

SCRUTINY COMMITTEE

Wednesday, 2nd March, 2022
6.30 pm





SCRUTINY COMMITTEE

ROOMS 2 & 3, BURNLEY TOWN HALL

Wednesday, 2nd March, 2022 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.

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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.

PUBLIC ITEMS

7) Call-in Request re Executive Minute 97 (14.02.22) - Knowledge Quarter: Sale of Land at Stoneyholme Recreation Ground, Holme Road, Burnley

13 - 54

To consider a Call-in received from Cllr Martyn Hurt, supported by Cllrs Cunliffe, Fewings, Hall and Wight (via electronic signature).

Documents included for reference:

1. Call-in form submitted
2. Executive Minutes 14.02.22
3. Public Report considered by Scrutiny and Executive
4. Private report considered by Scrutiny and Executive
5. Scrutiny Minutes (extract) 10.02.22
6. Protocol for Scrutiny Call-in procedure (Part 5.6 Constitution)
7. Scrutiny Procedure Rules (Part 4.5 Constitution)

MEMBERSHIP OF COMMITTEE

Councillor Howard Baker (Chair)
Councillor Ann Royle (Vice-Chair)
Councillor Gordon Birtwistle
Councillor Charlie Briggs
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 Lubna Khan
Councillor Shbana Khan
Councillor Gordon Lishman
Councillor Sehrish Lone
Councillor Cosima Towneley

PUBLISHED

Tuesday, 22 February 2022

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SCRUTINY COMMITTEE

BURNLEY TOWN HALL

Thursday, 10th February, 2022 at 6.30 pm

PRESENT

MEMBERS

Councillors H Baker (Chair), A Royle (Vice-Chair), G Birtwistle, C Briggs, S Chaudhary, T Commis, S Cunliffe, D Ferrier, A Hosker, M Hurt, M Ishtiaq, A Khan, L Khan, G Lishman, S Lone and C Towneley

OFFICERS

Lukman Patel	– Chief Operating Officer
Howard Hamilton-Smith	– Head of Finance and Property
Kate Ingram	– Strategic Head of Economy and Growth
Catherine Waudby	– Head of Legal and Democratic Services
Paul Gatrell	– Head of Housing & Development Control
Rob Dobson	– Head of Policy and Engagement
Amy Johnson	– Finance Manager
Peter Stobbs	– Assistant Engineer, Streetscene
Eric Dickinson	– Democracy Officer

IN ATTENDANCE

Councillor Sue Graham-Executive Member for Resources and Performance
Councillor Margaret Lishman- Executive Member for Health and Wellbeing
Councillor Bea Foster-Executive Member for Community and Environmental Services

78. Minutes of the last meeting

The Minutes of the meeting held on 26th January 2022 were approved as a correct record, subject to the following addition to Minute 76 regarding the Private item on Levelling Up Fund within the narrative of the Minute;

“Members expressed concern that if the earmarked sale to UCLAN would not be realised, then all the Council’s eggs will be in one basket”

79. Additional Items of Business

IT WAS AGREED

That the agenda be re-ordered after Item 6 to be followed by the following Items in the order below, before returning to Item 7;

Items 18,19,22,23, and 24.

80. Public Question Time

Ian Chapman addressed Members using a Right To Speak regarding the potential conflict of interest Members may have when sitting on multiple Committees in particular Development Control, Scrutiny, and the Executive, He also enquired about the training for Members to carry out effective decision making in their roles on Committees.

Lukman Patel advised Mr Chapman that he should obtain his own legal advice. Lukman Patel was advising the Committee and the Council.

Lukman Patel indicated that within Local Government Members sometimes wore different hats when sitting on different Committees, Sitting on one Committee does not necessarily exclude the Member from sitting on another Committee apart from a few exceptions (for example an Executive Member cannot sit on Scrutiny) This is part of the machinery of Local Government and in accordance with Government Guidance, and that at all times Members had to have an open mind when considering the relevant issues according to the differing remits of those Committees.

Councillor Towneley advised that at LCC Executive Members did not sit on Statutory Committees and advised that this should be adopted at this Council.

Lukman Patel advised that whilst this was a MSWG issue, the Government Circular issued encouraged an Executive Member to be on the Development Control Committee. This does not create a conflict and this was also reinforced in PAS guidance. Lukman Patel read out the relevant part of the PAS guidance.

The Chair also set out the training requirements for Members as set out in the constitution.

81. Sale of Land at Holme Road (also known as Stoneyholme Recreation Ground)

Ian Chapman was present for this item

Howard Hamilton Smith reported on the proposed sale of land at Holme Road in Burnley.

Members made the following points;

-Residents were not fully consulted on the disposal of the land, it should retain its recreational status, any sale should be carried out on the open market and be revalued, that if realised at less than market value then be scrutinised further, the local community will be further penned in if the proposed sale takes place, and that a cabin should, be considered for the Friends of Clifton Street.

Lukman stated that the level of consultation was above and beyond what was required as set out in Paragraph 8 and reported on the statutory ability to dispose of land at an undervalue of up to £2 Million nature of sales at an undervalue for social or economic reasons. However the proposal here is not to dispose at an undervalue.

IT WAS AGREED

That the report be noted.

82. Migration of Local Land Charges Service to HM Land Registry

Catherine Waudby reported on a proposed Collaboration Agreement and agree a Delivery Plan with Her Majesty's Land Registry (HMLR) to facilitate the migration of the Council's Local Land Charges Service to HMLR.

She indicated that the Council would still carry out CON 29 enquiries which the Council would charge for, and these related to detailed issues such as on the adoption of roads, planning approvals, road improvement, and community assets.

Members made the following points;

-Who would bear the cost of the existing Land Charges Officer.

This would be borne by the Council but there were some compensatory and burden payments available.

IT WAS AGREED

That the report be noted.

83. Exclusion of the Public

Members determined to exclude the public from the meeting before discussion took place on the items of business relating to Minute 85 (Item 23 Lower St James Street Heritage Action Zone), and Minute 84 (Item 24 Sale of Land at Holme Road) 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

84. Sale of Land at Holme Road (also known as Stoneyholme Recreation Ground)

This item was the next to be dealt with.

Howard Hamilton Smith reported further on the Sale of Land at Holme Road and referred to Paragraph 9 which contained Private information on the estimated value of the site.

Members further discussed Paragraph 9 of Appendix 2 to the report, and a Motion was put forward by Councillor Martyn Hurt which was seconded by Councillor Scott Cunliffe to ring fence part of the sale money for a cabin for the Friends of Clifton Street. On being put to the vote the motion was lost.

IT WAS AGREED

That the report be endorsed, and that further clarity be obtained from the College regarding the issues referred to in Paragraph 9 of Appendix 2 regarding firming up their commitment to the Friends of Clifton Street to provide a portacabin.

85. Lower St James Street Heritage Action Zone

Kate Ingram reported on proposals to develop a Creative Hub project as part of the Lower St James Street Heritage Action Zone programme.

IT WAS AGREED

That the report be endorsed.

86. Notice of Key Decisions and Private Meetings

Eric Dickinson reported on the most recent 28-day Notice of Key Decisions and Private Meetings which had been published on 14th January 2022 and it was indicated that apart from the items relating to Consultation on SPDs all the items on the Notice, subject to any slippage, were to be considered by Scrutiny.

