



SCRUTINY COMMITTEE

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

Monday, 19th October, 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, S Khan, G Lishman, S Lone, T Martin, L Mehanna, A Newhouse and A Royle

OFFICERS

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| Lukman Patel | – Chief Operating Officer |
| Richard Brown | – Community Safety Officer |
| Chris Gay | – Governance Manager |
| Howard Hamilton-Smith | – Head of Finance and Property |
| Kate Ingram | – Strategic Head of Economy and Growth |
| Wilma Waddingham | – Housing Needs Manager |
| Christine Wood | – Democracy Officer |

ALSO IN ATTENDANCE

COUNCILLORS

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| Mark Townsend | – Leader of the Council |
| Afrasiab Anwar | – Executive Member for Community & Environmental Services |
| Sue Graham | – Executive Member for Resources & Performance |
| John Harbour | – Executive Member for Housing |
| Lian Pate | – Deputy Leader & Executive Member for Health & Wellbeing |
| Asif Raja | – Executive Member for Economy & Growth |

22. Apologies

Apologies were received from Mick Cartledge, Chief Executive.

23. Additional Items of Business

There were no additional items of business.

24. Declarations of Interest

Councillor Andy Fewings declared another interest (Prejudicial) in agenda items 8 (2019/20 Final Capital Outturn Report), 9 (Revenue Monitoring Report 2020/21 Quarter 1), 10 (Capital Monitoring Report 2020/21 Quarter 2), 13 (Licensing Act 2003 Burnley Borough Council Licensing Policy) and 15 (Air Quality Management: Protecting Health and Addressing Climate Change Supplementary Planning Document (SPD) and left the meeting prior to discussion and determination of the items.

Councillor Dale Ferrier declared another interest (Prejudicial) in agenda item 13 and left the meeting prior to discussion and determination of this item.

25. Exclusion of the Public

There were no items of business requiring the public to be excluded from the meeting.

26. Public Question Time

No requests to speak had been received.

27. Notice of Key Decisions and Private Meetings

IT WAS AGREED

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

28. Annual Treasury Management Report Review of Activity

Howard Hamilton-Smith, Head of Finance and Property presented a report to the Committee that had previously been presented to the Executive at a meeting held on 11th August 2020.

The report advised of the Council's treasury management activity during 2019/20.

The Committee was advised that the decision of the Executive had been to recommend that Full Council note the annual treasury management activity for the year ended 31st March 2020.

IT WAS AGREED

That the report be noted.

29. 2019/20 Final Capital Outturn Report

At this point Councillor Andy Fewings left the meeting.

Howard Hamilton-Smith presented a report to the Committee that had been previously been presented to a meeting of the Executive on 11th August 2020. The report to the Executive had:

- a) Reported on the performance of the 2019/20 capital investment programme; and
- b) Presented the financing of capital expenditure incurred during 2019/20; and
- c) Sought approval from the Executive of a revised 2020/21 capital budget after incorporating net carry forward commitments (slippage) from 2019/2020.

The Committee was advised that the Executive had also been requested to recommend that Full Council approve the following:

- a) The final position on capital spending and financing of £14.026m for 2019/20 as shown in appendices 1 and 2 as attached to the report which equated to 90% of the final resources position; and
- b) The revised capita budget for 2020/21 totalling £20.874m as outlined in appendix 3 also attached to the report (including net carry forward of £1.406m).

Grounds for the recommendations to the Executive were outlined within the report. The Committee was also advised that the Executive had recommended approval of the recommendations as detailed above to Full Council.

Councillor Bea Foster enquired regarding the remaining funds in the Ward Opportunities Fund. Howard Hamilton-Smith advised that there had been a small amount of funds remaining at the end of the financial year that had not been able to be allocated, which had slipped into the current financial year, but had since been allocated.

IT WAS AGREED

That the report be noted.

30. Revenue Monitoring Report 2020/21 Quarter 1

Howard Hamilton-Smith presented a report to the Committee that had previously been presented to a meeting of the Executive on 11th August 2020.

