

# Public Document Pack

## Call In Committee

Thursday, 29th September, 2022

6.00 pm

Meeting Room A  
Blackburn Town Hall

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### AGENDA

1. **Welcome and Apologies**
2. **Declarations of Interest**  
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3. **Procedure for Hearing a Call-in**  
**Call-in Meeting Procedure September 2022** 3 - 4
4. **Reasons for the Call-in**  
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5. **Development of a new Prayer Shelter at Pleasington Cemetery**  
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6. **Exclusion of the Press and Public**  
To consider, and if thought appropriate, to exclude the Press and Public from the Meeting if any items to be discussed contain confidential information related to contracts.

Date Published: 21<sup>st</sup> September 2022  
Denise Park, Chief Executive

## DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

**Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.**

**Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.**

MEETING: **CALL-IN COMMITTEE**

DATE: **29<sup>th</sup> SEPTEMBER 2022**

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)

## **BLACKBURN WITH DARWEN BOROUGH COUNCIL**

### **CALL-IN COMMITTEE – Development of a New Prayer Shelter at Pleasington Cemetery**

(Executive Member Decision published on 2 September 2022)

### **MEETING PROCEDURE**

**Chair – Cllr Kevin Connor**

**Members of the Committee: Cllr Sylvia Liddle, Cllr Jackie Floyd, Cllr Katrina Fielding, Cllr Zamir Khan, Cllr Sajid Ali, Cllr Elaine Whittingham, Cllr Jon Baldwin, and Cllr Neil Slater.**

**Executive Member: Cllr Quesir Mahmood, Growth & Development.**

**Members who requested the Call-in: Councillors Mark Russell (representative), Lilian Salton, Derek Hardman, Jon Baldwin, Mark Russell, Julie Slater and Neil Slater.**

**Supporting Chief Officer: Martin Eden, Strategic Director of Environment & Operations.**

**Legal Advisor to the Committee: Asad Laher**

**Governance Services: Phil Llewellyn**

#### **1. Welcome & Apologies**

- Chair welcomes the Committee
- Chair checks that the Committee have received a copy of the reasons for the Call-in, and the procedure
- Chair asks for any apologies.

#### **2. Declarations of Interests**

- Chair asks for any declaration of interests and whether any of the Committee Members have had any involvement in the decision which has been called in.

#### **3. Guidance on procedure**

- Chair asks the Legal Advisor to explain the process to be followed
- Legal Advisor will explain that the meeting will be held in Part 1.
- Legal Advisor will provide confirmation from himself as the Monitoring Officer and the Chief Financial Officer that the decision is within the budget and policy framework. Therefore, the options for the Committee and hearing the representations would be to accept the decision or refer the decision back to the Executive Member for Growth & Development.

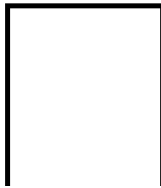
The Chair asks the representative of those Members who requested the Call- in (Mark Russell, supported by Councillor Paul Marrow) and the Executive Member (Quesir Mahmood, supported by Martin Eden) to take their places at table.

Executive Member Decision published on 2<sup>nd</sup> September 2022 – Development of a New Prayer Shelter at Pleasington Cemetery.

- a) Chair asks Cllr Mark Russell to explain the reasons for the Call-in.
- b) Executive Member for Growth & Development seeks clarification from Cllr Mark Russell.
- c) Members of the Committee to ask Cllr Mark Russell questions.
- d) Chair asks the Executive Member to explain the reasons for the decision made (with other supporting officers).
- e) Cllr Mark Russell to ask the Executive Member questions.
- f) Members of the Committee to ask the Executive Member and Supporting Officers questions.
- g) Sum up – Cllr Mark Russell
- h) Sum up – Executive Member for Growth & Development.

Chair asks Cllr Mark Russell, Cllr Paul Marrow, Councillor Quesir Mahmood and Martin Eden to leave the table.

