

SCRUTINY COMMITTEE

Thursday, 21st October, 2021
6.30 pm





SCRUTINY COMMITTEE

COUNCIL CHAMBER, BURNLEY TOWN HALL

Thursday, 21st October, 2021 at 6.30
pm

This agenda gives notice of items to be considered in private as required by Regulations (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Legal & Democracy by 5.00pm 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:

<http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

Due to Public Health guidance on social distancing there is a limited capacity for members of the public to attend meetings. You are advised to contact democracy@burnley.gov.uk in advance of the meeting.

AGENDA

1) *Apologies*

To receive any apologies for absence.

2) *Minutes*

To approve as a correct record the minutes of the previous meeting.

5 - 10

3) *Additional Items of Business*

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.

4) *Declarations of Interest*

To receive any declarations of interest from Members relating to any item on the agenda, in accordance with the provisions of the Code of Conduct and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.

5) *Exclusion of the Public*

To determine during which items, if any, the public are to be excluded from the meeting.

6) *Public Question Time*

To consider questions, statements or petitions from Members of the Public.

PRIVATE ITEMS

7) *Pioneer Place*

11 - 30

To consider a report on Pioneer Place.

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

MEMBERSHIP OF COMMITTEE

Councillor Howard Baker (Chair)
Councillor Ann Royle (Vice-Chair)
Councillor Gordon Birtwistle
Councillor Charlie Briggs
Councillor Paul Campbell
Councillor Saeed Chaudhary
Councillor Tom Commis
Councillor Scott Cunliffe
Councillor Dale Ferrier

Councillor Alan Hosker
Councillor Martyn Hurt
Councillor Mohammed Ishtiaq
Councillor Arif Khan
Councillor Shbana Khan
Councillor Gordon Lishman
Councillor Sehrish Lone
Councillor Cosima Towneley

PUBLISHED

Wednesday, 13 October 2021

This page is intentionally left blank



SCRUTINY COMMITTEE

BURNLEY TOWN HALL

Thursday, 16th September, 2021 at 6.30 pm

PRESENT

MEMBERS

Councillors H Baker (Chair), A Royle (Vice-Chair), G Birtwistle, P Campbell, S Chaudhary, T Commis, S Cunliffe, A Hosker, M Hurt, M Ishtiaq, A Khan, S Khan, S Lone and C Towneley

OFFICERS

Lukman Patel	– Chief Operating Officer
Howard Hamilton-Smith	– Head of Finance and Property
Joanne Swift	– Head of Streetscene
Clare Jackson	– Housing Manager
Tom Ormerod	– Contract Manager, Streetscene
Eric Dickinson	– Democracy Officer
Alison McEwan	– Democracy Officer

IN ATTENDANCE

A Anwar and B Foster

IN ATTENDANCE (VIDEO LINK)

Sean Spencer – Streetscene Services Manager

28. Apologies

Apologies were received from Councillors Charlie Briggs, Dale Ferrier, and Gordon Lishman.

29. Minutes of last meetings - 8th and 12th July 2021

The minutes of the previous meetings held on the 8th and 12th July 2021 were approved as a correct record.

30. Additional Items of Business

An urgent Private item of business was added as a supplementary agenda by the Chair relating to Pioneer Place, but due to a change of circumstances it is proposed to withdraw the Pioneer Place item for this meeting.

Members were also informed that the 20th September 2021 Extraordinary Scrutiny meeting which had also been called to deal with the Pioneer Place item would not now be required and therefore would be cancelled.

IT WAS AGREED

That the Pioneer Place urgent item be withdrawn from the agenda for this meeting, and that it be noted that the 20th September 2021 Extraordinary Scrutiny meeting be cancelled.

31. Notice of Key Decisions and Private Meetings-Published 23rd August 2021

Members considered the most recent Notice of Key Decisions and Private Meetings which was published on 23rd August 2021.

Members asked about the progress of the Land at Holme Road item, and it was confirmed that it was intended for the item to be dealt with by the Executive following the planning aspects having been considered by the Development Control Committee.

The Chair indicated that he was currently minded to add Private items from the Notice to the Scrutiny agenda.

IT WAS AGREED

That the 23rd August 2021 Notice of Key Decisions and Private Meetings be noted.

32. Recycling Round Review

Joanne Swift reported on a Review of the Recycling Round, and gave a presentation which had also been published as a supplementary to the agenda.

