



# BURNLEY BOROUGH COUNCIL

BURNLEY TOWN HALL

Wednesday, 3<sup>rd</sup> September 2008

## PRESENT

## MEMBERS

Her Worshipful The Mayor (Councillor Ida Carmichael) in the Chair;

Councillors Francis Ashworth, Howard Baker, Bill Bennett, Gordon Birtwistle, Justin Birtwistle, Charlie Briggs, Lynne Briggs, Bill Brindle, Charles Bullas, Frank Cant, Julie Cooper, Derek Dawson, Peter Doyle, Gary Frayling, Roger Frost, Jonathon Gilbert, John Harbour, Allen Harris, David Heginbotham, Karen Heseltine, Michael Heys, John Jones, Anne Kelly, Wajid Khan, Anthony Lambert, Margaret Lishman, Maureen McCaffrey, Peter McCann, Mohammed Malik, Elizabeth Monk, Darren Reynolds, Paul Reynolds, Martin Smith, Len Starr, Andrew Tatchell, David Thomson, Cosima Towneley, Linda White and Sharon Wilkinson.

## OFFICERS

Steve Rumbelow	-	Chief Executive
Nick Aves	-	Director of Resources
Mick Cartledge	-	Director of Community Services
David Wilcock	-	Head of People and Law
Ruth Wynn	-	Democracy Manager
Jeremy Richards	-	Public Relations Officer
Gillian Duckworth	-	Senior Solicitor
Imelda Grady	-	Democracy Officer
David Bristow	-	Deputy Mayor's Officer

## 26. Minutes

**RESOLVED** The Minutes of the meeting of the Council held on the 9<sup>th</sup> July 2008 were confirmed and signed by the Chair.

## 27. Presentation of Awards

Her Worshipful the Mayor (Councillor Ida Carmichael) presented one of the five Green Flag awards won by Parks in Burnley to Mr John Cunliffe from the Parks and Green Spaces Unit.

## 28. Public Question Time

Mr. Mohammed Arif and Mr. C. Oakes addressed the meeting under the Council's right to Speak Policy on the issue of the testing of Private Hire and Hackney Carriage vehicles and the proposed introduction of tests for Private Hire and Hackney Carriage drivers.

Mr. S. Hussain addressed the meeting under the Council's right to Speak Policy on the issue Elevate in Daneshouse and Stoneyholme.

**29. Notice of Motion**

It was moved by Councillor Anthony Lambert and seconded by Councillor Julie Cooper, that

“That further to confirmed reports in the Lancashire Telegraph of the 4<sup>th</sup> August 2008, that Burnley Council has in its coffers over 1.2 million of uncommitted section 106 agreement money, the Labour Group call for the immediate restoration of the £10,000 Capital Opportunities Fund to every ward in this town.

Furthermore, the Labour Group calls for an urgent report to be prepared for the next full council meeting to decide how the rest of this money is to be returned to the people of Burnley.

The Labour Group believes it is a disgrace that over £1 million has been squirreled away at a time when the controlling Lib/Dem group are pleading poverty and failing to deliver any of the towns regeneration objectives.”

Following a short debate the mover and seconder agreed to withdraw the motion.

**30. Medium Term Financial Strategy – 2008/12**

With reference to Minute No. 38 (23<sup>rd</sup> July 2008) of the Executive, consideration was given to a report on the redrafted medium-term financial strategy.

**RESOLVED** That approval be given to the medium-term financial strategy for 2008/12 as now submitted

**31. Sustainability Action Plan**

With reference to Minute No. 40 (23<sup>rd</sup> July 2008) of the Executive, consideration was given to a report seeking approval for the Council to adopt the Nottingham Declaration. (*a voluntary pledge made by Councils to address the issues of climate change*).

**RESOLVED**

- (1) That Approval given to the adoption of the Nottingham Declaration; and
- (2) That Member of Environment and Housing Scrutiny to be appointed to serve on the Carbon Management Programme Board

**32. Padiham Linear Park**

With reference to Minute No. 55 (19<sup>th</sup> August 2008) of the Executive, consideration was given to a report seeking approval for the establishment of a capital budget for the Padiham Linear Park Project.

**RESOLVED** That approval be given to the establishment of a capital budget of £23,000 in 2008/09 and £20,973 in 2009/10 to finance the Borough Council's contribution to the Padiham Linear Park Project.

**33. Revenue Budget Monitoring 2008/09**

With reference to Minute No. 61 (19<sup>th</sup> August 2008) of the Executive, consideration was given to the net increase in budgets funded from earmarked reserves.

**RESOLVED** That approval be given to the net increase in budgets funded from earmarked reserves as outlined in the report

**34. Capital Budget - Final Accounts 2007/08**

With reference to Minute No. 62 (19<sup>th</sup> August 2008) of the Executive, consideration was given to a report on carry forward of unspent budget provision from 2007/08 into 2008/09, to be incorporated into the current years capital investment programme, totalling £693,673.

