



Meeting of the Burnley Borough Council

To be held at 6.30 pm on
Wednesday, 25th January, 2023



Sir or Madam,

Notice is given of a MEETING of the COUNCIL of the BOROUGH OF BURNLEY to be held at MECHANICS THEATRE, BURNLEY on

DATE: Wednesday, 25th January, 2023

starting at 6.30 pm

To transact the business specified below.

Catherine Waudby
Head of Legal and Democratic Services

Members of the public may ask a question, make a statement, or present a petition relating to any matter for which the Council has a responsibility or which affects the Borough.

Notice in writing of the subject matter must be given to the Head of Legal & Democratic Services by 5.00 pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall, Manchester Road or from the web at: <http://burnley.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13234> . You can also register to speak via the online agenda. Requests will be dealt with in the order in which they are received.

All Full Council meetings are livestreamed on the Council's [Youtube Channel](#)

Due to limited space in the venue members of the public wishing to observe the meeting are advised to watch the live stream on Youtube. Priority will be given to those who have registered to speak if seating capacity is exceeded.

A G E N D A

1. Minutes of the Last Meeting 7 - 10
To receive, as read, the Minutes of the proceedings of the previous Council meeting, and to confirm them or otherwise.
2. Declarations of Interest
To receive any declarations of interest.
3. Mayor's Communications
To receive communications (if any) from Her Worshipful the Mayor.

4. Public Question Time
To receive questions, statements or petitions (if any) from members of the public.
5. Motions to Council
- a) Accessible Streets 11 - 12
6. Items for Decision by the Council
- a) Appointments to Committees and Panels 13 - 16
To consider amendments to committees and panels.
- b) Polling Station Changes 17 - 20
To consider making changes to polling stations for future elections.
- c) Food Safety Delivery Plan 2023/24 21 - 48
To consider the Food Safety Delivery Plan for 2023/24.
- d) Health & Safety Delivery Plan 2023/24 49 - 70
To consider the Health & Safety Delivery Plan for 2023/24.
- e) Lancashire 2050 71 - 94
To consider a report on the progress in developing the Lancashire 2050 Strategic Framework.
- f) Arrangements for the Recruitment and Appointment of Chief Executive 95 - 96
To consider a report on the arrangements for the recruitment of a new Chief Executive.
- g) Planning - Quality of Decision Making 97 - 104
To receive a report for information on the performance and quality of decision making in planning.
7. Reports from Committee Chairs
- a) Report from the Chair of Scrutiny 105 - 106
- b) Report from the Chair of Audit & Standards
The Committee has not met since the last Council meeting therefore there is no update.
- c) Report from Chair of Licensing

The Committee has not met since the last Council meeting therefore there is no update.

- d) Report from Chair of Development Control 107 - 108
8. Strategic Plan Progress Reports 109 - 128
9. Questions
To deal with questions (if any) relating to matters not contained in the Minutes before the Council and of which notice in writing has been received in accordance with Standing Order No. 10(2).

Councillor Attendance

Please use the link below to access Councillor attendance records. You can refine your search by time or by committee.

<http://burnley.moderngov.co.uk/mgUserAttendanceSummary.aspx>

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BURNLEY BOROUGH COUNCIL FULL COUNCIL

MECHANICS THEATRE

Wednesday, 7th December, 2022

PRESENT

MEMBERS

Her Worshipful The Mayor (Councillor Cosima Towneley) in the Chair;

Councillors A Khan (Vice-Chair), A Anwar, H Baker, G Barton, G Birtwistle, C Briggs, S Cunliffe, A Fewings, S Graham, S Hall, J Harbour, M Hurt, S Hussain, J Inckle, M Ishtiaq, W Khan, J Launer, A Lewis, G Lishman, M Lishman, S Lone, J McGowan, L Mehanna, N Mottershead, A Raja, A Royle, C Sollis, M Steel, J Sumner, M Townsend, D Whitaker and A Wight

OFFICERS

Mick Cartledge	– Chief Executive
Lukman Patel	– Chief Operating Officer
Catherine Waudby	– Head of Legal and Democratic Services
Dexter Almond	– Admin Officer
Paul Barlow	– Graphic Designer
David Bristow	– Mayor's Officer
Carol Eddleston	– Democracy Officer
Mark Hindman	– Graphic Designer
Amy Johnson	– Finance Manager
Alison McEwan	– Democracy Officer
CJ Walmsley	– Democracy Officer

37 One Minute's Silence

Members joined the Mayor in one minute's silence in memory of Jim Astin, a highly valued and well respected member of the Council's Licensing and Compliance team, who had sadly passed away since the last meeting.

