



Meeting of the Burnley Borough Council

To be held at 6.30 pm on
Wednesday, 10th July, 2019



Sir or Madam,

Notice is given of a MEETING of the COUNCIL of the BOROUGH OF BURNLEY to be held at the TOWN HALL, BURNLEY, on

DATE: Wednesday, 10th July, 2019

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

A G E N D A

1. Minutes of the Last Meeting on 29th May, 2019 7 - 20
To receive, as read, the Minutes of the proceedings of the previous Council meeting on 29th May 2019, 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 Her Worshipful the Mayor.
4. Public Question Time
To receive questions, statements or petitions (if any) from members of the public.
 - a) Woodtop School-John Rowe

5. Notices of Motion

- a) Boo Hoo 21 - 22
- b) Glyphosate-Free Burnley 23 - 26
- c) Declare a Climate Emergency 27 - 30
- d) Remembering Srebrenica 31 - 32

6. Items for Decision by the Council

- a) Recycling 33 - 48
To add a capital budget of £720k for the procurement of wheeled bins and paper and card collection equipment in the 2019/20 capital budget.
- b) Calendar of Meetings 2019/20 49 - 54
To consider an amended Calendar of Meetings for 2019/20.
- c) Appointments to Committees and Outside Bodies 55 - 58
To consider the completion of and changes to appointments to Committees and Outside Bodies for the remainder of the 2019/20 Municipal Year, as a consequence of and since the Appointments Council on 29 May 2019.
- d) Constitutional Updates 59 - 116
To note detailed Executive Member Portfolios, various amendments to the constitution relating to Part 2, 4.9, and 5.11, an amendment to Part 3 (Executive Functions) for the delegations of the Head of Housing and Development Control, and a Call in waived regarding an Executive decision on Capital Works to the Town Hall Roof.
- e) Revenue Budget Outturn 2019/20 117 - 126
To report the final position on the Council's revenue accounts for 2018/19.
- f) Capital Budget Outturn 2019/20 127 - 136
To report to Members on the performance of the 2018/19 capital investment Programme and present the financing of capital expenditure incurred during 2018/19.
To seek approval of a revised 2019/20 capital budget after incorporating net carry forward commitments (slippage) from 2018/19.
- g) Treasury Management Review 2019/20 137 - 144
To inform members of the Council's treasury management activity during

2018/19.

7. Report from the Chair of Scrutiny Cycle 1 2019/20 145 - 146
To consider a report from the Chair of Scrutiny in Cycle 1 of 2019/20.
8. Strategic Plan Progress Reports 147 - 166
To consider the Strategic Plan Progress Reports
9. 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 No. 10(2).
10. Exclusion of the Public
To consider the exclusion of the public from the meeting before discussion takes place on the following item(s) of business on the grounds that in view of the nature of the business to be transacted if the public were present there would be a disclosure to them of exempt information within the meaning of Part VA of the Local Government Act 1972.
11. Urgency Decision by the Chief Executive - Town Hall Roof 167 - 210
To note the Urgent Delegated (Council Function) decision by the Chief Executive, signed Minute enclosed, made on the 19th June 2019 regarding Capital Works on the Town Hall Roof.

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

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>

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BURNLEY BOROUGH COUNCIL FULL COUNCIL

BURNLEY TOWN HALL

Wednesday, 29th May, 2019

PRESENT

MEMBERS

Her Worshipful The Mayor (Councillor Anne Kelly) in the Chair;

Councillors W Khan (Vice-Chair), H Baker, G Birtwistle, C Briggs, B Brindle, P Campbell, F Cant, S Chaudhary, T Commis, I Emo, D Ferrier, A Fewings, B Foster, P Gill, S Graham, S Hall, J Harbour, A Hosker, S Hussain, M Ishtiaq, M Johnstone, T Kennedy, A Khan, L Khan, S Khan, G Lishman, M Lishman, S Lone, T Martin, P McCann, L Mehanna, N Mottershead, L Pate, E Payne, M Payne, A Raja, D Roper, A Royle, J Sumner, A Tatchell, C Towneley and M Townsend

OFFICERS

Mick Cartledge	– Chief Executive
Lukman Patel	– Chief Operating Officer
Catherine Waudby	– Head of Legal and Democratic Services
Eric Dickinson	– Democracy Officer
Imelda Grady	– Democracy Officer
Alison McEwan	– Democracy Officer
David Bristow	– Deputy Mayor's Officer

16 Minutes of the Last Meeting

RESOLVED The Minutes of the meeting of the Council held on the 15th May 2019 were confirmed and signed by the Chair.

17 Declarations of Interest

Councillors Margaret Lishman, Lian Pate and Emma Payne declared a personal interest (other) in item 6(d) Appointments to Outside Bodies in relation to the Burnley, Pendle and Rossendale Council for Voluntary Service.

18 Notices of motion

Councillor Howard Baker challenged the validity of the motion and requested that the meeting proceed to the next item of business.

19 Adjournment of meeting

The Mayor adjourned the meeting at 6.35pm

The meeting reconvened at 7.15 pm

20 Notice of Motion

The Mayor, in the interest of natural justice, exercised her discretion to allow a vote to be taken on whether Councillor Mark Townsend's name could be put forward as Leader of the Council.

On completion of the vote there was an equality of votes and the Mayor used her casting vote in favour of the motion.

The Motion was declared to be carried and it was RESOLVED accordingly.

21 Election of the Leader of the Council and Appointment by the Leader of the Deputy Leader and the Executive

The Mayor asked for nominations for Leader of the Council for a 4 year term of office as required by the Localism Act 2011.

It was moved by Councillor Howard Baker and seconded by Councillor Jeff Sumner that Councillor Charlie Briggs be appointed as Leader of the Council.

It was moved by Councillor Tony Martin and seconded by Councillor John Harbour that Councillor Mark Townsend be appointed as Leader of the Council.

In accordance with Council Procedure Rule 16.4 a recorded vote was taken.

Name	Group	Briggs	Townsend
Councillor Howard Baker	LD	✓	
Councillor Gordon Birtwistle	LD	✓	
Councillor Charlie Briggs	B&PI	✓	
Councillor Bill Brindle	Labour		✓
Councillor Paul Campbell	Labour		✓
Councillor Frank Cant	Labour		✓
Councillor Saeed Chaudhary	Labour		✓
Councillor Tom Commis	UKIP	✓	
Councillor Ivor Emo	Cons	✓	
Councillor Dale Ferrier	Cons	✓	
Councillor Andy Fewings	Green	✓	
Councillor Beatrice Foster	Labour		✓

Councillor Peter Gill	UKIP	✓	
Councillor Sue Graham	Labour		✓
Councillor Sarah Hall	Green	✓	
Councillor John Harbour	Labour		✓
Councillor Alan Hosker	UKIP	✓	
Councillor Shah Hussain	Labour		✓
Councillor Mohammed Ishtiaq	Labour		✓
Councillor Marcus Johnstone	Labour		✓
Councillor Anne Kelly	LD	✓	
Councillor Tracy Kennedy	LD	✓	
Councillor Arif Khan	Labour		✓
Councillor Lubna Khan	Labour		✓
Councillor Shbana Khan	Labour		✓
Councillor Wajid Khan	Labour		✓
Councillor Gordon Lishman	LD	✓	
Councillor Margaret Lishman	LD	✓	
Councillor Sehrish Lone	Labour		✓
Councillor Peter McCann	LD	✓	
Councillor Tony Martin	Labour		✓
Councillor Lorraine Mehanna	B&PI	✓	
Councillor Neil Mottershead	B&PI	✓	
Councillor Lian Pate	Labour		✓
Councillor Emma Payne	B&PI	✓	
Councillor Mark Payne	B&PI	✓	
Councillor Asif Raja	Labour		✓
Councillor David Roper	Ind	✓	
Councillor Ann Royle	Labour		✓
Councillor Jeff Sumner	LD	✓	
Councillor Andrew Tatchell	Labour		✓
Councillor Cosima Towneley	Cons	✓	
Councillor Mark Townsend	Labour		✓
		22	21

RESOLVED

That Councillor Charlie Briggs be elected as Leader of the Council for 4 years up to the date of the next Appointments Council at the end of the 4 year term.

The Mayor then invited Councillor Mark Townsend to speak and he responded by congratulating the new Leader and reviewing the highlights of his term of office and thanking those who had helped him during this time.

22 Adjournment of meeting

The Mayor adjourned the meeting to allow the Leader to consider his appointment of Deputy Leader and the Executive and for the Group Leaders to further consider the appointment to Committees Working Groups and Panels, the Chairs and Vice Chairs of Committees and the appointments to Outside Bodies.

The meeting reconvened at 7.30 pm

23 Appointment of the Deputy Leader and the Executive

Councillor Charlie Briggs informed Members of his appointment of the Deputy Leader and Executive Members as follows;

- Councillor Margaret Lishman – Deputy Leader and Executive Member for Resources
- Councillor Gordon Birtwistle – Executive Member for Economy and Growth
- Councillor Cosima Towneley – Executive Member for Community and Environmental Services
- Councillor Ivor Emo - Executive Member for Housing and Leisure

RESOLVED

That the appointment of the Deputy Leader and the Executive be noted.

24 Appointments to Committees, Working Groups and Panels 2019/20

Consideration was given to the Council's appointments to the Council's Committees, Working Groups and Panels.

The Mayor informed the Council that as the Executive was now in place the requirement for the relevant Executive Member to sit on the Development Control Committee could be reinstated.

It was moved by the Mayor and seconded by the Deputy Mayor that the qualification for the relevant Executive Member to sit on the Development Control be reinstated and that the appointments to the Development Control Committee be effective from Friday 31st May 2019 to allow a meeting of the Development Control Committee to proceed on 30th May 2019 with the Interim appointments.

MEMBERSHIP OF COMMITTEES/WORKING GROUPS FOR 2019-20

SCRUTINY COMMITTEE-17 (8-3-2-2-1-1)

Councillors	Councillors
Howard Baker	Margaret Lishman
Bill Brindle	Sehrish Lone
Tom Commis	Tony Martin
Dale Ferrier	Lorraine Mehanna
Andy Fewings	Andrew Newhouse
Bea Foster	Emma Payne
Marcus Johnstone	Ann Royle
Shbana Khan	Tatchell A
Gordon Lishman	

AUDIT and STANDARDS COMMITTEE-9 -to include 1 Executive member and the Chair of Scrutiny Committee (5-1-1-1-1)

Councillors	Councillors
Paul Campbell	Margaret Lishman
Tom Commis	Andrew Newhouse
Sue Graham	Mark Payne
Shah Hussain	Andy Tatchell
Wajid Khan	

**DEVELOPMENT CONTROL COMMITTEE-16
-to include relevant Executive member (8-3-2-1-1-1)**

Councillors	Councillors
Afrasaib Anwar	Mohammed Ishtiaq
Gordon Birtwistle	Marcus Johnstone
Frank Cant	Gordon Lishman
Saeed Chaudhary	Neil Mottershead
Andy Fewings	Mark Payne
Sue Graham	Asif Raja
John Harbour	Jeff Sumner
Alan Hosker	Cosima Towneley

LICENSING COMMITTEE-15 (7-3-2-1-1-1)

Councillors	Councillors
Howard Baker	Arif Khan
Paul Campbell	Margaret Lishman
Frank Cant	Sehrish Lone
Ivor Emo	Tony Martin
Peter Gill	Lorraine Mehanna
Sarah Hall	Emma Payne
Shah Hussain	Jeff Sumner
Mohammed Ishtiaq	

**MEMBER STRUCTURES AND SUPPORT WORKING GROUP-12 (6-2-1-1-1-1)
To include Group Leaders**

Councillors	Councillors
Gordon Birtwistle	Alan Hosker
Charlie Briggs	Margaret Lishman
Paul Campbell	Arif Khan
Saeed Chaudhary	Andrew Newhouse
Andy Fewings	Andy Tatchell
John Harbour	Mark Townsend

**LANCASHIRE POLICE AND CRIME PANEL
(1 member and 2 substitute from ruling group)**

Councillors	Councillors

**PARKING AND TRAFFIC REGULATIONS OUTSIDE LONDON (PATROL)
ADJUDICATION JOINT COMMITTEE - 2
Include relevant Executive Member
and 1 member from largest opposition group**

Councillors	Councillors

25 Appointment of Chairs and Vice Chairs of Scrutiny, Regulatory and other committees

With reference to Minute the Council gave consideration to the appointment of Chairs and Vice Chairs of the Scrutiny, Regulatory and other Committees.

RESOLVED

That the following appointments of Chairs and Vice Chairs be made:

Scrutiny Committee	Chair: Andy Tatchell Vice Chair: Marcus Johnstone
Audit and Standards Committee	Chair: Paul Campbell Vice Chair: Sue Graham
Development Control Committee	Chair: Alan Hosker Vice Chair: Mark Payne
Licensing Committee	Chair: Jeff Sumner Vice Chair: Emma Payne

26 Appointments to Outside Bodies

Consideration was given to the Council's appointments to Outside Bodies for 2019/20.

RESOLVED

That the Outside Bodies list for 2019/20 be approved as follows:

REPRESENTATION ON OUTSIDE BODIES FOR THE MUNICIPAL YEAR 2019/20

	<u>Outside Body</u>	<u>Qualification 2018/19</u>	<u>Appointed 2018/19</u>	<u>Qualification 2019/20</u>	<u>Nominated 2019/20</u>
1.	Barnfield and Burnley Developments Limited - Directors *Appointed by the Executive.	Leader Chief Executive	Cllr Mark Townsend Mick Cartledge	Leader Chief Executive	Cllr Charlie Briggs Mick Cartledge
2.	Burnley & Pendle Children's Partnership	Any Executive Member	Cllr Lian Pate (from 260918) (was Cllr John Harbour)	Any Executive Member	
3.	Burnley Education Trust	Chief Executive	Mick Cartledge	Chief Executive	Mick Cartledge
4.	Burnley Leisure – Trustees (D/E)	Any 2 Members	Cllr Bea Foster (from 260918) (was Cllr Asif Raja) Cllr Afrasiab Anwar	Any 2 Members	Cllr Howard Baker Cllr Andrew Newhouse

	<u>Outside Body</u>	<u>Qualification 2018/19</u>	<u>Appointed 2018/19</u>	<u>Qualification 2019/20</u>	<u>Nominated 2019/20</u>
5.	Burnley and Pendle Council for Voluntary Service – Executive Committee	Any 2 Members	Cllr Tony Martin Cllr Bea Foster	Any 2 Members	Cllr Bea Foster Cllr Dale Ferrier
6.	Burnley and Pendle Citizens Advice Bureau	Executive Member for Community and Environmental Services 1 Experienced Opposition Member	Cllr Lian Pate Cllr Carmichael Ida	Executive Member for Community and Environmental Services 1 Experienced Opposition Member	Cllr Cosima Townley Cllr Andrew Newhouse
7.	Burnley Private Rented Sector Forum	Executive Member for Housing and Leisure Chair of Scrutiny Committee	Cllr John Harbour Cllr Andy Tatchell	Executive Member for Housing and Leisure Chair of Scrutiny Committee	Cllr Ivor Emo Cllr Andy Tatchell

	<u>Outside Body</u>	<u>Qualification 2018/19</u>	<u>Appointed 2018/19</u>	<u>Qualification 2019/20</u>	<u>Nominated 2019/20</u>
8.	Burnley Town Centre Partnership	Executive Member for Economy and Growth Vice Chair of Scrutiny Committee	Cllr Asif Raja (from 010818) (was Cllr Sue Graham) Cllr Margaret Brindle	Executive Member for Economy and Growth Vice Chair of Scrutiny Committee	Cllr Gordon Birtwistle Cllr Marcus Johnstone
9.	East Lancashire Health and Well Being Partnership	Executive Member for Community and Environmental Services	Cllr Lian Pate	Executive Member for Community and Environmental Services	Cllr Cosima Towneley
10.	Growth Lancashire (E)	1 Public Sector Director - Leader and An Alternate Director -the Executive Member for Economy and Growth)	Cllr Mark Townsend and Cllr Asif Raja (from 10818) (was Cllr Sue Graham)	1 Public Sector Director - Leader and An Alternate Director -the Executive Member for Economy and Growth)	Cllr Charlie Briggs and Cllr Gordon Birtwistle

	<u>Outside Body</u>	<u>Qualification 2018/19</u>	<u>Appointed 2018/19</u>	<u>Qualification 2019/20</u>	<u>Nominated 2019/20</u>
11.	Housing Joint Venture Company *Appointed by the Executive	Council Representatives - Executive Member for Housing and Leisure -Chief Operating Officer Stakeholder Representatives - Leader - Chief Executive -Strategic Head of Economy and Growth	Cllr John Harbour Lukman Patel Cllr Mark Townsend Mick Cartledge Kate Ingram	Council Representatives- Executive Member for Housing and Leisure -Chief Operating Officer Stakeholder Representatives- Leader - Chief Executive -Strategic Head of Economy and Growth	Cllr Ivor Emo Lukman Patel Cllr Charlie Briggs Mick Cartledge Kate Ingram
12.	LCC Health Scrutiny Committee (same Membership for Joint Lancashire Health Scrutiny Committee)	Any Member of Scrutiny Committee Sub: Any Member of Scrutiny Committee	Cllr Margaret Brindle Sub:Cllr Tony Martin	Any Member of Scrutiny Committee Sub: Any Member of Scrutiny Committee	Cllr Gordon Lishman Cllr Tony Martin
13.	Lancashire Waste Partnership	Executive Member for Community and Environmental Services	Cllr Lian Pate	Executive Member for Community and Environmental Services	Cllr Cosima Towneley

	<u>Outside Body</u>	<u>Qualification 2018/19</u>	<u>Appointed 2018/19</u>	<u>Qualification 2019/20</u>	<u>Nominated 2019/20</u>
14.	Local Government Association	Leader	Cllr Mark Townsend	Leader	Cllr Charlie Briggs
15.	North Western Local Authorities Employers' Organisation	Executive Member for Resources and Performance Management Sub: Any Executive Member	Cllr Sue Graham (from 010818) (was Cllr Mark Townsend) Sub: Cllr John Harbour	Executive Member for Resources and Performance Management Sub: Any Executive Member	Cllr Margaret Lishman Sub:
16.	Pennine Prospects	Any Member	Cllr Cosima Towneley	Any Member	Cllr Cosima Towneley

SECTION 2 - PERIOD APPOINTMENTS

	<u>Outside Body</u>	<u>Qualifications 2018/19</u>	<u>Appointed 2018/19</u>	<u>Qualifications 2019/20</u>	<u>Nominated 2019/20</u>
16.	Burnley Acorn Fund- (periods of four years)	<p>3 Members (to Oct 2020) – 1 Member to be replaced from May 2018-Oct 2020</p> <p>1 Member (from Oct 2016 to Oct 2020)</p> <p>1 Member (from May 2017 to Oct 2020)</p> <p>Section 151 Officer Ex Officio</p>	<p>Cllr Elizabeth Monk (from May 2018 to Oct 2020)</p> <p>No change required- Cllr Ann Royle (from Oct 2016 to Oct 2020)</p> <p>No change required- Cllr Andy Tatchell (from May 2017 to Oct 2020)</p> <p>No change required – Asad Mushtaq Ex Officio</p>	<p>3 Members (to Oct 2020) 1 Member (from May 2018-Oct 2020)</p> <p>1 Member (from Oct 2016 to Oct 2020)</p> <p>1 Member (from May 2017 to Oct 2020)</p> <p>Section 151 Officer Ex Officio</p>	<p>Cllr Lorraine Mehanna (from May 2018-Oct 2020)</p> <p>Cllr Ann Royle (from Oct 2016 to Oct 2020)</p> <p>Cllr Andy Tatchell</p> <p>Asad Mushtaq</p>
17.	Stocks Massey Bequest-Representative Trustees (periods of four years)	<p>Any Executive Member (term May 2017-May 2020)</p> <p>Chair of Scrutiny Committee (May 2018-May 2022)</p>	<p>No change required</p> <p>Cllr Andy Tatchell (May 2018-May 2022)</p>	<p>Any Executive Member (term May 2017- May 2020)</p> <p>Chair of Scrutiny Committee (May 2018-May 2022)</p>	<p>Cllr Andy Tatchell</p>

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Notice of Motion-Boo Hoo

This Council calls on Boo Hoo, Burnley's largest private sector employer, to respond positively to the recommendation of the parliamentary Environmental Audit Committee report into fashion industry sustainability that they 'engage with USDAW as a priority and recognise unions for its workers'.

12th June 2019

Cllr Mark Townsend

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MOTION SUBMITTED BY THE GREEN PARTY GROUP GLYPHOSATE-FREE BURNLEY

Proposer: Cllr Andy Fewings

Seconder: Cllr Sarah Hall

This Council notes that:

- there has been a 60% increase in the use of pesticides and herbicides, such as glyphosate, in the UK since 1990 [1];
- Italy, Portugal and the Canadian city of Vancouver have all banned use of glyphosate (or glyphosate-based weed killers) and France has banned the use of all non-agricultural pesticides as of January 2019;
- Monsanto and German owner Bayer face 12,000 lawsuits in the US from those that believe their illnesses are caused by their products. The first plaintiff won unanimously with many more to follow [2]. Australia has very recently seen its first lawsuit too [3];
- recent studies published in ScienceDirect show a 41% increased risk of Non-Hodgkin Lymphoma caused by exposure from glyphosate-based weed killers and products [4];

this Council believes:

- there is compelling evidence that glyphosate and a wide range of other herbicides and pesticides may be harmful to human health;
- the use of pesticides, herbicides and weed killers reduces biodiversity, impacting negatively on insects, birds and bees at a time

when the world is losing 2.5% of its insect population per year [5];

- harmful weed killer residues can creep into the food chain [6]; and
- pets and children should not be playing in parks treated with such chemicals.

this Council resolves to:

- phase out the use of all pesticides, herbicides and weed killers on Council owned or maintained land;
- cut out all use of glyphosate-based treatments in all council operations within one year, except in parks and children's play areas where treatments will cease immediately;
- trial pesticide-free and herbicide-free alternatives during this period. Particularly those adopted by the likes of Hammersmith and Fulham, Lewes and Trafford Councils who use biodegradable foam or hot steam treatments on weeds. To be decided by Executive;
- grant an exception to the above ban regarding the control of Japanese knotweed, or other invasive species, where necessary and whilst there is no effective mechanical or alternative pesticide-free or herbicide-free techniques available. However, in this case pesticides and herbicides (such as glyphosate) will only be stem-injected, rather than sprayed, in order to reduce its spread in the environment;
- grant an exception on sprays only in relation to giant hogweed where it is absolutely necessary and not safe to be dug out or safely removed by other means and whilst there is no effective mechanical or alternative pesticide-free or herbicide-free techniques available;

- write to the Leader of Lancashire County Council to inform it of this Council's decision and to call on it to implement a ban on the same terms; and
- write to the Prime Minister to inform the Government of this Council's opposition to glyphosate-based herbicides and to call for a UK-wide programme to phase out its use.