IT WAS AGREED

That the report be noted

87. Strategic Plan 2022

Rob Dobson reported on the Strategic Plan 2022.

Members made the following points;

-the rural economy needed more emphasis.

IT WAS AGREED

That The report be noted

88. Climate Change Strategy

Paul Gatrell reported on a proposed Climate Change Strategy, including the introduction of a Climate Change Programme Manager and the application for Carbon Literacy Accreditation for the Council.

Members made the following points;

-the strategy needs to be widened out to the rural and agricultural sector

-what would be the role of the Programme Manager

Paul Gatrell stated that it would be to develop the strategy document and work across the Council and its Partners to embed climate change, look for opportunities and implement them

Lukman Patel indicated the role would be to build capacity in the organisation, increase expertise, and bring people together.

-what brand of Electric Vehicles would be used, including its manufacture and product sources

- car driver should not end up penalised especially in areas where public transport was not available

- the strategy was excellent but was at odds with the Local Plan such as grasslands and green open spaces (Paragraph 5.60 of the Strategy) being built on, the strategy keeping flood plains but the Local Plan allowing building and then needing flood defences

-Paragraphs 3.20 and 3.21 of the strategy indicated that the Local Plan took precedence

Paul Gatrell indicated that planning policy developed, that the Local Plan was relatively recently approved in July 2018 and included issues such as economic growth, and that it took into account National Planning policy.

Lukman Patel indicated that the strategy included 7 themes involving issues which went beyond the Local plan

-the strategy had a narrow scope and failed to recognise opportunities such as the built environment, did not provide a baseline carbon footprint either with Council facilities or as a Borough, nor provide a target for net zero carbon, there was a lack of a budget, and Members needed to work together on the strategy

-as a strategy this was not the end point, and the next stage would be to develop the plan

Lukman Patel indicated that measuring the carbon footprint was in the plan and that as it was a huge task further targets would be set based on information gathered. Officers were looking to use the Tyndall Monitoring tool to measure the Council's footprint over the coming year. If Members had any further comments then to share them with Officers, and that the strategy would be reviewed in the future.

It was noted that the draft strategy had been forwarded to all Members in December 2021

-would a relevant SPD for climate change be possibly more appropriate

Lukman indicated that a Clean Air and Climate Change SPD was published in December 2020

-Due to Central Government control there were conflicting problems and contradictions in policy, and local government should be advocating for more influence on decision making and spending as it currently had no power

IT WAS AGREED

That the report be noted.

89. Electric Vehicle Charging Strategy

Peter Stobbs reported on the Council's Electric Vehicle Charging Strategy, and highlighted that the scope had been widened from on street to Council owned off street..

Members made the following points;

-liaison needed with taxis in the short term as most run currently on diesel

Peter Stobbs indicated recently money was targeted for taxis in conjunction with Lancaster Council with rapid charging of 80% within 40 minutes, the intention was to pump prime initially recognising issues of affordability and availability

-could there be interest free loans to help the taxi trade with affordability

- were Council funds provided to private business ethical

- not unusual to provide monetary support to businesses

-need charging points at night-time near homes and as quickly as possible with the 30 proposed sites not sufficient

-what was the cost of charging

Peter Stobbs indicated that it was about twice the charge for public charging compared to at home.

-if the provision of chargers was grant funded, could rent be charged for the use of Council land by the providers

Peter Stobbs indicated that the economics of the strategy would be reviewed periodically.

IT WAS AGREED

That the report be noted.

90. Pay Policy Statement 2022

Lukman Patel reported on the Council's annual Pay Policy statement to be considered by Full Council.

He highlighted that the gender pay gap at Burnley Council had been reversed three years ago and that the position was being maintained. A proposal was also being discussed with

the Unions to increase notice periods for employees between Grades 7-14. This has to be done by Local Agreement due to the NJC notice periods not being considered adequate.

IT WAS AGREED

That the report be noted.

91. Revenue Budget Monitoring Q3 2021/22

Howard Hamilton-Smith reported on Revenue Budget Monitoring Q3 2021/22

Members made the following points;

- was the Covid Reserve of £1.4M ring fenced

Howard Hamilton Smith indicated it was not ring fenced and would be drawn on for staffing and other issues when needed

-Market income was reduced

Howard Hamilton Smith referred to a turnover of tenants, with incentives introduced.

-Cremation and Burial income reduced

Howard Hamilton Smith indicated that due to its seasonal nature and also fluctuations this was calculated over 3 years

-Reduced revenues and benefits court fees

Howard Hamilton Smith indicated this could be claimed back under the Sales, Fees, and Charges Compensation Scheme until the end of Q1 2022/23 when the scheme finishes.

IT WAS AGREED

That the report be noted

92. Capital Budget Monitoring Q3 2021/22

Howard Hamilton- Smith reported on the Capital Budget Monitoring Q3 2021/22 and highlighted reprofiling based on external funding.

Members made the following points;

-the 102k spent on Electric Vehicle charging was highlighted, and that rent was not being charged by the Council on the providers

Howard Hamilton-Smith confirmed that the 102k was grant funded

-when would the Town Hall works be completed

Howard Hamilton- Smith confirmed completion as per the timetable for works by 31st March 2022 and that the maintenance of heritage assets would be highlighted to the public at the relevant time

IT WAS AGREED

That the report be noted.

93. Medium Term Financial Strategy (MTFS) 2023/24-26/27 Including Reserves Strategy

Howard Hamilton-Smith reported on the Medium-Term Financial Strategy (MTFS) 2023/24-26/27 Including Reserves Strategy highlighting uncertainties and underlying risks and including cost assumptions leading to a headline reduction and cumulative budget gap of £3.4M which is 21% of the net 2021/22 budget.

Members indicated the usefulness and clarity of the report.

IT WAS AGREED

That the report be noted

94. Revenue Budget 2022/23 Including Savings Strategy

Howard Hamilton-Smith reported on the Revenue Budget 2022/23 Including Savings Strategy and highlighted the Growth proposals in Appendix 2. He also highlighted the 1.99% Council Tax proposed increase which was the maximum allowed by the Government without requiring a referendum and which the Government assumed when calculating the Council's Grant funding.

IT WAS AGREED

That the report be noted

95. Capital Budget 2022/23 and Capital Investment Programme 2022/27

Howard Hamilton-Smith reported on the Capital Budget 2022/23 and Capital Investment Programme 2022/27

IT WAS AGREED

That the report be noted

96. Treasury Management Strategy 2022/23 and Prudential Treasury Indicators

Howard Hamilton-Smith reported on the Treasury Management Strategy 2022/23 and Prudential Treasury Indicators.

IT WAS AGREED

That the report be noted.

97. Scrutiny Review Groups - Members Update

Councillor Howard Baker declared an Interest in the Calico Working Group and left the room during this part of the item during which Councillor Ann Royle as Vice Chair took the Chair.

Councillor Royle confirmed the work of the Calico Working Group which at its last meeting had agreed with Calico a list of jobs which had been done and which other jobs they were going to do, with a further meeting of the Working Group to take place in 6 months' time.