Members paid warm tributes to him and shared their recollections of working with him and the sadness which they and the taxi trade had felt on hearing of his passing.

38 Declarations of Interest

The Monitoring Officer, in consultation with the Chair of the Audit & Standards Committee, had granted a dispensation for agenda item 4c, Fees and Charges Tariff 2023/24, prior to

the meetings of the Executive and Council as members had a pecuniary interest related to contracts for additional services (contract car parking charges and garden waste collection service charge) delivered by the Council. In his opinion the number of persons affected would impede the business.

Councillor Fewings declared a disclosable pecuniary interest in agenda items 4a Revenue Monitoring Report 2022/23 – Quarter 2 and 4b Capital Monitoring Report 2022/23 – Quarter 2. He left the room and took no part in the debate or decision on either item.

39 Revenue Monitoring Report 2022/23 - Quarter 2

With reference to Minute 54 of the Executive (30th November 2022), consideration was given to the forecast outturn position for the year as at 31st March 2023 based upon actual spending and income to 30th September 2022.

RESOLVED THAT:

1. The latest revised net budget of £15.322m as shown in Table 1 be approved, and
2. The net transfers from earmarked reserves of £2.710m as shown in Appendix 2 be approved.

40 Capital Monitoring Report 2022/23 - Quarter 2

With reference to Minute 55 of the Executive (30th November 2022), consideration was given to a revised capital budget.

RESOLVED THAT:

1. Net budget changes totalling a decrease of £2,694,558, giving a revised capital budget for 2022/23 totalling £38,738,753, as detailed in Appendix 1 be approved, and
2. The proposed financing of the revised capital budget totalling £38,738,753 as shown in Appendix 2 be approved.

41 Fees and Charges Tariff 2023/24

With reference to Minute 57 of the Executive (30th November 2022), consideration was given to the proposed list of fees and charges to be levied from 1st April 2023.

RESOLVED, THAT:

1. The proposed tariff of fees and charges from 1st April with an increase of 5%, as outlined in Appendix A, with a range of exceptions as outlined in the report, be approved;
2. The Head of Finance and Property, in consultation with the relevant Head of Service, be authorised to determine any new charges or changes to existing charges relating to the preparation and approval of the 2023/24 revenue budget;
3. Executive Portfolio Members be authorised to amend fees and charges periodically in their own area with the prior agreement of the Head of Finance and Property, and
4. 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, be authorised 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.

42 2022/23 Treasury Management Mid-Year Report

With reference to Minute 56 of the Executive (30th November 2022), consideration was given to the treasury management activity for the first half of the year of 2022/23 covering the period 1st April to 30th September 2022.

RESOLVED, THAT:

The mid-year update on Treasury Management Strategy for 2022/23 be endorsed in compliance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management.

43 Reports from Committee Chairs

RESOLVED, THAT:

The reports of the Chairs of the Scrutiny, Audit & Standards, Licensing and Development Control Committees be noted.

44 Strategic Plan Progress Reports

RESOLVED, THAT:

The Strategic Plan Progress Reports of Executive Members be noted.

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Accessible Streets

This council notes :

1. Street clutter is increasing over time, particularly within the town centre.
 - Street clutter includes (but is not limited to) items like Advertising boards, guard rails, wheelie bins, outdoor tables and chairs, planters, badly placed signposts and lampposts, telecommunication boxes and masts, poorly placed EV chargers and bollards
2. Other issues that affect accessibility include pavement parking, parking over dropped kerbs, pavement cycling/E-Scooter riding and overgrown bushes and hedges.
3. Visually impaired residents and visitors in particular are finding it increasingly difficult to navigate our streets and town centre, with guide dogs struggling to safely guide their owners around obstacles; high obstacles such as rope barriers causing canes to miss them, causing them to walk into them, or safe routes completely blocked, requiring visually impaired residents having to use the road.
4. The lack of tactile definition of roadway and pavement means that visually impaired people and guide dogs cannot tell if they are on the road or pavement in some areas, such as the pedestrianised area of St James's Street.
5. That Lancashire County Council and Lancashire Police are not fulfilling its duties around vehicles obstructing pavements and dropped kerbs.
6. That there are not enough dropped kerbs within the borough, and many stretches of pavement have no accessible routes, leaving those with accessibility issues having to use the road.

This council believes that:

1. The streets of Burnley and Padiham should be accessible for all.
2. Public realm works should consider the accessibility needs of all residents in their design.
3. Reducing street clutter benefits everyone but has a greater benefit for those with additional accessibility needs.
4. On-Street EV Charging points should be built out into the highway rather than taking pavement space.

This council resolves to:

1. Place accessibility at the heart of future building and public realm works.
2. That the Leader of the Council and the Chief Executive write to the Chief Executive and Leader of Lancashire County Council requesting:
 - That all highways works take into account accessibility, and that improving accessibility of our pavements is treated high priority, such as increasing the number of dropped kerbs, particularly on streets where there are no accessible routes currently in place, and that dropped kerbs and crossing points should have tactile surfaces to indicate their location.
 - That requests for pruning and trimming works to bushes, trees and hedges that are causing pavement obstruction are dealt with promptly, and that they encourage residents to use the Love Clean Streets app to report these issues.
 - Request that when working on the roll-out of on-street EV chargers, that charging points are built out into the highway and not take pavement space.
 - That they make full use of their powers in enforcing issues such as pavement obstruction and parking on dropped kerbs.
3. Work with Urbaser to ensure that bins and waste receptacles are put in a place that does not obstruct pavements after they have been emptied, and also request residents and businesses to ensure that their bins and waste receptacles are not obstructing the pavement when presented for collection.
4. Take a more proactive approach to planning and streetscene enforcement where advertising boards, outdoor dining areas etc are exceeding the curtilage of the property.
5. That the Leader of the Council and the Chief Executive write to Chief Constable of Lancashire Police requesting that Lancashire Police:
 - Enforce the rules and regulations around the use of bicycles and other prohibited vehicles using the pavement
 - Proactively enforce the laws around motor vehicles obstructing pavements and dropped kerbs.
6. That the Chief Executive reports back to Full Council on the responses received from Lancashire County Council and Lancashire Constabulary.

This motion is moved by Cllr Martyn Hurt and seconded by Cllr Sue Graham

Appointments to Committees & Reporting

REPORT TO FULL COUNCIL



DATE	28/09/2022
PORTFOLIO	Leader
REPORT AUTHOR	Alison McEwan
TEL NO	01282 477259
EMAIL	amcewan@burnley.gov.uk

PURPOSE

1. To note changes to the Political Balance resulting from the resignation of Cllr Emma Payne on 6th January 2023 and approve consequential appointments to committees as a result of those changes.

2. To consider the re-appointment of David Sparrow to the Independent Remuneration Panel (IRP).

RECOMMENDATION

3. That the changes to the Political Balance are noted, and the consequential amendments to Committees are approved.

4. That David Sparrow be re-appointed to the Independent Remuneration Panel until May 2025.

REASONS FOR RECOMMENDATION

5. To ensure that the requirements of the Constitution are upheld, and transparency is maintained.

6. To ensure that committee seats are politically balanced as required by the Local Government and Housing Act 1989, and appointments are up to date.

7. To maintain the membership of the IRP

8. The Local Authorities (Members Allowances) (England) Regulations 2003 require that before a Council can determine its members' allowance scheme for the ensuing year it must have had regard to the recommendations of an Independent Remuneration Panel.

SUMMARY OF KEY POINTS

9. Appointments to Committees

Councillor Emma Payne submitted her resignation on 6th January 2023.