1. <http://www.pan-uk.org/pesticides-agriculture-uk/>
2. <https://www.theguardian.com/science/2018/oct/07/monsanto-trial-cancer-appeal-glyphosate-chemical>
3. <https://www.hortweek.com/first-australia-glyphosate-court-case-confirmed/plant-health/article/1586901>
4. <https://www.sciencedirect.com/science/article/pii/S1383574218300887>
5. <https://www.theguardian.com/environment/2019/feb/10/plummeting-insect-numbers-threaten-collapse-of-nature>
6. <https://www.cbsnews.com/news/glyphosate-breakfast-cereal-still-contains-roundup-ingredient-study-finds/>

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Green Party/Labour Party Motion to declare a Climate Emergency

Proposer: Cllr Andy Fewings

Seconder: Cllr Sue Graham

Full Council notes:

1 Humans have already caused irreversible climate change, the impacts of which are being felt around the world. Global temperatures have already increased by 1 degree Celsius from pre-industrial levels. Atmospheric CO₂ levels are above 400 parts per million (ppm). This far exceeds the 350ppm deemed to be a safe level for humanity;

2 In order to reduce the chance of runaway Global Warming and limit the effects of Climate Breakdown, it is imperative that we as a species reduce our CO₂eq (carbon equivalent) emissions from their current 6.5 tonnes per person per year to less than 2 tonnes as soon as possible;¹

3 Individuals cannot be expected to make this reduction on their own. Society needs to change its laws, taxation, infrastructure, etc., to make low carbon living easier and the new norm;

4 Carbon emissions result from both production and consumption;

5 Unfortunately, our current plans and actions are not enough. The world is on track to overshoot the Paris Agreement's 1.5°C limit before 2050;^{2, 3}

6 The IPCC's Special Report on Global Warming of 1.5°C, published last month, describes the enormous harm that a 2°C rise is likely to cause compared to a 1.5°C rise, and told us that limiting Global Warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities³;

7 The UK Government declared a Climate Change Emergency on the 1st May 2019 and Councils around the

world are responding by declaring a 'Climate Emergency' and committing resources to address this emergency.⁴ At least 43 Councils have already declared a Climate Change Emergency.

Full Council believes that:

1 All governments (national, regional and local) have a duty to limit the negative impacts of Climate Breakdown, and local governments that recognise this should not wait for their national governments to change their policies. It is important for the residents of Burnley and the UK that towns and cities commit to carbon neutrality as quickly as possible;

2 Urban areas are uniquely placed to lead the world in reducing carbon emissions, as they are in many ways easier to decarbonise than rural areas - for example because of their capacity for heat networks and mass transit;

3 The consequences of global temperature rising above 1.5°C are so severe that preventing this from happening must be humanity's number one priority; and

4 Bold climate action can deliver economic benefits in terms of new jobs, economic savings and market opportunities (as well as improved well-being for people worldwide).

Full Council calls on Burnley Borough Council to:

1 Declare a 'Climate Emergency';

2 Call on the Executive to establish a cross-party 'Climate Change Working Group' (one member from each group) whose remit is to provide recommendations to the Executive, in light of the Climate Emergency, to make the Borough of Burnley carbon neutral by 2030, taking into account both production and consumption emissions (scope 1, 2 and 3)⁵;

3 Call on Lancashire County Council and Westminster to provide the powers and resources to make the 2030 target possible;

4 Call on the Executive to report to Full Council within six months with the actions the Council will take to address this emergency and detailed reasons with supporting evidence (from within existing resources and expertise without incurring third party expenditure) for the refusal of any recommendation(s) made by the Climate Change Working Group.

References:

- 1 Fossil CO₂ & GHG emissions of all world countries, 2017:
<http://edgar.jrc.ec.europa.eu/overview.php?v=CO2andGHG1970-2016&dst=GHGpc>
- 2 World Resources Institute:
<https://www.wri.org/blog/2018/10/8-things-you-need-know-about-ipcc-15-c-report>
- 3 The IPCC's Special Report on Global Warming of 1.5°C: <https://www.ipcc.ch/report/sr15/>
- 4 UK government: <https://www.bbc.co.uk/news/uk-politics-48126677> , Bristol, Calderdale, Lancaster, Trafford and other councils:
<https://inews.co.uk/news/environment/climate-emergency-declaration-councils-green-party-un-report/>
and overseas in US cities Berkeley:
<https://www.theclimatemobilization.org/blog/2018/6/13/berkeley-unanimously-declares-climate-emergency> and Hoboken:
<https://www.theclimatemobilization.org/blog/2018/4/25/hoboken-resolves-to-mobilize>, and the C40 cities:
<https://www.c40.org/other/deadline-2020>
- 5 Scope 1, 2 and 3 of the Greenhouse Gas Protocol explained:
<https://www.carbontrust.com/resources/faqs/services/scope-3-indirect-carbon-emissions>

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REMEMBERING SREBRENICA

Moved by: Cllr Lian Pate

Seconded by: Cllr Paul Campbell

This Council:

- Notes that 2019 is the 24th anniversary of the Srebrenica genocide in Bosnia and Herzegovina, which saw over 8,000 Muslim men and boys killed by Serbian nationalist forces.
- Applauds the work of those involved in the pursuit of justice for the victims and their surviving relatives, including the International Commission of Missing People (ICMP) and the Mothers of Srebrenica, whose courage and humility in the face of unthinkable horror is an inspiration to us all.
- Commends the work of the charity, Remembering Srebrenica, in raising awareness of this tragic and preventable genocide and working in communities across Britain to help them learn the lessons of Srebrenica.

The Council resolves to:

- Mark the 25th anniversary in July 2020 with a commemorative gathering as part of the Remembering Srebrenica Memorial Week.
- Support the work of Remembering Srebrenica in communities across Burnley to learn the lessons from Srebrenica, to tackle hatred and intolerance to help build a better, safer and more cohesive society for everyone.
- Support the work of schools and education providers to bring the lessons of Srebrenica to young people across Burnley.

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EXECUTIVE

BURNLEY TOWN HALL

Tuesday, 18th June, 2019 at 6.30 pm

5. Recycling Collections

Purpose

To seek approval to implement changes to the recycling service that is undertaken as part of the current Waste and Cleansing Contract following a review of current arrangements.

Reason For Decision

To equip the Council going forward to deliver the priorities that have been identified in the Government's recently published Waste and Resources Strategy, by increasing the Council's recycling capacity.

To implement the proposed service change to reflect the housing stock and storage provision of the Borough.

To enhance performance and improve the customer experience of the recycling services in Burnley.

The extension of the current Waste and Cleansing Contract is recommended considering the positive performance of the Contractor and as the most viable means to part fund the capital provision of the introduction of wheeled recycling bins.

For Officers to review and source improved provision of the existing paper and card recycling equipment to improve collection, resident satisfaction and increase recycling participation.

Decision

- (1) That the move to the introduction of wheeled recycling bin service for 22,000 properties across the Borough as edged in green in Appendix One – Proposed recycling service changes be approved;
- (2) That a two-year extension of the current Waste and Cleansing Contract, in line with the existing Contract provision be approved;
- (3) That authority be delegated to the Head of Streetscene in consultation with the Executive Member of Community and Environmental Services to accept the most economically advantageous tender for procurement of the recycling bins following the results of a mini- competition undertaken through Yorkshire Purchasing Organisation "Supply of Wheeled Bins" Framework;

- (4) That the Head of Streetscene be authorized to undertake the procurement of replacement recycling equipment for the collection of paper and card for the areas edged in red in Appendix One – Proposed recycling service changes;
- (5) That the Head of Legal and Democratic Services be authorized to execute all documentation necessary to implement the above decision;
- (6) **That it be recommended to Full Council to add a capital budget of £720k for the procurement of wheeled bins and paper and card collection equipment in the 2019/20 capital budget; and**
- (7) That a further review be carried by the Executive of those properties in red at Appendix 1 to the report, to commence after 6 months of full operation and to be completed by the end of September 2020.

RECYCLING COLLECTIONS

REPORT TO EXECUTIVE



DATE	18th June 2019
PORTFOLIO	Community & Environmental Services
REPORT AUTHOR	Sean Spencer
TEL NO	Ex. 3402
EMAIL	sspencer@burnley.gov.uk

PURPOSE

1. To seek approval to implement changes to the recycling service that is undertaken as part of the current Waste and Cleansing Contract following a review of current arrangements.

RECOMMENDATION

The Executive is recommended to:

2. approve the move to the introduction of wheeled recycling bin service for 22,000 properties across the Borough as edged in green in Appendix One – Proposed recycling service changes;
3. approve a two-year extension of the current Waste and Cleansing Contract, in line with the existing Contract provision;
4. delegate authority to the Head of Streetscene in consultation with the Executive Member of Community and Environmental Services to accept the most economically advantageous tender for procurement of the recycling bins following the results of a mini- competition undertaken through Yorkshire Purchasing Organisation “Supply of Wheeled Bins” Framework;
5. authorise the Head of Streetscene to undertake the procurement of replacement recycling equipment for the collection of paper and card for the areas edged in red in Appendix One – Proposed recycling service changes;
6. authorise the Head of Legal and Democratic Services to execute all documentation necessary to implement the above decision; and
7. recommend to Full Council/ the Chief Executive to use urgency powers to add a capital budget of £720k for the procurement of wheeled bins and paper and card collection equipment in the 2019/20 capital budget.

REASONS FOR RECOMMENDATION

8. To equip the Council going forward to deliver the priorities that have been identified in the Government’s recently published Waste and Resources Strategy, by increasing the Council’s recycling capacity.

9. To implement the proposed service change to reflect the housing stock and storage provision of the Borough.
10. To enhance performance and improve the customer experience of the recycling services in Burnley.
11. The extension of the current Waste and Cleansing Contract is recommended considering the positive performance of the Contractor and as the most viable means to part fund the capital provision of the introduction of wheeled recycling bins.
12. For Officers to review and source improved provision of the existing paper and card recycling equipment to improve collection, resident satisfaction and increase recycling participation.

SUMMARY OF KEY POINTS

Background:

The Council's Scrutiny Committee considered a report on the 13th March 2019 following the receipt of a public petition that requested the Council to consider the introduction of a change to wheeled bins for the collection of recyclate. The Council's Executive committed to review current arrangements for the Recycling service. The following priorities were agreed to be included within the scope of the review:

- a. An analysis of the national waste strategy.
- b. A review of current waste collection and recycling operations within Burnley. The overall objectives include; increasing recycling rates, making recycling easier for residents and improving street cleanliness.
- c. Development of options for a tailored waste collection and recycling service, which meets the different needs of the different types of property within Burnley.
- d. Recommended way forward for a tailored waste collection and recycling service for Burnley residents.

The National Waste Review:

13. The Council has taken into account the main considerations of the Government's Waste and Resources Strategy that was published in December 2018. The key themes of the national strategy are in the main;
 - The Circular Economy and reform aim at manufacturers to reduce the supply and use of non-recyclable packaging
 - Single Use Plastics (SUPs)
 - Deposit Return Schemes
 - Waste crime
 - Re-use and waste management
 - Surplus food reduction and redistribution (primarily commercial activities and not resident)
 - Improved technology and performance measurement to manage waste

- 14.** In conjunction with Lancashire County Council (as the waste disposal authority), Lancashire collection authorities and the Local Authority Recycling Advisory Council (LARAC) the Council have responded to the Government's recently published Consultations regarding Recycling and the national Consistency Agenda. The proposed actions to implement wheeled bins by the Council as a phased programme is in accordance with the direction of travel that advocates increasing recycling capacity and opportunities.
- 15.** The Government's recently published Waste Strategy makes the ambitious commitment to achieve a national recycling rate of 65% by 2035. Nationally the current recycling rate is 44.8% and locally 32.8%.

LGA Peer Review

- 16.** The Peer Review that was undertaken in conjunction with the Local Government Association to assess the quality of Council services, back in 2016, highlighted and recommended the Council reviewed how its recycling performance could be increased. There are many contributory factors to the lower local performance, however the introduction of the proposed service change for recycling is expected to increase participation and Burnley's recycling performance.

Waste and Cleansing Contract

- 17.** The current Waste and Cleansing Contract was awarded to Urbaser and commenced in June 2015 as an 8-year Contract. The Contract included options for two one-year extensions. A Service Change Fund of £250k was established as part of the Contract to support the implementation of any significant service changes that the Council would need to implement in response to changing service requirements and operating environment. The full £250k service change fund was based upon the Contract being extended by an additional 2 years.

Recycling Service Review

- 18.** The Council's existing recycling collection service has been reviewed by Officers over recent months. The existing refuse and garden waste collections are not 'in-scope' for the purpose of this review and will remain unaffected across the whole borough and will remain as fortnightly collections.
- 19.** Currently recycling is collected across the Borough as a fortnightly collection of recycling in 55l containers for glass, cans and plastics and white sacks for paper and card. The current collection cycle is as follows:

Week 1: Refuse

Week 2: Recycling collections (blue boxes and white sacks)

Week 3: Refuse

Week 4: Recycling collections (blue boxes and white sacks)

- 20.** Whilst the current recycling service method outlined above is generally regarded within the industry as an efficient method for frequent collections, the Council has recognised ongoing concerns with regards to spillage and the limits on recycling

capacity of the containers that is often raised by residents. The potential benefits of the introduction of wheeled recycling bins would look to increase recycling capacity and performance, whilst reducing collection frequency. However, Officers are fully aware of the 'geography' and diverse housing stock within the borough, particularly the high concentration of high-density terraced housing with limited storage provision and the concerns that some residents have raised previously regarding lack of storage space and the potential imposition of additional 240l wheeled bins.

- 21.** As part of the review, it was identified that it would be beneficial to approach any roll-out of wheeled bins within those areas where physical factors (limited storage provision etc.) will not restrict the introduction. Appendix One highlights in green the indicative areas that have been identified as suitable for wheeled bin provision. This equates to approximately 22,000 properties across the borough
- 22.** The initial high-level round modelling exercise assessed the impact of the roll out of a wheeled recycling bin collection system to the designated areas outlined in Appendix One collected on a 4-weekly cycle. The main findings were that:
 - There would be no increase in collection costs
 - There would be significant benefits relating to resource planning and staff rota
 - There would be significant benefits (i.e. reduced demand) linked to street cleansing from this improved methodology
- 23.** A revised methodology to the street cleaning services would be implemented in the areas identified as suitable in Appendix One for wheeled bins. The areas that move to a wheeled bin collection system for recycling would receive a cleanse every 2 weeks following their refuse collections. The Waste and Cleansing Contract already provides a flexible resource that would remain across all the borough and would provide a service response, should this be required to continue to deal with additional reports of littering / fly tipping on a reactive basis that may occur in between scheduled cleansing.
- 24.** It should also be noted, that there are benefits relating to service improvements by moving to wheeled bins. There is a demand from residents who regularly recycle to replace our current containers with wheeled bins, so this would certainly be seen as a service enhancement.
- 25.** The proposed recycling collection methods would see approximately 22,000 properties (approx. 50% of the borough move away from boxes/sacks to larger wheeled bin containers for recycling collected every 4 weeks. Within this proposal households would receive 2 additional 240l bins for the separate collection of glass, cans and plastics and paper and card. The collection cycle for households with wheeled bins would be as outlined below:
 - Week 1: Refuse
 - Week 2: No Collection
 - Week 3: Refuse
 - Week 4: 2 x Recycling wheeled bins (One for Glass / Cans / Plastics and One for Paper/Card)

- 26.** The initial provision of wheeled bin containers for recycling will be provided to residents free of charge. Any subsequent requests for replacement containers will be administered in accordance with the Council's current bin charging policy.
- 27.** Any implementation of recycling wheeled bins would be limited to the identified designated area in Appendix One due to managing the operational impact. Those properties that have not been initially identified within the recycling review will continue to benefit from existing collection arrangements. There will be no change or adverse impact. Fortnightly recycling collections will remain.
- 28.** However; an additional part of this proposal is the introduction of alternative equipment for the collection of paper and card for the areas highlighted in red in Appendix One. This equates to approximately 20,000 properties. As part of the planned service change, the areas that have not been identified at this stage as moving onto a wheeled bin service for recycle will be issued with replacement containers for the collection of paper and card. The review identified that the current white sacks are not popular with residents and complaints are received that they regularly go missing after collection. In response to these issues, it is proposed that the remaining white sacks are replaced with an improved sealable provision.
- 29.** In conjunction with any potential rollout of re-cycling wheeled bins a comprehensive communications plan will support the project implementation and delivery. Ongoing updates and information will be provided via a variety of sources. For instance, roadshows, information leaflets, social media FAQs and the Council's website. This activity will be similar to the hugely successful communication plan that was delivered as part of the introduction of the chargeable green waste service back in 2017.
- 30.** It should be noted that the map provided within Appendix One, is an initial high-level overview of how the Recycling Service change will be implemented. At this stage, Appendix One is for illustrative implementation purposes only. Elected ward members have been consulted and have been given the opportunity to raise any specific queries relating to the proposal outlined in Appendix One. This has been undertaken via scheduled Member Briefings and a separate email to All Members that has given the opportunity for all address related queries to be raised. All address related queries will be investigated prior to final implementation.
- 31.** The finalised details will be made available to residents via the detailed Communications plan identified above. As part of the communication plan to support the project, residents will have the ability to check on the Council's website for future recycling equipment relating to their property. To assist and inform residents about any recycling service changes, households will be able to access the Council's website via an address search which will confirm any changes. This will be available from July as part of the planned publicity activity.
- 32.** Officers will undertake a full community impact assessment to ensure the proposed round collection changes maintain existing accessibility and recycling participation and do not adversely impact those that currently benefit from assisted collections.

Market Testing

- 33.** Officers have market tested pricing for wheeled bins to meet Council requirements using the Yorkshire Purchasing Organisations “Supply of Wheeled Bins” Framework open to all municipal authorities. Taking this approach removes the need for a costly tender process and is compliant with the 2015 Public Contract Regulations. In taking this approach there is no binding requirement upon the Council. It is proposed that the Head of Streetscene shall award the Contract for the procurement of the wheeled bins to the most economically advantageous tender in consultation with the Executive Member for Community services.
- 34.** Quotations have also been obtained for replacement paper and card provision. Suitable replacement equipment is approximately between £40 - £45k. for 20,000 properties.

Rollout Timetable

- 35.** An indicative timetable of key dates for the procurement and rollout has been identified as follows;

Activity	Date
Award Contract for bin provision	W/C 8 th July 2019
Resident Communication / publicity activity	July - Sept 2019
Receipt of wheeled bins	W/C 26 th August 2019
Distribution of bins and equipment for paper and card to households	2 nd Sept – 27 th Sept 2019
Implement wheeled bin recycling collections	1 st Oct 2019

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

36. Capital Budget

There will be a potential capital budget requirement of £720k for the procurement of wheeled bins for recycling, delivery of the containers (and the provision of alternative equipment for paper and card collections weighted white sacks for the rollout of this scheme. The budget will be funded as follows;

£250k Urbaser's Service Change Fund
£470k BBC Prudential Borrowing

37. It is not anticipated that there will be any additional revenue costs from the proposed roll-out.

38. The revised cleansing methodology and the two-year Contract extension should provide service efficiencies and financial benefits for the Council. A saving on the current Waste and Cleansing Contract from the adoption of the proposal would see circa £200k reduction in the current Waste and Cleansing Contract price. The savings on cleansing would be realised from the reduction of spillage from the proposed methodology. It is proposed the realised efficiencies of the Contract will help towards balancing the Councils revenue budget. The Council would retain a service contingency budget to support the implementation / transition to the revised service and to ensure existing collection and cleansing standards are maintained. This practice has been adopted for other significant service changes including; the Urbaser appointment for the Waste and Cleansing Contract, the establishment of the Leisure Trust and the Liberata partnership.

POLICY IMPLICATIONS

39. The proposal supports the commitment in the strategic plan to *“implement a range of initiatives to maintain a clean, safe, attractive and environmentally friendly borough”*.

DETAILS OF CONSULTATION

40. As follows;

- A briefing has been provided to all relevant Group Leaders and Members that requested a briefing on the proposals. The Group Leader briefings were undertaken during May 2019.
- The proposals have been presented to an All Member Briefing, delivered on the 29th May 2019
- Reported to the Scrutiny Committee on the 17th June 2019.