The report to the Executive had been to:

- a) Report to the Executive the forecast outturnposition for the year as at 31st March 20201 based upon actual spending and income to 30th June 2020; and
- b) To request that the Executive note the financial impact of the Coronavirus pandemic as detailed in paragraph 5 of the report.

The report had also advised the Executive that in view of the current exceptional times, the revenue monitoring position was uncertain.

The Executive had been requested to:

- a) Note the projected revenue budget forecast position of a net overspend of £2.7m, as summarised in table1 and detailed in Appendix 1; and
- b) Note that Officers were continuing to work on several options to mitigate the potential financial impact and bring forward options for decision as appropriate; and
- c) Note that the Council, along with other District Council`s and industry groups continue to lobby Central Government for additional funding; and
- d) Note that further income compensation is to be received. Where these income losses are more than 5% of a Council`s planned income from sales, fees and charges, the government will cover them for 75p in every pound lost. Full details of this were outlined in paragraph 11 of the report.

It was reported that the Executive had also been recommended to seek approval from Full Council for:

The latest revised net budget of £15.693m (as shown in Table 1); and
The net transfers to earmarked reserves of £1.703m (as shown in Appendix 2).

Grounds for the above recommendations which were approved by the Executive were outlined within the report.

The Committee was advised that since publication of the report, further guidance had been received in relation to the central government support scheme and the Council would be able to claim £1.1m through the scheme which would reduce the net over spend to £1.6m. Included within the £1.6m overspend was a £1.2m predicted deficit relating to business rates and council tax.

The Committee was also advised that the government had recently announced that the deficits could be received over the following three financial years which would effectively reduce the underspend for 2021, to be funded this year to £0.4m which would be required to be met from reserves.

Councillor Tony Martin expressed concerns that the Council may become insolvent due to insufficient funds to cover reserves and incur unsustainable debts.

Haward Hamilton-Smith advised that the government had recently announced that a further £1 billion for Local Authorities would be made available and that details would be reported to future meeting and the situation would continue to be monitored throughout the year.

Howard also reminded that assurance had also been received from the government for authorities placed in Tier 3 restriction; that it would ensure that there would be no budget deficit in the current financial year and that a legal budget would be able to be set in the following year, which would reduce the deficit to 0.4 million which would be covered by reserves.

Councillor Bea Foster requested information in relation to the Community Recovery Strategy as Burnley had now been placed under Tier 3 restrictions.

Lukman Patel advised that the Economic Recovery Strategy was an item on the Special Executive meeting agenda scheduled on Monday, 26th October 2020. Lukman also

advised that the Community Recovery Strategy required more time and detail and would be brought forward soon. Lukman further advised that urgent key items of spend had been processed via the urgent decisions process.

Lukman also advised around current initiatives continued to protect the most vulnerable via the Burnley Together project which had remained open throughout the pandemic. Burnley Together was continuing to work with official, voluntary and partner organisations to identify and proactively engage with the most vulnerable residents to ensure they had access to essential supplies such as medication, fuel, and flu vaccinations. The Emergency Assistance Grant had also been invoked which had resulted in food for the most vulnerable.

Lukman also confirmed that Council staff were also being offered the flu vaccination. For staff working from home, a voucher had been issued which could be used at a pharmacy of choice.

Councillor Foster also referred to page 42 of the report (Green Spaces and Amenities) which stated that a salary saving of £16k would be made in relation to the post of Community Engagement Ranger because the position was not going to be replaced. Councillor Foster stressed the importance of the position of Community Engagement Ranger because it ensured that face to face relationships with residents were maintained. Councillor Foster also stressed the value and importance of local parks during the current situation and requested that the role of Community Engagement Ranger be maintained.

IT WAS AGREED

That the report be noted.

31. Capital Monitoring Report 2020/21 Quarter 1

Howard Hamilton-Smith presented a report to the Committee that had previously been presented to a meeting of the Executive on 11th August 2020.