Members indicated that the work of the Calico Working Group seemed to have fulfilled its objectives and had made genuine progress with the Council's relationship with Calico notwithstanding that there was further work to be done, with potentially an annual item with Calico at Scrutiny Committee in the future.

Members were asked to consider issues suitable for future Review Groups to be considered for the next Scrutiny Committee including consideration of their objectives, outcomes and how this would be achieved.

Lukman Patel indicated that the priority for Officers on Charter Walk was the procurement of a strategic asset manager and operational asset manager, and that a public sector audit was being undertaken.

Officers will look to bring forward a report on Charter Walk to both Scrutiny and the Executive once there is more capacity it may not be timely for a Working Group on this issue, however it was acknowledged that the Committee set its own agenda.

IT WAS AGREED

That the report be noted.

98. Work Programme 2021/22

Eric Dickinson reported on the Work Programme 2021/22.

Members discussed adding the current Annual Monitoring Statement to the next meeting`s agenda.

IT WAS AGREED

That the Work Programme 2021/22 be agreed as reported, subject to the Annual Monitoring Statement be added to the next meeting`s agenda,



BURNLEY BOROUGH COUNCIL **CALL-IN PROCEDURE**

For the Scrutiny process to be effective and a satisfactory outcome achieved, it requires the active participation of all parties to the Call-in, throughout the process.

If Members wish to “call-in” any decision of the Executive they must complete this form and return it to the Head of Legal and Democratic Services by no later than 5.00pm five working days from publication date of the Minutes in question. Advice should be sought from the Democracy team in relation to the completion of the form, prior to its submission.

Title and Date of Meeting	Executive, Monday 14 th January 2022
Minute Number	97.
Minute Title	Knowledge Quarter: Sale of Land at Stoneyholme Recreation Ground, Holme Road, Burnley
Reason for Calling In and any specific questions or issues that you wish the Scrutiny Committee to consider (please continue on additional sheets if necessary)	

1. That the Executive have not shown evidence that any other sites have been considered, or the reasons for those sites being rejected by the Executive as suitable locations for sale, such as EMP1/7 – Land off Hattersley St, which would also be easily accessible from the current college campus via public realm works between Ashfield Road and Clifton Street, or the site across from Burnley College between Princess Way and Canning Street and while that land is not listed on the Local Plan that would not mean that planning permission for the site was not possible to obtain.
2. That adequate consultation of local residents, community groups and other stakeholders regarding the sale of the land has not taken place.
Whilst the college had an open day, this was to discuss the planning application and not the sale of land by Burnley Borough Council. Further to this, several promises to residents were made at this meeting that were then broken, such as the promise of visual representations of the development as it would be seen from the homes on Clifton Street, Willow and Gill Street.

Consultation notices via local newspapers is no longer adequate to reach a meaningful number of residents. The Friday edition of the Burnley Express had an audited ABC circulation figure of 2800 copies – less than 7.5% of households across the Borough (see <https://www.abc.org.uk/product/238>)
The Lancashire Telegraph's average circulation at the end of 2019 was 6564, across the whole of East Lancashire. If you assume an even split across the 7 distinct areas covered is only 2.5% of the households in Burnley.
This cannot be considered adequate consultation.

There has been no evidence of any attempt to seek a real and meaningful consultation with residents or stakeholders throughout the process by Burnley Borough Council or the Executive

Any 5 non Executive Members must sign this form, however it is advisable that at least one member of Scrutiny Committee should be included in the 5 non Executive Members.

The Led call-in Mmember should sign the form at Box 1 below.

Members			
	Signature	Print name	Date
1		Martyn Hurt	18/02/2022
2			
3			
4			
5			

Principles of Decision Making

All decisions of the Council, the Executive, Committees/Sub Committees and Officers will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.
- (f) explaining what options were considered and giving the reasons for the decision
- (g) taking account of all relevant considerations and discounting all irrelevant considerations.

Electronic signatures are acceptable.

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EXECUTIVE

BURNLEY TOWN HALL

Monday, 14th February, 2022 at 6.30 pm

PRESENT

MEMBERS

Councillors A Anwar (Chair), S Graham (Vice-Chair), B Foster, J Harbour, M Lishman and A Raja

OFFICERS

Lukman Patel	– Chief Operating Officer
Paul Gatrell	– Head of Housing & Development Control
Howard Hamilton-Smith	– Head of Finance and Property
Amy Johnson	– Finance Manager
Catherine Waudby	– Head of Legal and Democratic Services
Alison McEwan	– Democracy Officer
Megan Eastwood	– Development Officer

81. Minutes

The minutes of the last meeting were approved and signed by the Chair.

82. Right To Speak

Mr Ian Chapman addressed the meeting under the Right to Speak procedure.

83. Omicron Restrictions Grant - Urgent Exec

Members noted the Urgent Executive Decision.

84. Strategic Plan

PURPOSE

To seek Executive endorsement of the Strategic Plan

REASON FOR DECISION

The Strategic Plan sets out a clear vision for the future: one that is evidence based, shared by all units of the Council, and is in tune with the aspirations of local people.

DECISION

That the Executive recommend the Strategic Plan to Full Council with the following amendment:

P9 (of the Strategic Plan document) PR2 – We will proactively support the borough's businesses **in the urban and rural areas** to innovate and expand, and make the borough a natural choice for business relocation.

85. Climate Change Strategy

PURPOSE

To seek approval for a number of initiatives that will support and advance the Council's priority to address the issues of climate change across its work programme and in partnership with stakeholders.

REASON FOR DECISION

To ensure that the Council has sufficient resources, skills and knowledge in place to effectively address the issues of climate change through their work programme, and promote and facilitate climate change action through their partnerships and sphere of influence.

DECISION

It was RESOLVED to:

1. Approve the Climate Change Strategy 2022 - 2026 (appendix 1).
2. Approve the introduction of a Climate Change Programme Manager subject to Full Council approval of the budget provision.
3. To authorise the Chief Operating Officer to apply for Carbon Literacy Accreditation for the Council.

86. EV Charging Strategy

PURPOSE

To consider the Council's Electric Vehicle Strategy.

REASON FOR DECISION

In line with the Council's emerging climate emergency strategy, and the Government's future ban on the sale of new Petrol & Diesel cars & vans from 2030, there is a clear need to develop and implement an Electric Vehicle Strategy. The Grant criteria requires the

scheme to be completed by no later than the 31st of March 2023. To meet these timescales the appointment of a provider via a framework approach is recommended and in line with the procurement approaches that have been adopted by other local authorities

DECISION

The Executive RESOLVED:

- i. To approve that further work and consultation is undertaken on the draft Council's Electric Vehicle Strategy and to delegate authority to the Head of Streetscene in consultation with the Executive Member for Community and Environmental Services to finalise the Strategy.
- ii. To approve the development and submission of a funding application to the Government's; '*On Street Residential Chargepoint Grant Scheme*'.
- iii. That the Head of Streetscene be authorised to undertake a compliant procurement exercise through an available framework agreement to appoint a provider to assist with any required services associated with the preparation of the bid submission for electric vehicle charging and the ensuing installation and service operation; and is given delegated authority in consultation with the Executive Member for Community and Environmental Services to award a contract.
- iv. That the Head of Streetscene in consultation with the Head of Legal & Democratic Services is granted delegated authority to execute all documents necessary to give effect to the above decision.