BACKGROUND PAPERS

41. None

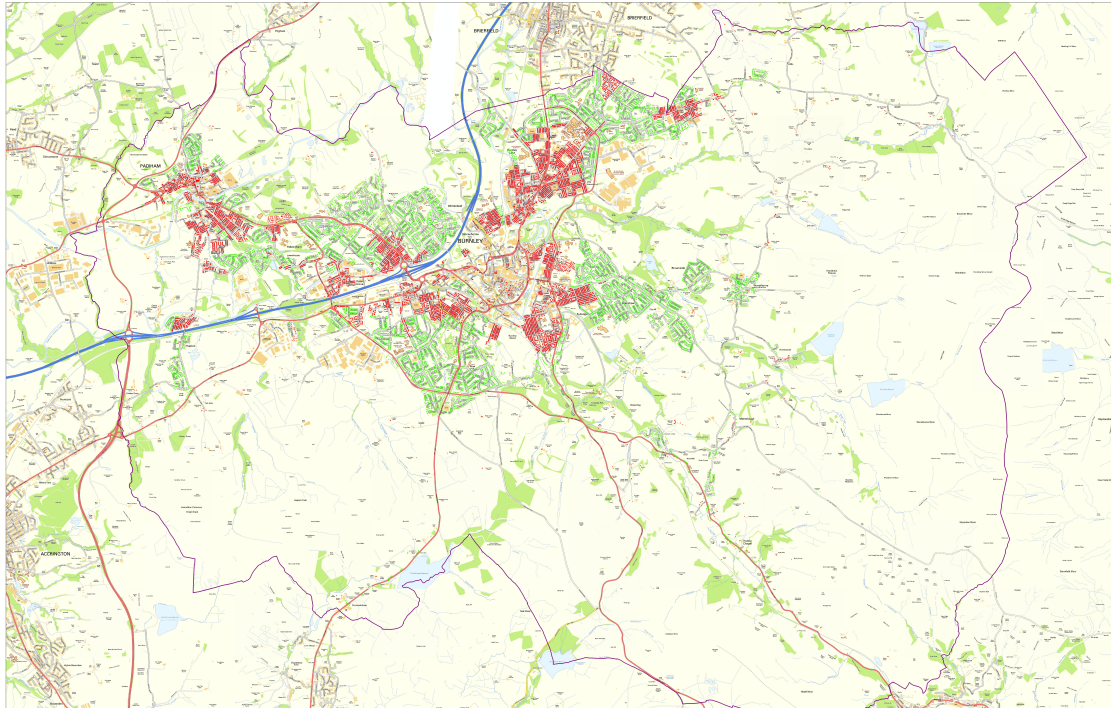
FURTHER INFORMATION

**PLEASE CONTACT: Tom Omerod –
Contracts Manager**

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Proposed recycling service changes (Appendix One)



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EQUALITY IMPACT ASSESSMENT

RECYCLING COLLECTIONS REVIEW 2019

The Council has given due regard to its public sector equalities duty throughout the review. This document sets out the issues considered and potential impact.

The outcome of this equality impact assessment is that the proposed upgrades to recycling equipment being considered are neutral in terms of their impact on people with protected characteristics under equalities legislation.

1.	Title of EIA	Recycling collections review 2019
2.	Person responsible for the assessment	Rob Dobson
3.	Contact details	rdobson@burnley.gov.uk
4.	Date of assessment	April-June 2019

OBJECTIVE

1.	What is the main purpose of the project?	To equip the Council going forward to deliver the priorities that have been identified in the Government's recently published Waste and Resources Strategy, by improving the council's recycling containers and increasing the Council's recycling capacity. To implement the proposed borough wide service enhancements whilst giving consideration to the housing stock and storage provision of the Borough.
2.	Who are the main stakeholders?	Stakeholder analysis showed that the main stakeholders are Burnley Council's: <ul style="list-style-type: none"> Residents/Council taxpayers/business rates payers Councillors; and Council employees.
3.	How are they expected to benefit?	All residents will benefit from upgrades to recycling equipment. All neighbourhoods should benefit from less spillage from the upgraded equipment meaning cleaner streets. Properties with less storage will continue to benefit from smaller equipment and more frequent collections. Properties with more storage space will benefit from more

		<p>recycling capacity through provision of bins.</p> <p>The council also has an existing policy whereby larger families can be provided with extra recycling containers: either a larger bin, or additional boxes/sacks.</p> <p>All stakeholders will benefit through the council delivering an efficient service.</p>
4.	How will the change be implemented?	The approach will be agreed through decision making structures and processes in line with the council's constitution.
6.	Is the responsibility for the proposed function shared with another department or authority or organisation?	The decision rests with the council. There are implications for other agencies and organisations. In these cases, the agencies and organisations have been informed (such as the Waste Disposal Authority- Lancashire County Council).

A. DATA COLLECTION

1.	Approach and background to EIA analysis, including data collection	Consideration of impact on communities during the proposal development stage. Review of existing related policy: i.e. the Assisted Bin Collection scheme. Review of the draft committee report setting out the preferred option.
2.	What monitoring data do you have on the number of people (from different equality groups) who are using and could be impacted upon by the change in function?	Census/ONS data. Customer requests for assisted bin collection.

B. COMMUNICATION AND INVOLVEMENT

1.	What information has assisted in completing this EIA?	Guidance including information contained on the Equalities and Human Rights Commission website has been considered. EQIA of similar proposals made by other councils have also been considered.
2.	What communications activities have assisted in completing this EIA?	Listening to feedback from residents on the current approach to collections: Petition received, complaints submitted, and comments on social media. An all member briefing was held, in which community representatives could feed back on the proposals and the impact in their community.

Group	Area/s of impact	Positive impact	Negative impact – specified as high, medium or low	Neutral impact	Reason
Age	All areas of impact ¹			✓	Manoeuvrability of bins/equipment is a consideration. However, the council will continue to offer an assisted collections scheme. This will be promoted in communications about the change. Access to information about the change also needs to be readily available. Older people may not have access to web-based content, so a range of communication methods must be used, including leaflets, newspaper articles, as well as the website and social media. Residents will know when to present their bins by following their neighbours, so a proportionate response is appropriate. The impact in respect of people in this group were identified as neutral, therefore.
Disability	All areas of impact			✓	Manoeuvrability of bins/equipment is a consideration. However, the council will continue to offer an assisted collections scheme. This will be promoted in communications about the change. The impact in respect of people in this group were identified as neutral, therefore.
Gender reassignment	All areas of impact			✓	All impacts in respect of people in this group were identified as neutral.
Marriage and civil partnership	All areas of impact			✓	All impacts in respect of people in this group were identified as neutral.
Pregnancy / and maternity	All areas of impact			✓	Manoeuvrability of bins/equipment is a consideration. However, the council will continue to offer an assisted collections scheme. This will be promoted in communications about the change. The impact in respect of people in this group were identified as neutral, therefore.

¹ 'areas of impact' refers to the detailed proposal as set out in the report to Scrutiny Committee, 16th June 2019.

Group	Area/s of impact	Positive impact	Negative impact – specified as high, medium or low	Neutral impact	Reason
Race	All areas of impact			✓	Access to information about the change needs to be readily available. Residents that do not have English as a first language may struggle to understand content, so the communications plan should consider options for getting key messages out using the main community languages. Residents will know when to present their bins by following their neighbours, so a proportionate response is appropriate. All impacts in respect of people in this group were therefore identified as neutral.
Religion and belief	All areas of impact			✓	All impacts in respect of people in this group were identified as neutral.
Sex (gender)	All areas of impact			✓	All impacts in respect of people in this group were identified as neutral.
Sexual orientation	All areas of impact			✓	All impacts in respect of people in this group were identified as neutral.

Equality impact assessment action plan

June 2019- ensure the communication plan includes actions identified above.

Calendar of Meetings 2019/20

REPORT TO FULL COUNCIL



DATE	10/07/2019
PORTFOLIO	Leader
REPORT AUTHOR	Eric Dickinson
TEL NO	01282 477256
EMAIL	edickinson@burnley.gov.uk

PURPOSE

1. To consider an amended Calendar of Meetings for 2019/20.

RECOMMENDATION

2. That an amended Calendar of meetings for 2019/20 be approved based on the Annual and Appointments Council meeting taking place on 27th May 2020.(Appendix 1).

REASONS FOR RECOMMENDATION

3. To ensure that the Committee structure is proportionate to the budget, size and business of the organisation, and that consideration is given to appropriate meeting dates.

SUMMARY OF KEY POINTS

4. Annual and Appointments Council in May 2020

The current calendar for 2019/20 includes an element from May to July 2020 for forward planning and completeness.

The latest version of the 2019/20 calendar has the Annual and Appointments Council on 20th May 2020, and this has been chosen to avoid half term in the week after.

However the Mayor to be for 2020/21 (currently the Deputy Mayor) has indicated that the 20th May 2020 meeting clashes with Ramadan/Eid and has requested that Members consider a date on 27th May 2020 for the Annual and Appointments Council.

The above change would result in a revised timetable of Committees from May -July 2020 (see Appendix 1).

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

5. None.

POLICY IMPLICATIONS

6. It is good practice to review arrangements for the discharge of the Council's functions from time to time to ensure they maintain the right balance between efficiency, economy and effectiveness

DETAILS OF CONSULTATION

7. Member Structures and Support Officer Group.
Member Structures and Support Working Group.

BACKGROUND PAPERS

8. None.

FURTHER INFORMATION

PLEASE CONTACT:

ALSO:

Municipal Year 2019/20

2019 MAY					JUN					JUL					AUG				
Mon	Tues	Wed	Thurs	Fri	Mon	Tues	Wed	Thurs	Fri	Mon	Tues	Wed	Thurs	Fri	Mon	Tues	Wed	Thurs	Fri
		1	2 ELEC	3	3	4	5	6	7	1	2 E	3	4	5				1	2
6 Bank Hol	7	8 MW	9	10	10	11	12	13	14	8	9	10 CL	11	12	5	6	7	8	9
13	14	15 ANNUAL COUNCIL	16	17	17 SS	18 E	19	20	21	15	16	17 ASC	18	19	12	13 E	14 LIC	15	16
20	21	22	23	24	24	25	26 S	27 MSSWG DC	28	22	23	24	25 DC	26	19	20	21	22 DC	23
27 Bank Hol	28	29 APPOINT- MENTS COUNCIL	30 DC	31						29	30	31 MW			26 Bank Hol	27	28	29	30

2019 SEPT					OCT					NOV					DEC				
Mon	Tues	Wed	Thurs	Fri	Mon	Tues	Wed	Thurs	Fri	Mon	Tues	Wed	Thurs	Fri	Mon	Tues	Wed	Thurs	Fri
2	3 PLBCE (TBC)	4 MW	5	6		1	2 MW	3	4					1	2	3	4	5 MSSWG	6
9	10	11	12 MSWG	13	7	8	9	10	11	4	5	6	7	8	9 S	10 E	11	12 DC	13
16 S	17 E	18 ASC	19 DC	20	14	15	16 LIC	17 DC	18	11	12	13	14 DC	15	16	17	18 CL	19	20
23	24	25 CL	26	27	21	22	23	24	25	18	19	20	21	22	23	24	25 Xmas Day	26 Boxing Day	27
30					28	29 PLBC (TBC) E	30 MW			25	26	27	28	29	30	31			

Municipal Year 2019/20

2020 JAN					FEB					MAR					APR				
Mon	Tues	Wed	Thurs	Fri	Mon	Tues	Wed	Thurs	Fri	Mon	Tues	Wed	Thurs	Fri	Mon	Tues	Wed	Thurs	Fri
		1	2	3	3	4	5	6	7	2	3	4 ASC	5	6			1	2	3
6	7	8	9	10	10 SPMW	11	12 MSSWG DC	13 S	14	9	10	11 S	12	13	6	7	8 CL	9	10 Good Friday
13	14	15 ASC	16	17	17 BE	18	19 LIC	20	21	16	17 E	18	19 DC	20	13 Easter Monday	14	15	16	17
20	21 PLBCE (TBC)	22	23 DC	24	24	25	26 BCL	27	28	23	24	25	26 MSSWG	27	20	21	22 E	23 DC	24
27	28	29	30	31						30	31				27	28	29	30	
2020 MAY					JUN					JUL									
Mon	Tues	Wed	Thurs	Fri	Mon	Tues	Wed	Thurs	Fri	Mon	Tues	Wed	Thurs	Fri					
				1	1	2	3	4	5			1 S	2 MSSWG DC	3					
4	5	6 MW	7 ELEC	8 Bank Hol	8	9 E	10 LIC	11 DC	12	6	7 E	8	9	10					
11	12	13	14	15	15	16 PLBCE (TBC)	17	18	19	13	14	15 CL	16	17					
18	19	20	21	22	22	23	24		26	20	21	22 ASC	23	24					
25 Bank Hol	26	27 ANNUAL COUNCIL	28	29	29	30				27	28	29	30 DC	31					

CL	Full Council	- 6.30pm	SPMW	Special Member Workshop (Budget)	- 6.30pm
DC	Development Control Committee	- 6.30pm	S	Scrutiny Committee	-6.30pm
E	Executive	- 6.30pm	ASC	Audit and Standards Committee	- 6.30pm
MW	Member Workshop	- by 6.00pm	LIC	Licensing Committee	- 6.30pm
BE	Budget Executive	-6.30pm	MSSWG	Member Structures and Support Working Group	- 4.30pm
BCL	Budget Council	-6.30pm	PLBCE	Pennine Lancashire Building Control Executive	-4.30pm
SPCL	Special Full Council	-6.30pm			
SPE	Special Executive	-6.30pm			

Criteria for Calendar

1. Based on a general 12 week cycle or half cycle for Full Council, within Annual and Budget reporting needs (Xmas/New Year weeks excluded).
2. 6 week cycle for Executive within above parameters
3. 6 week cycle for Scrutiny within above parameters- 1 meeting per cycle being S
4. 10 week cycle for Licensing within above parameter
5. Approximate 12 week cycle or half cycle for MSSWG, within Annual and Budget reporting needs with Xmas/New Year weeks excluded
6. 4 weekly cycle for Development Control
7. Quarterly cycle for Audit and Standards in combined meeting, to meet as ASC
8. Quarterly cycle for PLBCE (no change)
9. Combine Ordinary Feb Executive and Council meetings with Budget Executive and Budget Full Council meetings-no change.
10. Member Workshop start time to be 6.00pm

Changes for 2019/20

1. Member training to commence by 6pm.
2. LIC on 23 Oct 2019 moved to 16 Oct 2019
3. SPMW on 3 Feb 2020 moved to 10 Feb 2020
4. MSSWG on 5 Feb 2020 moved to 12 Feb 2020
5. S on 6 Feb moved to 13 Feb 2020
6. BE on 10 Feb 2020 moved to 17 Feb 2020

- 7.DC on 13 Feb 2020 moved to 12 Feb2020
- 8.BCL on 19 Feb 2020 moved to 26 Feb 2020
- 9.LIC on 26 Feb 2020 moved to 19 Feb 2020
- 10.ANNUAL COUNCIL on 13 May 2020 moved to 20 May 2020
- 11.DC on 28 May 2020 moved to 4 June 2020
- 12. Special S on 17 June 2019 (Wheeled Bins)
- 13. E on 4 June 2019 moved to 18 June 2019
- 14. Appointments Council adjourned from 15th May to 29 May 2019
- 15. LIC on 5 June 2019 cancelled
- 16. PLBC postponed from 18 June 2019 to date tbc
- 17. Annual and Appointments Council moved from 20th May too 27th May 2020, and consequent changes

Appointments to Committees, Working Groups and Outside Bodies

REPORT TO FULL COUNCIL



DATE	10/07/2019
PORTFOLIO	None
REPORT AUTHOR	Eric Dickinson
TEL NO	01282 477256
EMAIL	edickinson@burnley.gov.uk

PURPOSE

1. To consider the completion of and changes to appointments to Committees and Outside Bodies for the remainder of the 2019/20 Municipal Year, as a consequence of and since the Appointments Council on 29 May 2019.

RECOMMENDATION

2. That Full Council is recommended to make the following appointments for the remainder of the 2019/20 Municipal Year-;
 - (a) Councillor Peter McCann as a Lib Dem Member on the Scrutiny Committee to replace Cllr Margaret Lishman;
 - (b) Councillor Ivor Emo to replace Councillor Cosima Towneley on Development Control Committee as the relevant Executive Member (for Housing and Leisure);
 - (c) Councillor Mark Payne, and Cllrs Emma Payne and Neil Mottershead as Substitute Members, from the Burnley and Padiham Independent Group (BPIP) representing the Ruling Group (LD/BPIP/CON) on the Lancashire Police and Crime Panel (LPCP);
 - (d) Councillor Cosima Towneley as the relevant Executive Member (for Community and Environmental Services) , and Cllr Ann Royle as a Member from the largest Opposition Group (LAB), on the Parking and Traffic Regulations Outside London (PATROL) Adjudication Joint Committee;
 - (e) Councillor Cosima Towneley as the Any Executive Member on Burnley and Pendle Childrens Partnership(BPCP);
 - (f) Councillor Lian Pate as the nominee from LAB to be the Experienced Opposition Member (LAB/Green/UKIP/IND) on Burnley and Pendle Citizens Advice Bureau (BPCAB);
 - (g) Councillor Gordon Birtwistle as the Any Executive Member on North West Employers Local Authorities Organisation (NWLAEAO) as Substitute(Cllr M Lishman has already been appointed as the Primary Member);

- (h) Councillor Ivor Emo as the Any Executive Member on Stocks Massey Bequest (up to May 2020) (Cllr Towneley has already been appointed as an LCC Member);
- (i) Councillor Lian Pate and Councillor Mark Townsend as Labour Members to replace Councillor Bill Brindle and Councillor Tony Martin on the Scrutiny Committee;
- (j) That the qualified appointments to Growth Lancashire be amended , so that the Public Sector Director is changed from Leader to Executive Member for Economy and Growth, and that the Alternate Director (currently Executive Member for Economy and Growth) be removed from the OB list.
Therefore that Councillor Gordon Birtwistle replaces Cllr Charlie Briggs as the Public Sector Director, as the only Council's only representative.

REASONS FOR RECOMMENDATION

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

SUMMARY OF KEY POINTS

- 4. At the 29th May 2019 Appointments Council, Executive Members were appointed by the Leader and subsequently appointments to Committees were made, with some Committees having qualifications relating to Executive Members.

Amendments are required to the current appointments as follows;

- (a) A non Executive Lib Dem Member on the Scrutiny Committee (to replace Cllr Margaret Lishman)--nomination from LD is for Cll Peter McCann
- (b) The relevant Executive Member (for Housing and Leisure) being Cllr Ivor Emo to replace Cllr Cosima Townely

Also a number of appointments need to be completed, as follows;

- (c) A Member and 2 Substitute Members, all from the Ruling Group (LD/B&PIP/CON) on the LPCP.
Following advice from Blackburn Council, the Lancashire wide political balance calculation has allocated Burnley's appointments to Independent/Other Groups i.e. not LAB/LD/CON.
To match this with the Council's Ruling Group, it needs to be made by BPIP.
-nominations from BPIP are Cllr Mark Payne as the Member, and Cllrs Emma Payne and Neil Mottershead as the Substitute Members.
- (d) The relevant Executive Member (for Community and Environmental Services) being Cllr Cosima Towneley, and a Member from the largest Opposition Group, on the PATROL Adjudication Joint Committee
-nomination from LAB is for Cllr Ann Royle ;

- (e) Any Executive Member on BPCP;
-nomination from the Exec is Cllr Cosima Towneley
- (f) An Experienced Opposition Member (LAB/Green/UKIP/IND) on BPCAB to replace Cllr Andrew Newhouse
- nomination from LAB is for Cllr Lian Pate
- any nominations from Green/UKIP/IND not yet received;
- (g) Any Executive Member on NWLAEO (Substitute)- Please note that Cllr Lishman has already been appointed as the Primary Member
-nomination from the Exec is Cllr Gordon Birtwistle
- (h) Any Executive Member on Stocks Massey Bequest (up to May 2020) –Please note that Cllr Towneley has already been appointed as a Member via LCC
-nomination from the Exec is Cllr Ivor Emo

5. Other appointment changes have been put forward, as follows;

- (a) That Councillor Lian Pate and Councillor Mark Townsend, as Labour Members, to replace Councillor Bill Brindle and Councillor Tony Martin on the Scrutiny Committee;
- (b) That the qualified appointments to Growth Lancashire is amended, so that the Public Sector Director is changed from Leader to Executive Member for Economy and Growth, and that the Alternate Director (currently Executive Member for Economy and Growth) is removed from the OB list.
Therefore it is recommended that Councillor Gordon Birtwistle replaces Cllr Charlie Briggs as the Public Sector Director as the only remaining Council representative.

Please note that regarding the Committee appointments process by Full Council, the authority of a relevant Group nomination is paramount as set out in the Local Government and Housing Act 1989.

- 6. Member Structures Working Group on 27th June 2019 were informed of the intention to set up 2 Executive Task Groups on Dog Fouling and Climate Change, with one Member from each political Group to be on each Task Group.
Cllr Lian Pate (Labour) has been invited to Chair the Dog Fouling Task Group.
Cllr Andy Fewings (Green) has been invited to Chair the Climate Change Task Group-
MSWG were also informed of Council Motions received which referred to action to be taken on Climate Change.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

- 7. None.

POLICY IMPLICATIONS

- 8. None

DETAILS OF CONSULTATION

9. Member Structures Officer Group, and Member Structures Working Group.

BACKGROUND PAPERS

10. None

FURTHER INFORMATION

PLEASE CONTACT:

ALSO:

Imelda Grady

Constitutional Updates and Council Delegations

REPORT TO FULL COUNCIL



DATE	10/07/2019
PORTFOLIO	Leader
REPORT AUTHOR	Eric Dickinson
TEL NO	01282 477256
EMAIL	edickinson@burnley.gov.uk

PURPOSE

1. To note an amended Part 3 (Executive Functions) Scheme of Delegation due to the approval by the Leader of detailed Executive Member Portfolios.
2. To recommend to Full Council various amendments to the constitution relating to Part 2, 4.9, and 5.11.
3. To note amendments to Part 3 (Executive Functions) Scheme of Delegation made by the Leader to the delegations of the Head of Housing and Development Control relating to the Housing and Planning Act 2016.
4. To note that Call in was waived regarding a decision made by the 18th June 2019 Executive on Capital Works relating to the Town Hall Roof.

