



SCRUTINY COMMITTEE

**THIS WAS A REMOTE MEETING HELD IN ACCORDANCE
WITH THE CORONAVIRUS ACT 2020**

Monday, 7th December, 2020 at 6.30 pm

PRESENT

MEMBERS

Councillors A Tatchell (Chair), M Johnstone (Vice-Chair), H Baker, P Campbell, T Commis, D Ferrier, A Fewings, B Foster, G Lishman, M Lishman, S Lone, T Martin, A Newhouse and C Towneley

OFFICERS

Lukman Patel	– Chief Operating Officer
Rob Dobson	– Head of Policy and Engagement
Howard Hamilton-Smith	– Head of Finance and Property
Simon Goff	– Head of Green Spaces and Amenities
Kate Ingram	– Strategic Head of Economy and Growth
Elizabeth Murphy	– Planning Policy Manager
Richard Brown	– Community Safety Manager
Chris Gay	– Governance Manager
Alison McEwan	– Democracy Officer
Christine Wood	– Democracy Officer

ALSO IN ATTENDANCE

MEMBERS

Mark Townsend	– Leader of the Council
Lian Pate	– Deputy Leader & Executive Member for Health and Wellbeing
John Harbour	– Executive Member for Housing
Sue Graham	– Executive Member for Resources & Performance

43. Apologies

Apologies were received from Councillors Shbana Khan, Lorraine Mehanna and Ann Royle. Apologies were also received from Mick Cartledge, Chief Executive.

44. Minutes of the previous remote meetings held on 9th October 2020, 19th October 2020, 22nd October 2020 and 11th November 2020

The minutes of the remote meetings held on 9th October 2020, 19th October 2020, 22nd October 2020 and 11th November 2020 were approved as a correct record.

45. Additional Items of Business

The Committee was advised that there were no additional items of business.

46. Declarations of Interest

Councillor Margaret Lishman declared another interest in agenda item 10 (Covid-19 Community Recovery Plan), (Trustee of Burnley, Pendle and Rossendale CVS).

Councillor Cosima Towneley declared another interest in agenda item 10 (Member of the Citizens` Advice Bureau).

Councillor Bea Foster declared another interest in agenda item 10 (Council Representative on CVS).

Lukman Patel, Chief Operating Officer declared another interest in agenda item 10 (Unremunerated Director/Trustee, Burnley Football Club in the Community).

All remained in the meeting during consideration and determination of item 10.

47. Exclusion of the Public

IT WAS RESOLVED

That the public be excluded from the meeting before discussion took place on items 19 and 20 of the agenda 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.

Items 19 and 20 contained information relating to the financial or business affairs of any particular person (including the authority holding that information).

48. Public Question Time

No requests to speak had been received.

49. Notice of Key Decisions and Private Meetings

IT WAS AGREED

That the 28-day Notice of Key Decisions and Private Meetings be noted.

50. Developer Contributions Supplementary Planning Document

Elizabeth Murphy advised of and presented a report to the Committee which was also to be presented to the meeting of the Executive on Tuesday, 8th December 2020. The report was requesting that the Executive adopt the Developer Contributions Supplementary Planning Document (SPD) as attached to the report at Appendix A.

Members were advised that the amended draft SPD had been prepared to support the implementation of Burnley's Local Plan and that it had been the subject of a formal statutory consultation and consideration by the Scrutiny Committee.

Details of the statutory consultation were outlined within the report. Attached to the report at Appendix B was a list of comments received from consultees and recommended responses. Also attached to the report at Appendix C were the notes of the Scrutiny Working Group of 22nd September 2020.

The Committee was advised that the Executive would be recommended to:

1. Adopt the Developer Contributions SPD as attached to the report at Appendix A; and
2. Authorise the Strategic Head of Economy and Growth to make any minor typographical corrections to the draft SPD required prior to publication.

Grounds for the above recommendations were outlined within the report.

Members made the following points and received the following responses:

The LCC response is deeply unsatisfactory and against the interests of children and parents in Burnley. It needs to be on record that we are not happy with the response that we have received.

The Government's white paper proposals mentioned in the report are going to have a significant effect on this matter as well as a wide range of others?

We did submit a response to the white paper and pointed out some of these concerns. The implications are far reaching in terms of planning systems and local plans in particular. The decision on whether a local plan review is necessary would wait until the reforms are a little clearer. They will take time to implement. Amongst those reforms is a proposal to completely replace the current system of development contributions. If that happened, this SPD would be withdrawn. There is likely to be some reform of development contributions.

How do we intend to enforce should a Developer decide that they will not make contributions as we would wish and how are we going to prioritise because every development will have a different priority?