The Executive had been requested to approve the following recommendations:

1. Recommend to Full Council, approval of a net budget changes totalling a decrease of £1,758,987 giving a revised capital budget for 2020/21 totalling £19,115,145 as detailed in Appendix 1 of the report; and
2. Recommend to Full Council, approval of the proposed financing of the revised capital budget totalling £19,115,145 as detailed in Appendix 2 of the report; and
3. Note the latest estimated year end position on capital receipts and contributions showing an assumed balance of £946,774 at 31st March 2020 as detailed in Appendix 3 of the report.

Grounds for the above recommendations were outlined within the report.

The Committee was advised that the Executive had approved the recommendations as detailed above.

IT WAS AGREED

That the report be noted.

32. Final Revenue Outturn Position 2019/20

At this point Councillor Andy Fewings returned to the meeting.

Howard Hamilton-Smith presented a report to the Committee which was also to be presented to a meeting of the Executive on Tuesday, 20th October 2020 to report the provisional position on the Council's revenue accounts for 2019/20.

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

1. The provisional final position on the Council's revenue account for 2019/20 shows a net deficit of £93k which had been funded from the Transformation Reserve. Of the £93k net deficit, £66k was due to Covid-19 related budget pressures incurred in March 2020 which reduced the true in year net deficit to £27k. The projected overspend from the outturn position estimated during quarter 3 budget monitoring was £140k; and
2. The transfer to/from Earmarked Reserves totalling a net £0.888m increase to reserves (as detailed in Appendix 2); and
3. The approval of additional revenue budget carry forward requests from Heads of Service totalling £0.047m (as detailed in Appendix 3).

Grounds for the above recommendations were outlined within the report.

IT WAS AGREED

That the report be noted.

33. Single Use Plastics - Executive Response to Council Motion

Chris Gay, Governance Manager presented a report to the Committee which was also to be presented to the meeting of the Executive on 20th October 2020.

The report requested that the Executive consider several recommendations as outlined within the report; in response to a motion, also outlined in the report, that had been presented to a meeting of the Full Council on 18th December 2019 from the Green Group on single use plastics (SUP).

Grounds for the recommendations were outlined within the report.

Councillor Andy Fewings expressed frustration at the period taken for the motion to be responded to and the lack of communication between officers and Members who had proposed the motion.

Councillor Fewings also expressed disappointment at the recommendations to be presented to the Executive. Whilst acknowledging the immediate urgency to the Council to

address the difficulties of the Covid-19 situation, Councillor Fewings stressed the importance of other emergency issues that the Council should address alongside the pandemic. Councillor Howard Baker supported Councillor Fewings in relation to these concerns.

Councillor Paul Campbell reminded the Committee of the recent changes to the Leadership/administration and stressed that although other issues were important, Covid-19 was the immediate issue.

IT WAS AGREED

That the report be noted.

34. Licensing Act 2003 Burnley Borough Council Licensing Policy

At this point Councillors Dale Ferrier and Andy Fewings left the meeting.

John Clucas, Licensing and Compliance Officer presented a report to the Committee which had previously been presented to the meeting of the Licensing Committee on 16th September 2020 and was also to be presented to the meeting of the Executive on Tuesday, 20th October.

John advised that following a formal consultation period, the draft Licensing Act 2003 Statement of Licensing Policy, 7th January 2021 to 6th January 2026 had been amended to incorporate comments received and presented to the meeting of the Licensing Committee on 16th September, requesting that the Committee recommend the draft policy to Full Council for approval.

The Committee was advised that the Licensing Committee had approved the draft policy for recommendation of approval at a meeting of the Full Council.

John also advised that at the Licensing Committee meeting held on 16th September 2020, that subject to clarification of legislation, it had been agreed to recommend that subject to approval at Full Council, the policy be implemented with immediate effect and not from 7th January 2021 as previously recommended.

Councillor Bea Foster expressed thanks to John Clucas for his hard work and involvement in the revision of the policy.