She indicated that since the Phase 1 review of the 2019 Service Charges, a further review of areas that remained on box or sack collection has taken place. She stated that this has identified a Green list of properties which have similar characteristics to Phase 1 properties, and also an Amber list of properties which present additional potential operational issues for vehicles or storage and collection issues for residents.

She recommended therefore that a thorough targeted consultation exercise be undertaken regarding the Amber list properties which would require whole street agreement from residents on issues such as bringing bins in.

She indicated that a one system solution in the future would need a full feasibility study and suggested that it could be conducted prior to the 2025 procurement of the next waste and cleansing contract, and she also referred to the pending Environment Bill which would need to be incorporated into future collection arrangements.

She set out a timetable to complete the Green list by November 2021, and the Amber list by Spring 2022.

Tom Ormerod presented in detail the areas for the Green list such as Briercliffe Barden Lane, Daneshouse, and Trinity and also the Amber list areas such as Brunshaw, Holcombe Drive, Gawthorpe Edge, and Hapton Village.

Members made the following points, which Officers responded to;

-there was strong support in Hapton.

This was recognised but it needed to be confirmed by consultation.

-what is the driver for this review?

The recycling rates in Burnley were currently about 34% which is below the national rate of above 40%. There would be more focus nationally in the future on producer pays, packaging, and the customer.

-what are the recycling and contamination rates following Phase 1?

There are 6 months of figures available from LCC pre Covid which can be provided, but Covid has resulted in 20% more waste being produced.

-who gets a penalty for contamination?

LCC does as the disposal authority, but they would raise any issues with the Council

-Are there Key Performance Indicators on how much decarbonization is taking place, and on collection?

The LCC.Gov waste website provides a balanced scorecard of relevant information regarding disposal, and performance scores on tonnage, land fill and climate change.

-Can thanks be passed on both to Streetscene staff and Urbaser for the excellent service provided.

IT WAS AGREED

That the recommendations to the Executive be endorsed.

33. Fit and Proper Person Application Fee Policy For Residential Mobile Home Sites

Clare Jackson reported on the Mobile Homes Fit and Proper Person Fee Policy. She stated that there was currently one licensable Mobile Home site at Gawthorpe Edge, and that new Regulations have introduced a fit and proper assessment for the owners or operators of the site.

She further stated that an application must be made to the Council by the 1st October 2021 for which the Council can charge a fee for processing the application, prior to which a Fee Policy must be published.

She indicated that the Council cannot make a profit and that it has been calculated and proposed to be 295 pounds.

Members made the following points, which Officers responded to;

-If the fit and proper person changed, would the fee be payable again?

Yes, it is not transferable.

-would the fee be reviewed?

Yes, annually to ensure a profit was not being made

IT WAS AGREED

That the recommendations to the Executive be endorsed.

34. Revenue Monitoring 2021/22 Quarter 1

Howard Hamilton -Smith reported on Revenue Monitoring 2021/22 Quarter 1.

Members made the following points, and Officers responded;

-Regarding the Government's assistance on Covid, have the grants now finished, and if it might continue are there negotiations with the Government for further help?

Yes, Covid 19 related financial assistance from Central Government comes to an end in 2021/22. If the Covid 19 pandemic continues, further funding requirements are kept under review and representations are made directly and via the appropriate organisations.

The Covid Reserve was established in 2020/21 and is available to meet any future shortfalls in income and increases in expenditure, together with funding resources required to clear any business as usual workloads that had been deferred due to the reprioritization of Covid related work.

The majority of business grant schemes have come to an end with the exception of Additional Restrictions Grant scheme. The updated criteria has recently been approved, leaving two current elements of the scheme; Hardship Fund and Business Closure Grants (to support small businesses who have to close due to staff self-isolation). These elements of the scheme will be available up to the end of March 2022.

-How much is in the Covid Reserve (CR)?

At the end of the previous financial year there was about 1.5M in the CR. The CR was established in 2020/21 and is available as just set out for certain workloads, such as Environmental Health work.

-How much is in the Collection Fund Deposit Reserve (CFDR) and the Volatility Reserve (VR), with the deficit now 1.755M spread over 3 years?

The amount in the VR is currently around 6M. The purpose of the VR is to reflect the timing differences between income received and when the Council has to account for it. The CFDR has been established to reflect the changes made to the way the Council has to account for any Covid -related deficits.