The SPD sets out prioritisation. We separate out what is necessary and critical i.e. those priority 1 matters that would make the scheme substandard and as such it should be refused. The next is priority 2 which includes affordable housing, education and other infrastructure that is not so critical. If there is sufficient viability, these should be funded if the requests are robustly made. We would give a slight preference to affordable housing due to the specific policy requirements of the local plan policy, the on-going need and the fact that it delivers a fixed permanent asset for the future. Additional school places may be

temporary and disappear over time. It is right to prioritise affordable housing but that does not mean that the other contributions would not be paid if viability allows and requests are justifiably made, then contributions for all of them would be required or negotiations would take place. We would still want to retain flexibility.

Consultation with CCG. The Primary Care Works are becoming more appropriate to discuss these issues with and will have a greater role in the future.

Difficulties in engaging with the CCG are recognised. Alongside the SPD we are updating the infrastructure delivery plan which sits alongside the Local Plan and is a live document that we update periodically. We did engage with the CCG in developing the Local Plan but it is difficult to get the updated position. We will note that perhaps there is a different route to engagement through the Primary Care Network.

Rather than relying on the CCG, it would be advisable to the Planning Department to engage with local general practitioners who will be impacted by large developments in future.

The Planning Department has put in place new procedures within the last four weeks. Several discussions have taken place with PCN Directors who are closer to the health impacts than the CCG and as a result of any large-scale developments, the PCN Directors will be consulted. We have taken relevant details from them to follow the process.

IT WAS AGREED

That the report be noted.

51. The Safer Streets Project

Richard Brown advised of and presented a report which was also to be presented to a meeting of the Executive on 8th December 2020. The report was to update the Executive on the details of the Safer Streets Project; and to:

1. Seek approval to enter into an agreement to accept £549,500 grant funding from the project; and
2. To request authorisation for the Head of Streetscene to tender for works associated with the project.

Several recommendations to be presented to the Executive were outlined within the report along with grounds for the recommendations.

IT WAS AGREED

That the report be noted.

52. Covid-19 Community Recovery Plan

Rob Dobson advised of and presented a report which was also to be presented to the meeting of the Executive on Tuesday, 8th December 2020 and was seeking approval of the

draft Council's Covid-19 Community Recovery Plan, a copy of which was attached to the report.

The report advised that the Executive would be recommended to:

1. Recommend to Full Council that the Council work in partnership through the development of Burnley Together to achieve community recovery; and
2. Endorse the hubs priorities as set out in Appendix 1, namely: jobs and skills, health and wellbeing and community inclusion; and
3. Delegate authority to the Head of Housing and Development, in consultation with the Executive Member for Housing, to allocate funding from the Better Care Fund for Social Care Capital Projects.

Members made the following points and received the following responses:

A lot of the problems that we are seeing were already there but have been exacerbated by the pandemic. Issues such as the rise in unemployment, homelessness, domestic abuse, and debt. When we look at recovery should we not include some of the safer street initiatives as part of the recovery? Would like to have seen more about volunteering and the way in which communities work together. Can vulnerable residents take advantages of the services of the hub? Services will be much more sustainable if they are customer owned.

The plan is good but needs more detail about how things are going to come about and happen. Position of Mental Health Support Officer? Is this going to happen?

Governance will sit around the hub. The first Steering Group meeting will take place this week. Thematic groups are vulnerable residents, social isolation, health and wellbeing, jobs, and skills. We will start to look at pathways. When we begin to understand where people are and the causes of problems, we can tackle the underlying causes.

The DWP will be appointing new advisors to support young people in securing employment. An Officer will be employed to work full time in the hub dealing with the most vulnerable residents. Calico has recently appointed an officer to look at issues of social isolation. An update can be presented to Scrutiny in six months if the Committee approves.

IT WAS AGREED

1. That the report be noted; and
2. A further update to be reported to the Scrutiny Committee following a period of six months.

53. Resident Satisfaction Survey 2020

Rob Dobson presented to the Committee the Resident Satisfaction Survey 2020 which had provided an opportunity for residents to express their views on local services. The Council had collected responses through an open invitation on the Council's website and by

promoting the survey through its social media channels with 23 and 714 responses respectively.

Respondents had been asked about the three-best things about their local areas. Results were as follows:

- The people and its friendly community spirit
- The Town Centre
- The Countryside and walks
- Parks and facilities such as Towneley
- The Football Club
- Transport links with rail, bus, and motorways

Residents had also been asked about the three worst things about living in their local area. Results were as follows:

- Crime and anti-social behaviour
- Littering and dirty streets
- Lack of local shops
- Poor housing and lack of investment
- Road systems and traffic

Rob advised of the positive direction of travel in most areas and highlighted the increased satisfaction in the waste collection and recycling service.

Members made the following points and received the following responses:

Community Centres could be used to reach citizens who may not have access to Social Media. What are we doing to reach citizens of Burnley who do not have access to social media?