IT WAS AGREED

1. That the Scrutiny Committee endorse approval of the Draft Licensing Act 2003 Statement of Licensing Policy 7th January 2021 to 6th January 2026; and
2. Endorse the recommendation that the policy be implemented with immediate effect if approved at the meeting of the Full Council subject to clarification of legislation.

35. Draft Homelessness and Rough Sleeping Strategy 2020/25

At this point Councillors Dale Ferrier and Andy Fewings returned to the meeting.

Wilma Waddingham, Housing Needs Manager presented a report to the Committee which was also to be presented to a meeting of the Executive on Tuesday, 20th October 2020.

The report would be seeking approval from the Executive to consult on a draft Homelessness and Rough Sleeping Strategy 2020-2025 which was attached to the report at Appendix 1.

Councillor Bea Foster complimented on the very thorough report and of the work of the small working group in relation to `A bed every night` in which it had been identified that the role of an Outreach Worker was required to work with vulnerable people at risk of becoming homeless.

Councillor Foster also raised issue with the `Bed every night` action plan of short to medium term to be implemented at the end of April 2022.

Wilma advised the Committee that it was anticipated that the `Bed every night` scheme would be implemented by the end of November 2020.

Councillor Dale Ferrier enquired around involvement with the Ministry of Defence seeking to assist ex-military veterans return to civilian life.

Wilma advised of the new supported housing project at the former Elizabeth Street hostel that was linking in to Help for Heroes to work with ex-military veterans.

Councillor Ferrier also enquired around working with schools and in particular high school children.

Wilma advised that work had taken place with year 5 students and first year college students but that it could be difficult to engage with this group.

Councillor Foster was congratulated and thanked for her work and involvement in the `Bed every night` project.

IT WAS AGREED

That the Scrutiny Committee approve the consultation of the draft Homelessness and Rough Sleeping Strategy 2020-2025 to the Executive.

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| 36. Air Quality Management: Protecting Health and Addressing Climate Change Supplementary Planning Document (SPD) |
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At this point Councillor Andy Fewings left the meeting.

A report was presented to the Committee which was also to be presented to the meeting of the Executive on Tuesday, 20th October 2020 seeking approval of adoption of the Draft Air Quality Management Supplementary Planning Document which was attached to the report at Appendix 1.

Councillor Howard Baker referred to the lack of time to ensure thorough scrutiny of the document and requested that this item be removed from the Executive Agenda on 20th October 2020.

IT WAS AGREED

That the Chair of the Scrutiny Committee would liaise with Democratic Services to plan for the draft policy to be scrutinised prior to submission to a meeting of the Executive**.

**** An additional meeting of the Scrutiny Committee has subsequently been scheduled on 11th November 2020 to consider the draft policy prior to submission to the Executive on 8th December 2020.**

37. Gating Public Space Protection Order

At this point Councillor Andy Fewings returned to the meeting.

A report was presented to the Committee by Richard Brown, Community Safety Officer which was also to be presented to a meeting of the Executive on Tuesday, 20th October 2020 requesting approval to enact a Borough-Wide Public Spaces Protection Order (PSPO) covering all alley gate schemes under s60 Anti-Social Behaviour, Crime and Policing Act 2014.

The Executive would be requested to grant authority:

1. To implement the PSPO to manage all current and future applicable alley gate schemes in the Borough; and
2. To implement the Order as soon as is practicable for the defined 3-year period.

Grounds for seeking approval of the above recommendations were outlined within the report.

IT WAS AGREED

That the report be noted.

38. Scrutiny Review Groups

Councillor Andy Tatchell advised that a Scrutiny Review Programme was normally in place at the current time of year but that due to Covid-19, had not been this year.

Councillor Tatchell referred to the current Homeless Working Group and suggested that this group could continue into 2021.

Councillor Marcus Johnstone advised that a meeting of the Calico Working Group was scheduled on 11th November 2020.

IT WAS AGREED

That the Homeless Working Group would continue to meet into 2021.

39. Work Programme 2019/20

The Work Programme was noted.