-Is there a prudential way to release money?

The CFDR has been committed, any funds from the VR will be reviewed at the end of the current financial year when any deficits from the Collection Fund in the current financial year have been determined.

IT WAS AGREED

That the recommendations in the report be noted.

35. Capital Monitoring 2021/22 Quarter 1

Howard Hamilton Smith reported on Capital Monitoring 2021/22 Quarter 1.

Members made the following points and Officers responded;

-Clarification of the narrative in Appendix 1 regarding River Training Walls was requested, including whether the information could be made more prominent in the report.

The information related to an ownership dispute which was currently awaiting a judicial outcome, and in this case transparency went further than usual in such legal matters.

IT WAS AGREED

That the recommendations in the report be noted.

36. Revenue Budgets 2022-25 Latest Position and Savings Proposals

Howard Hamilton Smith reported on Revenue Budgets 2022-25 Latest Position and Savings Proposals.

IT WAS AGREED

That the recommendations in the report be noted.

37. Scrutiny Review Groups-Verbal reports

The Vice Chair, Councillor Ann Royle, gave a verbal update on the Housing Review Group (HRG).

She indicated that Mark Beech, Managing Director of Calico, had attended the last meeting of the HRG on 31 August to primarily discuss housing conditions, although other areas were also covered relating to the Green Homes Programme, Neighbourhood inspections, and Anti Social Behaviour.

She stated that Mark Beech would be reporting back to the Calico Board at the beginning of November, and that he had been invited to attend a further HRG at the end of November/beginning of December.

She stated that the HRG would then determine how to proceed with the information and evidence it had received.

Members made the following points and Officers responded;

-This was a long-term issue.

-As a private Company, what can the Council do?

The Council has now relinquished the housing stock, but there is a Regulator for Social Housing as well as the court process. The involvement of Officers in the HRG may be the way forward to collectively come to a conclusion on the Review.

-Can the Council make referrals to the Regulator?

This will be checked., and it was noted that in Wales a higher standard for Social Landlords is being looked at and this could be an issue taken up by the HRG.

-How can the Council help residents, and potentially can the Private Rented Sector Forum remit be expanded to include Social Landlords?

Tenants can access the Regulator, although this is a complex process. When issues of living conditions are brought to Officers attention, the Council does work with Calico. There is also a Housing Ombudsman Service available.

-The HRG needs to find out from Calico about their resource and performance issues, and needs to consider how Members can be helped to then assist residents to use the Regulator

The HRG may wish to consider its objectives, the evidence and outcomes from the review, and then to consider a report back to the Scrutiny Committee with any recommendations.

IT WAS AGREED

That the HRG update be noted, and that for the next HRG the relevant Officer would provide a brief on the redress available to residents regarding housing conditions, disrepair and any other issues in the Social Landlord sector.

Councillor Cosima Towneley provided an update on the Markets Review Group (MRG) and stated that it's work was pending, as it was largely dependent on the changing circumstances of the Town Centre.

She also reported that Artisan Markets had now started and thanked the Leader for assistance to achieve this.

IT WAS AGREED

That the MRG update be noted.

38. Work Programme 2021/22

IT WAS AGREED

That the Work Programme 2021/22 be approved subject to the following proposed changes being confirmed;

- Liberata Scrutiny, and a Homelessness Update, be added to the 25th November 2021 meeting;and
- Leisure Trust Annual Report be moved from the 12th January 2022 to the 9th March 2022 meeting.

39. Exclusion of the Public

Members determined to exclude the public from the meeting before discussion took place on the items of business relating to the Waste and Cleansing Contract Extension and Changes to Current Vehicle Fleet and Pioneer Place 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.

40. Waste Fleet Options

Sean Spencer reported on the current contract options regarding upgrading the Waste and Cleansing Vehicle Fleet.

Members asked questions regarding the report relating to Paragraph 6.

IT WAS AGREED

That the recommendations in the report to the Executive be endorsed.

41. Pioneer Place

The Pioneer Place item was withdrawn from this agenda.

Lukman Patel gave an update on Town Centre developments.

IT WAS AGREED

That the Pioneer Place item be withdrawn from this agenda, and that the 20th Extraordinary Scrutiny meeting which was called to deal with the Pioneer Place item also be cancelled.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank