



# Meeting of the Burnley Borough Council

To be held at 6.30 pm on  
Wednesday, 15th May, 2024





Sir or Madam,

Notice is given of a MEETING of the COUNCIL of the BOROUGH OF BURNLEY to be held at Council Chamber, Burnley Town Hall on

**DATE: Wednesday, 15th May, 2024**

**starting at 6.30 pm**

To transact the business specified below.

**Catherine Waudby**  
**Head of Legal and Democratic Services**

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

**Notice in writing of the subject matter must be given to the Head of Legal & Democratic Services by 5.00 pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or from the web at: [Request to speak form](#). You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.**

**All Full Council meetings are livestreamed on the Council's [Youtube Channel](#)**

**Due to limited space in the venue members of the public wishing to observe the meeting are advised to watch the live stream on Youtube. Priority will be given to those who have registered to speak. Remaining seating will be allocated on a first come, first served basis.**

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

1. Minutes of the Last Meeting 5 - 10  
To receive, as read, the Minutes of the proceedings of the previous Council meeting, held on 17<sup>th</sup> April 2024, and to confirm them or otherwise.
  
2. Declarations of Interest  
To receive any declarations of interest.

3. Mayor's Communications  
To receive communications (if any) from His Worshipful the Mayor.
4. Public Question Time  
To receive questions, statements or petitions (if any) from members of the public.
5. Appointment by the Leader of the Executive and Executive Portfolios 11 - 12  
To note the appointment, by the Leader, of the Executive and the Executive Portfolios should any changes be made.
6. Items for Decision by the Council
  - a) Updated Statutory Scrutiny Guidance 13 - 48  
To note the introduction of new Scrutiny Guidance.
  - b) Appointments to Committees and Working Groups 2024/25 49 - 58  
To consider the appointments to Committees, Working Groups and Panels for 2024/25.
  - c) Appointment of Chairs and Vice-chairs 2024/25 59 - 60  
To consider the appointment of Chairs and Vice-chairs for 2024/25.
  - d) Appointments to Outside Bodies 2024/25 61 - 76  
To consider the appointment of the Council's representatives on Outside Bodies for 2024/25.
  - e) Constitutional Updates and Reporting 77 - 86  
To note the use of call-in waivers relating to urgent decisions.
7. Questions  
To deal with questions (if any) relating to matters not contained in the Minutes before the Council and of which notice in writing has been received in accordance with Standing Order Nos. 10(2) and 10(3).

#### Councillor Attendance

Please use the link below to access Councillor attendance records. You can refine your search by time or by committee.

<http://burnley.moderngov.co.uk/mgUserAttendanceSummary.aspx>



## BURNLEY BOROUGH COUNCIL FULL COUNCIL

COUNCIL CHAMBER, BURNLEY TOWN HALL

Wednesday, 17th April, 2024

### PRESENT

### MEMBERS

His Worshipful The Mayor (Councillor Arif Khan) in the Chair;

Councillors S Hussain (Vice-Chair), A Anwar, L Ashworth, H Baker, G Barton, G Birtwistle, H Bridges, C Briggs, J Broughton, S Chaudhary, S Cunliffe, S Graham, Hall, J Harbour, B Horrocks, A Hosker, B Hughes, M Hurt, J Inckle, M Ishtiaq, M Johnstone, N Kazmi, S Kazmi, A Kelly, L Khan, J Launer, A Lewis, G Lishman, M Lishman, S Lone, N Mottershead, A Raja, P Reynolds, C Sollis, M Steel, J Sumner, M Townsend, D Whitaker and F Wild

### OFFICERS

Lukman Patel	– Chief Executive
Rob Dobson	– Chief Operating Officer
Catherine Waudby	– Head of Legal and Democratic Services
Paul Gatrell	– Head of Housing & Development Control
Chris Gay	– Governance Manager
Carol Eddleston	– Democracy Officer
Janet Filbin	– Principal Planner
Laura Golledge	– Planning Manager
Alison McEwan	– Democracy Officer
CJ Walmsley	– Democracy Officer
David Bristow	– Mayor's Officer

### 90 Minutes of the Last Meeting

RESOLVED, THAT: The Minutes of the meeting of the Council held on 27<sup>th</sup> February 2024 be confirmed and signed by the Chair.

### 91 Declarations of Interest

There were no declarations of interest in any of the items on the agenda.

## **92 Mayor's Communications**

The Mayor presented Long Service Awards to Councillors Lubna Khan and Asif Raja in appreciation for their eight years' service to the Council. Councillor Neil Mottershead a Long Service Award on behalf of Councillor Payne who would also have completed eight years' service to the Council by the end of the Municipal Year.

The Mayor thanked the members who were standing for re-election on 2<sup>nd</sup> May: Councillors Saeed Chaudhary, Scott Cunliffe, Bill Horrocks, Alan Hosker, Martyn Hurt, Jackie Inckle, Karen Ingham, Lubna Khan, Margaret Lishman, Asif Raja and Don Whitaker.

The Mayor also thanked those members who, in addition to himself, were retiring at the end of the municipal year: Councillors Marcus Johnstone, Mark Payne and Andy Wight.

## **93 Public Question Time**

The following members of the public addressed the meeting under the right to speak policy:

Mr Daniel Brooks – Fortnightly waste collection.

Mr David Roper – Electric Vehicle charging points.

Mrs Nicola Dean – FUL/2021/0691 – Land South of Rossendale Road.

Mr Karl Walker – FUL/2021/0691 – Land South of Rossendale Road.

Ms Deborah Smith – FUL/2022/0629 – Land West of Heckenhurst Avenue.

## **94 Planning Performance - Quality of Decision making on Major Applications**

RESOLVED, THAT: The report be noted.

## **95 Exclusion of the Public**

In the course of the debate on minute number 95 [agenda item 6b FUL/2021/0691 – Land south of Rossendale Road], it was proposed by Councillor Mark Townsend and seconded by Councillor Sue Graham that the public be excluded from the meeting in order to allow members to discuss the privileged legal information that had been circulated to members in relation to that item and minute number 96 [agenda item 6c FUL/2022/0629 – Land west of Heckenhurst Avenue, Burnside, Burnley].

On being put to the vote at 19:55 the motion was declared to be carried and it was RESOLVED accordingly.

## **96 Re-admittance of the Public**

The public was re-admitted to the meeting at 20:30.

## **97 Land South of Rossendale Road, Burnley**

Consideration was given to a report on planning application FUL/2021/0691 – Land south of Rossendale Road, Burnley.

It was moved by Councillor Gordon Birtwistle and seconded by Councillor Alan Hosker:

That Full Council refuse the application on the grounds of IC5 which relates to the safeguarding of existing and local infrastructure.

As the motion was contrary to officer recommendation, the Head of Legal and Democratic Services gave the following costs warning:

'May I remind members that any decision taken in this matter must be based on, and only on, proper planning grounds reflecting your planning judgment of the case. Your officers have advised fully in relation to the relevant material considerations and policy background and you should consider that advice carefully. Whilst you are not bound to follow that advice, in any appeal proceedings arising out of the decision you make, the Council will be expected to produce evidence to substantiate each reason for refusal, by reference to the Development Plan and all other material considerations. If the Council fail to, or cannot do so, then costs may be awarded against it.

To re-iterate, you are not bound to adopt the professional or technical advice given by your own officers, or received from statutory bodies or consultees. However, you will be expected to show that you had reasonable planning grounds for taking a decision contrary to such advice and are able to produce relevant evidence to support your decision in all respects. If the Council were to fail to do so, it may be liable to have costs awarded against it.

Whether or not an adverse costs order may, or may not, be made and how much that may, or may not, amount to, is, however, not a material consideration and is therefore not something you should be considering in deciding whether planning permission should be granted or not'.

On being put to the vote the motion was declared to be lost.

It was moved by Councillor Mark Townsend and seconded by Councillor Bill Horrocks that:

The application be delegated to the Head of Housing and Development Control to approve subject to the applicant entering into a Section 106 Agreement to secure contributions to highway improvements, education, to provide affordable housing and a scheme for open space management and responsibilities.

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

### **Duration of Meeting**

In accordance with Council Procedure Rule 13(1), members considered a motion without notice to continue the meeting beyond three hours in duration to allow the remaining business on the agenda to be transacted. It was RESOLVED accordingly.

### **98 Land West of Heckenhurst Avenue, Brownside, Burnley**

Consideration was given to a report on planning application FUL/2022/0629 – Land West of Heckenhurst Avenue, Brownside, Burnley.

It was moved by Councillor Saeed Chaudhary and seconded by Councillor Gail Barton:

That the application be delegated to the Head of Housing and Development Control to approve subject to a section 106 Agreement to secure affordable housing, open space improvements, greenway creation and maintenance and management of public open space, reservoir walls and SuDS and education and highway contributions.

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

### **Adjournment of Meeting**

The Mayor adjourned the meeting at 21:45.

The meeting reconvened at 22:00.

### **99 Constitutional Updates and Reporting**

Consideration was given to a report setting out a number of items for noting, endorsement and approval.

RESOLVED, THAT Council:

1. Note the call-in waiver relating to an urgent Executive delegated decision taken by the Chief Executive on 7<sup>th</sup> March 2024 relating to the Local Authority Housing Fund (LAHF) for Temporary Accommodation (Appendix 1).
2. Note the Council delegated decision taken by the Chief Executive on 7<sup>th</sup> March 2024 relating to temporary changes to polling stations (Appendix 2).
3. Note the following minor changes to the Constitution to be made by the Monitoring Officer:
  - a) Part 4g Contract Procedures Rules - Contract value thresholds in the contents list to be updated to align with the values contained within the procedure rules themselves (Appendix 3).
  - b) Part 5a Arrangements for Dealing with Complaints against Elected Members under the Code of Conduct for Members – Reference to Lukman Patel as Monitoring Officer to be updated to Catherine Waudby as Monitoring Officer and reference to an online form has been added (Appendix 4).
  - c) Part 5j Protocol for Members of the Audit and Standards Committee and any sub-committees – Reference to Lukman Patel as Monitoring Officer to be updated to Catherine Waudby as Monitoring Officer (Appendix 5).
4. Endorse the recommendations from the Audit and Standards Committee to recruit a third Independent Person (Appendix 6).
5. Approve a change in the Constitution to preclude the use of council addresses for the purposes of imprints on printed and digital political campaign materials (Appendix 7).
6. Approve that the appointment of the 'Opposition Member on Burnley Town Board' be for a maximum of three years. The three-year term will come to an end if the holder is no longer in office or they are removed by the principal authority.



## **100 Development Control Committee - Decisions Substantially Contrary to the Local Plan**

Consideration was given to a report relating to Part 3 of the Scheme of Delegation, 1. Council Functions a) Development Control Committee.

RESOLVED, THAT:

- 1) Full Council approve the removal of the provision from Part 3 of the Scheme of Delegation, Council Functions, a) Development Control Committee which requires Development Control decisions which are substantially contrary to the Local Plan to be referred to Full Council.
- 2) Full Council approve the following alternative provision which shall be inserted into Part 1a)

On a planning matter where the Head of Housing and Development Control / Legal Officer has advised before the vote is taken that the decision that the Development Control Committee is minded to take would represent:

- (a) decisions which would be substantially contrary to Burnley's Local Plan or any clearly stated Council policy; or
- (b) decisions which would give rise to substantial claims for compensation, the vote taken by Development Control Committee will not be effective, and the matter will be deferred until the next meeting of Development Control Committee so that the planning decision can be referred to the Head of Legal and Democratic Services for him/her to provide legal advice on the matter which will be presented to the Committee at its next meeting.

## **101 Urgent Executive Decisions**

RESOLVED, THAT: The report be noted.

## **102 Reports from Committee Chairs**

RESOLVED, THAT: The reports of Committee Chairs be noted.

## **103 Strategic Plan Progress Reports**

RESOLVED, THAT: the Strategic Plan Progress Reports of Executive Members be noted.

## **104 Questions**

No notice of questions had been submitted in writing in accordance with Council Procedure Rule 10(2).

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## ITEM 5

### Appointment by the of Executive Members and Portfolio Titles

Existing portfolios as at 7<sup>th</sup> May 2024

<b>EXECUTIVE MEMBERS 2024/25</b>	<b>PORTFOLIOS 2024/25</b>
Afrasiab Anwar	Leader
Margaret Lishman	Deputy Leader
Margaret Lishman	Executive Member for Resources & Performance
	Executive Member for Sustainable Development & Growth
Lubna Khan	Executive Member for Housing & Development Control
Howard Baker	Executive Member for Community & Environmental Services
Jack Launer	Executive Member for Health, Culture & Wellbeing

If there are any changes:

The Leader will approve the detailed Executive portfolios to be reported at the first meeting of the Executive on 12<sup>th</sup> June 2024 and these will also be reported to the next Ordinary Council meeting on 17<sup>th</sup> July 2024.

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## UPDATED STATUTORY SCRUTINY GUIDANCE

### FULL COUNCIL



<b>DATE</b>	15 <sup>th</sup> May 2024
<b>PORTFOLIO</b>	NONE
<b>REPORT AUTHOR</b>	ALISON MCEWAN
<b>TEL NO</b>	01282 477259
<b>EMAIL</b>	<a href="mailto:amcewan@burnley.gov.uk">amcewan@burnley.gov.uk</a>

### PURPOSE

1. To inform members of updated statutory guidance for Overview & Scrutiny Committees.

### RECOMMENDATION

2. That Council notes the updated guidance.

### REASONS FOR RECOMMENDATION

3. To ensure that the Scrutiny Committee utilises the most recent guidance.

### SUMMARY OF KEY POINTS

4. Statutory guidance to Overview & Scrutiny Committees was last issued in 2019.
5. The aim of the guidance was to ensure Councils knew the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring.
6. Following the further devolution of powers and funding to local areas and the establishment of combined authorities and combined county authorities the government has updated the guidance.

### FINANCIAL IMPLICATIONS AND BUDGET PROVISION

7. None

### POLICY IMPLICATIONS

8. None

### DETAILS OF CONSULTATION

9. Chair of Scrutiny

**BACKGROUND PAPERS**

10. None

**FURTHER INFORMATION**

**PLEASE CONTACT:**

**ALSO:**

[Home](#) > [Regional and local government](#)

> [Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities](#)

[Department for  
Levelling Up,  
Housing &  
Communities](#)

Statutory guidance

# Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities

Published 22 April 2024

## Applies to England

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Annex 2: Illustrative scenario – engaging independent technical advisers

Annex 3: Illustrative scenario – approaching an external organisation to appear before a committee





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# Ministerial foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account remains fundamentally important to the functioning of local democracy. Effective local authority decision-making is crucial for sector sustainability, and this updated guidance reinforces the role that overview and scrutiny has in making such decisions.

Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils, combined authorities and combined county authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

Authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

This guidance reflects new developments such as the further devolution of powers and funding to local areas and the establishment of combined authorities and combined county authorities. Just as the principles in this statutory guidance apply to the good scrutiny function of councils, they are equally fundamental to that of English institutions with devolved powers. The accountability of these institutions is core to the success of areas with devolution agreements, and they should use this guidance alongside that in the English Devolution Accountability Framework and the Scrutiny Protocol.

Government recognises that all authorities have democratic mandates, are ultimately accountable to local people and that authorities themselves are best placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I strongly urge all councils, combined authorities and combined county authorities to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.

**Simon Hoare MP**  
**Minister for Local Government**

# About this guidance

## Who the guidance is for

This document is aimed at councils, combined authorities and combined county authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, scrutiny officers and any officers with a role in supporting scrutiny committees.