- i) Chair requests any final contributions from Members of the Committee.
- j) Chair asks the committee to consider the representations made and decide how to proceed.
- k) Chair asks Legal advisor to go through the options:
  - To Accept the decision; or
  - To refer the decision back to the Executive Member for Growth & Development.
- l) Named vote and recording of reasons.



**TO: THE CHIEF EXECUTIVE**  
For the immediate attention of  
**Democraticservices@blackburn.gov.uk**

**From COUNCILLOR MARK RUSSELL**

**Date:** 06/09/2022

**EXECUTIVE BOARD/MEMBER DECISION TO BE CALLED IN: Ref** Development of a new Prayer Shelter at Pleasington Cemetery

**EMD**

**DATE OF PUBLICATION:** 02/09/2022

**Subject:**

1. The wrong Executive Member has made the Decision
2. Inadequate budget provision and no estimate of running or maintenance costs / impact on Revenue budget
3. The proposed prayer shelter was presented as a multifaith prayer room at Planning Committee available for use by all faiths. This Decision refers to it as a Muslim prayer shelter
4. It is not value for money to spend over half a million pounds on a big rectangle with a few toilets

**EXECUTIVE BOARD/MEMBER DECISION CALLED IN BY:**  
(6 Members)

Councillor	Signature
1. Mark Russell	
2. Paul Marrow	
3. Derek Hardman	
4. Jon Baldwin	
5. Julie Slater	
6. Neil Slater	
<b>Date Received by Democratic Services:</b>	

## **REASONS FOR THE CALL IN**

*Please state reasons for the Call In, which will be addressed by the appropriate Executive Member.*

*As agreed at Council Forum on 26<sup>th</sup> June 2009, the lead signatory must provide detailed reasons for the Call in.*

*Council Forum resolved that it was no longer sufficient to provide limited reasons such as Lack of consultation or inaccurate information.*

## EXECUTIVE MEMBER DECISION



<b>REPORT OF:</b>	Executive Member for Growth and Development
<b>LEAD OFFICERS:</b>	Strategic Director of Environment & Operations
<b>DATE:</b>	2 September 2022

**PORTFOLIO/S AFFECTED:** Environment & Operations

**WARD/S AFFECTED:** All

**SUBJECT: Development of a new Prayer Shelter at Pleasington Cemetery**

### 1. EXECUTIVE SUMMARY

In August 2021, Executive Board approved the construction of a new modular build Muslim prayer shelter within the new cemetery extension at Pleasington Cemetery, subject to planning permission being granted.

A capital budget was estimated for the cost of constructing a new Muslim prayer shelter, using modular construction, the budget included a 5% contingency budget. The estimated costs were based on an actual quote which was obtained via soft market testing. The final cost would be confirmed following a tendering process led by the corporate procurement team.

Executive Board gave approval for the establishment of a capital budget in the financial year 2021/22 to fund the surveys, professional fees and construction costs and gave approval to the Director of Place, in consultation with the Executive Member for Growth and Development, to award the contract to build the prayer shelter following a tendering process.

On 17<sup>th</sup> February 2022, the Planning & Highways committee granted the planning application to construct the new Muslim Prayer Shelter

In June 2022, the construction project was advertised on the Chest for a four week period. A total of six bids were received and following evaluation, one bid was adjudged to be the most economically advantageous. However, due to rising inflation and increased costs of materials and labour, the cost of constructing the new prayer shelter exceeds the approved budget included in the Executive Board report in August 2021

### 2. RECOMMENDATIONS

That the Executive Member:

- Awards the contract to RG Stones to build the prayer shelter following a tendering and evaluation process.
- Agrees in consultation with the Executive Member for Finance and Governance for a supplementary capital sum of £181,335 to be added to the existing budget provision from the

### 3. BACKGROUND

The current Muslim burial grounds which surround the existing prayer shelter will be at capacity by 2023 at which point all future burials will take place in the new extension to the north of the cemetery, which is some considerable distance from the existing prayer shelter. Traditionally, the deceased is taken to the Muslim prayer shelter and immediately following the prayers, the deceased is then carried to graveside and buried.