87. Q3 Revenue Budget Monitoring

Members noted a revision at recommendation (d). The revised carry forward had increased from £160k to £182k.

PURPOSE

To report the forecast outturn position for the year as at 31 March 2022 based upon actual spending and income to 31 December 2021, and to note the financial impact of the Coronavirus pandemic. In view of these exceptional times the revenue monitoring position is uncertain.

REASON FOR DECISION

To give consideration to the level of revenue spending and income in 2021/22 as part of the effective governance of the Council and to ensure that appropriate management action is taken to ensure a balanced financial position.

DECISION

The Executive RESOLVED to:

- a. Note the projected revenue budget forecast position of a net overspend of £12k, as summarised in Table 1 and detailed in Appendix 1.

And also to seek approval from Full Council for:

- b. The latest revised net budget of **£15.419m** as shown in Table 1, and
- c. The net transfers from earmarked reserves of **£2.166m** as shown in Appendix 2.
- d. The carry forward of forecast unspent budgets as requested by Heads of Service in Appendix 3. These amounts totalling **£182k** are to be transferred into the Carry Forward Reserve. The monies will be transferred back out to create additional revenue budgets in 2022/23 or when required.

88. Q3 Capital Budget Monitoring

PURPOSE

To provide Members with an update on capital expenditure and the resources position along with highlighting any variances.

REASON FOR DECISION

To effectively manage the 2021/22 capital programme.

DECISION

The Executive RESOLVED to:

- a. Recommend to Full Council, approval of net budget changes totalling a decrease of £5,725,705 giving a revised capital budget for 2021/22 totalling £36,670,513 as detailed in Appendix 1.
- b. Recommend to Full Council, approval of the proposed financing of the revised capital budget totalling £36,670,513 as shown in Appendix 2.
- c. Note the latest estimated year end position on capital receipts and contributions showing an assumed balance of £1,840,205 at 31 March 2022 as shown in Appendix 3.

89. Medium Term Financial Strategy 23/24 - 26/27

Members of the Executive wished to place on record their thanks to all members of the finance team who had worked hard to produce a number of clear but detailed reports for consideration.

PURPOSE

To consider the longer term financial outlook within the context of a Medium-Term Financial Strategy covering the financial years 2023/24 to 2026/27, highlighting uncertainties, underlying risks and make recommendations to Council. The Medium-Term Financial Strategy should be read in conjunction with the Revenue Budget 2022/23 and the associated statutory report of the Chief Finance Officer.

REASON FOR DECISION

Professional accounting practice recommends that a medium term financial strategy is in place to ensure that resources are aligned to strategic intent and business objectives. It also provides a firm and robust basis on which to prepare the annual budget. Given the current financial climate, the need for consideration of the medium term financial position is pertinent to ensuring sustainable service delivery and for the Council to remain viable as a going concern.

DECISION

The Executive RESOLVED to recommend to Full Council:

1. Approve the latest Medium-Term Financial Strategy;
2. Approve the Reserves Strategy, as appended to the Medium-Term Financial Strategy; and
3. Note that a refreshed document will be provided when required as an aid to monitoring the continued delivery of an annually balanced budget.

90. Treasury Management

PURPOSE

- a) To comply with the amended Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2011.
- b) To outline a treasury management strategy statement for the financial year 2022/23.
- c) To set out prudential indicators for the financial years 2022/25 in line with the CIPFA's Prudential Code 2017.
- d) To seek approval for the Council's Minimum Revenue Provision (MRP) Policy Statement for the financial year 2022/23 in accordance with Government regulations.

REASON FOR DECISION

- a) To provide the proper basis required by current Government regulations and guidance to make charges for debt repayment (MRP) to the Council's revenue account.
- b) To fulfil statutory and regulatory requirements and to provide a clear framework for local authority capital finance and treasury management.

DECISION

It was RESOLVED that the Executive recommend to Full Council approval of;

a).The treasury management strategy statement for 2022/23 as set out in Appendix 1

b.) The prudential and treasury indicators for 2022/23 to 2024/25 per Appendix 2 including the authorised limit for external debt of £95.346m in 2022/23.

c)The list of Counterparties for Deposits outlined within Appendix 3.

d) The Council's MRP Statement for 2022/23 as set out in Appendix 4 of this report.

91. Revenue Budget 22-23 including savings proposals

PURPOSE

To consider the estimates of revenue income and expenditure for 2022/23 and to make recommendations to Full Council about next year's Revenue Budget.

REASONS FOR DECISION

To fulfil the Council's statutory obligation to calculate its Council Tax requirement as set out in Section 31A of the Local Government Act 1992 (as amended by section 74 of the Localism Act 2011).

To set a balanced budget for the financial year 2022/23 that ensures the viability of the Council and aligns resources to the Council's strategic priorities.

DECISION

The Executive RESOLVED to recommend that Full Council:

- i) Endorse the approach that has been adopted in developing budget proposals that reflect the Council's Strategic Objectives for 2022/23;
- ii) Approve the proposals contained in this report;
- iii) Set a Council Tax Requirement of £7,480,375 for the financial year 2022/23;
- iv) Set a Net Budget Requirement of £15,231,941 for 2022/23;
- v) Receive and consider the statutory report issued by the Head of Finance and Property under the Local Government Act, 2003;
- vi) Authorise the Chief Operating Officer/Heads of Service to progress action plans to deliver the 2022/23 budget;
- vii) Approve a Council Tax (Band D) figure of £318.49 for this Council for the year commencing 1st April 2022 and adopt the statutory resolution to set the full Council Tax for the year. This is equivalent to a 1.99% Council tax increase.

92. Capital Budget 22-23 and investment programme 22-27

PURPOSE

To recommend approval of the capital budget for 2022/23

REASON FOR DECISION

To establish a capital budget that reflects the Council's overall priorities and provides a framework for capital spending to be undertaken during 2022/23.

DECISION

The Executive RESOLVED:

a) to recommend that Full Council:

(i) Approve the 2022/23 Capital Budget, totalling £37,805,441, as set out in Appendix 1

(ii) Note the 2022-27 Capital Investment Programme as set out in Appendix 1.

(iii) Note the estimated position on capital resources as set out in Appendix 2.

b) That subject to a)(i) above the Executive approve the release of capital scheme budgets including slippage from 2021/22, subject to compliance with the Financial Procedure Rules and that there will be full compliance with Standing Orders for Contracts.

c) to Approve the Capital Strategy 2022-27, as set out in Appendix 4

93. Pay Policy Statement

PURPOSE

To seek approval for the Council's Pay Policy Statement which is required to be published prior to the end of March each year.

REASON FOR DECISION

The Localism Act 2011 – [Chapter 8 - Pay Accountability], requires all local authorities to set out its position on a range of issues relating to the remuneration of its employees. The Pay Policy Statement must be approved by the Council in open forum, by the end of March each year and then be published on its website

DECISION

It was RESOLVED that Full Council be recommended to approve the amended recommendations, as set out below:

- To approve this report and the attached Pay Policy Statement for 2022/23;
- To note the Council's Gender Pay Gap report which is at Appendix H of the Pay Policy Statement.
- To agree a delegation to the Strategic HR Manager to make minor amendments to finalise the Pay Policy Statement following agreement of pay awards for 2021-22.
- To approve, subject to reaching a collective agreement or following consultation with affected employees, an amendment to NJC terms and conditions which will require employees on Grades 7-11 to provide a minimum of 2 months' notice of termination and for employees on Grades 12-14 to provide a minimum of 3 months'.