RECOMMENDATION

5. That an amended Part 3 (Executive Functions) Scheme of Delegation as made by the Leader relating to detailed Executive Member Portfolios be noted, as set out in Appendix 1;
6. That Full Council be recommended to approve amendments to the constitution relating to Part 2 Article 16.03 (Appendix 2), Part 4.9 (Appendix 3), and Part 5.11 (Appendix 4);
7. That amendments to Part 3 (Executive Functions) Scheme of Delegation made by the Leader to the delegations of the Head of Housing and Development Control, relating to the Housing and Planning Act 2016, be noted (Appendix 5); and
8. That it be noted that Call in was waived regarding a decision made by the 18th June 2019 Executive on Capital Works regarding the Town Hall Roof.

REASONS FOR RECOMMENDATION

9. To ensure that the requirements of the constitution are upheld, and that maximum transparency is maintained.

SUMMARY OF KEY POINTS

10. The Leader made amendments to Part 3 (Executive Functions) of the Scheme of Delegation as follows;

- (a) On 20th June 2019 approval was given by the Leader to an amended detailed list of Executive Member portfolios following the election of a new Leader and their appointment of the Deputy Leader and the Executive at the 29th May 2019 Full Council., as set out in the attached Appendix 1.

11. Members are asked to consider recommending to Full Council amendments to the constitution relating to Part 2 Article 16.03 (Appendix 2), Part 4.9 (Appendix 3), and Part 5.11 (Appendix 4) as follows;

- (a) Part 2 Article 16.03 regarding publication of the constitution was updated to reflect that the Council is now paperless;
(b) Part 4.9 Officer Disciplinary Procedures regarding an update to reflect current Officer posts;and
(c) Part 5.11 Protocol for the Monitoring Officer updated to reflect current appointments and improve its clarity.

12. The Leader made amendments to Part 3 (Executive Functions) of the Scheme of Delegation as follows;

- (a) On 18th June 2019 approval was given by the Leader to an amended Part 3 delegation for the Head of Housing and Developmen regarding the Housing and Planning Act 2016 in relation to a Rogue Landlord Database and Banning Orders, as set out in the attached Appendix 5.

13. The Vice Chair of Scrutiny , on behalf of the Chair of Scrutiny, waived call in regarding a decision made by the 18th June 2019 Executive (Minute 14 refers) relating to Capital Works for the Town Hall Roof.
The reason for urgency was so that the works can be progressed in a timely manner and reduce unnecessary holding costs.
Part 4.5 of the constitution requires the call in waiver to be reported to Full Council.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

- 14 None.

POLICY IMPLICATIONS

15. None.

DETAILS OF CONSULTATION

16. Member Structures Officer and Working Groups.

BACKGROUND PAPERS

17. None.

FURTHER INFORMATION

PLEASE CONTACT: Eric Dickinson

ALSO: Imelda Grady 7258

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Executive Member Portfolios 2019/20


Portfolio	Services	Officer	Responsibilities	Lead Roles
Leader Councillor Charlie Briggs	Policy & Engagement	Chief Executive Head of Policy and Engagement	<p>Ensure effective leadership of Council as a whole, that work is co-ordinated, resources are linked to agreed strategic priorities and the culture is responsive, open and helpful</p> <p>Determining the Council's strategic framework – Strategic Plan and ensuring this is translated into action</p> <p>Community Strategy Strategic direction of local, sub-regional and regional partnerships</p> <p>Civics - Civic matters/mayoral matters, Parish liaison overseas links, corporate hospitality</p> <p>Promoting inclusive growth and social inclusion within the borough</p>	<p>Promotion of Burnley Community Strategy/Strategic regional/sub-regional agenda</p> <p>Education and skills lead</p> <p>UCLan lead</p> <p>Local Government Association</p> <p>Barnfield and Burnley Development Company</p> <p>PLACE</p>

Portfolio	Services	Officer	Responsibilities	Lead Roles
Executive Member for Housing and Leisure	Housing and Development Control	Chief Operating Officer	Planning and Building Control All aspects of Housing Cemeteries and Crematoria Parks, open spaces and allotments	Sustainability Member Champion Heritage Member Champion
Councillor Ivor Emo	Green Spaces and Amenities Leisure and Culture	Head of Housing and Development Control Head of Green Spaces and Amenities	Towneley Hall Leisure and Culture	Pennine Lancashire Building Control Joint Committee Housing Associations in the Borough Private Rented Sector Forum Housing Joint Venture Partnership Leisure Trust

Portfolio	Services	Officer	Responsibilities	Lead Roles
Executive Member for Economy and Growth	Economy and Growth	Chief Executive	Develop, promote and co-ordinate Regeneration work in Burnley	Economic Development
Councillor Gordon Birtwistle		Strategic Head of Economy and Growth	All aspects of Economic Development	Transport Policy
			Transport/Connectivity	Town Centre
			Local Development Framework	Partnership and Management
			Town Centre Strategy/Management	Local Plan
			Markets	Business Engagement
				Weavers Triangle

Portfolio	Services	Officer	Responsibilities	Lead Roles
Deputy Leader and Executive Member for Resources and Performance Management	People and Development Legal and Democracy Finance and Property	Chief Operating Officer Head of Finance and Property	Budget Preparation and Monitoring Asset management HR and Workforce planning Performance and Improvement Procurement Corporate health and safety	Financial Planning and budget preparation Budget Consultation Risk management Organisation Development
Cllr Margaret Lishman	Revenues & Benefits	Head of People and Development Head of Legal and Democratic Services	Corporate Governance Freedom of Information Customer Services & IT	Performance Liberata Partnership

Portfolio	Services	Officer	Responsibilities	Lead Roles
Executive Member for Community and Environmental Services	Streetscene Environmental Health and Licensing	Chief Operating Officer Head of Streetscene	All Streetscene issues Waste Collection/Recycling Community Safety Emergency Planning Engagement and Communication Equalities Young People Health Environmental Health and Licensing	Equality and Inclusion Lancashire Police and Crime Panel (Liaison) County Waste Management Group Engagement Strategy Public transport issues Armed Services/Military Covenant Champion Older People Burnley & Pendle Children's Partnership East Lancashire Health and Wellbeing Partnership Environmental Enforcement Partnership
Councillor Cosima Towneley				

Leader of the Council:  (Signed)

Date: 20/6/19

BURNLEY BOROUGH COUNCIL

PART 2

**ARTICLES
OF THE CONSTITUTION**

30 January 2017

Article 1 – The Constitution

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of Burnley Borough Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help Members represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively having regard to the law, appropriate policies, procedures and ethical standards;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved or had a personal or prejudicial interest in;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.
9. enable the Council to provide services to the community in an efficient, effective and economical manner

1.04 Interpretation and Review of the Constitution

Where the Constitution and the law permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

2.01 Composition and eligibility

- (a) **Composition.** The Council comprises 45 Members, otherwise called councillors. Three councillors are elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- (b) **Eligibility.** Only registered voters of the district or those living or working in the district, as defined by election law, will be eligible to hold the office of councillor.

2.02 Election and terms of Members

ELECTION BY THIRDS

Election and terms. The ordinary election of a third (or as near as may be) of all councillors will be held on the first Thursday in May in each year unless changed by Parliament starting in 2005 and every fourth year after there will be no regular election to allow for County Council elections. The terms of office of councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

2.03 Roles and functions of all Members

- (a) **Key roles.** All Members will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) contribute to the good governance of the Borough and actively encourage community participation and citizen involvement in decision making;
 - (iii) effectively represent the interests of their ward and of individual constituents;
 - (iv) respond to constituents' enquiries and representations, fairly and impartially for the benefit of the Borough as a whole;
 - (v) participate in the governance and management of the Council;
 - (vi) maintain the highest standards of conduct and ethics; and
 - (vii) be available to represent the Council on other bodies
- (b) **Rights and duties**
 - (i) Members will have rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
 - (ii) Members will not make public information which is confidential or exempt under the Access to Information Rules without the consent of Council
 - (iii) For these purposes, "confidential" and "exempt" information are

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defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 **Conduct**

Members will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.05 **Allowances**

Members will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

3.01 **Citizens' rights**

Citizens have the following rights In relation to the business of the Council. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of local governance.
- (b) **Information.** Citizens have the right to:
 - (i) attend meetings of the Council and its committees and any decision making meeting of the Executive except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) find out from the Notice of Key Decisions and Private Meetings plan what key decisions will be taken by the executive and when;
 - (iii) see reports and background papers and any records of decisions made by the Council and the Executive other than exempt or confidential items;
 - (iv) inspect the Council's accounts and make their views known to the external auditor; and
 - (v) such other information as may be specified in the Council's Freedom of Information Act 2000 Publication Scheme
- (c) **Participation.** Citizens have the right to participate at Council, Executive and Committee/Sub-Committee meetings' question time and contribute to investigations by scrutiny committees in accordance with the procedures set out in Part 4 (Council Procedure Rules).
- (d) **Complaints.** Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme;
 - (ii) the Council's Monitoring Officer in respect of any alleged unlawful or illegal behaviour, action, inaction or decisions of Members and Officers;
 - (iii) the Ombudsman after using the Council's own complaints scheme;
 - (iv) the Council's Monitoring Officer about a breach of the Member's Code of Conduct
 - (v) any other relevant regulatory or law enforcement agency

3.02 **Citizens' responsibilities**

Citizens must obey the law and not be violent, abusive or threatening to Members or officers and must not willfully harm things owned by the council, Members or officers.

Citizens on the electoral roll should exercise their voting rights.

Article 4 – The Full Council

4.01 Meanings

- (a) **Policy Framework.** The policy framework means the following plans and strategies to be approved by the Full Council either as required by law or decision of the Council:-
- Sustainable Community Strategy;
 - Crime and Disorder Reduction Strategy;
 - Local Transport Plan;
 - Plans and strategies which together comprise the Development Plan;
 - Council's Strategic Plan;
 - Food Law Enforcement Service Plan
 - The Housing Strategy;
 - Economic Vision Strategy
 - Corporate Community Engagement Strategy
 - Equal Opportunities Policy, Single Equality Scheme and Equality Action Plan
 - Statement of Licensing Policy regarding the Licensing Act 2003
 - Statement of Principles regarding the Gambling Act 2005
 - Matters related to local government pensions
 - Data Protection and Freedom of Information Policy
 - Pay Policy Statement - Localism Act 2011
- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 Functions reserved to the full Council

Only the Council will exercise the following functions:

- (a) adopting and approving changes to the Constitution or any that are likely to have a significant impact;
- (b) approving or adopting the policy framework and the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making

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decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

- (d) appointing the Leader;
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council (see Part 3 of the Constitution – Local Choice Functions);
- (g) adopting an allowances scheme under Article 2.05;
- (h) changing the name of the area, conferring the title of honorary alderman/alderwoman or freedom of the borough
- (i) confirming the appointment of the head of paid service;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Private Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive; and
- (l) all other matters which, by law, must be reserved to Council.

4.03 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings/special meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

Article 5 – Chairing The Full Council

TITLE OF THE PERSON CHAIRING COUNCIL MEETINGS

5.01 Role and function of the Mayor

The Mayor will be elected by the Council annually. The Mayor and in his/her absence the Deputy Mayor will have the following responsibilities:

- (1) to uphold and promote the Borough, its Constitution, and to give rulings on the Constitution during Council meetings (when necessary and following appropriate advice from relevant Officers);
- (2) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (3) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive are able to hold the executive and committee chairs to account;
- (4) to promote public involvement in the Council's activities;
- (5) to be an ambassador for the Borough; and
- (6) to attend such civic and ceremonial functions as the Council and he/she determines appropriate
- (7) if necessary to chair meetings between the Leader and the Leaders of all other political groups represented on the Council to plan for the efficient transaction of the Council's business.

Ceremonial role

In this role the Mayor, as the first citizen of Burnley, during his/her term of office, must uphold and preserve the dignity and honour bestowed upon him/her during the term of his/her office and take extra care to ensure that the office of Mayor and the Council are not brought into disrepute. In particular the Mayor must remain apolitical during his/her term of office and avoid taking or making decisions that may be seen by a reasonable person to be politically motivated.

Burnley Borough Council's Code of Conduct for Members applies to the Mayor and the Deputy Mayor.

SCRUTINY

6.01 Terms of reference

The Council will appoint the scrutiny committee set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations [proposed] under section 32 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

Committee	Scope
(From May 2014) Scrutiny Committee	To Scrutinise all actions which fall within the remit of any Service Unit or the Chief Executive and Chief Operating Officer.

6.02 General role

Within their terms of reference, scrutiny committees will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii) make reports and/or recommendations to the full Council and/or the executive and/or any committee in connection with the discharge of any functions;
- iii) consider any matter affecting the area or its inhabitants; and
- iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive

6.03 Specific functions

- (a) **Policy development and review** –scrutiny committees may:
 - i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - iv) question members of the Executive and/or committees, Management Team and Service Managers about their views on issues and proposals affecting the policy area; and
 - v) liaise with other external organisations operating in the policy area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny-** the scrutiny committee may:
 - i) review and scrutinise the decisions made by and performance of the Executive and/or committees and council officers both in relation to individual decisions and over time;

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- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - iii) question members of the Executive and Regulatory committees, Management Team and Service Managers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects. Other officers will only attend with the consent of the appropriate Service Manager (not to be unreasonably withheld);
 - iv) make recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process including addressing any consequential financial implications;
 - v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance, including the statutory requirement to scrutinize the Crime and Disorder Reduction Partnership by a designated Scrutiny committee at least once a year i.e. the Scrutiny Committee; and
 - vi) question and gather evidence from any person (with their consent).
- (c) **Finance-** the scrutiny committee may exercise overall responsibility for any finances which may be made available to it.
- (d) **Annual report-** the scrutiny committee must report annually to full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.

6.04 **Proceedings of scrutiny committees**

The Scrutiny committee will conduct its proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Article 7 – The Executive

THE ROLE OF THE EXECUTIVE

7.01 Role

The Executive will carry out all the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under the Constitution.

7.02 Form and Composition

LEADER APPOINTS EXECUTIVE

The Executive will consist of the Executive Leader together with at least 2, but not more than 9, Members appointed to the Executive by the Leader (one of whom will be appointed by the Leader to act as the Deputy Leader).

7.03 Leader

The Leader will be a Member elected to the position of leader by the Council. The Leader's term of office will end on the day when the Council holds its first Appointment Council Meeting after the Leader's normal day of retirement as a Member, unless:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a Member; or
- (d) he/she is removed by resolution of Council provided that no such resolution may be moved unless a Notice of Motion is delivered to the Head of Legal and Democratic Services not later than 7 days before the meeting at which it is to be debated, and signed by one third of the Members (for the time being) of the Council (which will also meet signing requirements in Part 4.1 Council Procedure Rule 15 Previous Decisions and Motions), and that this particular Motion be exempt from Council Procedure Rule 22 relating to waiving of Standing Orders

7.04 Deputy Leader

(a) The Leader will appoint one of the Members of the Executive to act as Deputy Leader. The Leader must give written notice of such appointment to both the person who he/she is appointing as Deputy Leader and the Head of Legal and Democratic Services. The appointment of the Deputy Leader will take effect on receipt of the Leader's written notice by both the person who the Leader is appointing as Deputy Leader and the Head of Legal and Democratic Services. The Head of Legal and Democratic Services will keep a written record of the appointment of the Deputy Leader, and the Leader will report the appointment to Council and the Executive at the earliest opportunity.

(b) The Deputy Leader will hold office until the end of the Leader's term of

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office unless;

- (i) he/she resigns from the office; or
 - (ii) he/she is suspended from being a Member under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
 - (iii) he/she is no longer a Member; or
 - (iv) he/she is no longer a member of the Executive; or
 - (v) he/she is removed by the Leader who must give written notice of such removal to both the Deputy Leader and the Head of Legal and Democratic Services. The removal of the Deputy Leader will take effect on receipt of the Leader's written notice by both the Deputy Leader and the Head of Legal and Democratic Services. The Head of Legal and Democratic Services will keep a written record of any removal of the Deputy Leader, and the Leader will report any such removal of the Deputy Leader to Council and the Executive at the earliest opportunity.
- (c) Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his/her place. The Leader must give written notice of such appointment to both the person who he/she is appointing as Deputy Leader and the Head of Legal and Democratic Services.. The appointment of the Deputy Leader will take effect on receipt of the Leader's written notice by both the person who the Leader is appointing as Deputy Leader and the Head of Legal and Democratic Services. The Head of Legal and Democratic Services will keep a written record of the appointment of the Deputy Leader, and the Leader will report the appointment to Council and the Executive at the earliest opportunity
- (d) If for any reason:
- (i) The Leader is unable to act or the Office of Leader is vacant, the Deputy Leader will act in his/her place; and
 - (ii) The Deputy Leader is unable to act or the Office of Deputy Leader is vacant, the Executive must act in the Leader's place, or arrange for an Executive Member to act in his/her place

7.05 Other Executive members

In addition to the Deputy Leader, the Leader will appoint between 1 and 8 further Executive Members to hold such portfolios as the Leader shall determine. When appointing an Executive Member the Leader must give written notice of such appointment and of the Portfolio to both the person who he/she is appointing as an Executive Member and the Head of Legal and Democratic Services.. The appointment of the Executive Member will take effect on receipt of the Leader's written notice by both the person who the Leader is appointing as an Executive Member and the Head of Legal and Democratic Services. The Head of Legal and Democratic Services will keep a written record of the appointment of an Executive Member, and the Leader will report the appointment of an Executive Member to Council and the Executive at the earliest opportunity.

An Executive Member shall hold office until the end of the Leader's term of office unless:

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- (a) he /she resigns from office; or
- (b) he/she is suspended from being a Member under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a Member; or
- (d) he/she is removed by the Leader who must give written notice of such removal to both the Executive Member and the Head of Legal and Democratic Services. The removal of an Executive Member will take effect on receipt of the Leader's written notice by both the Executive Member and the Head of Legal and Democratic Services. The Head of Legal and Democratic Services will keep a written record of any removal of an Executive Member, and the Leader will report any such removal of the Executive Member to Council and the Executive at the earliest opportunity.

7.06 Remits of Executive Members

Within the above framework and any statutory requirements, the Leader will determine the detailed remits of Executive Members (including the Deputy Leader) and report such detailed remits (and any changes thereto) to the Executive Members concerned, the Head of Legal and Democratic Services, Council and the Executive at the earliest opportunity.

7.07 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.08 Responsibility for functions

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(a) From the Appointments Council in 2011 the Leader may determine to exercise any of the Executive functions of the Council personally, or may arrange for the exercise of any of the Council's Executive functions as set out in Part 3 of the constitution by:

- (i) the Executive
- (ii) by another Member of the Executive
- (iii) by a Committee of the Executive
- (iv) by an Officer of the Council or joint arrangements

(b) The Head of Legal and Democratic Services will maintain a Register of the Delegation of Executive Functions as set out in Part 3 of the constitution and will record any alterations to the allocation of responsibility for the discharge of Executive functions.

(c) At the earliest opportunity following the election of a Leader, the Leader will review the allocation of responsibilities for the discharge of Executive functions recorded in Part 3 of this Constitution. Any alterations that the Leader wishes to make to the allocation of responsibility for the discharge of Executive functions will be dealt with in accordance with Executive Procedure Rule 1.4 in Part 4.4 of the Constitution

Article 8 – Regulatory and other committees

8.01 Regulatory and other committees

The Council will appoint the committees set out in the left hand column of the table Responsibility for Council Functions in Part 3 of this Constitution to discharge the functions described in column 3 of that table.

- Development Control
- Licensing
- Appeals
- Audit and Standards

Article 9 - The Audit and Standards Committee

9.01 Audit and Standards Committee

The Council has established an Audit and Standards Committee

9.02 Membership

- a) The Audit and Standards Committee will comprise nine Councillors as Members, as well as 2 co-opted independent members and 2 co-opted parish members.
- b) The nine Members to be appointed by Council.
- c) The external members to be approved by a majority of the Council.
- d) The Committee to be Chaired by a Member.

9.03 Role and Functions relating to Audit and Standards

That the terms of reference of the Committee are-

- To promote and maintain high standards of conduct by Members, Co-opted Members and employees of the Council
- To support Members, Co-opted members and employees to observe the Council's Code of Conduct
- To advise, train or arrange to train Members, Co-opted Members, Parish and Town Council Members and employees of the Council on the Council's Codes
- To monitor and advise the Council about the operation of its Code of Conduct for Members and Employees in light of best practice, changes in the law, and government guidance
- To advise the Council on the adoption or revision of the Codes of Conduct, including the adoption of Protocols which support high standards of conduct by Members and employees of the Council
- To actively engage with the Borough, Parish and Town Councils on the role and purpose of the Committee, governance and standards
- To actively engage with the public, the media and key partners on the role and purpose of the Committee, governance and standards to promote public confidence in the Council
- To grant dispensations to Members with disclosable interests
- To grant exemptions for politically restricted posts
- To determine complaints about Members in accordance with the Localism Act 2011 and associated Regulations and local procedures
- To adopt and keep under review policies and procedures for the determination of complaints about Members

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- To have oversight of the Council's Whistleblowing Policy

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Article 10– Area Structures

Details to be inserted when agreed by the Council.

Article 11 – Joint Arrangements

11.01 Arrangements to promote well being

The Council or the Executive, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

11.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Executive may only appoint Executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Executive may appoint Members to a joint committee from outside the Executive in the following circumstances:
 - the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the joint committee any Member who is a Member for a ward which is wholly or partly contained within the area;

The political balance requirements do not apply to such appointments.

- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

11.03 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the Members of a joint committee are Members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (c) If the joint committee contains Members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.04 Delegation to and from other local authorities

- (a) The Council may delegate non-Executive functions to another local

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authority or, in certain circumstances, the executive of another local authority.