Community Centres have been used previously for paper-based surveys and take up was very low. Paper based surveys are also much more expensive, approximately £10.00 per survey compared to online surveys. Depending on the topic, we will do more face to face surveys. The current pandemic has also been an obstacle.

There is no reference to the Burnley Citizens' Panel?

The panel tended to be older people with no one under the age of 40. We must ensure that we are reaching out to a more representative sample of the citizens of Burnley. We do take a targeted approach on how we consult depending on the issue. The Resident Satisfaction Survey is just one way of gathering some information on Council services.

When will the recycling review public consultation be carried out?

This has been delayed due to the pandemic. Streetscene plays an integral part. It has not been forgotten, will be carried out and reported to Council.

IT WAS AGREED

That the Survey be noted.

54. Quarter 2 Performance Report 2020-21

Rob Dobson presented a report to advise the Scrutiny Committee of the Quarter 2 performance results.

Rob outlined key highlights from the scorecards in relation to on target indicators and off target indicators. Details were reported as follows:

Resident satisfaction

Measure	2020	2019	Direction of travel
Satisfaction with the local area	64%	53%	↑
Satisfaction with the way the council runs things	47%	35%	↑
Satisfaction with keeping public land clear of litter	33%	28%	↑
Satisfaction with household refuse collection	72%	54%	↑
Satisfaction with doorstep recycling	66%	47%	↑
Satisfaction with parks and open spaces	80%	73%	↑
Stating Antisocial behaviour is a problem	45%	52%	↓

Rob also advised that a significant number of objectives could not be achieved due to lockdown, ranging from environmental prosecutions to Towneley Hall visitor numbers. It was also reported that the impact of lockdown would be reflected in unit scorecards through the rest of 2020.

IT WAS AGREED

That the report be noted.

55. Capital Monitoring Report 2020/21 - Quarter 2 (to 30 September 2020)

Howard Hamilton-Smith advised of and presented a report which was also to be presented to a meeting of the Executive, on Tuesday, 8th December 2020.

The report was to provide Members with an update on capital expenditure and the resources position along with highlighting any variances.

The Committee was advised that the Executive would be requested to:

- Recommend to Full Council, approval of net budget changes totalling a decrease of £2,206,530 giving a revised capital budget for 2020/21 totalling £16,908,615 as attached to the report at Appendix 1; and
- Recommend to Full Council approval of the proposed financing of the revised capital budget totalling £16,908,615 as attached to the report at Appendix 2; and
- Note the latest estimated year end position on capital receipts and contributions showing an assumed balance of £836,227 at 31st March 2021 as attached to the report at Appendix 3.

Grounds for the above recommendations were outlined within the report.

Councillor Howard Baker requested that the slabs at the bottom of Manchester Road be replaced as they were damaged. Howard Hamilton-Smith agreed to liaise with the budget holder with regard to this matter.

IT WAS AGREED

That the report be noted.

56. Revenue Monitoring Report 2020/21 - Quarter 2 (to 30 September 2020)

Haworth Hamilton-Smith advised of and presented a report to the Committee which was also to be presented to the meeting of the Executive on Tuesday, 8th December 2020.

The report advised of the forecast outturn position for the year as at 31st March 2021 based upon actual spending and income to 30th September 2020.

It was reported that the Executive would be requested to:

- a) Note the projected revenue budget forecast position of a net overspend of £1.2m (excluding potential collection fund losses). An estimated £1.1m is to be received through the sales, fees and charges income compensation scheme which would reduce the forecast net overspend to £118k, as summarised in Table 1 and detailed in Appendix 1; and
- b) Note that the in-year collection fund losses will not impact on the current financial year but will be spread over the next three financial years (2021/24) in line with the Government's proposed change to legislation. Burnley's share of the current in year collection fund loss is estimated at £1.2m; and
- c) Note that Officers are continuing to work on a number of options to mitigate the potential financial impact and bring forward options for decision as appropriate; and
- d) Note that the Council, along with other District Councils and industry groups continue to lobby Central Government for additional funding.

It was further reported that the Executive was also asked to seek approval from Full Council for:

- e) The latest revised net budget of £15.693m as detailed in the report at Table 1; and
- f) The transfer of the unallocated Tranche 4 Government funding of £0.86m into a newly created Covid-19 reserve that can be called upon when required and to delegate authority on the use of the reserve to the Head of Finance and Property and the Executive Member for Resources; and
- g) The proposal to waive the current year Service Level Agreement charge to Burnley Leisure of £257k, and
- h) The net transfer to earmarked reserves of £1.217m as detailed at Appendix 2.

Grounds for the above recommendations were outlined within the report.

IT WAS AGREED

That the report be noted.

57. Fees & Charges Tariff 2021/22

Howard Hamilton Smith advised of and presented a report that was due to be presented to the meeting of the Executive on Tuesday, 8th December 2020.