## Aim of the guidance

This guidance seeks to ensure councils, combined authorities and combined county authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices all authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

## Status of the guidance

This is statutory guidance from the Department for Levelling Up, Housing and Communities. Overview and scrutiny Page 19 of local authorities, combined

authorities and combined county authorities must have regard to it when exercising, or deciding whether to exercise, any of their functions. The phrase ‘must have regard’, when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under [section 9Q of the Local Government Act 2000](https://www.legislation.gov.uk/ukpga/2000/22/section/9Q) (<https://www.legislation.gov.uk/ukpga/2000/22/section/9Q>) and under [paragraph 2\(9\) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009](https://www.legislation.gov.uk/ukpga/2009/20/schedule/5A) (<https://www.legislation.gov.uk/ukpga/2009/20/schedule/5A>) and under [paragraph 2\(9\) of Schedule 1 to the Levelling-up and Regeneration Act 2023](https://www.legislation.gov.uk/ukpga/2023/55/schedule/1/paragraph/2/enacted) (<https://www.legislation.gov.uk/ukpga/2023/55/schedule/1/paragraph/2/enacted>), which require authorities to have regard to this guidance.

In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Governance and Scrutiny, when exercising their overview and scrutiny functions. Areas with a devolution deal should further consider the Scrutiny Protocol issued by government on 22 November 2023 (see paragraph 7).

## Terminology

Unless ‘overview’ is specifically mentioned, the term ‘scrutiny’ refers to both overview and scrutiny<sup>[footnote 1]</sup>. Where the term ‘authority’ is used, it refers to councils, combined authorities and combined county authorities. Where the term ‘Council’ is used, it means a county council in England, a district council or a London borough council, this definition includes unitary authorities<sup>[footnote 2]</sup>.

Where the term ‘scrutiny committee’ is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to functions conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups commissioned by formal committees.

Where the term ‘executive’ is used, it refers to executive members.

For combined authorities, references to the ‘executive’ or ‘cabinet’ should be interpreted as relating to the mayor (where applicable) and all the authority

members including non-constituent members and associate members as well as constituent council members.

For authorities operating committee rather than executive arrangements, references to the 'executive' or 'cabinet' should be interpreted as relating to councillors in leadership positions.

## Expiry or review date

This guidance was published on 22 April 2024 and replaces guidance published on 7 May 2019.

This guidance will be kept under review and updated as necessary.

# 1. Introduction and context

## Legislative context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of a local authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
2. The requirement for councils in England to establish overview and scrutiny committees is set out in [sections 9F to 9FI of the Local Government Act 2000](https://www.legislation.gov.uk/ukpga/2000/22/part/1A/chapter/2/crossheading/overview-and-scrutiny-committees) (<https://www.legislation.gov.uk/ukpga/2000/22/part/1A/chapter/2/crossheading/overview-and-scrutiny-committees>) as amended by the Localism Act 2011. The Localism Act amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been updated since 2000.
3. Requirements for combined authorities are set out in [Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009](https://www.legislation.gov.uk/ukpga/2009/20/schedule/5A) (<https://www.legislation.gov.uk/ukpga/2009/20/schedule/5A>)<sup>footnote 31</sup> and those for

combined county authorities are set out in Schedule 1 to the Levelling-up and Regeneration Act 2023<sup>[footnote 4]</sup>.

## What overview and scrutiny committees do

4. Overview and scrutiny committees have statutory powers<sup>[footnote 5]</sup> to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Combined authority and combined county authority overview and scrutiny committees also have powers to review or scrutinise decisions made, or other action taken, in connection with the discharge by the mayor of any general (i.e. non-PCC) functions. Overview and scrutiny committees may make reports or recommendations to the authority or mayor about the discharge of their respective functions, and also on matters that affect the authority's area or the inhabitants of the area. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- provide constructive 'critical friend' challenge
- amplify the voices and concerns of the public
- be led by independent<sup>[footnote 6]</sup> people who take responsibility for their role
- drive improvement in public services and strategic decision-making

5. Current overview and scrutiny legislation recognises that authorities are locally accountable<sup>[footnote 7]</sup>. Authorities themselves are best placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.

6. In producing this guidance, the government fully recognises these authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities and combined county authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

7. The ongoing deeper devolution of powers and funding to local areas brings the requirement and provision for greater accountability. It is crucial that the local scrutiny of institutions with devolved powers sets robust standards to hold them to account for delivery, as well as playing a crucial role in policy and strategy

development. This is particularly important when scrutinising devolved powers. To strengthen the scrutiny for those English institutions with devolved powers, government has published [the Scrutiny Protocol guidance](https://www.gov.uk/government/publications/scrutiny-protocol-for-english-institutions-with-devolved-powers/scrutiny-protocol) (<https://www.gov.uk/government/publications/scrutiny-protocol-for-english-institutions-with-devolved-powers/scrutiny-protocol>) which can be considered a supplement to this advice for those institutions.

## 2. Culture

8. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.

9. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, including any directly elected mayor, given their role in setting and maintaining the culture of an authority.

10. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for, and engagement with, the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.

11. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports<sup>[footnote 8]</sup>. Failures in scrutiny can therefore help to create a negative public image of an authority as a whole.

### How to establish a strong organisational culture

12. Authorities can establish a strong organisational culture by:

(a) Recognising scrutiny's legal and democratic legitimacy

All members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all councils

operating executive arrangements and for all combined authorities and combined county authorities.

Scrutiny committee members have a unique legitimacy derived from their being democratically elected councillors in the first instance. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

#### (b) Identifying a clear role and focus

Authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly add value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see [chapter 6](#)).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. See further [guidance on whistleblowing \(https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers\)](https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers).

#### (c) Ensuring early and regular engagement between the executive and scrutiny

Authorities should ensure early and regular discussion takes place between the scrutiny function, the executive and any directly elected mayor, especially regarding the executive's or directly elected mayor's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive or mayor should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of patronage, and the committee itself



should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a ‘critical friend’ not a de facto ‘opposition’. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see [chapter 4](#)); and

- The chair of the scrutiny committee should determine the nature and extent of an executive member’s or mayor’s participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

#### (d) Managing disagreement

Effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive or mayor will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive (including any directly elected mayor) and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way an authority can achieve this is by setting its own ‘executive-scrutiny protocol’ (see [annex 1](#)) which can help define the relationship between the parties and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often, the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis to demonstrate the impact of scrutiny and seek ongoing improvement of scrutiny functions.

Scrutiny committees do have the power to ‘call in’ decisions, i.e. ask the executive or mayor to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

#### (e) Providing the necessary support

While the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority’s own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see [chapter 5](#)).

## (f) Ensuring impartial advice from officers

Authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by ‘statutory officers’ – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.

## (g) Communicating scrutiny’s role and purpose to the wider authority

The scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority’s wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.

## (h) Maintaining the interest of full Council in the work of the scrutiny committee

Part of communicating scrutiny’s role and purpose to the wider authority should, in a local authority, happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council’s work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council’s capacity to consider and respond in a timely manner. Such reports would supplement the annual report to full Council on scrutiny’s activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the combined authority or combined county authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the combined authority or combined county authority board, and the committee should consider also reporting to the chairs of the relevant scrutiny committees of constituent and non-constituent councils, including councils which nominate non-constituent members.

At those chairs’ discretion, particular combined authority or combined county authority scrutiny outcomes, and what they might mean for each individual area,

could be either discussed by scrutiny in committee or referred to full Council of the constituent councils and councils which nominate non-constituent members.

(i) Communicating scrutiny's role to the public

Authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see [chapter 6](#)).

(j) Ensuring scrutiny members are supported in having an independent mindset

Formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers. Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 26).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

## Directly elected mayoral systems

13. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.

14. Authorities with a directly elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:

- rights of access to documents by the press, public and authority members
- transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups
- delegated decisions by the Mayor
- whistleblowing protections for both ~~Page 27~~ councillors

- powers of Full Council, where applicable, to question and review

15. Authorities with a directly elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 45). In combined authorities and combined county authorities, mayors typically exercise specified functions; scrutiny functions in such mayoral authorities should consider how best to ensure that both the authority and the mayor are held accountable for the exercise of their respective functions. For example, should there be different committees for each?

### 3. Resourcing

16. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.

17. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.

18. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- scrutiny's legal powers and responsibilities
- the particular role and remit scrutiny will play in the authority
- the training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations
- the need for ad hoc external support where expertise does not exist in the authority
- effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people

- effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions

## Statutory scrutiny officers

19. Combined authorities, combined county authorities and upper and single tier authorities are required to designate a statutory scrutiny officer<sup>[footnote 9]</sup>, someone whose role is to:

- promote the role of the authority's scrutiny committee
- provide support to the scrutiny committee and its members
- provide support and guidance to members (including any mayor) and officers relating to the functions of the scrutiny committee

20. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

## Officer resource models

21. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:

- committee – officers are drawn from specific policy or service areas
- integrated – officers are drawn from the corporate centre and also service the executive and/or mayor
- specialist – officers are dedicated to scrutiny

22. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.

23. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation. **Page 29**

## 4. Selecting committee members

24. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.

25. While there are political proportionality requirements that must be met<sup>[footnote 10]</sup>, the selection of the chair and other committee members is for each authority to decide for itself. In a combined authority or combined county authority, the chair must be either an independent person or an appropriate person – both terms are defined in legislation.<sup>[footnote 11]</sup>

Members invariably have different skill sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

26. Local authorities are reminded that members of the executive cannot be members of a scrutiny committee<sup>[footnote 12]</sup>. Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Local authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 32), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.

27. Members or substitute members of a combined authority or combined county authority must not be members of its overview and scrutiny committee(s)<sup>[footnote 13]</sup>. This includes any mayor and any non-constituent members and associate members of the authority. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's or combined county authority's overview and scrutiny committee.

### Selecting individual committee members

28. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve. Combined authorities and combined county authorities may also want to consider the balance of committee members drawn from each constituent council.

29. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 25).

## Selecting a chair

30. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.

31. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 28 and 29) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

32. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of the decisions made by close friends or relatives<sup>[footnote 14]</sup>. Combined authorities and combined county authorities should note the legal requirements that apply to them where the Chair is an "independent person"<sup>[footnote 15]</sup>.

33. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined authorities and combined county authorities whose chair is an "appropriate person" should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair<sup>[footnote 16]</sup>.

## Training for committee members

34. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.

35. When deciding on training requirements for committee members, authorities should consider talking to other similar authorities to share learning and expertise as well as taking advantage of opportunities offered by their sector membership bodies and external providers.

## Co-option and technical advice

36. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

37. There are two principal ways to procure this:

- co-option – formal co-option is provided for in legislation<sup>[footnote 17]</sup>. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees
- technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see [annex 2](#))

## 5. Power to access information

38. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.

39. This need is recognised in law, with members of scrutiny committees enjoying powers to access information<sup>[footnote 18]</sup>. In particular, legislation gives enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for members to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

40. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.



41. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.

42. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

43. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision<sup>[footnote 19]</sup>. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

44. Legislation stipulates a timeframe for executives to comply with requests from a scrutiny member<sup>[footnote 20]</sup>. When agreeing to such requests, authorities should:

- consider whether seeking clarification from the information requester could help better target the request
- ensure the information is supplied in a format appropriate to the recipient's needs

45. Scrutiny committees should be aware of their legal power to require members of the executive, including any directly elected mayor and deputy mayor, and officers to attend before them to answer questions<sup>[footnote 21]</sup>. It is the duty of members and officers to comply with such requests<sup>[footnote 22]</sup>.

## Seeking information from external organisations

46. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources and should note in particular their statutory powers to invite other persons to attend meetings of the committee and to access information from certain external organisations.

47. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see [annex 3](#)), scrutiny committees should consider the following:

(a) The need to explain the purpose of scrutiny

The organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request.

(b) The benefits of an informal approach

Individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted.

(c) How to encourage compliance with the request

Scrutiny committees will want to frame their approach on a case-by-case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to 'set the record straight' in a public setting.

(d) Who to approach

A committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority's pre-existing relationship with it.

Scrutiny committees will often have a keen interest in ‘following the tax-payer pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the authority has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a requirement for them to supply information to or appear before scrutiny committees.

## 6. Planning work

48. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.

49. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees’ work to make best use of the total resources available.

### Being clear about scrutiny’s role

50. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects ‘the area, or the area’s inhabitants’, authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.

51. Different overall roles could include having a focus on risk, the authority’s finances, or on the way the authority works with its partners.

52. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.

53. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

## Who to speak to

54. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:

### The public

It is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

### The authority's partners

Relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:

- public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers)
- voluntary sector partners
- contractors and commissioning partners (including partners in joint ventures and authority-owned companies)
- in parished areas, town and parish councils

- in combined authority and combined county authority areas, constituent councils
- in combined county authority areas, councils which nominate non-constituent members
- neighbouring principal councils (both in two-tier and unitary areas)
- cross-authority bodies and organisations, such as Local Enterprise Partnerships<sup>[[footnote 23](#)]</sup>

## The executive

A principal partner in discussions on the work programme should be the executive, including any directly elected mayor (and senior officers). The executive should not direct scrutiny's work (see [chapter 2](#), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

## Information sources

55. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- performance information from across the authority and its partners
- finance and risk information from across the authority and its partners
- corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries
- business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny
- reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman

As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see guidance on [Open and accountable local government \(https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide\)](https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide)).

56. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

## Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

57. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

58. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

## Carrying out work

59. Selected topics can be scrutinised in several ways, including:

- (a) As a single item on a committee agenda,

This often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue.

(b) At a single meeting

Which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a given subject, or to have a meeting at which evidence is taken from a number of witnesses.

(c) At a task and finish review of two or three meetings

Short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less.

(d) Via a longer-term task and finish review

The ‘traditional’ task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters.

(e) By establishing a ‘standing panel’

This falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

## 7. Evidence sessions

60. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal ‘task and finish’ groups or at standalone sessions.

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

## How to plan

61. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

62. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.

63. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.

64. After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.

## Developing recommendations

65. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by committee members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.



66. The drafting of reports is usually, but not always, carried out by officers, directed by members.

67. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:

i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;

ii. the development of those findings, which will set out some areas on which recommendations might be made; and

iii. the drafting of the full report.

68. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.

69. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

## **Annex 1: Illustrative scenario – creating an executive-scrutiny protocol**

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective. English institutions with devolved powers should consider the advice in the [Scrutiny Protocol](#)

(<https://www.gov.uk/government/publications/scrutiny-protocol-for-english-institutions-with->

[devolved-powers/scrutiny-protocol](#)) to further inform development of their own protocol.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed).
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members.
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings.
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings.
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

## **Annex 2: Illustrative scenario – engaging independent technical advisers**

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

## **Annex 3: Illustrative scenario – approaching an external organisation to appear before a committee**

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives. At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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1. A distinction is often drawn between ‘overview’ which focuses on the development of policy, and ‘scrutiny’ which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.
  2. As defined in section 9R of the Local Government Act 2000.
  3. Added by section 8 of and Schedule 3 to the Cities and Local Government Devolution Act 2016 and further amended by section 70 of the Levelling-up and Regeneration Act 2023.
  4. Further provision for combined authority and combined county authority scrutiny is set out in The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) (S.I. 2017/ 68). Note this SI has been amended by S.I.2024/430.
  5. Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009; and paragraph 1 of Schedule 1 to the Levelling-up and Regeneration Act 2023.
  6. Combined authority and combined county authority overview and scrutiny committees must have a chair who is either an “independent person” or an

- “appropriate person” – both terms are defined in legislation.
7. Combined authorities and combined county authorities may have directly elected mayors and their constituent council members are elected members of those councils appointed to the authority.
  8. See Part 1 of the Local Government Act 1999.
  9. Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
  10. See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).
  11. “Appropriate person” is defined at para 3(5) of schedule 1 to the 2023 Act and art.5(6) of S.I. 2017/68 for combined county authorities and at para 3(5) of schedule 5A to the 2009 Act and art.5(6) of S.I. 2017/68 for combined authorities. “Independent person” is defined at art.5(2) of S.I. 2017/68 for both combined authorities and combined county authorities.
  12. Section 9FA(3) of the Local Government Act 2000.
  13. Paragraph 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009 and paragraph 2(3) of Schedule 1 to the Levelling-up and Regeneration Act 2023.
  14. A definition of ‘relative’ can be found at section 28(10) of the Localism Act 2011 and article 2(2) of The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
  15. See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).
  16. Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
  17. Section 9FA(4) Local Government Act 2000.
  18. Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
  19. Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

20. Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
21. Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009; paragraph 2(6) of Schedule 1 to the Levelling-up and Regeneration Act 2023.
22. Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009; paragraph 2(7) of Schedule 1 to the Levelling-up and Regeneration Act 2023.
23. Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

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**Appointments to Committees, Working Groups and Panels for the 2024/25 Municipal Year**

**REPORT TO FULL COUNCIL**



<b>DATE</b>	15/05/2024
<b>PORTFOLIO</b>	None
<b>REPORT AUTHOR</b>	Alison McEwan
	01282 477259
	<a href="mailto:amcewan@burnley.gov.uk">amcewan@burnley.gov.uk</a>

**PURPOSE**

1. To update the appointments to Committees, Working Groups and Panels for the 2024/25 Municipal Year.

**RECOMMENDATION**

2. The Appointments Council is asked to:
  - i. Approve the committees, working groups and panels to be appointed as outlined in Appendix 1 to the report, including their size and terms of reference; and
  - ii. Approve the membership of each of the committees, working groups, forums and panels as outlined in Appendix 2 (**completed lists to follow**).

**REASONS FOR RECOMMENDATION**

3. To comply with legislation and to ensure that the Council continues to have an effective decision-making structure.

**SUMMARY OF KEY POINTS**

4. At the beginning of the Municipal Year the Council is required to decide which committees, working groups and panels to establish for the ensuing year and to make the appointments in accordance with the statutory political balance calculation where relevant, and as required by the Local Government and Housing Act 1989.
5. Burnley Borough Council Elections have been held in May 2024, and therefore Members are required to establish and appoint to committees, working groups, and panels for 2024-25 Municipal Year.
6. A list detailing the nominations to serve on the committees, working groups, and panels will be circulated as a supplement to this agenda, and Members will be asked to approve these nominations.

**FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

7. None

**POLICY IMPLICATIONS**

8. None

**DETAILS OF CONSULTATION**

9. Management Team, Group Leaders

**BACKGROUND PAPERS**

10. None

**FURTHER INFORMATION**

**PLEASE CONTACT:**

**Catherine Waudby**

**Burnley Borough Council**  
**Constitution of Committees, Working Groups, Panels and Boards**  
**for the Municipal Year 2024/25**

**Audit and Standards Committee**

**9 Members- politically balanced**

**To include an Executive Member and the Chair of Scrutiny**

To consider audit and risk management issues regarding the Council. To focus on the internal risk associated with service activities within the Council and associated recommendations for improvements in systems. To receive reports from the External Auditor on how the Council is performing on a range of activities. To approve the Annual Statement of Accounts.

To promote and maintain high standards of conduct within the Council. To advise the Council on the adoption or revision of its code of conduct. To regulate members pecuniary interests and interests other than pecuniary interests. To hear complaints referred to the Committee about Borough Council members and Parish/Town Council members within the Borough Boundary. To ensure that all members of the Council have access to training in all aspects of the member code of conduct, that this training is actively promoted, and that members are aware of the standards expected of local councillors under the code.

**Development Control Committee**

**16 Members – politically balanced**

**To include relevant Executive Member**

Functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (functions and responsibilities) (England) Regulations 2000 (the functions regulations).

The registration of common land or town and village greens and to register the variation of rights of common as set out in Schedule 1 to the Functions Regulations

The exercise of powers relating to the regulation of the use of highways as set out in Schedule 1 to the Functions Regulations

**Licensing Committee**

**15 Members - politically balanced**

Relating to taxi, gaming, entertainment, food and miscellaneous licensing.

Functions relating to licensing and registration as set out in Schedule 1 to the Functions Regulations and through its Sub Committees functions relating to taxis and the Licensing Act 2003, the Gambling Act 2005, Part 1 of the Health and Safety at Work Act 1974, Section 27 of the Local Government (Miscellaneous Provisions) Act 1982 and the Scrap Metal Dealers Act 2011.

**Scrutiny Committee**

**17 Members - politically balanced – Executive members cannot sit on this Committee.**

To provide strategic oversight of services and policy development by monitoring and reviewing the performance of the Council and recommending efficiencies and/or improvements accordingly and to monitor, review and make recommendations on the Council's strategic budget and objectives.

**Member Structures and Support Working Group**

**12 Members – custom is to be politically balanced.**

**To include Group Leaders**

To review and, as necessary draw up proposals for modernising the Council's Member Structures in the light of new legislation and best practice, and to make appropriate recommendations to full

Council. To keep under review the range of existing support and services provided for Council Members and to make recommendations, if necessary, to the appropriate Committees for improvements. To consider the annual Member Training and Development Programme (including induction training for new Council Members). To act as a Forum for the discussion of matters relating to how Members and officers work together. To deal with all matter relating to the provision and use of IT equipment by Members.

### **Police and Crime Panel**

#### **1 Member plus 1 substitute – politically balanced across the County.**

This is a formally constituted joint committee, politically balanced, of all the authorities in the Lancashire force area.

The requirement from Burnley is currently unknown.

### **Appeals Committee (JNC)**

#### **3 Members – by qualification**

To comprise 2 Executive and either the Chair or Vice Chair of Scrutiny member (not on the investigating Committee). (See Part 4.9 of the Constitution for further details.)

To consider appeals against dismissal, other disciplinary action, grading and grievances by employees of the Council not on NJC terms and conditions.

### **Appeals Panel (NJC)**

#### **3 Members - by qualification**

To comprise 2 members of the Executive and 1 member of the Management Team.

To deal with the final stages of appeals against dismissal, other disciplinary action by employees of the Council who are on the conditions of service of the NJC for Local Government Services.

### **Redundancy Appeal Panel**

#### **3 Members - by qualification**

To comprise any 3 members of the Executive for those employees covered by the Council's redundancy policy.

### **Joint Consultative Panel**

#### **3 Members - by qualification**

To comprise 3 Members - Leader, Deputy Leader, Chair and Executive Member for Resources and Performance Management and 3 Trade Unions representatives.

To act as a forum for consultation and negotiation between the Council and Trade Union Representatives of employees subject to the national agreement of the NJC for Local Government Services and other employees

### **Parking and Traffic Regulations outside London (Patrol) Adjudication Joint Committee**

#### **1 Member plus substitute - by qualification**

Representation consists of the relevant Executive Member (the Executive Member for Community and Environmental Services), with the substitute being from the largest opposition party.

The Committee is constitutionally and legally a joint committee between Burnley and other Local Authorities and has been established to adjudicate on parking and traffic regulations.

Political balance requirements are not necessary for the appointments due to the low number of Members being appointed.

## **EXECUTIVE APPOINTMENTS**

**The following appointments are to be made by the Executive at its first meeting of the new Municipal Year on 12 June 2024.**

### **Traffic Regulation Order Sub Committee**

#### **3 Executive Members**

To consider objections made to Traffic Regulation Orders and powers to amend or confirm Traffic Regulation Orders or refer them to the Executive for a decision.

### **Pennine Lancashire Leaders and Chief Executives Joint Committee (PLACE) by qualification**

Representation on the Joint Committee consists of the Leader, with the substitute being the Deputy Leader.

The Committee is constitutionally and legally a statutory joint committee between Burnley and other Pennine Lancashire Local Authorities to oversee the role of Regenerate Pennine Lancashire. Political balance requirements are not necessary for the appointments due to the low number of Members being appointed.

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**MEMBER STRUCTURES AND SUPPORT WORKING GROUP  
-12 (L4 C2 G1 LD2 B3)  
To include Group Leaders**

<b>Councillors</b>	<b>Councillors</b>

**LANCASHIRE POLICE AND CRIME PANEL  
(1 Member and 1 Substitute –requirement to be confirmed by BwD)**

<b>Councillors</b>	<b>Councillors (sub)</b>

**PARKING AND TRAFFIC REGULATIONS OUTSIDE LONDON (PATROL)  
ADJUDICATION JOINT COMMITTEE - 2**

**Include relevant Executive Member  
and 1 Member from largest opposition group (tbc)**

<b>Councillors</b>	<b>Councillors</b>
Exec Member Community and Environmental Services	

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# Agenda Item 6c

## Nominations for Chairs and Vice Chairs of Committee 2024-25

<b>Committee</b>	<b>Chair - Cllr</b>	<b>Vice Chair- Cllr</b>
Audit and Standards <i>(neither Exec member nor Chair of Scrutiny)</i>		
Development Control		
Licensing		
Scrutiny		

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<b>REPORT TO FULL COUNCIL</b>
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<b>DATE</b>	<b>15<sup>th</sup> May 2024</b>
<b>PORTFOLIO</b>	<b>None</b>
<b>REPORT AUTHOR</b>	<b>Alison McEwan</b>
<b>TEL NO</b>	<b>01282 477259</b>
<b>EMAIL</b>	<a href="mailto:amcewan@burnley.gov.uk">amcewan@burnley.gov.uk</a>

<b>Outside Bodies Appointments for 2024/25</b>
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<b>PURPOSE</b>
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1. To seek appointments to the Council's Outside Bodies for 2024/25.

<b>RECOMMENDATION</b>
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2. That Members approve the Outside Bodies list 2024/25 as outlined in Appendix 1.
3. That members approve the term of all appointees to the Towns Board as a maximum of three years (including those appointed by the Executive). The three-year term to come to an end if the holder is no longer in office or they are removed by the principal authority.

<b>REASONS FOR RECOMMENDATION</b>
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4. To ensure that the list of Outside Bodies to which the Council appoints Members and Officers contributes to the Council's Objectives.
5. To ensure that there is stable representation on the Town Board and to comply with the wishes of both the Town Board and the latest guidance issued by government.

<b>SUMMARY OF KEY POINTS</b>
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6. Since Full Council in May 2007, there has been an agreed criteria for the inclusion of an Outside Body (OB) as set out below;
  1. The appointment was a Statutory requirement
  2. The appointment would make a direct and significant contribution to the Council's Strategic Objectives
  3. There was not significant cost and resource implications for the Council set against any benefit accrued.
  4. There would be a detrimental effect on the Council if it were not represented.
  5. The appointment would raise the profile of the Council at a National or Regional level

7. It should be noted that the majority of appointments to OBs are made by Full Council but are by qualification to the relevant Executive Member, as informed by their Executive Portfolios. In addition some OBs are appointed to directly by the Executive due to their function.
8. There are a number of organisations on the list that no longer exist. It is proposed to remove the following from the list at Appendix 1:
  2. Burnley & Pendle Children's Partnership
  10. East Lancashire Health & Wellbeing Partnership
  15. LEP Scrutiny
  18. Pennine Prospects
9. Council approve the inclusion of Outside bodies on the Outside Bodies list, and also specify the term of all members appointed to those bodies. At its meeting on 17<sup>th</sup> April 23, Full Council set the term of office for the opposition representative to the Towns Board to a maximum of three years following receipt of further government guidance. This report requests that the term of all three appointees be set to a maximum of three years. The three-year term to come to an end if the holder is no longer in office or they are removed by the principal authority.
10. For completeness, please note that there are also two Leaders meetings which the Leader is invited to attend as a Lancashire Leader and which meet regularly during the year-
  - i) a Lancashire District Leaders Forum which is attended by District Leaders only (without Officers, apart from the Chair's secretariat support), and
  - ii) a more formal Lancashire Leaders Meeting which includes District, Unitary, and County Council Leaders and their Chief Executives.

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

11. None.

#### **POLICY IMPLICATIONS**

12. None.

#### **DETAILS OF CONSULTATION**

13. OB Appointees, Management Team, Group Leaders.

#### **BACKGROUND PAPERS**

14. None.

#### **FURTHER INFORMATION**

**PLEASE CONTACT:**

**ALSO:**

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**REPRESENTATION ON OUTSIDE BODIES 2023/24, INCLUDING IN-YEAR CHANGES**

	<b>OUTSIDE BODY</b>	<b>QUALIFICATION N 2022/23</b>	<b>APPOINTE D 2022/23</b>	<b>QUALIFICATION S 2023/24</b>	<b>APPOINTE D 2023/24</b>	<b>2024-25 QUALIFICATIO N</b>	<b>2024-25 NOMINATION S</b>
1.	Barnfield and Burnley Developments Limited – Directors	Leader	At 14 <sup>th</sup> June Executive Cllr Anwar	Leader	At 12 <sup>th</sup> June Executive Cllr Anwar	Leader	
	Appointed by the Executive	Chief Executive	Mick Cartledge	Chief Exec	Lukman Patel	Chief Executive	
2.	Burnley & Pendle Children's Partnership	Any Executive Member	Cllr M Lishman	Any Exec Member	Cllr L Khan		
3.	Burnley Leisure Trustees (D/E)	Any two members (except Executive Members)	At July 2022 Full Council				
		1 member for two years to July 2024	Cllr Cunliffe until July 2024	N/A	Cllr Hurt until July 2026 (FC 2024-02-27)		Not required
		1 member for three years to July 2025			Cllr Lewis until July 2025		Not required

	<b>OUTSIDE BODY</b>	<b>QUALIFICATION N 2022/23</b>	<b>APPOINTE D 2022/23</b>	<b>QUALIFICATION S 2023/24</b>	<b>APPOINTE D 2023/24</b>	<b>2024-25 QUALIFICATION N</b>	<b>2024-25 NOMINATION S</b>
4.	Burnley, Pendle & Rossendale Council for Voluntary Services – Executive Committee	Any two members	Cllr S Kazmi Cllr Kelly	Any two members	Cllr S Kazmi Cllr Kelly	Any two members	
5.	Burnley & Pendle Citizens Advice Bureau	Executive Member for Community and Environmental Services  One experienced Opposition Member	Cllr Hussain  Cllr Steel	Executive Member for Community Services and Wellbeing	Cllr Baker (FC 2023-12-06)  Cllr Brindle (FC 2023-12-06)	Executive Member for Community Services and Wellbeing  One experienced Opposition Member	
6.	Burnley Private Rented Sector Forum	Executive Member for Housing  Chair of Scrutiny Committee	Cllr Harbour  Cllr Baker	Executive Member for Housing  Chair of Scrutiny Committee	Cllr L Khan (FC 2023-12-06)  Cllr Barton	Executive Member for Housing  Chair of Scrutiny Committee	
7.	Burnley Improvement District	Strategic Head of Economy and Growth	Kate Ingram	Strategic Head of Economy and Growth	Kate Ingram	Strategic Head of Economy and Growth	

	<b>OUTSIDE BODY</b>	<b>QUALIFICATION N 2022/23</b>	<b>APPOINTE D 2022/23</b>	<b>QUALIFICATION S 2023/24</b>	<b>APPOINTE D 2023/24</b>	<b>2024-25 QUALIFICATION N</b>	<b>2024-25 NOMINATION S</b>
8.	Burnley Together Steering Group	Executive Member for Health & Wellbeing  Chief Operating Officer  Head of Policy and Engagement	Cllr M Lishman  Lukman Patel  Rob Dobson	Executive Member for Health, Culture and Wellbeing  Plus one additional member  Chief Operating Officer  Head of Policy and Engagement	Cllr Launer (FC 2024-01-24)  Cllr M Lishman (FC 2023-07-19)  Rob Dobson  Clare Jackson (from 2024-01-02)	Executive Member for Health, Culture and Wellbeing  Plus one additional member  Chief Operating Officer  Head of Policy and Engagement	
9.	COVID-19 Economic Recovery Board	Leader  Experienced Opposition Member	Cllr Anwar  Cllr Ingham	Leader  Experienced Opposition Member	Cllr Anwar  Cllr Graham (FC 2023-12-06)	Leader  Experienced Opposition Member	