- (b) The executive may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.05 **Contracting out**

The Council, for functions which are not Executive functions, or the Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 12 – Officers

TERMINOLOGY

12.01 Management structure

- (a) **General.** The full Council may engage staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The full Council will engage people for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
1. Chief Executive	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers)</p> <p>Undertake the duties associated with the statutory role of Head of Paid Service (see 12.02 below)</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Together with the monitoring officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Oversee the activities of the following Service Unit or Team:</p> <ul style="list-style-type: none">• Economy and Growth• Policy and Engagement
Post	Functions and areas of responsibility
2. Chief Operating Officer	<p>Provision of professional advice to all parties in the decision making process.</p> <p>Contribute to the overall corporate management and operational responsibility and offer corporate advice and personal leadership to specific tasks and projects</p> <p>Representing the Council on partnership and external bodies (as required by statute or the</p>

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	<p>Council).</p> <p>Oversee the activities of the following Service Units:</p> <ul style="list-style-type: none">• Green Space & Amenities• Streetscene• Housing & Development Control• Revenues and Benefits (Liberata)• Finance and Property• Legal and Democratic Services• People & Development• Customer and IT Services (Liberata)
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- (c) **Head of paid service, monitoring officer and chief financial officer.** The Council will designate the following posts as shown:

Post	Statutory Designation
Chief Executive	Head of Paid Service
Chief Operating Officer	Monitoring Officer
Head of Finance and Property	Chief Finance Officer - Undertake the duties associated with the statutory role of Chief Finance Officer (see 12.04 below)

These posts will have the functions described in Article 12.02–12.04 below.

- (d) **Structure.** The head of paid service will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

12.02 Functions of the head of paid service

- (a) **Discharge of functions by the Council.** The head of paid service will report to full Council on the manner in which the discharge of the

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Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers, and the appointment and proper management of Officers

- (b) **Protocols.** The head of paid service's activities will be in accordance with the relevant legislation and the Protocol set out in Part 5 of this constitution consistent with that legislation
- (c) **Restrictions on functions.** The head of paid service may not be the monitoring officer but may hold the post of chief finance officer if a qualified accountant.

12.03 Functions of the monitoring officer

- (a) **Maintaining the Constitution.** The monitoring officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the head of paid service and chief finance officer, the monitoring officer will report to the full Council, or to the executive in relation to an executive function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Audit and Standards Committee.** The monitoring officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Standards Committee.
- (d) **Receiving reports.** The monitoring officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The monitoring officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Audit and Standards Committee.
- (f) **Proper officer for access to information.** The monitoring officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether Executive decisions are within the budget and policy framework.** The monitoring officer will advise whether decisions of the executive are in accordance with the budget and policy framework.
- h) **Providing advice.** The monitoring officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (i) **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service
- (j) **Protocols.** The monitoring officer's activities will be in accordance with the relevant legislation and the Protocol set out in Part 5 of this

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Constitution consistent with that legislation

12.04 Functions of the chief finance officer

- (a) **Ensuring lawfulness and financial prudence of decision making.**
After consulting with the head of paid service and the monitoring officer, the chief finance officer will report to the full Council, or to the executive in relation to an executive function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The chief finance officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The chief finance officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The chief finance officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members and will support and advise Members and officers in their respective roles.
- (e) **Give financial information.** The chief finance officer will provide financial information to the media, members of the public and the community.
- (f) **Protocols.** The chief finance officer's activities will be in accordance with the relevant legislation and the Protocol set out in Part 5 of this Constitution consistent with that legislation

12.05 Duty to provide sufficient resources to the monitoring officer and chief finance officer

The Council will provide the monitoring officer and chief finance officer with officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.06 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations included in the Code of Conduct for Members set out in Part 5 of this Constitution.

12.07 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

Article 13– Decision Making

13.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.02 Principles of decision making

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

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

13.03 Types of decision

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.
- (b) Key decisions.
 - (i) Key decision means an Executive decision which is likely:
 - (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant i.e £100,000 having regard to the local authority's budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough
 - (ii) A decision taker may only make a decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

13.04 Decision making by the full Council

Subject to Article 13.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by the executive

Subject to Article 13.08, the executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by the scrutiny committee

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Scrutiny committee will follow the Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision making by other committees and sub-committees established by the Council

Subject to Article 13.08, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

13.08 Decision making by Council bodies acting as tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

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Article 14– Finance, Contracts and Legal Matters

14.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the financial procedure rules set out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

14.03 Legal proceedings

The Head of Legal and Democratic Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal and Democratic Services considers that such action is necessary to protect the Council's interests.

14.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal and Democratic Services or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Arrangements for the authentication of contracts are set out in the Contract Procedure Rules.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal and Democratic Services or Senior Solicitor. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal and Democratic Services should be sealed. The affixing of the Common Seal will be attested by any two persons from the group consisting of the Council's Solicitors and Fellows of the Chartered Institute of Legal Executives or by one of that group and either the Chief Operating Officer or the Chief Executive and an entry of every sealing of a document shall be made in a book to be provided for the purpose and shall be signed by the person or persons who have attested the seal."

Article 15 -Review and Revision of the Constitution

15.01 Duty to monitor and review the constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for monitoring and review of constitution by monitoring officer

A key role for the monitoring officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make

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recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the monitoring officer may:

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.02 **Changes to the Constitution**

- (a) **Approval.** Changes to the constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer and the Member Structures & Support Working Group. This consideration will include any requirements for consultation or for a referendum to be held under current legislation or statutory guidance.

15.03 Any Member, the Executive or a Committee may propose changes to the Constitution which must be submitted in writing to the Monitoring Officer who will report to the next available Council meeting after consulting the Member Structures & Support Working Group

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Members are present, failing which a notice of motion must previously have been given in writing under Rule 11.1. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1 and cannot exceed the duration of the meeting.
- (c) **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 16.01:

Council Procedure Rules

- Rule 9 - Public Question Time
- Rule 10 - Questions by Members
- Rule 11 - Motions on Notice
- Rule 13 - Motion without Notice
- Rule 14 - Rules of Debate
- Rule 15 - Previous Decisions and Motions

16.02 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

- (a) The Head of Legal and Democratic Services will ~~provide~~give an electronic ~~printed~~ copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The Head of Legal and Democratic Services will ensure that copies are available ~~on the internet for inspection at council offices, on the internet and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.~~
- (c) The Head of Legal and Democratic Services will ensure that the ~~summary of the~~ Constitution is ~~made widely available within the area and is~~ updated as necessary: in electronic format.
- (e)

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Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (scrutiny committees) and the Scrutiny Procedure Rules;
2. Article 7 The Executive and the Executive Procedure Rules;
3. Article 11 Joint arrangements;
4. Article 13 Decision making and the Access to Information Procedure Rules;
5. Part 3 Responsibility for Functions.

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Officer Disciplinary Procedure Rules for Officers Subject to JNC Terms and Conditions

1. Establishing if there is a case to answer

Where there is a serious complaint or a misconduct allegation received against a Protected Officer (Head of Paid Service, Monitoring Officer or Section 151 Officer) or other Chief Officer of the Council, an Investigating Panel will be convened to consider the seriousness of the allegation, if there is potentially a case to answer and whether an investigation is required. The Council's Investigating Panel will be comprised of a minimum of 3 people dependent on who the allegation is against:

Leader or Deputy Leader

Chief Executive

Section 151 Officer~~Director of Resources~~

Monitoring Officer

Chief Operating Officer~~Director of Community Services~~

Strategic HR Manager~~Head of People Development~~

Where it is confirmed there is a potential case to answer, North West Employers or other organisation will be contacted to assist in identifying a suitably qualified independent investigator.

Where the conclusions of the independent investigator's report to the Investigating Panel are that the allegation is one that could constitute dismissal or disciplinary action short of dismissal the matter will be referred to the relevant Investigating Committee detailed below for a disciplinary hearing to be held.

The process will be in line with approved investigatory processes and the model disciplinary procedures set out in the terms and conditions in the Joint Negotiating Committee for Local Authority Chief Executives and for Chief Officers of Local Authorities (the JNC Terms and Conditions) (whichever is appropriate).

In case of conflict between these Collective Agreements and the Council's agreed procedures the Council's procedures shall prevail.

2. Protected Officers - Head of Paid Service, Monitoring Officer and S151 Officer

The **Investigating Committee for Protected Officers**, i.e. the Head of Paid Service, Monitoring Officer and S151 Officer - shall comprise of at least five elected members of the Council appointed on a politically balanced basis, to include the Leader and/or Deputy Leader and other senior members.

This Committee must be appointed by the Council at least 20 working days before the relevant meeting.

The Investigating Committee for Protected Officers will comprise:

Leader

Deputy Leader

Executive Member for Resources and Performance Management

Chair of the Scrutiny Committee

Vice Chair of the Scrutiny Committee

If as a result of the Committee's findings there is a proposal to dismiss a Protected Officer of the Council, the reports of the Investigating Committee for Protected Officers and the Independent Investigator should then be sent to an Independent Panel for its consideration prior to the proposal being considered by the Council.

The Council will be required to approve a proposal to dismiss the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer only following the receipt of advice, views or recommendations from the Council's Investigating Committee for Protected Officers which have been verified by a panel of Independent Persons.

The Independent Panel shall comprise at least two independent persons appointed by the Council under section 28(7) of the Localism Act 2011 or, in the case of the Council having insufficient independent persons, such person(s) appointed by another authority for the same purpose, such persons being appointed to the Independent Panel in the following priority order -

- a relevant independent person who has been appointed by the authority and who is a local government elector;
- any other relevant independent person who has been appointed by the authority
- an independent person who has been appointed by another authority or authorities.

Council - Before the taking of a vote at the relevant meeting of the Council on whether or not to approve the dismissal proposal, the Council must take into account, in particular:

- the conclusions of any investigation into the proposed dismissal;
- any advice, views or recommendations of the Disciplinary Committee;
- any representation from the Protected officer; and
- the views and conclusions of the Independent Panel.

3. Investigating Committee for other officers employed on JNC Terms and Conditions

The Investigating Committee will comprise:

Leader or Deputy Leader
Relevant Executive Member
Chair (or sub Vice Chair) of the Scrutiny Committee

This committee will be advised by the Chief Executive or the Chief Operating Officer ~~a Director~~ and the ~~Head of People and Development~~ Strategic HR Manager as appropriate.

Where the relevant Executive Member is the Leader or Deputy another Member of the Executive could make up the three.

The Council is **not** required to approve a proposal to dismiss Chief Officers other than Protected Officers.

4. Terms of Reference of the Investigating Committees

The Investigating Committee will consider the investigatory report and provide the officer under investigation with the opportunity to state his/her case before making a decision and in line with JNC Terms and Conditions, may decide to:

- take no further action;
- state their opinion as to whether (and if so to what extent) the evidence they have obtained supports any allegation of misconduct against the chief officer;
- determine the disciplinary action (if any) or a range of actions which appear appropriate to take against the chief officer. The appropriate action will be drawn from the following list: –
 - a. a recorded verbal warning;
 - b. a written warning;
 - c. suspension on half pay or no pay for a specified period;
 - d. reduction in salary for a specified period;
 - e. an invitation to resign or accept retirement;
 - f. dismissal with notice; (not Protected Officers)
 - g. dismissal without notice; (not Protected Officers)
 - h. recommend informal resolution or other appropriate procedures;
 - i. refer back to the Investigating Officer for further investigation and report
 - j. other disciplinary action short of dismissal.

If there is a recommendation to dismiss a Protected Officer, the reports and notes of the Investigating Committee for Protected Officers and the Independent Investigator should then be sent to the Independent Panel for its consideration prior to advising the Council.

5. Appeals

For Protected Officers an appeal against a proposal to dismiss will be considered at the Council meeting where the proposal is being considered. This would also include redundancy dismissals.

All other disciplinary appeals from Investigating Committees may be made to an JNC Appeals Committee constituted for that purpose.

6. General

If, by the application of these rules the membership of the Committee does not include at least one Member of an opposition group, then the Leader of the largest opposition group (or their nominee) will be substituted for the, or one of the Scrutiny places on the Committee.

The Investigating Committees will not include any member or officer with a direct personal involvement in the complaint or who has participated in the preliminary investigation.

8. Other matters

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and 151 Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months in order for such further period as directed by the Designated Independent Person in accordance with the JNC Terms and Conditions.

Suspension of all other officers on the JNC Terms and Conditions should be reviewed on a regular basis and where possible lengthy periods of suspension should be avoided.

- (b) Subject to the Rules contained in this Part and Council Policy relating to the discipline of officers not subject to the JNC Terms and Conditions **Members** will not be involved in the dismissal of any officer except where that involvement is necessary for any investigation or inquiry into alleged misconduct or to hear an appeal.
- (b) **Redundancy - proposal to dismiss Head of Paid Service, Monitoring Officer and S151 Officer**

Any proposal that potentially involves the redundancy dismissal of the Head of Paid Service, 151 Officer or Monitoring Officer must be first considered by the Independent Panel prior to the decision being taken by Council.

Protocol for the Monitoring Officer

A. Statutory Responsibilities

The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989 as amended by paragraph 24 of Schedule 5 Local Government Act 2000. This Protocol sets out how those statutory requirements will be discharged at Burnley Council.

The current responsibilities of the Monitoring Officer role rest with the relevant Officer appointed by Full Council who undertakes to discharge his/her statutory responsibilities in a manner that enhances the overall reputation of the Council. In doing so s/he will also safeguard, so far as is possible, Members and Officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.

(a) The main functions of the Monitoring Officer are:-

To report to the Council and to the Executive in any case where s/he is of the opinion that any proposal or decision of the Council has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989 (LGHA 89);

1. To investigate any matter which s/he has reason to believe may constitute, or where s/he has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89;
2. To act as the principal adviser to the Council's Audit and Standards Committee and Sub Committees;
3. To maintain the register of Members' interests;
4. To maintain the register of Officers' interests; and
5. To undertake, with others, investigations in accordance with the Council's Whistleblowing procedures;

(b) In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:-

1. Complying with the law (including any relevant Codes of Conduct);
2. Complying with any General Guidance issued, from time to time, by the Audit and Standards Committee and/or the Monitoring Officer;
3. Making lawful and proportionate decisions;
4. Complying with the Council's Constitution and standing orders;
5. Generally, not taking action that would bring the Council, their offices or professions into disrepute; and
6. Communicating effectively with the Monitoring Officer and seeking advice on any issues relating to constitutional or ethical matters.

The main statutory references for the Monitoring Officer's functions are set out in Appendix 1.

B. Working Arrangements

It is important that Members and Officers work together to promote the corporate health of the Council. The Monitoring Officer plays a key role in this and it is vital therefore, that Members and Officers work with the Monitoring Officer (and his/her staff) to enable him/her to discharge his/her statutory responsibilities and other duties.

(a) The following arrangements and understandings between the Monitoring Officer, Members and Chief Officers are designed to ensure the effective discharge of the Council's business and functions.

The Monitoring Officer must:-

1. Be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including, in particular issues around legal powers to act or fail to act, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
2. Have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council, the Executive, committee meetings and/or Executive Team (or equivalent arrangements);
3. Have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council (including a failure to take a decision where one should have been taken) at or before the Council, the Executive, Committee meetings and/or Executive Team (or equivalent arrangements);
4. In carrying out any investigation(s) have unqualified access to any information held by the Council and to any Member or Officer who can assist in the discharge of his/her functions;
5. Ensure the other statutory Officers (Head of Paid Service and the Chief Financial Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
6. Meet regularly with the Head of Paid Service and the Chief Financial Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
7. Report to the Council, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Executive Leader, the Head of Paid Service and Chief Financial Officer;
8. In accordance with statutory requirements, make a report to the Council as necessary, on the staff, accommodation and resources s/he requires to discharge his/her statutory functions;
9. Have an effective working liaison and relationship with the Leader of the Council, Deputy Leader, Audit and Standards Committee and

- Scrutiny Committee with a view to ensuring the effective and efficient discharge of Council business;
10. Develop effective working liaison and relationship with the relevant statutory bodies regarding Standards , the Audit Commission and the Local Government Ombudsman;
 11. Maintain and keep up-to-date relevant statutory registers for the declaration and registration of Members' interests, gifts and hospitality;
 12. Maintain and keep up-to-date a register for the registration of Officers' interests;
 13. Give informal advice and undertake relevant enquiries into allegations of misconduct (in the absence of a written complaint being received by the Audit and Standards Committee) and, if appropriate, make a written report to the Audit and Standards Committee (unless the Chair of the Audit and Standards Committee agrees a report is not necessary);
 14. Undertake all statutory Monitoring Officer functions in respect of the Town and Parish Councils of the Borough and make arrangements to ensure effective communication between his/her office and the respective Clerks on
 15. Monitoring Officer and Audit and Standards Committee issues;
 16. Subject to the approval of the Audit and Standards Committee, be responsible for preparing any training programmes for Members, staff and partners on ethical standards and Code of Conduct issues;
 17. Support the implementation and operational effectiveness of the Code of Corporate Governance;
 18. Advise on all applications from Council employees (or prospective employees) for exemption from political restriction in respect of their posts;and
 19. Appoint a deputy and keep him/her briefed on any relevant issues that s/he may be required to deal with in the absence of the Monitoring Officer. The Deputy will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.

To ensure the effective and efficient discharge of the arrangements set out above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.

The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality or otherwise, or by identifying alternative and legitimate means of achieving the objective of the proposal.

Where the Monitoring Officer receives a complaint of a potential reportable incident, s/he shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.

In appropriate cases, the Monitoring Officer may rely upon existing processes within the Council (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene

in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue.

In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his/her written advice to the report of any other Officer of the Council.

Notwithstanding the above, the Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Chief Executive and the Chief Finance Officer, s/he is of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the Police for investigation.

The Monitoring Officer is available for Members and Officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (eg Standing Orders, policy framework, terms of reference, scheme of delegations etc).

To ensure the effective and efficient discharge of this Protocol, the Council will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.

C. Sanctions for breach of Burnley Council's Code of Conduct for Members and this protocol

Complaints about a breach of the Council's Code of Conduct for Members may be referred to the Audit and Standards Committee.

Complaints about a breach of this Protocol by a Member may be referred to the Audit and Standards Committee and to the relevant Leader and/or Chief Whip of the Political Party Group. Complaints about any breach of this Protocol by an Officer may be referred to the Chief Operating Officer and/or the Chief Executive.

Appendix 1 - Monitoring Officer Protocol
Summary of Main Monitoring Officer Functions

	Description	Source
1	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3	Appointment of Deputy	Section 5 Local Government and Housing Act 1989
4	Report on resources	Section 5 Local Government and Housing Act 1989
5	Receive copies of whistleblowing and allegations of misconduct	Code of Conduct for Members and Co-opted Members of Burnley Council
6	Investigate allegation of misconduct/take alternative action in accordance with a direction of the Audit and Standards Committee	Local Government Act 2000
7	Establish and maintain registers of Members interests and gifts and hospitality	Section 81 LGA 2000 and Code of Conduct for Members and Co-opted Members of Burnley Council
8	Advice to Members on interpretation of Code	Code of Conduct for Members and Co-opted Members
9	Key role in promoting and maintaining high standards of conduct through support to the Audit and Standards Committee	Relevant statutory bodies regarding Standards Guidance and notable practice
10	Liaison with relevant statutory bodies regarding Standards	New ethical framework, practical implications
11	Ethical framework functions in relation to Parish Councils	Section 83(12) LGA 2000
12	Advice on vires, maladministration, financial impropriety, probity and policy framework to all Members	Constitution, law and CLG guidance

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To: Executive Member for Housing and Leisure, Chief Executive, Chief Operating Officer, Head of Housing and Development Control , Head of Legal and Democratic Services

Amendment to Part 3 Scheme of Delegation (Executive Functions)

I give notice that on 18th June 2019, I approved the following recommendation;

That I approve changes to Part 3 (Executive) of the Council's constitution, i.e. the Scheme of Delegation, to amend the delegation below for the Head of Housing and Development Control by adding in the following delegation;

Licensing and Management Orders

To exercise all powers to in relation to the Rogue Landlord Database and issue, use and enforce Banning Orders as detailed in the Housing and Planning Act 2016 (and any regulations made there under).

DATED: 18-06-19

SIGNED: 

Leader- Councillor Charlie Briggs

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REPORT TO EXECUTIVE



DATE	2 July 2019
PORTFOLIO	Resources & Performance Management
REPORT AUTHOR	Amy Johnson
TEL NO	01282 477172
EMAIL	ajohnson@burnley.gov.uk

2018/19 Final Revenue Outturn Position

PURPOSE

- To report the final position on the Council's revenue accounts for 2018/19.

RECOMMENDATION

- That the Executive Members are requested to recommend that Full Council approve:
 - The final position on the Council's revenue account for 2018/19 which shows a break even position. This remains unchanged from the outturn position estimated during quarter 3 budget monitoring.
 - The transfers to/from Earmarked Reserves totalling a net £0.468m addition to reserves (see Appendix 2).
 - The approval of additional revenue budget carry forward requests from Heads of Service totalling £0.128m (see Appendix 3).

REASONS FOR RECOMMENDATION

- To conclude the revenue budget monitoring process for 2018/19 and report the final outturn position as outlined in the Council's Statement of Accounts for 2018/19.

SUMMARY OF KEY POINTS

Revenue Outturn position

- Members will recall that there were three quarterly budget monitoring reports to the Executive during 2018/19. These reports disclosed that there were anticipated variations in spending and income compared with the revised budget. The third and most recent in-year monitoring report to Full Council, in February 2019, estimated a break-even position for the

year on the revenue account.

- 5 The final outturn on the Council's revenue account for 2018/19 has maintained the breakeven position as estimated in the quarter 3 budget monitoring report (see Appendix 1).

Redundancy and pension strain costs for the year totalled £400k. As previously reported during the quarterly in year budget monitoring reports, any additional underspends on services would be used to contribute towards these costs with any balance being funded from earmarked reserves. Additional in year savings of £174k have been identified to part fund the redundancy and pension strain costs with the balance of £226k being funded from earmarked reserves.