The report was to inform Members of the Council's proposed fees and charges from 1st April 2021.

The Committee was advised that the Executive would be requested to recommend to Full Council:

1. Approval of the proposed tariff of fees and charges from 1st April 2021 with an increase of 2.5% as outlined in Appendix A as attached to the report; and
2. To authorise the Head of Finance and Property, in consultation with the relevant Head of Service, to determine any new charges or changes to existing charges relating to the preparation and approval of the 2021/22 revenue budget; and
3. To authorise the Executive Portfolio Members to amend fees and charges periodically in their own area on the basis that overall income in their portfolio area remains the same as a minimum; and
4. To authorise the Strategic Head of Economy and Growth, in consultation with the Executive Member for Resources and Performance Management and the Head of Finance and Property, to adjust fees and charges in relation to the Markets service from time to time to reflect current trading conditions and the overall position of the market.

Grounds for the above recommendations were outlined within the report.

The Committee was pleased to note that it had not been proposed to increase car parking charges, crematorium or cemetery charges.

IT WAS AGREED

That the report be noted.

58. 2020/21 Treasury Management Mid-Year Report

Howard Hamilton-Smith advised of and presented a report which was also to be presented to a meeting of the Executive on Tuesday, 8th December 2020 to report treasury management activity for the first half year of 2020/21 covering the period 1st April to 30th September 2020.

The Committee was advised that the Executive would be requested to:

Note the treasury management activities undertaken during the period 1st April to 30th September 2020; and

Recommend that Full Council:

- Endorse the mid-year update on Treasury Management Strategy for 2020/21 in compliance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management; and
- Approve the revised Counterparty list and investment limits for Local Authority and Money Market Funds as set out in Appendix 2 of the report.

Also attached to the report at Appendix 1 were Prudential and Treasury Indicators for the first half of 2020/21.

IT WAS AGREED

That the report be noted.

59. Scrutiny Review Groups

Housing/Calico Working Group

Councillor Marcus Johnstone advised that a preliminary meeting of the Housing/Calico Working Group had taken place and a list of issues for discussion had been drawn up in preparation for the meeting that was to be arranged with the Chief Executive of Calico.

IT WAS AGREED

That the report be noted.

60. Scrutiny Work Programme 2020/21

Councillor Tatchell referred to the heavy agendas on the Scrutiny Work Programme for February and March 2021 meetings. Councillor Tatchell advised of his intention to liaise with Council Officers regarding the two agendas.

IT WAS AGREED

That the Scrutiny Work Programme be noted.

61. Burnley Market Recovery Support Review

Kate Ingram presented a report which was also to be reported to the meeting of the Executive on Tuesday, 8th December 2020 to review the revised opening times and the market recovery package as had been agreed by the Executive in July 2020 to help businesses recover from the Coronavirus pandemic lockdown and to consider options for further support in light of on-going local and national restrictions.

The Committee was advised that the Executive would be recommended to approve the following:

- a) Delegate Authority to the Head of Economy and Growth in consultation with the Executive Member for Economy and Growth to determine market opening and closing times of the Market for the duration of the pandemic; and
- b) Agree not to continue with the market recovery subsidy for the reasons as set out in the report; and
- c) Agree in accordance with Code of Conduct for Commercial Property Relationships during Covid-19, to deal with requests from individual tenants to re-negotiate rents who are unable to pay their rent in a fair and transparent manner as set out in paragraphs 30-33 of the report; and
- d) Delegate authority to the Head of Economy and Growth in consultation with the Executive Member for Economy and Growth to consider and make decisions on rent renegotiations within the budget parameters as set out in paragraph 37; and
- e) Approve a budget as set out in paragraph 37, funded from the Covid-19 Reserve.

Grounds for the above recommendations were outlined within the report.

Concerns were raised around requesting that market traders be required to provide a statement by an accountant. It was confirmed that each application received from market traders would be treated on an individual basis.

IT WAS AGREED

That the report be noted.

62. Towneley Hall - Repair Works Update

Simon Goff advised of and presented a report which was due to be presented to a meeting of the Executive on Tuesday, 8th December 2020 to update on the progress of repairs required at Towneley Hall.

The report advised that the Executive would be requested to:

- 1. Note the contents of the progress report; and
- 2. Note that a presentation to all Members had taken place on 1st December 2020; and
- 3. Delegate the adoption of the draft Conservation Management Plan (CMP) as an Executive Member Decision, following final amendments and revision of the draft CMP.

The Committee requested that when possible, the hall remained open during renovations. There were also suggestions of recorded working tours of the hall which would include guided tour headphones and of opportunities for apprenticeships to heritage skills, and for schools to be engaged.

It was also recognised that Towneley Hall was an education tool.

IT WAS AGREED

That the report be noted.