**RESOLVED** That approval be given to the schemes outlined in Appendix 3 requesting carry forward of unspent budget provision from 2007/08 into 2008/09, be incorporated into the current years capital investment programme, totalling £693,673.

**35. Capital Budget Monitoring 2008/09**

With reference to Minute No. 62 (19<sup>th</sup> August 2008) of the Executive, consideration was given to a report on the revised capital budget.

**RESOLVED** That approval be given to the revised capital budget totalling £26,385,811 as outlined in the report.

**36. Amendments to Parts 2 and 3 of the Council's Constitution**

Consideration was given to amendments to part 2 and 3 of the Council's constitution in relation to the Scheme of delegation to officers and the Terms of Reference for the Standards

**RESOLVED** (1) That approval be given to the amendment of Part 3 of the Council's Constitution to change Paragraph 11 of the delegation to the Head of Streetscene to the following;

"All environmental and cleansing issues under any relevant statutory provision contained within the Environmental Protection Act and all relevant regulations made under that Act, including where appropriate the service of any notice."

(2) That approval be given to the amendments to Part 2, Article 9 of the Council's Constitution to the following:

#### 9.01 **Standards Committee**

The Council has established a Standards Committee

#### 9.02 **Membership**

- a) The Standards Committee will comprise six members (two Councillors, two independent members and two Parish Councillors who are not also Members of this Council.
- b) The Councillor members of the Committee must be appointed by a majority of the Council.
- c) The independent and Parish Council Members must be appointed by a majority of the Council acting upon a recommendation of the Chief Executive in consultation with the Group Leaders.
- d) The Committee will be chaired by an independent member. The Council may appoint a Deputy Chair, who must also be an independent member.
- e) That none of the members of the Committee be Executive Members.

#### 9.03 **Role and Functions**

Reference to Council under this part shall be a reference to any authority that comes under the jurisdiction of the Standards Committee.

That the terms of reference of the Committee are: -

- Promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council
- Assisting Members and Co-opted members to observe the Council's Code of Conduct
- Advising the Council on the adoption or revision of the Code of Conduct

- Monitoring the operation of the Council's Code of Conduct
- Advising, training or arranging to train Members and Co-opted Members on matters relating to the Council's Code of Conduct
- Handling and deciding complaints about Members arising under the Council's Code of Conduct for Members.
- Considering a code on acceptance of gifts and hospitality
- Considering a code on Members' use of Council-provided information technology equipment
- All the above in relation to Parish Councils (but only when relevant legislation requires this).
- Consider the Authority's Code of Conduct for Employees and Whistleblowing Policy

**37. Recognition of Service to the Community and the Council**

Consideration was given to a report to identify appropriate ways for the Council to recognise service to the Community and the Council and set up arrangements for awards

**RESOLVED** That approval be given to the adoption of the Recognition Scheme as outlined in the report and includes the Scheme in the Council Constitution under "Protocols".

**38. Strategic Plan Progress Reports and Minutes of Committees**

**RESOLVED** That the Strategic Plan Progress Reports and the Minutes of the Meetings of the following Committees held on the dates shown be received and the decisions contained in them be noted.

<u>Committee</u>	<u>Date</u>
The Executive	23 <sup>rd</sup> July 2008
The Executive	19 <sup>th</sup> August 2008
Development Control	1 <sup>st</sup> July 2008
Development Control	15 <sup>th</sup> July 2008
Development Control	14 <sup>th</sup> August 2008
Licensing	31 <sup>st</sup> July 2008
Better Services	5 <sup>th</sup> August 2008
Better Services	11 <sup>th</sup> August 2008
Economy	13 <sup>th</sup> August 2008
Leadership and Community	12 <sup>th</sup> August 2008
Environment and Housing	6 <sup>th</sup> August 2008
Audit	21 <sup>st</sup> August 2008
Standards	1 <sup>st</sup> July 2008

### 39. Exclusion of the Public

**RESOLVED** That the Public be excluded from the meeting before discussion takes place on the following items of business on the grounds that in view of the nature of the business to be transacted, if the Public would be present there would be a disclosure to them of exempt information within the meaning of Part VA of the Local Government Act 2972.

Minute No.

Relevant Description

40

Information relating to the financial or business affairs of a particular person (including the Authority holding that information).

### 40. The Burnley Town Centre Oval Development, Curzon Street, Burnley

With reference to Minute No. 67 (19<sup>th</sup> August 2008) of the Executive, consideration was given to a report on the establishment of a budget within the current year's Capital programme for £60,000 to cover legal and Surveyors' costs to proceed with this development.

**RESOLVED** That approval be given to the establishment of a budget within the current year's Capital programme for £60,000 to cover legal and Surveyors' costs to proceed with this development, with Henry Boot Developments Limited contributing £30,000 of these costs and the remainder being funded from the Council's capital receipts.