The table below shows actual spend compared to budget and the associated variance for each service department:

DEPARTMENT	BUDGET £	ACTUAL £	VARIANCE £
Economy and Growth	1,034,592	1,144,648	110,056
Policy and Engagement	450,105	433,435	(16,670)
Management Team	330,258	327,170	(3,088)
Sport & Culture Leisure Client	589,519	638,960	49,441
Green Spaces and Amenities	872,380	976,119	103,739
Street Scene	3,058,990	2,986,228	(72,762)
Housing and Development Control	297,790	386,833	89,043
Strategic Partnership	3,610,838	3,627,255	16,417
Finance and Property	331,681	410,380	78,699
Revenues and Benefits Client	(1,324,057)	(1,306,413)	17,644
Legal and Democratic Services	1,023,457	1,054,546	31,089
People and Development	257,656	261,507	3,851
Treasury	942,381	870,602	(71,779)
Corporate Income and Expenditure	3,973,389	3,864,279	(109,110)
Other Net Budget Items	(359,546)	(586,116)	(226,570)
TOTAL OUTTURN	15,089,433	15,089,433	0
FUNDING			
Council Tax	(6,827,712)	(6,827,712)	0
Business Rates	(5,472,762)	(5,472,762)	0
Revenue Support Grant	(2,227,825)	(2,227,825)	0
New Homes Bonus	(561,134)	(561,134)	0
TOTAL FUNDING	(15,089,433)	(15,089,433)	0

A summary of the significant variances is shown in the table below:

	Significant Variances £'000s
Underspends / Increased Income	
Increased housing benefit income mainly due to a reduction in the provision set aside for bad debts due to an in year reduction in the number of outstanding debts. Plus additional income from over payments recovered.	(202)
Increased income from household garden waste.	(42)
Release of provisions previously set aside.	(167)
Increased Expenditure / Reduced Income	
Reduced income relating to Vision Park due to vacant units and also increased expenditure due to business rates payable.	113
Increased business rates collection costs due to increased court costs and other operating costs	169
Reduction in income at Burnley Cemetery due to a fall in the number of cremations.	75
Reduction in planning fee income.	96

6 Reserves Transfers

The Executive is asked to recommend to Full Council approval of the movements in earmarked reserves being a net overall increase in the year of £0.468m – see Appendix 2 – from £6.778m at the start of the year to an end position of £7.246m.

The balance of General Reserves has remained at £1.379m.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

7. As shown in the body of the report and appendices.

POLICY IMPLICATIONS

8. The final outturn position is reflected in the Statement of Accounts which shows the spending by the Council in pursuit of declared objectives in that financial year and the reserves and balances available for future spending which was signed off by the Head of Finance and Property Services on the 24 May 2019 and is to be reported to the Audit and Standards Committee on 18 July 2019.

DETAILS OF CONSULTATION

9. None.

BACKGROUND PAPERS

10. None.

FURTHER INFORMATION

PLEASE CONTACT:

**Amy Johnson
Principal Accountant**

Revenue Underspending 2018/19

Appendix 1

Cumulative
£000s

Forecast break even position at 31/12/18 - Cycle 3

-

Final Variances

Expenditure Savings

Reduced Housing Benefits bad debts provision	(189)		
Release of Curzon St provision	(150)		
Reduced provision for legal expenses	(30)		
Reduced Sundry Debtors provision	(47)		
Reduction in External Audit fees payable	(20)	(436)	

Increased Income

Increase in housing benefit overpayments recovered and other minor income streams	(13)		
Increased income from household waste	(42)		
Increased income from back yard clearances, in particular court costs	(31)	(86)	(522)

Increased Expenditure

Increased business rates collection costs	169		
Redundancy and pension strain costs	400		
Increase to pension guarantees provision	5		
Increase to contractual obligations provision	50	624	

Reduced Income

Reduced planning fees income	96		
Vacant units at Vision Park	113		
Reduced income at Burnley Cemetery due to a fall in the number of cremations	75	284	908

Other minor net overspends/(underspends) under £20k (160)

Use of Reserves

Use of reserves re redundancy and pension strain costs	(226)	(226)	(226)
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Break even position for year

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Appendix 2

		2017/18			2018/19		
	Balance at 31 March 2017 £000s	Net transfers In/(Out) £000s	Movements between Reserves £000s	Balance at 31 March 2018 £000s	Net transfers In/(Out) £000s	Movements between Reserves £000s	Balance at 31 March 2019 £000s
Transfers to/from Earmarked Reserves							
Earmarked Reserves							
Specific Reserves							
Taxi Licensing	12	(5)	-	7	(3)	-	4
Selective Licensing	380	66	-	446	33	-	479
Local Development Framework	150	(50)	-	100	(78)	-	22
Housing Benefit Admin Subsidy	34	-	-	34	-	(34)	-
Transport & Plant Replacement	-	28	-	28	(3)	-	25
Rail Services	20	-	-	20	-	(20)	-
Revenue Grants Unapplied	376	(212)	-	164	77	-	241
Flood	235	(166)	-	69	(69)	-	-
Primary Engineer	135	(43)	-	92	(55)	-	37
Town Centre Management	375	-	-	375	(375)	-	-
Town Centre & Weavers Triangle	143	(30)	-	113	(18)	-	95
Burnley Bondholders	38	16	-	54	(10)	-	44
Business Rates Retention Volatility	759	63	(610)	212	1,897	(250)	1,859
Cremator Relining	-	15	-	15	15	-	30
Revenue Support (New)	-	-	-	-	-	304	304
Carry Forwards (New)	-	-	-	-	128	-	128
	2,657	(318)	(610)	1,729	1,539	-	3,268
Strategic Reserves							
Transformation	2,749	(918)	-	1,831	(503)	-	1,328
Growth	2,626	(18)	610	3,218	(568)	-	2,650
	5,375	(936)	610	5,049	(1,071)	-	3,978
Total	8,032	(1,254)	-	6,778	468	-	7,246

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Service Unit / Task	Details	2018/19 Budget £	2018/19 Forecast Outturn £	2018/19 Under / Over Spend £	Amount Requested £	Amount Approved Q3 £	Amount to be Approved Q4 £
Policy & Engagement							
Digital transformation (Idox)	Budget of £61,000 agreed with Executive. Current spend is £30,698. Carry forward £5,302 plus additional provision from reserve to make budget next year of £30,778.	36,000	30,698	(5,302)	5,302		5,302
Sub-total		36,000	30,698	(5,302)	5,302	0	5,302
Green Spaces and Amenities							
Web-based Allotment Management System	To move from an internally developed spreadsheet to a web-based allotment management system. This will offer considerable savings in time through self-serve registration and automated process of setting up new tenancies and subsequently managing them	22,956	17,068	(5,888)	5,258		5,258
Sub-total		22,956	17,068	(5,888)	5,258	0	5,258
Streetscene							
Enforcement Cameras	We are currently working with LCC to get an agreement in place to mount cameras on to their lampposts to tackle illegal fly tipping / dumping into back yards. IN ADDITION TO ALREADY APPROVED (bringing total to £20,000)- Awaiting costs from LCC for mounting cameras to identify fly tipping. Indicative costs are higher than expected.	21,000	965	(20,035)	20,000	12,300	7,700
IDOX Software	There is currently £5,000 in R6010/1979 which is earmarked spend for this system – but depending upon the progress of implementation of this product this may need to be c/f into next year. IN ADDITION TO ALREADY APPROVED (bringing total to £21,000) - Work has yet to start due to roll out to other service units. Extra budget will allow an options appraisal to be undertaken for ASB as this isn't currently part of the scope.	28,604	7,528	(21,076)	21,000	5,076	15,924
Sub-total		49,604	8,493	(41,111)	41,000	17,376	23,624
Economy and Growth							
Burnley Markets	To complete dining area. Pay contractor for extraction Units. Work needs to be rectified so money needs carrying forward.	92,944	73,752	(19,192)	19,191		19,191
BID Burnley Town Centre	BID Loan Fund - Stage 1 Feasibility Study	5,250	0	(5,250)	5,250	5,250	0

Sub-total			98,194	73,752	(24,442)		24,441	5,250	19,191
Comms Servcs Performance & Policy									
Children's University	Balance required to fund Yr 3 from the £20k budget approved by the Executive		12,780	3,740	(9,040)		9,040	9,040	0
Sub-total			12,780	3,740	(9,040)		9,040	9,040	0
Finance & Property									
Accountancy	Balance of Finance transformation budgets to complete work on intelligent scanning, asset accounting and bank reconciliation modules		30,000	10,000	(20,000)		20,000	20,000	0
Sub-total			30,000	10,000	(20,000)		20,000	20,000	0
Housing & Development Control									
Agency Staff	The £23,000 underspend originates from salary savings within the Planning Department. Requested carry forward to fund: - 1 x post for 16 weeks (£16,000), assisting with extra planning works (this does not necessarily mean additional planning income will be generated) - 1 x post for 14 weeks (£7,000) covering for a permanent staff member who is currently setting up the new IDOX Housing & Planning System. It is hoped that the Planning Manager position will be filled June/July, but these savings will be offset by temporarily employing 1FTE made redundant in March 2019 and also payment of an honorarium to an existing staff member.		37,408	14,308	(23,100)		23,000		23,000
Sub-total			37,408	14,308	(23,100)		23,000	0	23,000
Totals			286,942	158,059	(128,883)		128,041	51,666	76,375

REPORT TO EXECUTIVE



DATE	2 July 2019
PORTFOLIO	Resources & Performance Management
REPORT AUTHOR	Martin Dixon
TEL NO	01282 477324
EMAIL	mdixon@burnley.gov.uk

2018/19 Final Capital Outturn Position

PURPOSE

1. To report to Members on the performance of the 2018/19 capital investment programme and present the financing of capital expenditure incurred during 2018/19.
2. To seek approval of a revised 2019/20 capital budget after incorporating net carry forward commitments (slippage) from 2018/19.

RECOMMENDATION

3. That the Executive Members are requested to recommend that Full Council approve:
 - a) The final position on capital spending and financing of £6.422m for 2018/19 as shown in Appendices 1 & 2, which equates to 81% of the final resources position.
 - b) The revised capital budget for 2019/20 totalling £19.625m as outlined in Appendix 3, (including net carry forward of £1.401m).

REASONS FOR RECOMMENDATION

4. To conclude the capital budget monitoring process for 2018/19 and report the final outturn position as outlined in the Council's Statement of Accounts for 2018/19.
5. To increase the 2019/20 Council capital programme for amounts carried forward from 2018/19 and other budget adjustments as shown in Appendix 3.

SUMMARY OF KEY POINTS

Capital Outturn Position

Budget Changes and Expenditure Outturn Position:

6. After incorporating all the recommendations approved throughout the financial year, the original capital budget of £10.141m (approved at Full Council on 21 February 2018) was revised to a final position of £7.823m per the cycle 3 capital monitoring report presented to the Executive on the 11 February 2019.

7. Appendix 1 shows the final resources and outturn position. Additional resources have been utilised in financing the outturn expenditure position totalling £0.132m split between:

- £0.113m of brought-forward funding from 2019/20 ("reverse slippage"), utilising in advance, resources originally approved within the 2019/20 capital programme at Full Council on 20 February 2019.
- £0.019m of other additional resources identified.

8. Where slippage from 2018/19 to 2019/20 in excess of £150k has incurred, the reasons are as follows:

Thompson Park Restoration Project

Elements of the scheme have been delayed. These include the engineering works on the car park, resurfacing of the pavilion terrace and completion of repairs to the lake and paddling pool.

Vision Park

Delays in the completion of the Sale of Unit A-B due to a number of queries raised by the prospective purchasers solicitors and lease negotiations taking longer than originally expected with an incoming tenant.

NW Burnley Growth Corridor

There has been a delay in completing a funding / delivery agreement with the Environment Agency and the Council.

Building Infrastructure Works

Contract program now subject to significant slippage, formal extension of time has now been advised due to significant delays incurred in relation to construction challenges, including Phase 2 Scaffold Design & Copper Dome Replacement.

Revised Capital Budget for 2018/19

9. Members are asked to approve a revised capital budget for 2019/20 after incorporating the adjustments identified within this outturn report.

Appendix 3 details the 2019/20 capital programme financing elements along with incorporating the year end resources adjustments and brought-forward funding elements identified within this outturn report, and incorporating the carry forward requests. This

results in a revised capital programme totalling £19.625m.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

10. As shown in the body of the report and appendices.

POLICY IMPLICATIONS

11. The final outturn position is reflected in the Statement of Accounts which shows the spending by the Council in pursuit of declared objectives in that financial year and the reserves and balances available for future spending which was signed off by the Head of Finance and Property Services on the 24 May 2019 and is to be reported to the Audit and Standards Committee on 18 July 2019.

DETAILS OF CONSULTATION

12. None.

BACKGROUND PAPERS

13. None.

FURTHER INFORMATION

PLEASE CONTACT:

Martin Dixon
Finance Business Partner

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Final Capital Outturn Position for 2018/19

APPENDIX 1

Scheme Name	Final Budget Position Approved by Executive	Additional Resources Utilised at Year End		Resources no longer required as Schemes completed within budget	Final Resources Position At Year End	Expenditure Outturn Position	Expenditure Outturn to Final Resources Position as at Year End	Slippage Requested
		Additional Financing made available at Year End	"Reverse Slippage" Budgets utilised from 2019/20					
	£	£	£	£	£	£	%	£

GREEN SPACES AND AMENITIES

Thompson Park Restoration Project	743,293	-	-	-	743,293	586,059	79%	157,234
Play Area Improvement Programme	170,015	-	-	-	170,015	134,330	79%	35,685
Vehicle and Machinery Replacement	159,069	-	-	-	159,069	159,069	100%	-
Calder Park Sport & Play Equipment	10,132	-	-	(1)	10,131	10,131	100%	-
Prairie Artificial Turf Pitch	-	-	19,824	-	19,824	19,824	100%	-
Stoops Wheeled Sport	-	-	4,540	-	4,540	4,540	100%	-
	1,082,509	-	24,364	(1)	1,106,872	913,954	83%	192,918

STREETSCENE

Burnley Town Centre Pedestrianisation Upgrade	13,615	-	-	-	13,615	6,160	45%	7,455
River Training Walls	50,000	-	-	-	50,000	43,737	87%	6,263
CCTV Infrastructure	65,331	-	-	-	65,331	56,028	86%	9,303
Alleygate Programme	51,082	-	-	-	51,082	45,492	89%	5,590
	180,028	-	-	-	180,028	151,417	84%	28,611

REGENERATION AND PLANNING POLICY

Vision Park	295,904	-	-	-	295,904	142,483	48%	153,421
Padiham Townscape Heritage Initiative	60,000	-	5,905	-	65,905	5,905	9%	60,000
Former Open Market and Former Cinema Block	570,353	-	19,841	-	590,194	590,194	100%	-
Weavers Triangle - Starter Homes	52,271	-	-	-	52,271	52,271	100%	-
NW Burnley Growth Corridor	772,029	-	-	-	772,029	283,731	37%	488,298
Town Centre & Weavers Triangle Project Work	350,000	-	-	-	350,000	313,270	90%	36,730
Sandygate Square	-	-	1,895	-	1,895	1,895	100%	-
	2,100,557	-	27,641	-	2,128,198	1,389,749	65%	738,449

GOVERNANCE, LAW, PROPERTY & REGULATION

Towneley Hall Building Works	10,000	-	-	-	10,000	8,122	81%	1,878
Contribution to Shopping Centre Redevelopment	375,000	-	-	-	375,000	375,000	100%	-
Padiham Town Hall - Flood Works	3,048	1	-	-	3,049	3,049	100%	-
Rationalisation of Operational Estate	120,000	-	-	-	120,000	80,121	67%	39,879
Leisure Centre Improvements	93,077	-	-	-	93,077	80,067	86%	13,010
Building Infrastructure Works	616,827	-	-	-	616,827	437,323	71%	179,504
	1,217,952	1	-	-	1,217,953	983,682	81%	234,271

HOUSING AND DEVELOPMENT CONTROL

Emergency Repairs	120,000	-	-	-	120,000	76,212	64%	43,788
Better Care Grant	1,500,000	-	-	-	1,500,000	1,419,642	95%	80,358
Energy Efficiency	40,000	18,661	-	(18,532)	40,129	40,129	100%	-
Empty Homes Programme	1,100,000	-	-	-	1,100,000	969,810	88%	130,190
Interventions, Acquisitions & Demolitions	163,000	-	61,134	-	224,134	224,134	100%	-
	2,923,000	18,661	61,134	(18,532)	2,984,263	2,729,927	91%	254,336

CHIEF EXECUTIVE

Ward Opportunities Fund	99,159	-	-	-	99,159	33,691	34%	65,468
	99,159	-	-	-	99,159	33,691	34%	65,468

LEISURE CLIENT

St Peters LC - Gym Refurbishment	220,000	-	-	(470)	219,530	219,530	100%	-
	220,000	-	-	(470)	219,530	219,530	100%	-

Final Capital Outturn Position for 2018/19	7,823,205	18,662	113,139	(19,004)	7,936,002	6,421,948	81%	1,514,054
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CAPITAL 2018/19 - FINAL SPEND POSITION

APPENDIX 2

Ledger Code	Scheme Name	Final Spend Position £	FINANCING ELEMENTS									Total Revised Budget £
			Prudential Borrowing £	Revenue Contributions / Reserves £	Better Care Grant £	Heritage Lottery Fund £	Homes & Communities Agency £	Lancashire Enterprise Partnership £	Capital Receipts £	Vacant Property Initiative Receipts £	S106 Payments / 3rd Party Contributions £	
SERVICE UNIT: GREEN SPACES AND AMENITIES												
GTP	Thompson Park Restoration Project	586,059	-	230,447	-	355,612	-	-	-	-	-	586,059
C7687	Play Area Improvement Programme	134,330	-	2,500	-	-	-	-	54,330	-	77,500	134,330
TRFLT	Vehicle and Machinery Replacement	159,069	-	159,069	-	-	-	-	-	-	-	159,069
C7569	Calder Park Sport & Play Equipment	10,131	-	1,999	-	-	-	-	-	-	8,132	10,131
C7703	Prairie Artificial Turf Pitch	19,824	19,824	-	-	-	-	-	-	-	-	19,824
C7704	Stoops Wheeled Sport	4,540	-	-	-	-	-	-	2,000	-	2,540	4,540
		913,954	19,824	394,015	-	355,612	-	-	56,330	-	88,172	913,954
SERVICE UNIT: STREETSCENE												
C5249	Burnley Town Centre Pedestrianisation Upgrade	6,160	6,160	-	-	-	-	-	-	-	-	6,160
C8015	River Training Walls	43,737	-	-	-	-	-	-	43,737	-	-	43,737
C5239	CCTV Infrastructure	56,028	56,028	-	-	-	-	-	-	-	-	56,028
C1534	Alleygate Programme	45,492	-	-	-	-	-	-	45,492	-	-	45,492
		151,417	62,188	-	-	-	-	-	89,229	-	-	151,417
SERVICE UNIT: REGENERATION AND PLANNING POLICY												
C1551	Vision Park	142,483	-	-	-	-	-	37,255	105,228	-	-	142,483
C1557	Padiham Townscape Heritage Initiative	5,905	-	-	-	-	-	-	5,905	-	-	5,905
MKT03	Former Open Market and Former Cinema Block	590,194	292,997	297,197	-	-	-	-	-	-	-	590,194
CWTSH	Weavers Triangle - Starter Homes	52,271	-	-	-	-	52,271	-	-	-	-	52,271
C1560	NW Burnley Growth Corridor	283,731	-	-	-	-	-	283,731	-	-	-	283,731
C1561	Town Centre & Weavers Triangle Project Work	313,270	250,000	-	-	-	-	-	63,270	-	-	313,270
C1586	Sandygate Square	1,895	1,895	-	-	-	-	-	-	-	-	1,895
		1,389,749	544,892	297,197	-	-	52,271	320,986	174,403	-	-	1,389,749
SERVICE UNIT: GOVERNANCE, LAW, PROPERTY & REGULATION												
C7632	Towneley Hall Building Works	8,122	-	-	-	-	-	-	8,122	-	-	8,122
C1440	Contribution to Shopping Centre Redevelopment	375,000	-	375,000	-	-	-	-	-	-	-	375,000
PTY17	Padiham Town Hall - Flood Works	3,049	-	3,049	-	-	-	-	-	-	-	3,049
C1447	Rationalisation of Operational Estate	80,121	-	19,070	-	-	-	-	61,051	-	-	80,121
PTY14	Leisure Centre Improvements	80,067	80,067	-	-	-	-	-	-	-	-	80,067
PTY15	Building Infrastructure Works	437,323	161,000	157,960	-	-	-	-	118,363	-	-	437,323
		983,682	241,067	555,079	-	-	-	-	187,536	-	-	983,682
SERVICE UNIT: HOUSING AND DEVELOPMENT CONTROL												
C3660	Emergency Repairs	76,212	-	-	76,212	-	-	-	-	-	-	76,212
C3630	Better Care Grant	1,419,642	-	-	1,419,642	-	-	-	-	-	-	1,419,642
C3680	Energy Efficiency	40,129	-	-	21,468	-	-	-	-	-	18,661	40,129
C3640	Empty Homes Programme	969,810	-	-	-	-	-	-	-	969,810	-	969,810
HCP	Interventions, Acquisitions & Demolitions	224,134	-	-	-	-	-	-	-	224,134	-	224,134
		2,729,927	-	-	1,517,322	-	-	-	-	1,193,944	18,661	2,729,927
SERVICE UNIT: CHIEF EXECUTIVE												
MW001-15	Ward Opportunities Fund	33,691	-	-	-	-	-	-	33,691	-	-	33,691
SERVICE UNIT: LEISURE CLIENT												
C7582	St Peters LC - Gym Refurbishment	219,530	199,530	-	-	-	-	-	-	-	20,000	219,530
Total Revised Budget		6,421,948	1,067,500	1,246,291	1,517,322	355,612	52,271	320,986	541,189	1,193,944	126,833	6,421,948

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2019/20 CAPITAL BUDGET AND FINANCING ELEMENTS

