1,166.21	1,360.57	1,554.95	1,749.32	2,138.07	2,526.80	2,915.53	3,498.64
<u>Worsthorne with Hurstwood</u>								
Parish/Town Council Only	9.99	11.65	13.32	14.98	18.31	21.64	24.97	29.96
Parish/Town and District	198.68	231.79	264.91	298.02	364.25	430.48	496.70	596.04
Total	1,167.14	1,361.65	1,556.19	1,750.71	2,139.77	2,528.81	2,917.85	3,501.42
<u>Hapton</u>								
Parish/Town Council Only	9.93	11.59	13.24	14.90	18.21	21.52	24.83	29.80
Parish/Town and District	198.62	231.73	264.83	297.94	364.15	430.36	496.56	595.88
Total	1,167.08	1,361.59	1,556.11	1,750.63	2,139.67	2,528.69	2,917.71	3,501.26
<u>Ightenhill</u>								
Parish/Town Council Only	1.39	1.63	1.86	2.09	2.55	3.02	3.48	4.18
Parish/Town and District	190.08	221.77	253.45	285.13	348.49	411.86	475.21	570.26
Total	1,158.54	1,351.63	1,544.73	1,737.82	2,124.01	2,510.19	2,896.36	3,475.64

73. Council tax schedule 2017/18 Appendix B

Parish/Town Council Precepts 2017/18

Parish/Town Council	2016/17		
	Tax Base	Precept	Council Tax (Band D)
		£	£
Briercliffe with Extwistle	1,234	10,000	8.10
Cliviger	874	10,000	11.44
Habergham Eaves	509	3,103	6.10
Padiham	2,575	35,000	13.59
Worsthorne with Hurstwood	1,035	7,000	6.76
Hapton	658	9,000	13.68
Total/Average	6,885	74,103	10.76

Parish/Town Council	2017/18			
	Tax Base	Precept	Council Tax (Band D)	Council Tax Increase %
		£	£	%
Briercliffe with Extwistle	1,259	15,000	11.91	47.0%
Cliviger	890	10,000	11.24	-1.7%
Habergham Eaves	508	5,000	9.84	61.3%
Padiham	2,602	35,364	13.59	0.0%
Worsthorne with Hurstwood	1,048	15,700	14.98	121.6%
Hapton	671	10,000	14.90	8.9%
Ightenhill	716	1,500	2.09	N/A
Total/Average	7,694	92,564	12.03	11.8%