94. Migration of Land Charges

PURPOSE

To inform the Executive of the ongoing work with Her Majesty's Land Registry (HMLR) in connection with the migration of the Council's Local Land Charges service to HMLR and to seek approval to enter into a Collaboration Agreement and agree a Development Plan with HMLR.

REASON FOR DECISION

To enable the Council to progress the migration of the Council's Local Land Charges Service to HMLR.

DECISION

It was RESOLVED that the Executive authorise the Head of Legal and Democratic Services to enter into a Collaboration Agreement and agree a Delivery Plan with HMLR and enter into any other agreements necessary to facilitate the migration of the Council's Local Land Charges service to HMLR.

95. Exclusion of the Public

Members determined to exclude the public from the meeting before discussion took place on the items of business relating to Minute 100 (Item 21 Lower St James Street Heritage Action Zone), and Minute 101 (Item 22 Sale of Land at Holme Road) 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 3 of Schedule 12A of the Local Government Act 1972.

96. Lower St James St Heritage Action Zone

PURPOSE

The purpose of the report is to approve proposals to develop a Creative Hub project as part of the Lower St James's Street Historic Action Zone programme.

REASON FOR DECISION

In April 2020 Burnley Council successfully signed terms with Historic England, securing a grant of circa £1.261m to create a Heritage Action Zone on Lower St James Street. Along with match funding from the private sector, Lancashire County Council, the LEP and from Burnley Council, the total project value is £2,516,775.14. The funding is allocated to complete public realm works, grants for property refurbishments, community engagement with a specific amount ring-fenced for Burnley Council to acquire and transform a property into a hub for creative industries. The recommendations are required to progress the creative hub project.

DECISION

The Executive RESOLVED to:

- a) Authorise acquisition of the property referred to in paragraph 9 by the end of March 2022, in the HAZ project area for the purpose of renovation/redevelopment under the HAZ scheme.
- b) Authorise the Strategic Head of Economy and Growth in consultation with the Executive Member for Economy and Growth to appoint an operator/leasee for the project following a tender exercise.
- c) Authorise the tendering of any renovation works and delegate power to accept the tender to the Strategic Head of Economy and Growth, in consultation with the Head of Finance and Property and the Executive Member for Economy and Growth.
- d) Delegate authority to the Head of Finance and Property Services in consultation with Strategic Head of Economy and Growth and the Executive Member for Resources and Performance to agree terms for the disposal of the building on completion of the works to the organisation chosen at b) above on the terms set out in paragraph 13.
- e) Delegate authority to the Head of Legal and Democratic Services to execute all documents necessary to give effect to this decision.

97. Knowledge Quarter: Sale of Land at Stoneyholme Recreation Ground, Holme Road, Burnley
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PURPOSE

To seek authority to sell Burnley College 2.26 ha (5.57 acres), or thereabouts, of land at Holme Road, Burnley, shown edged red on the plan contained in Appendix 1, to enable the development of an extension to the existing College/UCLan complex at Princess Way, subject to planning permission.

REASON FOR DECISION

The sale of the land will facilitate the development of additional educational facilities on a key development site, in accordance with its allocation in the Local Plan and planning permission. It is anticipated that a completed scheme will attract an estimated 2,000 additional students to Burnley from a wide array of subject areas and study routes and create an estimated 150 full time equivalent new jobs.


DECISION

The Executive RESOLVED to:

- i. Delegate authority to the Head of Finance & Property to negotiate and agree the terms for sale of land at Holme Road, Burnley, as reported, in accordance with the planning resolution of the Development Control Committee and the associated decision.
- ii. Delegate authority to the Head of Legal & Democratic Services to complete all associated legal documentation to give effect to the decision.

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REPORT TO THE EXECUTIVE

 Burnley .gov.uk	DATE	14th February 2022
	PORTFOLIO	Resources & Performance Management
	REPORT AUTHOR	Margaret Rutherford
	TEL NO	01282 477305 or Ext 7305
	EMAIL	mrutherford@burnley.gov.uk

KNOWLEDGE QUARTER: SALE OF LAND AT STONEYHOLME RECREATION GROUND, HOLME ROAD, BURNLEY

PURPOSE

1. To seek authority to sell Burnley College 2.26 ha (5.57 acres), or thereabouts, of land at Holme Road, Burnley, shown edged red on the plan contained in Appendix 1, to enable the development of an extension to the existing College/UCLan complex at Princess Way, subject to planning permission.

RECOMMENDATION

2. That authority is delegated to the Head of Finance & Property to negotiate and agree the terms for sale of land at Holme Road, Burnley, as reported, in accordance with the planning resolution of the Development Control Committee and the associated decision.
3. That authority is delegated to the Head of Legal & Democratic Services to complete all associated legal documentation to give effect to the decision.

REASONS FOR RECOMMENDATION

4. The sale of the land will facilitate the development of additional educational facilities on a key development site, in accordance with its allocation in the Local Plan and planning permission. It is anticipated that a completed scheme will attract an estimated 2,000 additional students to Burnley from a wide array of subject areas and study routes and create an estimated 150 full time equivalent new jobs.

SUMMARY OF KEY POINTS

5. The 2.26 ha (5.57 acres) Holme Road site currently forms part of Stoneyholme recreation ground but most of it is allocated for employment use, including for educational development, in the current Local Plan. The site has been allocated for development in the Local Plan since the 1990's. Since then, the recreational facilities have been relocated from the site in preparation for development, for example, Lancashire County Council's Youth and Community Centre was opened on Daneshouse Road and a new play area created on a site at Burleigh Street. In the Clifton Street area, a play area at Clifton Street and Smith Street gardens were created. The boundaries of the proposed development site vary from the

boundaries of the area allocated for development in the Local Plan to take account of the topography of the site, its interface with the motorway embankment and retained recreational facilities and the College's adjoining campus.