APPENDIX 3

Scheme Name	Original Budget £	Reprofiled from 2018/19 £	Reverse Slippage £	Revised Budget £	FINANCING ELEMENTS													Total Budget £
					Prudential Borrowing £	Revenue Cont'n / Reserves £	Better Care Grant £	Heritage Lottery Fund £	Lancashire Enterprise Partnership £	Football Foundation £	Sport England £	Lanashire Enivornment Fund £	Calico £	Capital Receipts £	Vacant Property Initiative Receipts £	3rd Party £	Section 106 £	
Thompson Park Restoration Project	35,000	157,234		192,234				192,234										192,234
Padiham Townscape Heritage Initiative	692,924	60,000	(5,905)	747,019				451,249	151,675					144,095				747,019
Pioneer Place	189,666			189,666	-	189,666												189,666
Sandygate Square	5,705,736		(1,895)	5,703,841	5,703,841													5,703,841
Vision Park	-	153,421		153,421					60,147					93,274				153,421
Rationalisation of Operational Estate	180,000	39,879		219,879										219,879				219,879
Leisure Centre Improvements	75,000	13,010		88,010	88,010													88,010
Building Infrastructure Works	905,250	181,382		1,086,632	387,200	102,000								597,432				1,086,632
Liberata Fee	66,445			66,445										66,445				66,445
Emergency Repairs	120,000	43,788		163,788			163,788								-			163,788
Better Care Grant	3,223,649	80,358		3,304,007			3,304,007											3,304,007
Energy Efficiency	40,000			40,000			40,000											40,000
Empty Homes Programme	1,300,000	130,190		1,430,190											1,430,190			1,430,190
Interventions, Acquisitions and Demolitions	300,000		(61,134)	238,866											238,866			238,866
Brun Valley Forest Park	41,242			41,242													41,242	41,242
Stoops Wheeled Sport	130,355		(4,540)	125,815							50,000	30,000	40,755	-		5,060		125,815
Prairie Artificial Turf Pitch	1,107,000		(19,824)	1,087,176	160,176					500,000						427,000		1,087,176
Play Area Improvement Scheme	43,000	35,685		78,685										170		78,515		78,685
Worsthorne Recreation Ground Improvements	276,311			276,311						183,311				47,000		46,000		276,311
Vehicle and Machinery Replacement	140,000			140,000		113,000										27,000		140,000
Extension of Burnley Cemetery	25,000			25,000	25,000													25,000
Former Open Market & Former Cinema Block	830,000		(19,841)	810,159	810,159													810,159
NW Burnley Growth Corridor	2,033,989	488,298		2,522,287					2,522,287									2,522,287
Town Centre & Weavers Triangle Project Work	250,000	36,730		286,730	250,000									36,730				286,730
Lower St James Street	400,000	7,455		407,455	7,455	400,000												407,455
Alleygate Programme	25,000	5,590		30,590										30,590				30,590
River Training Walls	88,289	6,263		94,552										94,552				94,552
CCTV Infrastructure	-	9,303		9,303	9,303													9,303
Ward Opportunities Fund	-	65,468		65,468										65,468				65,468
TOTAL OF ALL SCHEMES	18,223,856	1,514,054	(113,139)	19,624,771	7,441,144	804,666	3,507,795	643,483	2,734,109	683,311	50,000	30,000	40,755	1,395,635	1,669,056	583,575	41,242	19,624,771

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REPORT TO EXECUTIVE



DATE	2nd July 2019
PORTFOLIO	Resources and Performance Management
REPORT AUTHOR	Asad Mushtaq
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Annual Treasury Management Report Review of 2018/19 Activity

PURPOSE

1. To inform members of the Council's treasury management activity during 2018/19.

RECOMMENDATION

2. That the Executive recommends that Full Council note the annual treasury management activity for the year ended 31 March 2019.

REASONS FOR RECOMMENDATION

- 3 To comply with the regulations issued under the Local Government Act 2003 to produce an annual treasury management report review of activities and the actual prudential and treasury indicators for 2018/19. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code). Performance against the approved prudential and treasury indicators are shown in Appendix 1.

During 2018/19 the minimum reporting requirements were that Full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Council 21 February 2018)
- a mid-year treasury update report (Council 19 December 2018)
- an annual review following the end of the year describing the activity compared to the strategy (this report).

The regulatory environment places responsibility on Members for the review and scrutiny of treasury management policy and activities. This report is therefore important, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.

This Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Scrutiny Committee before they were reported to Full Council. Member training on treasury management issues was undertaken during the year on 10 December 2018 in order to support Members' scrutiny role.

SUMMARY OF KEY POINTS

4.1 The Economy and Interest Rates (Provided by Link Asset Services)

After weak economic growth of only 0.2% in quarter one of 2018, growth picked up to 0.4% in quarter 2 and to a particularly strong 0.7% in quarter 3, before cooling off to 0.2% in the final quarter. Given all the uncertainties over Brexit, this weak growth in the final quarter was as to be expected. However, some recovery in the rate of growth is expected going forward. The annual growth in Q4 came in at 1.4% y/y confirming that the UK was the third fastest growing country in the G7 in quarter 4.

After the Monetary Policy Committee raised Bank Rate from 0.5% to 0.75% in August 2018, it is little surprise that they have abstained from any further increases since then. We are unlikely to see any further action from the MPC until the uncertainties over Brexit clear. If there were a disorderly exit, it is likely that Bank Rate would be cut to support growth. Nevertheless, the MPC has been having increasing concerns over the trend in wage inflation which peaked at a new post financial crisis high of 3.5%, (excluding bonuses), in the three months to December before falling only marginally to 3.4% in the three months to January.

As for CPI inflation itself, this has been on a falling trend since peaking at 3.1% in November 2017, reaching a new low of 1.8% in January 2019 before rising marginally to 1.9% in February. However, in the February 2019 Bank of England Inflation Report, the latest forecast for inflation over both the two and three year time horizons remained marginally above the MPC's target of 2%.

5. The Strategy for 2018/19

5.1 Investment Strategy and control of interest rate risk

Investment returns remained low during 2018/19. The expectation for interest rates within the treasury management strategy for 2018/19 was that Bank Rate would rise from 0.5% to 0.75%. At the start of 2018/19, and after UK GDP growth had proved disappointingly weak in the first few months of 2018, the expectation for the timing of this increase was pushed back from May to August 2018. Investment interest rates were therefore on a gently rising trend in the first half of the year after April, in anticipation that the MPC would raise Bank Rate in August. This duly happened at the MPC meeting on 2 August 2018. During this period, investments were therefore kept shorter term in anticipation that rates would be higher later in the year.

Continued uncertainty in the aftermath of the 2008 financial crisis has promoted a cautious approach whereby investments would continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.

5.2 **Borrowing Strategy and control of interest rate risk**

During 2018/19, the council maintained an under-borrowed position. This meant that the capital borrowing need (the Capital Financing Requirement), was not fully funded with loan debt, as cash supporting the council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were low and minimising counterparty risk on placing investments also needed to be considered.

The policy of avoiding new borrowing by running down spare cash balances has served well over the last few years. However, this was kept under review to avoid incurring higher borrowing costs in the future when this authority may not be able to avoid new borrowing to finance capital expenditure.

6. **The Borrowing Requirement and Debt**

The Council's underlying need to borrow to finance capital expenditure is termed the Capital Financing Requirement (CFR). The table below shows the Council's CFR for 2018/19.

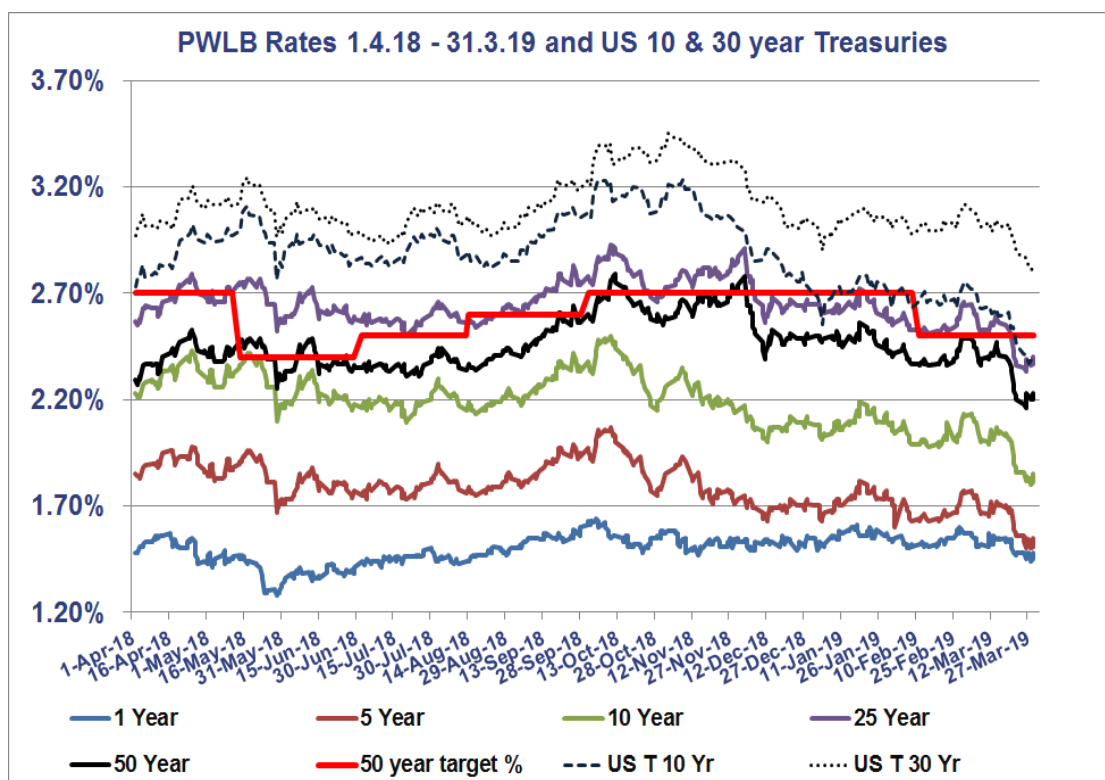
£m	31 March 2018 Actual	31 March 2019 Budget	31 March 2019 Actual
CFR General Fund	30.2	30.7	30.5

7. **Borrowing Rates in 2018/19**

PWLB certainty maturity borrowing rate

Since PWLB rates peaked during October 2018, most PWLB rates have been on a general downward trend, though longer term rates did spike upwards again during December, and, (apart from the 1 year rate) reached lows for the year at the end of March. There was a significant level of correlation between movements in US Treasury yields and UK gilt yields, which determine PWLB rates.

The graph for PWLB rates show, for a selection of maturity periods, the average borrowing rates, the high and low points in rates, spreads and individual rates at the start and the end of the financial year.



8. **Borrowing Outturn for 2018/19**

Borrowing – there were no new PWLB loans taken during the year:

Rescheduling – No rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

Repayments – The following PWLB loans were repaid during the year, as scheduled:

Date	Lender	Principal	Balance at Repayment	Type	Interest Rate	Duration
30/9/18	PWLB	£14.9k	£14.9k	Maturity	8.0%	25 years
30/9/18	PWLB	£1m	£1m	Maturity	3.96%	8.5 years

9. **Investment Rates in 2018/19**

The Council's bank, HSBC, increased the interest rate it paid on the sweep facility from 0.40% to 0.60% in August 2018 in response to the Bank Rate increase. There was an average daily total of £7.57m being invested within the HSBC "sweep" deposit account, which earned an average of 0.54% in 2018/19.

10. **Investment Outturn for 2018/19**

Investment Policy – the Council's investment policy is governed by MHCLG investment guidance, which has been implemented in the annual investment strategy approved by the Council on 21 February 2018. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies supplemented by additional market data. This guidance is enhanced by advice from Link Asset Services.

The investment activity during the year conformed to the approved strategy, and the

Council had no liquidity difficulties.

Investments held by the Council - the Council maintained a daily average balance of £15.2m of internally managed funds during 2018/19. These investments earned an average rate of return of 0.68% which exceeded the target of base rate 0.75% minus 0.2%.

There were a total of 6 market investments made during the financial year, totalling £10m. The table below shows the amount deposited, and the rate of return against the market benchmark.

Counterparties	Date of Investment	Investment Made £m	Return	Benchmark
Goldman Sachs (6 month fixed)	09/04/2018	1.0	0.975%	0.788%
Goldman Sachs (6 month fixed)	21/05/2018	1.0	0.795%	0.788%
Goldman Sachs (6 month fixed)	16/07/2018	2.0	0.910%	0.788%
Goldman Sachs (6 month fixed)	19/11/2018	1.0	0.975%	0.788%
Santander (95 Day notice)	09/10/2018	3.0	1.0%	0.675%
Bank of Scotland (32 Day notice)	09/10/2018	2.0	0.75%	0.535%

All investments were for under one year.

The table below shows the maximum amount invested with any of the counterparties at any one time during the period April 2018 to the end of March 2019 against the maximum limits approved in the 2018/19 Treasury Management Strategy.

Counterparties	Maximum Limits £m	Highest level of Investment 2018/19 (£m)
HSBC	15.0	13.2
Bank of Scotland	4.0	4.0
Goldman Sachs	4.0	4.0
Santander UK plc	4.0	3.0

11. **Interest payable on External Borrowing / Interest Receivable on Investments**
The revised budget for the PWLB interest payable on external borrowing for 2018/19 was set at £987,328.

The outturn position was £924,995 due to proactive management of the Councils' cash flows, slippage in capital spending and borrowing requirements, and lower PWLB interest rates payable.

The total interest receivable on temporary investments in 2018/19 amounted to £100,020 compared with a budget for the year of £69,845, the difference of £30,175 being due to careful and pro-active management of the council's cash balances.

12. **Property Fund Investments, costs & dividends received**

The council invested in two property funds during 2018/19 for the purpose of increasing and diversifying our risk in investment income receivable and to help alleviate future revenue budget pressures. An investment of £1m was made with CCLA at the end of November 2018 and a further £1m with Hermes at the end of January 2019. Dividends receivable in the 4 month period amounted to £20,303. There was a cost to the council for first year entry fees of £110,843.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION
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13. None arising as a direct result of this report.

POLICY IMPLICATIONS

14. All transactions are in accordance with the Council's approved Treasury Policy Statement

DETAILS OF CONSULTATION

15. None

BACKGROUND PAPERS

16. Treasury Management Strategy Report & Prudential Indicators Report for 2018/19.

FURTHER INFORMATION PLEASE CONTACT:
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Asad Mushtaq, Head of Finance & Property

Appendix 1: Prudential and Treasury Indicators

During 2018/19, the Council complied with its legislative and regulatory requirements. The key actual prudential and treasury indicators detailing the impact of capital expenditure activities during the year, with comparators, are as follows:

Actual prudential and treasury indicators £m	2017/18 Actual	2018/19 Original	2018/19 Actual
Capital expenditure General Fund	10.0	10.1	6.4
Capital Financing Requirement: General Fund	30.2	30.7	30.5
Gross borrowing	24.1	25.0	23.1
Investments Under 1 year	12.4	15.8	8.8
Net borrowing	11.7	9.2	14.3

Gross borrowing and the CFR - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2018/19) plus the estimates of any additional capital financing requirement for the current (2019/20) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allows the Council some flexibility to borrow in advance of its immediate capital needs in 2018/19.

The authorised limit - the authorised limit is the “affordable borrowing limit” required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2018/19 the Council has maintained gross borrowing within its authorised limit.

The operational boundary – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary is acceptable subject to the authorised limit not being breached.

Actual financing costs as a proportion of net revenue stream - this indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream.

£m	2018/19
Authorised limit	33.8
Maximum gross borrowing position	23.1
Operational boundary	32.2
Average gross borrowing position	23.6
Financing costs as a proportion of net revenue stream	12.7%

Overall Treasury Position as at 31 March 2019 – At the beginning and end of 2018/19 the Council's treasury position was as follows:

	31 March 2018 Principal £m	Rate/ Return	Average Life yrs	31 March 2019 Principal £m	Rate/ Return	Average Life yrs
Fixed rate funding:						
PWLB	24.1	3.82%	18.3	23.1	3.92%	17.6
	31 March 2018 Actual £m		31 March 2019 Actual £m			
Total debt	24.1		23.1			
Capital Financing Requirement	30.2		30.5			
Over / (under) borrowing	(6.1)		(7.4)			
Total investments	12.4		8.8			
Net debt	11.7		14.3			

The maturity structure of the debt portfolio was as follows:

	31 March 2018 Actual £m	2018/19 Original Limits £m	31 March 2019 Actual £m
Under 12 months	1.0	1.4	1.4
12 months and within 24 months	1.4	2.0	2.0
24 months and within 5 years	4.3	5.1	5.1
5 years and within 10 years	6.0	3.1	3.1
10 years and within 20 years	0.1	0.1	0.1
20 years and within 30 years	-	-	-
30 years and within 40 years	2.0	3.0	3.0
40 years and within 50 years	9.3	10.3	8.4
Totals	24.1	25.0	23.1

Scrutiny Cycle 1 report

Following a delayed start to this year's Scrutiny cycle I was pleased to welcome new and old members to our first meeting on 17th June.

This special meeting had been called for Scrutiny to consider the proposed changes to the recycling service and the capital works to the Town Hall building. In respect of the recycling service the Committee recommended to the Executive that a further review of those properties shown red in the appendix to the report be completed by April 2020. Whilst the Executive agreed to this further review, the Committee is disappointed that the completion date has been put back to September 2020. The Committee endorsed the recommendations in respect of the capital works to the Town Hall building and I would like to thank my Vice Chair Councillor Marcus Johnstone for standing in for me as I had declared an interest in this item.

At the scheduled Scrutiny meeting on 26th June members received an update on the Aspiration Strategy which highlighted the positive work being done to drive forward the at educational aspirations of our young people. Members supported the initiatives and were pleased to hear of anecdotal evidence that the Children's University project was being well received by our school children.

We also received the final outturn positions for both Capital and Revenue budgets and the Treasury Management statement for 2018/19. The Committee will continue to review the budget monitoring reports and other financial matters throughout the year.

Since my last report to Council in February I am pleased to report that the Dementia Review Group's recommendations to the Executive were supported and that the Herbert Protocol, a risk reduction tool which aims to assist the Police and search teams to locate a missing person with dementia, was being rolled out to encourage our partners to maximise take up.

Going forward members have been asked to submitted topics for the 2019/20 scrutiny programme by 1st August and these will be scoped before being prioritised into the work plan for 2019/20. In the first instance the Committee intends to revisit the recommendations of the Manchester Road Station scrutiny review to assess their implementation and effectiveness.

I look forward to working with colleagues during 2019/20 to provide effective scrutiny outcomes for the Borough.

Councillor Andy Tatchell

Chair of Scrutiny

1st July 2019

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BURNLEY BOROUGH COUNCIL STRATEGIC PLAN PROGRESS REPORT TO THE FULL COUNCIL

10th July 2019

COUNCILLOR CHARLIE BRIGGS, LEADER OF THE COUNCIL	2
COUNCILLOR MAGGIE LISHMAN, DEPUTY LEADER AND EXECUTIVE MEMBER FOR RESOURCES AND PERFORMANCE	5
COUNCILLOR IVOR EMO, EXECUTIVE MEMBER FOR HOUSING AND LEISURE	9
COUNCILLOR COSIMA TOWNELEY, EXECUTIVE MEMBER FOR COMMUNITY AND ENVIRONMENTAL SERVICES	13
COUNCILLOR GORDON BIRTWISTLE, EXECUTIVE MEMBER FOR ECONOMY AND GROWTH	16

COUNCILLOR CHARLIE BRIGGS, LEADER OF THE COUNCIL

Progress against our strategic commitments

Strategic commitment	Progress update
<p>PE1- We will work with partners to make the borough a place of aspiration, including supporting efforts to increase education attainment and skills development, and improve residents' health.</p>	<p><u>Education Summit</u></p> <p>Improving educational attainment is a long-standing objective for the borough. In June I attended a conference at the Prairie Complex hosted by Lancashire County Council (LCC) to explore how local authorities and schools from Burnley, Pendle and Hyndburn can work together to close the educational attainment gap. It is encouraging that this agenda is a priority and that partners are getting behind the council's aspiration strategy. The conference was the start of the process and LCC will now co-ordinate the development of a plan for future action.</p> <p><u>Children's University:</u></p> <p>We are now in the second year of supporting the Children's University programme with 16 primary schools and 1330 pupils engaging in the scheme, completing 31,262 hours of learning. There are over 70 learning destinations in Burnley and surrounding areas and additional learning events have been delivered including stargazing at Towneley Hall, Chinese culture days delivered through the Confucius institute UCLan, spooky science workshops through the young scientist centre UCLan and a British Science week pop-up event was held at Turf Moor in March, hosted by Burnley FC in the Community.</p> <p>572 children will graduate in July 2019.</p> <p><u>Primary and secondary engineers:</u></p> <p>We have continued to fund primary and secondary engineers to support schools. All Burnley primary schools have been engaged over the years with 10 schools engaging with a variety of courses this year including Structures and Mechanisms with Basic Electrics, Gears, Pulleys and Lifting devices and Game Coding for Game design. The celebration event will take place on 8th July at Burnley College and is open to all primary schools in Burnley that have completed the activity in 2018/19.</p> <p>4 of the secondary schools have taken part in the Secondary Engineer Bicycle Club this year.</p>