	<b>OUTSIDE BODY</b>	<b>QUALIFICATION N 2022/23</b>	<b>APPOINTE D 2022/23</b>	<b>QUALIFICATION S 2023/24</b>	<b>APPOINTE D 2023/24</b>	<b>2024-25 QUALIFICATION N</b>	<b>2024-25 NOMINATION S</b>
10	East Lancashire Health & Wellbeing Partnership	Executive Member for Health and Wellbeing	Cllr M Lishman	Executive Member for Health, Culture and Wellbeing	Cllr Launer (FC 2023-12-06)		
11	Growth Lancashire (E)	One Public Sector Director – Executive Member for Economy and Growth	Cllr Townsend	One Public Sector Director – Executive Member for Economy and Growth  One additional member as sub	Cllr Cunliffe (FC 2023-12-06)  Cllr Birtwistle (FC 2023-07-19)	One Public Sector Director – Executive Member for Economy and Growth  One additional member as sub	

	<b>OUTSIDE BODY</b>	<b>QUALIFICATION 2022/23</b>	<b>APPOINTED 2022/23</b>	<b>QUALIFICATION 2023/24</b>	<b>APPOINTED 2023/24</b>	<b>2024-25 QUALIFICATION</b>	<b>2024-25 NOMINATIONS</b>
12	Housing Joint Venture Contract Appointed by the Executive	Council Representatives  Executive Member for Housing  Chief Operating Officer	At 14 <sup>th</sup> June 2022 Executive  Cllr Harbour  Lukman Patel	Executive Member for Housing and Development Control  Director of Economy and Development (Executive 2023-09-20)	At 12 <sup>th</sup> June 2023 Executive  Cllr L Khan (Executive 2024-02-15)  Kate Ingram (Executive 2023-09-20)	At 12 <sup>th</sup> June 2024 Executive  Executive Member for Housing and Development Control  Director of Economy and Development (Executive 2023-09-20)	

	<b>OUTSIDE BODY</b>	<b>QUALIFICATION 2022/23</b>	<b>APPOINTE D 2022/23</b>	<b>QUALIFICATION S 2023/24</b>	<b>APPOINTE D 2023/24</b>	<b>2024-25 QUALIFICATION</b>	<b>2024-25 NOMINATION S</b>
		Stakeholder Representatives  Leader  Chief Executive  Strategic Head of Economy and Growth	Cllr Anwar  Mick Cartledge  Kate Ingram	Leader  Chief Executive  Head of Housing and Development Control	Cllr Anwar  Lukman Patel  Paul Gatrell (Executive 2023-09-20)	Leader  Chief Executive  Head of Housing and Development Control	
13	LCC Health Scrutiny Committee (same membership for Joint Lancashire Health Scrutiny Committee)	Any member of Scrutiny Committee  Sub: Any member of Scrutiny Committee	Cllr Barton  Cllr Birtwistle	Any member of Scrutiny Committee  Sub: Any member of Scrutiny Committee	Cllr Wild  Cllr Barton	Any member of Scrutiny Committee  Sub: Any member of Scrutiny Committee	
14	Lancashire Waste Partnership	Executive Member for Community and	Cllr Hussain	Executive Member for Community and	Cllr Baker (FC 2023-12-06)	Executive Member for Community and	

	<b>OUTSIDE BODY</b>	<b>QUALIFICATION N 2022/23</b>	<b>APPOINTE D 2022/23</b>	<b>QUALIFICATION S 2023/24</b>	<b>APPOINTE D 2023/24</b>	<b>2024-25 QUALIFICATION N</b>	<b>2024-25 NOMINATION S</b>
		Environmental Services		Environmental Services		Environmental Services	
15	LEP Scrutiny Committee	Any member (except Leader)  Sub: Any member (except Leader)	Cllr Townsend  Cllr Birtwistle	Any member (except Leader)  Sub: Any member (except Leader)	Cllr Townsend  Cllr Birtwistle		
16	Local Government Association	Leader	Cllr Anwar	Leader	Cllr Anwar	Leader	
17	North West Local Authorities Employers' Organisation	Executive Member for Resources and Performance Management  Sub: Any Executive Member	Cllr Graham  Cllr Lishman	Executive Member for Resources and Performance Management  Sub: Any Executive Member	Cllr M Lishman  Cllr L Khan	Executive Member for Resources and Performance Management  Sub: Any Executive Member	
18	Pennine Prospects	Any member	Cllr Graham	Any member	Cllr Graham		

	<b>OUTSIDE BODY</b>	<b>QUALIFICATION 2022/23</b>	<b>APPOINTED 2022/23</b>	<b>QUALIFICATION 2023/24</b>	<b>APPOINTED 2023/24</b>	<b>2024-25 QUALIFICATION</b>	<b>2024-25 NOMINATIONS</b>
19	<p>Town Board (period of appointment = three years, agreed at FC 2024-04-17)</p> <p>Two Executive Members appointed by the Executive</p> <p>One Opposition Member appointed by Full Council</p>	n/a	n/a	<p>Leader</p> <p>Exec Member for Sustainable Development and Growth</p> <p>Opposition Group Member</p>	<p>Cllr Anwar (Executive 2023-03-13)</p> <p>Cllr Cunliffe (Executive 2023-02-13)</p> <p>Period of appointment = three years. (To be confirmed at Exec 2024-06-12)</p> <p>Cllr McGowan (FC 2024-02-27)</p> <p>Period of appointment = three years. confirmed</p>	<p>Leader</p> <p>Exec Member for Sustainable Development and Growth</p>	<p>Not required</p> <p>(12<sup>th</sup> June Executive)</p>



	<b>OUTSIDE BODY</b>	<b>QUALIFICATIO N 2022/23</b>	<b>APPOINTE D 2022/23</b>	<b>QUALIFICATION S 2023/24</b>	<b>APPOINTE D 2023/24</b>	<b>2024-25 QUALIFICATIO N</b>	<b>2024-25 NOMINATION S</b>
					(FC 2024- 04-17)		

	<b>OUTSIDE BODY</b>	<b>QUALIFICATION 2022/23</b>	<b>APPOINTED 2022/23</b>	<b>QUALIFICATION 2023/24</b>	<b>APPOINTED 2023/24</b>	<b>2024-25 QUALIFICATION</b>	<b>2024-25 NOMINATIONS</b>
20	Burnley Acorn Fund – periods of four years	Any three members (to expire Oct 2024)  Two members required to Oct 2024 due to retirement of Cllrs Cant and Foster in May 2022  Section 151 Officer Ex Officio	Cllr Royle (Nov 2020 to Oct 2024)  Howard Hamilton-Smith	Any three members (to expire Oct 2024)  Section 151 Officer Ex Officio	Cllr N Kazmi (May 2023 to Oct 2024)  Cllr S Kazmi (May 2022 to Oct 2024)  Cllr Birtwistle (May 2022 to Oct 2024)  Howard Hamilton-Smith		To appoint September 2024

	<b>OUTSIDE BODY</b>	<b>QUALIFICATION 2022/23</b>	<b>APPOINTED 2022/23</b>	<b>QUALIFICATION 2023/24</b>	<b>APPOINTED 2023/24</b>	<b>2024-25 QUALIFICATION</b>	<b>2024-25 NOMINATIONS</b>
21	Stocks Massey Bequest Representative Trustees (periods of four years)	Any Executive Member  (Term May 2020 – May 2023)  Chair of Scrutiny Committee	Cllr Harbour (replaced Cllr Emo at FC 2022-10-29 for term Nov 2020 – May 2023)  Cllr Baker (May 2022 – May 2024)	Any Executive Member  (New term May 2023 – May 2027)	Cllr Cunliffe (FC 2023-12-06) (to May 2027)  Cllr Barton (May 2022 – May 2024)	Any Executive Member  (May 2024 – May 2027)  Chair of Scrutiny	
22	Parking and Traffic Regulations Outside London (PATROL) Adjudication Joint Committee			Relevant Executive Member Exec Member for Community and Environmental Services  One member from largest opposition group	Cllr Baker (Executive 2024-03-13)  Cllr Townsend (FC 2023-12-06)		