6. Burnley College has identified the site as suitable for the expansion of its existing facilities and the Development Control Committee endorsed the proposed scheme at its meeting on 24th January 2022. The College is proposing to develop the site in two phases to provide a greater range of courses and attract an estimated 2,000 additional students through the provision of 2,381 sq m of new educational space. It is anticipated that the additional students will include 16-18 years olds furthering their education, high level university students, and adults retraining in key industry skills, in collaboration with local businesses. The College is currently developing new courses in engineering, construction, digital and health science, and many other subjects. The lack of digital expertise and training in the local workforce represents a major challenge to engineering and advanced manufacturing companies in the area which are under pressure to continue to operate competitive and efficient processes. Burnley College has close links with employers and currently offers apprenticeships and business training via Themis at its existing campus. To address industry's need, in 2020 the College obtained funding through the Government's Fast Track Digital Workforce Fund to assist experienced manual workers to transition into digital programming roles in the engineering sector. The College's £12.5m expansion proposals will build on existing initiatives and links with business.
7. The existing site currently includes a grassed football pitch, a multi-use games area and an artificial pitch facility. The area is used for informal recreation purposes by local communities and for an annual five-a-side football tournament. Phase 1 of the College's proposals include the development of an Industry Hub building (including smart factories, classrooms, offices, and meeting rooms). In addition, Phase 1 will include the development of a five-a-side pitch, and a community multi-use games area and outdoor gym on land to the north of the development site. These recreational facilities will be retained and managed by the Council and will be always available for free public use. A well-used definitive footpath and greenway is located to the north of the site and this route will remain as a public right of way. It is proposed to provide a new section of footpath to link it to Clifton Street and to improve existing facilities in the area including Clifton Street play area, Smith Street gardens and existing steps to improve access from Clifton Street to the area of the recreation ground which is to be retained for informal amenity use. Phase 2 of the development will include the development of two further educational buildings along the riverbank and a new car park.
8. A group of local residents and Ward Councillors objected to the proposed sale and consultation events to inform them of the detailed proposals have been held by the College; questions and answers generated from the consultation exercises are attached in Appendix 2. The College revised its plans because of the concerns raised and offered to hold briefings with Ward Councillors and stakeholders on a regular basis. Objections that were received as a result of the planning application have been dealt with via the planning process. The Development Control Committee at its meeting on 24th January 2022 resolved to delegate approval to the Head of Housing & Development to approve the

application subject to conditions, including a requirement for the College to enter into a Section 106 Agreement to secure Playing Pitch Mitigation and a Travel Plan contribution. There is also a statutory requirement for local authorities to advertise the proposed disposal of public open space for two consecutive weeks by placing a public notice in the local press and considering any objections received. The required adverts were placed in the Burnley Express several weeks ago and the Council received no objections or comments in response to them.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

9. This paragraph contains information relating to the financial or business affairs of any particular person (including the authority holding that information), and is exempt under Paragraph 3 of Schedule 12a, Local Government Act 1972.

POLICY IMPLICATIONS

10. The proposal will contribute to strategic objectives PE1 'We will work with partners to make the Borough a place of aspiration, including supporting efforts to increase education attainment and skills development' and PR4 'We will implement the Local Plan'.

DETAILS OF CONSULTATION

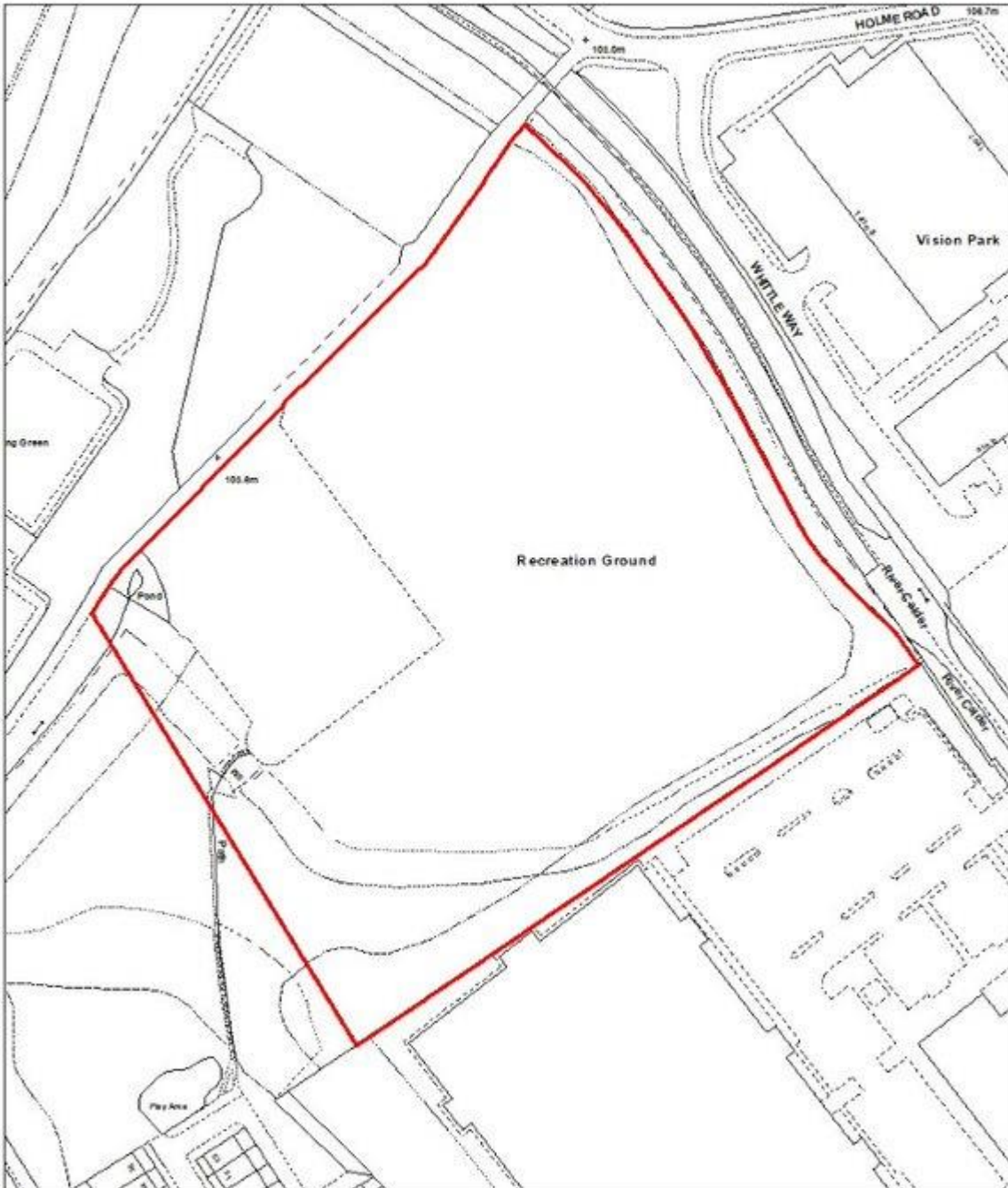
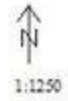
11. Trinity and Daneshouse with Stoneyholme Ward Councillors and residents.

BACKGROUND PAPERS

12. None

FURTHER INFORMATION: Please contact Margaret Rutherford Ext: 7305

Appendix 1
Land at Holme Road



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Appendix 2

Item	Question/Issue	Response
1.	Why can't the College be extended onto the vacant sites on the Vision Park (Site A fronting Princess Way)?	The Council cannot sell the vacant Site A to the College for it to develop its own scheme as the Council is already tied into a legal arrangement with Trebor to act as developer for that land. Phase 1 and the shared roads and car parks for Site A have already been constructed.
2.	How will the requirement for the College to provide the MUGA, fitness equipment and grass games area be guaranteed?	It will be a condition of planning consent and included as a condition in the sale of the land to be implemented within a fixed timescale. The MUGA, fitness area & pitch will be retained and maintained by the Council with open public access, free of charge 24/7
3.	How can the community be certain that the Council will not later decide to sell off any of the areas where the MUGA, fitness equipment and small grass pitch are developed?	The area that is being retained for the MUGA, fitness area and pitch is designated as protected open space in the local plan.
4.	The MUGA should be marked up for netball as well as basketball and the grass area to accommodate rounders well as football.	This comment has been noted and will be included in scheme.
5.	The steps down to the lower part of Stoneyholme Rec should be improved and the route and/or boundary of college site modified to allow this route to be maintained.	Steps will be repaired by the Council; the College will also move the "red line" boundary up to the tree line to ensure these steps go right through to the existing public footpath
6.	The slope down to College is popular for sledging and this should be able to continue.	Sledging can continue to the first tier and to the new boundary of the College site.
7.	The play area should be improved with existing equipment refurbished and a new zip line and picnic	Play area refurbishment will be included in Play Area Improvement Programme in consultation with local residents. The zip line that has been