The existing prayer shelter is not built to modern day standards and is not fit for purpose. It has a metal panel roof which is not insulated and during rainfall, it leaks in areas and causes water damage to the carpet. The current electrical supply to the prayer shelter only provides enough energy to power the lights and one plug socket so as a result, the building has no hot water or heating, hence in the winter months it is extremely cold. The water pipes burst regularly in the winter months because the shelter is so cold, the water freezes. When the pipes burst, it causes considerable water damage to the carpet. There is significant condensation on the windows and doors which in turn creates a damp atmosphere within the shelter which is not conducive to the health of those using the prayer shelter to mourn and pray for the deceased.

Planning permission has been obtained for a new prayer shelter to be located on the new extension to the north of the cemetery on land which was overgrown and contained self-seeded immature trees and saplings. The land is adjacent to Olive section which is only suitable for single depth graves, accordingly it makes sense to use this section solely for Muslim burials as Muslims require a single depth grave, whereas the majority of applications for Christian and non-denominational burials request a grave which can accommodate 2 or 3 burials

A tendering process has been completed for the construction of a new modular prayer shelter which includes a prayer hall of a similar size to the existing prayer shelter, a small kitchen, WC's, utilities/services, a heating system, decoration and finishes throughout and perimeter works outside the shelter.

The tendering process required tenderers to price for the project by providing a breakdown of cost for site preparations; modular building construction; sanitary ware; mechanical and electrical works; drainage solutions; internal decoration and finishing works; external landscaping and finishing works and general items on completion of the project. Six companies submitted tenders for the project, their overall tender costs are detailed in the table below:

RG Stones	Contractor B	Contractor C	Contractor D	Contractor E	Contractor F
£512,161	£731,500	£744,750	£790,111	£822,137	£756,808

The cost of constructing the new prayer shelter has increased as a result of rising inflation and the increasing cost of materials and labour. Therefore the amount of funding required exceeds the budget estimate approved by the Executive Board on 12 August 2021.

### 4. KEY ISSUES & RISKS

The current Muslim burial grounds which surround the existing prayer shelter will be at capacity by 2023 at which point, Muslim burials will take place in the new extension to the cemetery.

Executive Board approved, subject to planning permission, the construction of a new modular build prayer shelter to be located in the new extension to the cemetery. Executive Board gave approval to the Director of Place, in consultation with the Executive Member for Growth and Development, to award the contract to build the prayer shelter following a tendering process. Planning permission was granted in February 2022 and the construction of the new prayer shelter project was advertised on the Chest for a four week period in June 2022.

The cost of constructing the new prayer shelter has increased as a result of rising inflation and the increasing cost of materials and labour and additional capital funding is required to deliver the project.

## 5. POLICY IMPLICATIONS

None

## 6. FINANCIAL IMPLICATIONS

The cost of constructing the new prayer shelter has increased as a result of rising inflation and the increasing cost of materials and labour. RG Stones submitted the most economically advantageous tender for £512,161.

A total of £19,174 has been spent from the capital budget of £350,000 on surveys, assessments and the installation of mains electric for the new prayer shelter. Accordingly, a supplementary capital sum of £181,335 is required to deliver the prayer shelter project, these funds will be vired from the Asset Management Strategy budget.

## 7. LEGAL IMPLICATIONS

The tender evaluation process has identified a preferred contractor who has submitted the most economically advantageous tender for the construction of the prayer shelter. The contract will be in a form approved by legal officers in the Contracts and Procurement team

## 8. RESOURCE IMPLICATIONS

Officers from the Construction and facilities team will perform clerk of works role working with the appointed contractor on the delivery of the scheme.

## 9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 ☒ Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 ☐ In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 ☐ In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

Consultations were undertaken as part of the planning process



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**11. STATEMENT OF COMPLIANCE**

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

**12. DECLARATION OF INTEREST**

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

<b>VERSION:</b>	<b>1</b>
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<b>CONTACT OFFICER:</b>	<b>Martin Eden</b>
<b>DATE:</b>	26 August 2022
<b>BACKGROUND PAPER:</b>	