	<p>10 primary schools and 2 secondary schools have registered to take part in the Leaders Award competition for 2018/19. The Awards event for the competition will be held at Burnley College on the 8th July 2019 with the public exhibition on the 9th July 2019.</p> <p><u>Engagement with businesses</u></p> <p>We are supporting the careers hub in Burnley, developed and funded by The Careers & Enterprise Company, and overseen by the Lancashire Enterprise Partnership's skills and employment hub. All secondary schools are engaged working with colleges, universities, employers to improve careers education. All schools now, on average, meet 4 of the Gatsby benchmarks; a set of eight benchmarks that schools can use as a framework for improving their careers provision.</p>
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Strategic commitment	Progress update
<p>PR1- We will contribute to the strategic direction of local, sub-regional and regional partnerships, and will position the borough for economic development investment.</p>	<p><u>Lancashire LEP</u></p> <p>The Council is engaging with the Lancashire LEP to influence the direction of the Lancashire Industrial Strategy. The Council has responded to the consultation to ensure that it reflects the Council's growth plans based around the borough's key strengths in manufacturing and a growing digital technology base; building on the importance of UCLAN as an anchor Higher Education and Research institution in the East of the County and ensuring that residents have the skills to benefit from future growth.</p> <p><u>East Lancashire Unitary Council</u></p> <p>Along with other East Lancashire Council Leaders and the Leader of LCC, I recently attended a meeting with Rishi Sunak (Under Secretary of State at the Ministry of Housing, Communities and Local Government) regarding the proposal for an East Lancashire Unitary Council. The Minister outlined the current and future processes for establishing Unitary Councils and stated that later this year he will be publishing the conditions that would need to be met for the Secretary of State to issue an invitation to Councils to put forward proposals for Local Government re-organisation under the Local Government and Public Involvement Act 2007.</p>

	<p>This is a very important matter for this Council, and I am keen that a full debate on the matter takes place at a future Council after the Secretary of State has published the conditions mentioned above.</p>
<p>PR5- We will support UCLan's expansion, transforming Burnley into a University Town</p>	<p>The Council continues to support the growth of UCLAN. Significant investment has been made in new medical and science labs at Victoria Mill and recruitment figures for the next academic year are on target. Construction has commenced on a 136 bed Student Accommodation Scheme on Sandygate, ready for occupation in academic year 2020/21. The completion of this scheme will be a significant step forward in achieving the aim of attracting 4000 students by 2025 and for the longer-term development of the Weavers Triangle area.</p>

COUNCILLOR MAGGIE LISHMAN, DEPUTY LEADER AND EXECUTIVE MEMBER FOR RESOURCES AND PERFORMANCE

Progress against our strategic commitments

Strategic commitment	Progress update
PF1- We will continue the successful partnership with Liberata.	<p>Contractual Performance</p> <p>At year end 2018/19:</p> <ul style="list-style-type: none"> • 80% of calls were answered within the target time. This compares with 78% at year-end in 17/18. • The face to face wait-time in the contact centre was also on target, averaging about 9 minutes in Q4 against a target of 10 mins. There has been considerable improvement in the wait time over the last 12 months: in 17/18 the average wait was 14 mins. • Reaching 95.11% by the end of Q4, the council tax collection rate is up on the result in 17/18 (94.57%), and above the target of 94.50%. • Regards business rates, 97.27% of total collectable debt was collected by year end, slightly lower than the 97.50% collected last year. <p>Liberata also achieved its targets for environmental health delivery, IT services, and payroll accuracy and is on target for the number of jobs created. 64 jobs have been created through the contract so far.</p>

Strategic commitment	Progress update
PF2- We will adopt a Medium-Term Financial Strategy that will put the Council on a sustainable financial footing. This strategy will set the framework for preparing annual budgets, ensuring the annual budget strategy is set within the context of the longer-term outlook.	<p>Finance Update</p> <p>The end of the financial year 2018/19 marked the start of the period of preparation of the Council's Statement of Accounts. Members will be aware that it is a statutory requirement for the Council to report on its financial activities and it summarises the financial position of Burnley during this accounting period. Although it is led by the finance team, significant amount of preparation and work goes into this by colleagues from across the Council.</p>

Once the statements are produced, the Council's auditors, Grant Thornton, will come on-site to conduct their audit, after which it is hoped to obtain formal approval of the accounts after Audit & Standards Committee in July 2019.

The future funding situation of the Council is uncertain. We await from Government the results of the spending review, fair funding review and the result of the business rates system redesign. It was expected that these would be announced in 2019/20, allowing for an indication of government funding for 2020/21 onwards.

Grant Thornton have communicated to all Local Authorities that they will not sign-off any authorities accounts by the 31st July statutory deadline, until a decision of the Government permission to appeal the outcome of the McCloud pension ruling is either granted or denied. Updates on the position shall be provided at future meetings.

The original timeline is set out below:

- Spring 2019 – Analysis of both Relative Needs & Resources and Business Rates Reforms Dec 2018 consultations
- Summer 2019 – The Spending Review process – will begin before Parliament's summer recess and will cover a three-year period
- Summer/Autumn 2019 – Government response to the Dec 2018 consultations and another round of consultations including details of implementation & transition
- Autumn 2019 – The results of the spending review will be reported at Autumn Budget 2019
- Winter 2019 – Reforms to be implemented & Local Government Finance Settlement

Work is on-going regarding the Financial Transformation Project. We are investing in systems to deliver long-term efficiency gains in accountancy support and to increase the Council's financial management capabilities. This recently included the approval of upgrades to the existing Finance System to comply with upcoming legislative requirements and deliver efficiencies.

Capital projects

This calendar year saw the commencement of roof renewal works to the Town Hall. The works aim to address the significant issues to this Grade 2 listed building, to ensure that the building is wind and watertight, health and safety compliant and to prevent further outbreaks of dry rot, and to preserve this iconic heritage asset.

The original survey estimates were prepared with limited non-intrusive visual surveys due to areas of the roof being inaccessible without the erection of scaffolding. Since works commenced significant amounts of structural defects have been discovered whilst the contractors have obtained access to parts of the roof that has necessitated a much larger programme of repairs than originally envisaged.

This was detailed in a separate report that was considered by Scrutiny and approved by the Executive. The Executive asked the Council's Chief Executive to use urgency powers to approve the budget for these additional works to avoid unnecessary holding costs through a period of inactivity.

Going forward the Executive Member for Resources & Performance is committed to managing and monitoring the Town Hall restoration works on a monthly basis to completion and shall provide regular updates and briefings to members on progress.

Contact Centre relocation

Members will be aware that the Contact Centre move is part of wider rationalisation of Council accommodation which will lead to savings. Contact Burnley will move from its existing offices on the corner of Parker Lane and Red Lion Street to new offices, just 50 yards along Parker Lane. The move is expected to be completed by September this year.

The move will take place over the weekend to avoid any disruption of services to the public. The move has been planned carefully so that the service to our residents is uninterrupted. It remains easily accessible and will provide the same face-to-face service. It is important that we maintain a face to face service for our residents that need it as well as promoting the Council's digital transformation.

	Streetscene staff, who deal with issues such as household waste collection, street cleansing, dirty backyards and dog fouling, will move from their first-floor offices at Contact Burnley to Burnley Town Hall from the 15 th of July 2019.
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Strategic commitment	Progress update
<p>PF4- We will deliver our Organisational Development strategy, ensuring we plan for the structures and capabilities that the organisation needs, and empowering our workforce to deliver the objectives of the Strategic Plan.</p>	<p>Organisational Development Strategy</p> <p>The Council's People and Development Team are currently preparing an Organisational Development Strategy that will be considered by the Council's Executive in August.</p> <p>The staff survey has recently been sent out and seeks the views of employees on communication, Council values, management support, training and development, working conditions and well-being. The results of the survey are expected to be available in September.</p> <p>The Council's sickness absence rate for 2018/19 was 5.69 average days per employee. This is a further reduction on the figure of 6.42 achieved in 2017/18 and we have recorded the best performance across authorities in Lancashire. This demonstrates the commitment of our workforce to continue to deliver high quality services to our residents.</p> <p>Committee System</p> <p>The Executive would like to see a more democratic system of governance being introduced that involves more councillors in the decision-making process. Officers are currently considering various proposals including changes to the current Executive system and the potential introduction of a committee system.</p> <p>A draft options paper is planned to be tabled at the next Member Structures Support Working Group in September for consideration by Members.</p>

COUNCILLOR IVOR EMO, EXECUTIVE MEMBER FOR HOUSING AND LEISURE

Progress against our strategic commitments

Strategic commitment	Progress update
<p>PL2- We will improve the management and condition of private rented accommodation.</p>	<p>Selective Licensing: Trinity, Queensgate, Gannow, Daneshouse & Stoneyholme 2019-2024</p> <p>The Council received confirmation from the Secretary of State on 20th June 2019 that the above areas have been approved for designation as selective licensing areas. This will be the first-time selective licensing has been in operation in the Daneshouse & Stoneyholme area. Officers are currently working through the legal notification process to inform relevant parties that the designations will come into force on 1st November 2019.</p> <p>The current Queensgate and Gannow designations come to an end in July 2019; currently 95% of licensable properties in Queensgate and 99% in Gannow have been licensed, demonstrating high levels of compliance with the scheme. We are now finalising legal action against the few remaining landlords who have not been licensed.</p> <p>Selective Licensing: Burnley Wood with Healey Wood, Leyland Road area, Ingham and Lawrence area 2016-2021</p> <p>The Selective Licensing Team has processed over 1200 applications to date for properties in these three areas that require a licence. Of the completed applications received, 93% are now licensed. The scheme has proved to be very successful in the Ingham and Lawrence Street area of Padiham, with 99% of licensable properties now licensed; this is expected to be at 100% in the very near future. The team received positive feedback about the scheme at a recent resident's event held at Padiham Town Hall. We continue to pursue applications from the remaining unlicensed properties across Burnley Wood with Healey Wood and the Leyland Road area (22 and 4 respectively) and are in the process of preparing a number of Civil Penalties for failure to licence properties in these areas.</p>

	<p>Housing Standards and Enforcement</p> <p>During 2018/19 we opened 487 new housing standard cases and closed 590, making a significant improvement to the condition of private rented property in the borough. Within the more serious cases we issued 12 prohibition orders which potentially prevent occupation of properties due to their condition and 7 formal improvement notices.</p> <p>This demonstrates that in the vast majority of cases officers engage effectively with landlords and by working together use informal routes to address issues of disrepair.</p>
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Strategic commitment	Progress update
<p>PL3- We will work with partners to improve quality and choice in the borough's housing stock.</p>	<p>Gleeson Homes are making good progress with their development at Manchester Road, Hapton and are report strong demand and health sales. McDermott Homes are now well underway with Kiddrow Lane following their successful development at Sycamore Avenue. These three locations will provide over 530 new family homes, improving the choice of house types and locations for current and future residents of the borough.</p> <p>Calico Homes development at Perseverance Mill won the award for best regeneration scheme in the North West at the RICS awards ceremony earlier this year. This well-deserved honour recognised the outstanding achievement at developing a high-quality affordable housing scheme on what was a very challenging brownfield site. On the back of this success Calico and Ringstones are now on site at Station Road developing 67 homes for affordable owner occupation that when complete will see the conclusion to this development and introduce new housing options for current and future residents of Padiham.</p> <p>Empty Homes Programme</p> <p>The programme for this financial year consists of bringing back in to use a further 80 properties. Alongside this we will be purchasing 20 properties by either CPO or agreement with the owners. We are again offering loans in the Selective Licensing areas to a maximum of £20k and have already had 16 enquiries to date.</p>

	<p>During 2018 the Council appointed a dedicated empty homes officer which has allowed us to double the number of empty properties we return in to use and double the number of properties we acquire and renovate.</p> <p>We have one painting scheme planned for this year on Thompson Street in Padiham and works on this scheme have started. We are also working in conjunction with Calico Homes in the Burnley Wood area to bring an additional 35 vacant properties back in to use.</p>
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Strategic commitment	Progress update
<p>PL4- We will implement our 2015-25 Green Space Strategy.</p>	<p>Play Area Improvement Programme</p> <p>I'm also pleased to report that Towneley play area is now fully open following a major refurbishment which was part funded by a generous grant from Lancashire Environmental Fund together with funding from the Disabled Facilities Grant programme. The play area includes equipment specifically adapted for disabled users, including a wheelchair swing and additional sand and water play items and refurbished musical equipment.</p> <p>Improvements are complete at Faraday St, Whittlefield and the newly refurbished play area is open. The footpaths and steps across the site have been repaired and resurfaced with new handrails installed. Volunteers from Trees for Burnley have planted trees and an area of wildflower meadow has been sown by children from Whittlefield Primary School. I would express the Council's gratitude to Gannow Big Local for providing funding for this scheme</p> <p>Thompson Park</p> <p>Volunteers have been busy over recent weeks painting the paddling pool ready for the summer and repainting railings around the play area. Burnley Leisure are operating the boating lake and the new boat house café, together with the pavilion which will be available to hire for social functions.</p> <p>Unfortunately opening of the public car park is being delayed due to difficulties sorting out parking control systems that are essential to manage this pay car park effectively.</p>

	<p>Burnley Leisure has launched the Family Hub funded by Action for Children based at the Pavilion. This is a targeted programme that aims to encourage families with young children to engage in activities such as walks, cycle rides, kayaking, mountain biking and orienteering.</p> <p>Hargher Clough Park</p> <p>The contract to build the new wheeled sports area at Hargher Clough Park has started on site and the new facility, which will cater for skateboards, scooters, BMX and in-line skates, will be ready for the summer holidays. The project has been funded by Sport England, Calico and the Lancashire Environmental Fund.</p> <p>Towneley</p> <p>The current lease on the Stables café ends in early 2020 and officers are currently preparing documents so that a new lease can be tendered. The Council is looking for tenants who can provide a high quality and good value service in this popular café, with the potential to provide catering for the weddings and events that take place at the Hall.</p> <p>I am delighted to report that the Friends of Towneley has been awarded the Queens Award for Voluntary Service. This is one of only 6 awards made for the whole of Lancashire and recognises the brilliant achievements of the Friends of Towneley over the last 15 years. They have raised tens of thousands of pounds for projects, organised dozens of events and enthused volunteers of all ages.</p>
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Strategic commitment	Progress update
<p>PE2- We will continue to develop the leisure and cultural offer of Burnley in partnership with Burnley Leisure.</p>	<p>Mechanics</p> <p>I am pleased to report that the National Lottery Heritage Fund has approved the Expression of Interest that was submitted for the MI:Space project at the Mechanics. A Stage 1 application for this £3 million scheme will be submitted by the end of this year.</p> <p>An Arts Council grant application for refurbishment of the Mechanics auditorium has been submitted for improvements to seating, lighting etc, with a value of £180K</p>

	<p>Towneley Golf Courses</p> <p>Burnley Leisure has appointed a new caterer, Bistro 197, to take over the hospitality offer at Towneley Golf Club. Bistro 197 has already established a strong reputation at its premises on Todmorden Road. The bar and restaurant at the Golf Club is open to golfers and the public.</p> <p>St Peter's Centre and Padiham Leisure Centre</p> <p>The spring has seen continued steady growth in membership of the gyms at both Padiham and St Peter's which are benefiting from the investment that has been made in new gym equipment.</p>

COUNCILLOR COSIMA TOWNELEY, EXECUTIVE MEMBER FOR COMMUNITY AND ENVIRONMENTAL SERVICES

Progress against our strategic commitments

Strategic commitment	Progress update
PL1- We will implement a range of initiatives to maintain a clean, safe, attractive and environmentally friendly borough.	<p>Dog Fouling</p> <p>The Executive as part of its cleaner and greener agenda has established a cross-party working group to look at how the Council can strengthen its approach to promote socially responsible dog ownership and reduce dog fouling across the borough. All political groups are requested to participate in this discussion. It is expected that the Working Group will report to the Executive with their recommendations within 6 months.</p> <p>Climate Change</p> <p>The Executive has established a cross party working group to review the activities the Council can take as part of the current Climate Change Agenda. All political groups are requested to participate in this discussion.</p>

It is expected that the Working Group will report to the Executive with their recommendations within 6 months.

Garden Waste

The subscriptions for garden waste re-opened on 1st March 2019. The response has been overwhelming. Within 3,500 subscriptions in one week. The Council proactively notified all customers via SMS Text and Email to improve the customer experience in managing and maintaining subscriptions. The marketing campaign was extremely successful. Current subscription levels are over 9,000 with over 60% of customer subscribing online.

Recycling Scheme Enhancement

Following the Government's recently published Waste Strategy and a public petition from local residents, to increase recycling across the Borough. The Executive has introduced an update of its recycling collections. The Council has been working to develop a scheme for the introduction of new collection equipment and review existing recycling rounds, to make it easier for residents to recycle. The adoption of a tailored service that reflects ward differences and the diversity of property stock and available bin storage will make future recycling easier. The proposed scheme could be in place as early as September 2019 and the implementation of the service improvement will be supported by a robust Publicity Plan to ensure residents of fully aware of the changes.

Ultra-Low Emission Taxi Infrastructure Scheme

The Council in conjunction with a number of other Lancashire Authorities has been successful in a bid to secure funding that has been made available from the Department of Transport to implement electric charge points to encourage the take up of electric vehicles across town centre and city taxi fleets. Burnley will see 4 rapid charges being installed across the borough during in 2020. Until such time as there is local taxi electric vehicle charging point demand, the Council intends to allow wider public use. The implementation of the chargers will support the existing and planned provision across the town.

Lancashire County Council has already installed electric chargers on the highway near Bankfield and the Council is looking to extend its own provision at Burnley and Padiham.

Community Safety Activities

There has been a review across the County regarding the delivery of activities to reduce re-offending. The Council will be working with the Police, Probation Services and other agencies to strengthen the pathways of enforcement and support to reduce re-offending, to manage offenders and to support local communities. A key Community Safety priority that aims to reduce re-offending is the seasonal publicity work the Council and partners undertake to remind residents and local businesses to ensure their property remains secure. This is a key message, particularly in the summer season when windows and property can be left unlocked. Key community safety messages will be promoted on the website and through social media.

A national campaign has been launched to reduce knife crime. Funding has been made available across the County via the Police Crime Commissioner to implement knife amnesty bins, as part of this national preventative initiative. Two knife amnesty bins within the Town and will be located at the Calico Offices on Centenary Way and Valley Street Community Centre.

A calendar of summer youth activities has been produced by a range of partners to inform young people and parents of organisations that are delivering youth intervention activities over the summer.

Demolition

The Council and its specialist contractors have undertaken the £1.6m complex demolition of the old former cinema, open market complex and redundant bridges. The building demolition was completed by the end of June and the Bankfield bridge demolitions will be completed by the end of July. The overall scheme is due to be completed by the end of August. Due to the complex nature of the demolition the Health and Safety Executive has shadowed many stages of the work and full approval and compliance has been given.

Strategic commitment	Progress update
<p>PF3- We will develop our digital strategy, so that more residents transact with us online and we will continue to deliver services more efficiently.</p>	<p>A new IT system for planning, housing, land charges and environmental health has started operation. The Idox Uniform system replaces two legacy systems. The system will be developed over the coming months, with improvements in customer self-service as well as process efficiencies in the back office.</p>

COUNCILLOR GORDON BIRTWISTLE, EXECUTIVE MEMBER FOR ECONOMY AND GROWTH

Progress against our strategic commitments

Strategic commitment	Progress update
<p>PR2- We will proactively support the borough's businesses to innovate and expand, and make the borough a natural choice for business relocation.</p>	<p>Business Support and Inward Investment</p> <p>The business support team have supported three businesses through the business growth programme. Between them the companies have invested £475,556 and will be creating 8 new jobs and safeguarding 4.</p> <p>The Business Support Team are currently working with 46 companies looking to relocate into the Borough or expand within it. Of these 46, 16 are inward investment enquiries with the remainder being existing Burnley based companies.</p> <p>The borough has recently benefited from new inward investment with 24/7 Home Rescue relocating to Parkhill Business Centre on Padiham Rd as their new base for operations. Their relocation will bring 80 new jobs to the borough with plans to increase to 120.</p> <p>Vision Park</p> <p>12 out of the 17 units are let, sold or under offer giving an occupancy level of 80%. The units range from 825-5,500 Sq. Ft and occupiers cover a range from sectors including Manufacturing, Aerospace, Textiles, Food and Drink and Creative & Digital.</p> <p>Business Awards</p> <p>Last month I attended the 9th Biennial Burnley Business Awards at the Towneley Hall. The event, which is funded through sponsorship, was attended by over 500 business people. I was particularly impressed with the range and the quality of the shortlisted businesses representing all sectors and businesses from small to large. The strongly contested Business of the Year award went to Pipeline Induction Heat who from their impressive facility on Rossendale Road provide specialist pipeline engineering to the Oil and Gas Sector all over the world. They also scooped the Apprenticeship Scheme Award, recognising the amazing support and career opportunities that the business offer to young people.</p>

	The event was a real representation of Burnley's Brilliant businesses and I would particularly like to thank all of the sponsors without whom the event would not be possible.
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Strategic commitment	Progress update
PR3- We will deliver the Town Centre and Canalside Masterplan, and strategic projects in Padiham Town Centre.	<p>Lower St James Street Public Realm</p> <p>The Council has also secured funding to extend the Town Centre Public Realm works along Lower St James Street and LCC will start works in spring next year.</p> <p>Weavers Triangle</p> <p>The next phase of On the Banks is underway with a 136 bed student accommodation scheme.</p> <p>Town Centre Business Improvement District</p> <p>On the 27th of June the Council received formal notification from the Burnley Town Centre Bid Steering Group of their intention to hold a formal ballot to establish a Business Improvement District in the town centre. They have also issued a draft BID Plan for consultation. The plan proposes a range of marketing and events activities as well as environmental and safety improvements that could be implemented if businesses agree to the BID. The proposed BID would generate up to £1m of investment between 2020 and 2025.</p>

Strategic commitment	Progress update
PR4- We will implement the Local Plan, delivering new housing, employment sites, and infrastructure.	<p>Supplementary Planning Documents</p> <p>The Executive has recently adopted a Shopfront and Advertisement Design Supplementary Planning Document (SPD). This is an important planning document that will assist officers and members in making sure that our town centres and shopping parades are attractive places for shoppers and investors.</p>

Housing and Employment Sites

In the year 2018/19 there were 251 new homes completed across the borough. Work is now well-underway on two of the largest local plan housing allocations the Former Hambledon Schools and William Blythe sites.

There is also a healthy pipeline of planning applications demonstrating a high degree of confidence in Burnley as a place to invest.

I am very pleased that work has also commenced on the final phase of Innovation Drive – a strategic employment site in the local plan. Over the last seven years this site has been transformed from a derelict tyre factory to high quality business space accommodating world leading engineering businesses, creating 246 new jobs

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