	benches and mounds near play area levelled to create more useable space.	requested will be included in the scheme.
8.	Request to develop a new pump track.	The Council will develop a borough-wide strategy on the provision of small-wheeled sports areas and pump tracks, which will identify locations for any new developments. However, there is an existing pump track on Calder Park and so it is unlikely that a new track would be provided in the Clifton St area.
9.	The Community wishes to develop a community building on the Smith Street Community Garden site.	When Smith St Community Garden was developed mid 1990's a location for a modular community building was identified, but it was not developed because no funding was identified. We all need to work with the Council to understand what this will look like and develop this over the next couple of years, but the College will play its part - potentially a site cabin relocated when the development is complete?
10.	Stoneyholme Rec is valuable for biodiversity including barn owls and other raptors hunting across the site.	The College development retains many mature trees. Sloped grass areas will continue to be managed as meadow areas and the new wetland will increase biodiversity. The Council will develop a biodiversity plan (at same time as play area consultation with residents) for the Council retained recreation ground to improve meadow managed areas and manage woodland. The College will develop an ecology wildlife plan incl. tree retention, hunting habitat, grassland to show how key features are being retained.
11.	Residents are concerned about noise from early morning exercise classes.	The College will put actions in place to reduce this noise
12.	Residents are concerned about the view down the hill over the land.	College will produce a view to show what this will look like and demonstrate it will still look good; the new buildings will not overlook Clifton Street or the surrounding area.

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

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SCRUTINY COMMITTEE (MINUTE EXTRACT)

BURNLEY TOWN HALL

Thursday, 10th February, 2022 at 6.30 pm

81. Sale of Land at Holme Road (also known as Stoneyholme Recreation Ground)

Ian Chapman was present for this item

Howard Hamilton Smith reported on the proposed sale of land at Holme Road in Burnley.

Members made the following points;

-Residents were not fully consulted on the disposal of the land, it should retain its recreational status, any sale should be carried out on the open market and be revalued, that if realised at less than market value then be scrutinised further, the local community will be further penned in if the proposed sale takes place, and that a cabin should, be considered for the Friends of Clifton Street.

Lukman stated that the level of consultation was above and beyond what was required as set out in Paragraph 8 and reported on the statutory ability to dispose of land at an undervalue of up to £2 Million nature of sales at an undervalue for social or economic reasons. However the proposal here is not to dispose at an undervalue.

IT WAS AGREED

That the report be noted.

83. Exclusion of the Public

Members determined to exclude the public from the meeting before discussion took place on the items of business relating to Minute 85 (Item 23 Lower St James Street Heritage Action Zone), and Minute 84 (Item 24 Sale of Land at Holme Road) 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

84. Sale of Land at Holme Road (also known as Stoneyholme Recreation Ground)

This item was the next to be dealt with.

Howard Hamilton Smith reported further on the Sale of Land at Holme Road and referred to Paragraph 9 which contained Private information on the estimated value of the site. Members further discussed Paragraph 9 of Appendix 2 to the report, and a Motion was put forward by Councillor Martyn Hurt which was seconded by Councillor Scott Cunliffe to ring fence part of the sale money for a cabin for the Friends of Clifton Street. On being put to the vote the motion was lost.

IT WAS AGREED

That the report be endorsed, and that further clarity be obtained from the College regarding the issues referred to in Paragraph 9 of Appendix 2 regarding firming up their commitment to the Friends of Clifton Street to provide a portacabin.



Protocol for Scrutiny Call-in procedure

For the Scrutiny process to be effective and a satisfactory outcome achieved, it requires the active participation of all parties to the Call-in, throughout the process.

Pre Call-in Committee Meeting

- A Call-In form must be completed, signed and returned to the Head of Chief Executive's Office, by 5 non-Executive Members, within 5 working days from the date a decision has been published. Advice should be sought from the Democracy Office in relation to the completion of the form, prior to its submission.
- The Call-In form shall include sufficient space for a full description of the reasons for the call-in and any particular questions or issues that the Call-In Members would like to be addressed. This of course is at the discretion of the Committee, but will be given consideration as part of the review process.
- Ideally, at least 1 Member of the relevant Scrutiny Committee should sign the call-in form.
- The relevant Scrutiny Committee shall hold a pre-meeting to determine questions for the Call-in review and the format of that Committee meeting. Whilst Call-in Members may sit on the Committee, an invitation should, at the discretion of the Committee, be extended to at least one of the 5 Call-in Councillors to attend this session, in order to clarify the reasons for the call-in and specific points which might inform the setting of appropriate questions.

Call-in Committee Meeting

The over-riding principle is that the Chair and Members of the Committee involved in Call-In ultimately decide how the meeting is run, and subject to that the following protocol be adhered to;

The Committee should retain a degree of formality.

All parties to the call-in may attend all or part of the meeting, unless otherwise agreed by the Committee.

Following the Chair's welcome, the lead call-in Member should be given the opportunity to outline the reason(s) for the call-in, any background information and key points which they feel should be addressed as part of the review. This should be a period of no longer than 5 minutes, however it may be extended at the discretion of the Committee and this to be pro-actively raised at the meeting by the Chair

5.6-Sept 2010/091215

- The lead Call-In Member has the choice whether they speak before or after the public right to speak
- The lead Call-In Member to be able to submit their case in writing before or at the meeting, i.e. in addition to the opportunity to present their case at a pre-meeting
- Witnesses to be encouraged to provide a written answer to the questions which Members of the Committee had agreed at the pre-meeting
- The Chair to be pro-actively supported by Officers in the application of the protocol

Questioning of parties to the call-in should consist of:

1. Specific question allocated to a Committee Member
2. Opportunity for a supplementary question from that Member
3. Opportunity for further supplementary questions from the Committee

At the end of the process, Members of the Committee will be given the opportunity to express their individual views, the Chair will then summarise the discussion and the Committee proceed towards an outcome via consensus view or vote.

Scrutiny Procedure Rules

1. What will be the number and arrangements for scrutiny committees?

- 1.1 The Council will have 1 scrutiny committee and will appoint to it as it considers appropriate from time to time. The committee may appoint sub-committees/working groups. .
- 1.2 The Scrutiny Committee will comprise 17 Members unless otherwise agreed by the Council.

