



SCRUTINY COMMITTEE

BURNLEY TOWN HALL

Thursday, 10th February, 2022 at 6.30 pm

PRESENT

MEMBERS

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

OFFICERS

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

IN ATTENDANCE

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

78. Minutes of the last meeting

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

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

79. Additional Items of Business

IT WAS AGREED

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

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

80. Public Question Time

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

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

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

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

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

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

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

Ian Chapman was present for this item

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

Members made the following points;

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

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

IT WAS AGREED

That the report be noted.

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

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

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

Members made the following points;

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

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

IT WAS AGREED

That the report be noted.

83. Exclusion of the Public

Members determined to exclude the public from the meeting before discussion took place on the items of business relating to Minute 85 (Item 23 Lower St James Street Heritage Action Zone), and Minute 84 (Item 24 Sale of Land at Holme Road) on the grounds that in view of the nature of the business to be transacted if the public were present there would be a disclosure to them of exempt information within the meaning of Part VA of the Local Government Act 1972

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

This item was the next to be dealt with.

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

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

IT WAS AGREED

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

85. Lower St James Street Heritage Action Zone

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

IT WAS AGREED

That the report be endorsed.

86. Notice of Key Decisions and Private Meetings

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

IT WAS AGREED

That the report be noted

87. Strategic Plan 2022

Rob Dobson reported on the Strategic Plan 2022.

Members made the following points;

-the rural economy needed more emphasis.

IT WAS AGREED

That The report be noted

88. Climate Change Strategy

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

Members made the following points;

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

-what would be the role of the Programme Manager

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IT WAS AGREED

That the report be noted.

89. Electric Vehicle Charging Strategy

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

Members made the following points;

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

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

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

- were Council funds provided to private business ethical

- not unusual to provide monetary support to businesses

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

-what was the cost of charging

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

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

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

IT WAS AGREED

That the report be noted.

90. Pay Policy Statement 2022

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

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

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

IT WAS AGREED

That the report be noted.

91. Revenue Budget Monitoring Q3 2021/22

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

Members made the following points;

- was the Covid Reserve of £1.4M ring fenced

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

-Market income was reduced

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

-Cremation and Burial income reduced

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

-Reduced revenues and benefits court fees

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

IT WAS AGREED

That the report be noted

92. Capital Budget Monitoring Q3 2021/22

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

Members made the following points;

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

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

-when would the Town Hall works be completed

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

IT WAS AGREED

That the report be noted.

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

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

Members indicated the usefulness and clarity of the report.

IT WAS AGREED

That the report be noted

94. Revenue Budget 2022/23 Including Savings Strategy

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

IT WAS AGREED

That the report be noted

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

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

IT WAS AGREED

That the report be noted

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

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

IT WAS AGREED

That the report be noted.

97. Scrutiny Review Groups - Members Update

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

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

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

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

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

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

IT WAS AGREED

That the report be noted.

98. Work Programme 2021/22

Eric Dickinson reported on the Work Programme 2021/22.

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

IT WAS AGREED

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