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## Constitutional Amendments and Reporting

### REPORT TO FULL COUNCIL



<b>DATE</b>	15 <sup>th</sup> May 2024
<b>PORTFOLIO</b>	Leader
<b>REPORT AUTHOR</b>	Alison McEwan
<b>TEL NO</b>	01282 477259
<b>EMAIL</b>	<a href="mailto:amcewan@burnley.gov.uk">amcewan@burnley.gov.uk</a>

#### PURPOSE

1. To inform Members of a waiver of call-in.

#### RECOMMENDATION

2. That Council note the waiver of call-in relating to an Urgent Executive Decision taken by the Chief Executive.

#### REASONS FOR RECOMMENDATION

3. To ensure that the requirements of the Constitution are upheld and transparency is maintained.

#### SUMMARY OF KEY POINTS

4. Part 4.5 of the Council's Constitution requires that any waiver of call-in be reported to Full Council. Since the last meeting of Full Council the Chair of the Scrutiny Committee agreed to call-in being waived in relation to the following decisions:
  - Household Support Fund - Urgent Executive Decision taken by the Chief Executive on 26<sup>th</sup> April 2024 (see Appendix 1).

**FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

5. None.

**POLICY IMPLICATIONS**

6. None.

**DETAILS OF CONSULTATION**

7. Group Leaders.

**BACKGROUND PAPERS**

8. None

**FURTHER INFORMATION**

**PLEASE CONTACT:**

**Alison McEwan**

**ALSO:**

# URGENT OFFICER DECISIONS- EXECUTIVE DECISIONS

Friday, 26th April, 2024  
3.00 pm





# URGENT OFFICER DECISIONS- EXECUTIVE DECISIONS

Friday, 26th April, 2024 at 3.00 pm

## AGENDA

1) *Chief Executive Urgent Decision - Household Support Fund R5*

3 - 8





## URGENT EXECUTIVE DELEGATED DECISION BY THE CHIEF EXECUTIVE

BURNLEY TOWN HALL

### PRESENT

**OFFICERS** Alison McEwan - Democracy Officer

### 3. Household Support Fund 5

#### **Purpose:**

To seek approval to deliver a fifth Household Support Fund scheme (HSF5).

#### **Reasons for Decision:**

To continue to support the most vulnerable during the continued cost of living crisis.

#### **Decision:**

That the Chief Executive using urgency powers under Part 3 of the Constitution (Executive Functions), and following consultation with the relevant Executive Members resolves to:

1. Endorse this report
2. Delegate authority to the Head of Legal & Democratic Services to agree and sign the MOU with Lancashire County Council to deliver HSF5.
3. Delegate authority to the Head of Policy and Engagement to finalise a delivery plan for the scheme, in consultation with the Head of Finance and Property.

In accordance with, and following the requirements set out in Paragraph 16 of Part 4.2 of the Constitution regarding the agreement of the Chair of the Scrutiny Committee, it is stated that in the opinion of the Chief Executive, this decision is an urgent one to ensure that external funding is secured and is therefore not subject to call-in.

Decision made by: Lukman Patel, Chief Executive

Date: 26<sup>th</sup> April 2024 Decision published on: 26<sup>th</sup> April 2024

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**HOUSEHOLD SUPPORT FUND PROPOSAL**

**URGENT DECISION BY THE CHIEF EXECUTIVE OFFICER**



<b>DATE</b>	<b>23<sup>rd</sup> April 2024</b>
<b>PORTFOLIO</b>	<b>Resources &amp; Performance/Health, Culture and Wellbeing</b>
<b>REPORT AUTHOR</b>	<b>Clare Jackson</b>
<b>TEL NO</b>	<b>01282 477231</b>
<b>EMAIL</b>	<b>cjackson@burnley.gov.uk</b>

**PURPOSE**

1. To seek approval to deliver a fifth Household Support Fund scheme (HSF5).

**RECOMMENDATION**

2. It is recommended that the Chief Executive using urgency powers under Part 3 of the Constitution (Executive Functions) agrees to:
3. Endorse this report
4. Delegate authority to the Head of Legal & Democratic Services to agree and sign the MOU with Lancashire County Council to deliver HSF5.
5. Delegate authority to the Head of Policy and Engagement to finalise a delivery plan for the scheme, in consultation with the Head of Finance and Property.
6. That call in be waived by the Chief Executive following agreement by the Chair of Scrutiny due to the urgency of this decision, Lancashire County Council’s deadline for receipt of the signed MOU is 30<sup>th</sup> April 2024. Failure to submit would put the funding at risk.

**REASONS FOR RECOMMENDATION**

7. To continue to support the most vulnerable during the continued cost of living crisis.

**SUMMARY OF KEY POINTS**

**Fund amount and overview of the scheme**

8. Lancashire County Council have awarded the Council £460,668 for HSF5 to deliver a range of products that supports the most vulnerable through the continued cost of living crisis.

9. The funding must be spent or committed by the end of September 2024.
10. The Government's guidance sets out the expectation that the fund should be used to support households in the most need. The council can issue payments directly to residents. It can also fund registered charities to provide support, such as food banks. The Government is also allowing the fund to be spent on advice services.
11. The council can claim reasonable administration costs.

### **Review of past schemes**

12. Burnley Council has administered £2,575,000 of support since the fund started in late 2021. Direct payments in the form of vouchers have been targeted at:
  - low-income households with a children
  - low-income pensioners
  - residents that have a disability band reduction or severe mental impairment or carers discount on their council tax
  - those in receipt of housing benefit only. Individuals in this group are not eligible for a means-tested Cost of Living Payment
  - those that applied but were not eligible for council tax support, if their income or capital was close to the threshold for eligibility for council tax support.
  - Payments to working age householders in receipt of council tax support.
  - Applications from other households that have previously not received any form of household support or cost of living payment

HSF has also been used to fund the food bank and other charities providing food and other essential supplies to residents. Any resident can apply to the food bank for support and may be offered extra help through Burnley Together. The council were also able to use household support fund to support more applicants applying for a discretionary hardship payment and provide funding for debt and case worker support

### **HSF5 proposed scheme.**

13. On the basis that the council receives £460,668, the following scheme is proposed subject to third-party organisations agreeing to service level agreements prepared by the Policy and Engagement Team. Delivery will start mid-May when the council has entered into a funding agreement with the county council.
  - £80,000 to provide a payment to the most vulnerable residents and for applications from other households that have previously not received any form of household support or cost of living payment.
  - £30,000 for additional discretionary hardship payments
  - £47,000 for debt and welfare rights advice in Burnley Town centre and Padiham including money management for young people.
  - £45,000 for other local charities and community settings/outreach work providing support to the most vulnerable.
  - £50,000 to help with travel expenses such as bus passes and accessible transport for disabled residents.
  - £72,000 to support household food insecurity including education, the food bank and community grocery stocks.
  - £81,000 for essential housing costs and hygiene products.
  - £25,000 for potential data analysis (low income family tracker dashboard) to target support at postcode level and investigate proactive outreach work

- £30,668 for administration costs (6.6%). The guidance from county is that in all cases, Authorities should keep administrative costs to a reasonable level, they recognise that costs will differ between Authorities and in the previous iterations of the HSF, average administrative spend was around 5% of the total allocation.

**FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

14. There are no new budget implications arising from this report.

**POLICY IMPLICATIONS**

- 15. Administration of the scheme is a key part of the council's response to the cost of living crisis.
- 16. Inflation has the greatest impact on those on low incomes so the recommendation ensures that the fund goes to those in greatest need.

**DETAILS OF CONSULTATION**

17. Executive Members for Resources and Performance & Health, Culture & Wellbeing

**BACKGROUND PAPERS**

18. Not applicable

<b>FURTHER INFORMATION PLEASE CONTACT</b>	<b>Clare Jackson</b>
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