1.3 Co-ordination of the work of the Scrutiny Committee

A Panel comprising the Chairs and Vice Chairs of each Scrutiny Committee no longer exists, which was established with the following terms of reference:

- (a) Where matters fall within the remit of more than one scrutiny committee, to discuss and advise which of them will assume responsibility for any particular issue, and to advise on any issues of dispute between scrutiny committees unless they can be resolved by the relevant Chairs.
- (b) To consider requests from the Executive and/or the full Council for reports from scrutiny committees and to advise on their allocation, if appropriate, to one or more scrutiny committees if those requests do not clearly fall within the terms of reference of a Scrutiny Committee.
- (c) Where it is not possible to agree the allocation of tasks between Scrutiny Committees despite the intervention of the Co-ordinating Panel, the Chief Executive will determine the issue.
- (d) The panel may with the agreement of the members of the panel from time to time be joined by up to 3 Members of the Executive to facilitate joint working or joint planning. Relevant Executive Members attend Scrutiny Committees to present the Forward Plan (now Notice of Key Decisions and Private Part of Meeting) and to facilitate joint working between the Executive and Scrutiny.

Scrutiny Procedure Rules

2. Who may sit on the scrutiny committee?

Any Member of the Council who is not a Member of the Executive may be a member of the scrutiny committee. However, no Member may be involved in scrutinising a decision which he/she has been directly involved with.

3. Co-optees

The scrutiny committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

The Scrutiny Committee, in its capacity as the designated Crime and Disorder Overview and Scrutiny Committee only, may co-opt additional members from a responsible authority or co-operating body to serve on the Committee and this may be limited to a particular matter.

It shall not allow a person co-opted to vote on any particular matter, unless the Committee so determines.

4. Meetings of the scrutiny committees

There shall be at least 5 ordinary meetings of the scrutiny committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An extraordinary meeting of a scrutiny committee may be called by the chair of the scrutiny committee.

5. Quorum

The quorum for the scrutiny committee shall be one third as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

6. Who chairs the scrutiny committee meetings?

The Chair of the scrutiny committee will be appointed by the Council and be drawn from among the Members sitting on the committee. The Chair and Vice Chair will remain in office for the Municipal Year in which they are appointed unless the Council revokes that appointment, they resign from that office or are disqualified from the office of Councillor.

7. Work programme

The scrutiny committee will be responsible for setting its own work programme and in doing so they shall take into account wishes of all Members on that committee (The Co-ordinating Panel (see 1.3) no longer exists).

8. Agenda items

Any member of a scrutiny committees shall be entitled to give notice to the Head of Legal and Democratic Services that he/she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request the Head of Legal and Democratic Services will ensure that it is included on the next available agenda. The scrutiny committee shall also respond, as soon as its work programme permits, to requests from the Council, and, if it considers it appropriate the executive, to review particular areas of Council activity.

Scrutiny Procedure Rules

Where they do so, the scrutiny committee shall report its findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the scrutiny committee in the case of the Council, within two months, and for the Executive, within one month of receiving it.

9. Policy review and development

- (a) The role of the scrutiny committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the scrutiny committee may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (c) The Scrutiny committee may within the limits of any budget provided hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. It may undertake this role and engage with 3rd parties and the public in any way they feel necessary

10. Reports from the scrutiny committee

- (a) Once it has formed recommendations on proposals for development, the scrutiny committee will prepare a formal report and submit it to the Head of Legal and Democratic Services for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), and to the Council as appropriate.
- (b) The Executive shall consider the report of the scrutiny committee within 1 month of it being submitted to the Head of Legal and Democratic Services

Scrutiny Procedure Rules

11. Making sure that scrutiny reports are considered by the executive

- (a) Scrutiny Committee reports will be included on the Executive agendas within one month of submission to the Head of Legal and Democratic Services
- (b) The Scrutiny committee will in any event have access to the Executive's Notice of Key Decisions and Private Part of Meeting. Even where an item is not the subject of detailed proposals from a scrutiny committee following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Executive's consultation process in relation to any key decision.

12. Rights of scrutiny committees members to documents

- (a) In addition to their rights as Members, Members of the scrutiny committees have the additional right to documents to enable them to carry out their statutory functions.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and the scrutiny committee as appropriate depending on the particular matter under consideration.

13. Members and officers giving account

- (a) The scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the head of paid service and anyone on Chief Officer conditions of service (i.e. Head of Service and above) to attend before it to explain in relation to matters within their remit:
 - i) any particular decision or series of decisions;
 - ii) actions taken by them to implement Council policy; and/or
 - iii) their performance.

and it is the duty of those persons to attend if so required.

Scrutiny Procedure Rules

- (b) Where any member or officer is required to attend the scrutiny committee under this provision, the chair of the committee will inform the Head of Legal and Democratic Services. The Head of Legal and Democratic Services shall inform the member or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance to take place within a maximum of 20 working days from the date of the original request.

14. Attendance by others

The scrutiny committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and may invite those people to attend.

15. Call-in

Call-in should only be used in exceptional circumstances. These are where non Executive members have evidence which suggests that the Executive did not take the decision in accordance with the principles set out in Article 13 (Decision Making), e.g. inadequate consultation with stakeholders; insufficient supporting evidence, outside the terms of reference of the executive.

- (a) When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a key decision is made by an officer with delegated authority from the Executive, the decision shall be published, including distribution to all Members and where possible by electronic means, and shall be available at the Town Hall normally within 3 working days of being made.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless it is called in.
- (c) During that period, the Head of Legal and Democratic Services shall call-in a decision for scrutiny by the committee if so requested by any 5 Non Executive Members of the Council,

Scrutiny Procedure Rules

and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the scrutiny committee on such date as he/she may determine, where possible after consultation with the Chair of the committee, and in any case within 7 working days of the decision to call-in.

- (d) If, having considered the decision, the scrutiny committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. If referred to the decision maker they shall then reconsider within a further 15 working days, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the scrutiny committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Scrutiny meeting, or the expiry of that further 5 working day period referred to in 16(b), whichever is the earlier.
- (f) Decisions may only be called in once.

CALL-IN AND URGENCY

- (g) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would for example seriously prejudice the Council's or the public interest. The record

Scrutiny Procedure Rules

of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chair of the Scrutiny committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Vice Chair's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

16. The party whip

In this context the party whip means:

"Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner."

- (a) When considering any matter in respect of which a member of a scrutiny committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the start of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

17. Procedure at scrutiny committees meetings

- (a) scrutiny committees and sub-committees shall consider the following business:
 - i) minutes of the last meeting;
 - ii) declarations of interest (including whipping declarations);
 - iii) questions from the public;
 - iv) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
 - v) responses of the executive to reports of the scrutiny committees; and
 - vi) the business otherwise set out on the agenda for the meeting.

Scrutiny Procedure Rules

- (b) Where the scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
 - i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
 - iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
 - (c) Following any investigation or review, the committee shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public subject to the usual provisions relating to exempt or confidential information.
18. **Matters within the remit of more than one scrutiny committees** - only one scrutiny committee now exists
19. **Designated Crime and Disorder Scrutiny Committee**
- The Scrutiny Committee shall be the Council's designated crime and disorder scrutiny committee:
- (a) to review or scrutinise decisions made, or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions;
 - (b) to make reports or recommendations to Council with respect to the discharge of those functions;
 - (c) to have a frequency of meetings as the Committee considers appropriate but no less than once in every twelve month period dedicated to scrutinising crime and disorder matters;
 - (d) may co-opt additional members from a responsible authority or co-operating body to serve on the Committee and this may be limited to a particular matter: and
 - (e) shall not allow a person co-opted to vote on any particular matter, unless the Committee so determines."