The make-up of the Council is now:

Labour	19
Liberal Democrat	8
Conservative	6
Green	6
BPIP	4
Independent	1
Vacancy	1

The Political Balance has been calculated in line with the requirements of the Local Government & Housing Act 1989.

There are some consequential changes to committee places:

Audit & Standards Committee – Remove Conservative, Add Liberal Democrat
Scrutiny Committee – Add Conservative to fill existing vacancy.

Group Leaders have been contacted and asked to confirm the members to be removed and added.

10. Appointment to the Independent Remuneration Panel

The Independent Remuneration Panel was established by Council in 2001 and comprises 3 members. David Sparrow, the current Chair of the IRP, has a term of office which has now expired. He has indicated that he is willing to continue to work on the Panel. He has played an active part in the work of the IRP over a number of years and has valuable experience in making recommendations to the Council.

The terms of office for Anne Slater and Graham Knott expire in July 2024.

Council set its current members' allowance scheme in 2022 to cover a three-year period up to 31st March 2025. The IRP were re-convened to consider a one-year amendment to the scheme due to a format change to the usual NJC pay award.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

1. None.

POLICY IMPLICATIONS

2. None

DETAILS OF CONSULTATION

3. Member Structures Officer Group.
Member Structures Working Group.

BACKGROUND PAPERS

31. None.

FURTHER INFORMATION

PLEASE CONTACT: Catherine Waudby
01282 477198

ALSO:

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REPORT TO COUNCIL



DATE	25th January 2023
PORTFOLIO	None
REPORT AUTHOR	Alison McEwan
TEL NO	01282 477259
EMAIL	amcewan@burnley.gov.uk

Changes to Polling Stations

PURPOSE

1. To advise Members of the Returning Officers proposal to change a number of Polling Stations for elections from May 2023.

RECOMMENDATION

2. That Full Council approve the following permanent changes to Polling Stations:
 - (a) Bank Hall Ward (EB) from Church of Jesus Christ of Latter Day Saints, Belvedere Road BB10 4BQ to Burnley Tennis Club, 30 Lower Ridge Close, off Belvedere Road, BB10 4BW.
 - (b) Rosegrove with Lowerhouse Ward (LB) from Parkside Methodist Church, 175 Cog Lane BB11 5AH to West End Community Centre, Venice Street, BB11 4BA.
 - (c) Coalclough with Deerplay Ward (KA) from Parkside Methodist Church 175 Cog Lane BB11 5AH to Coal Clough Community Centre, 2 Pasturegate Avenue, BB11 4DD.
 - (d) With the exception of a) to c) above, Members note the Returning Officers decision not to change any other polling stations.

REASONS FOR RECOMMENDATION

3. In order to take account of premises that are no longer available, and to improve facilities for electors and to comply with the Electoral Administration Act 2006.

SUMMARY OF KEY POINTS

4. As we approach the May 2023 elections some of the polling stations are no longer available for use.

To summarise, it is proposed that the majority of the existing polling stations remain the same except for the following:

Ward & Electoral District	Existing Polling Station	Revised Polling Station	Reason
Bank Hall (EB)	The Church of Jesus Christ of Latter Day Saints, Belvedere Road, Burnley BB10 4BQ	Burnley Tennis Club, 30 Lower Ridge Close, Off Belvedere Road, Burnley BB10 4BW	Existing premises no longer available
Rosegrove with Lowerhouse (LB)	Parkside Methodist Church, 175 Cog Lane, Burnley BB11 5AH	West End Community Centre, Venice Street, Burnley BB11 4BA	Existing premises no longer available
Coalclough with Deerplay (KA)	Parkside Methodist Church, 175 Cog Lane, Burnley BB11 5AH	Coal Clough Community Centre, 2 Pasturegate Avenue, Burnley BB11 4DD	Existing premises no longer available

Consultation was carried out regarding moving the Trinity Ward (IA) Polling Station away from Coal Clough Academy. However this change is no longer required.

5. Guidelines

The following considerations were taken into account when drawing up the proposals. The first two are required by law; the others are guidelines, not strict rules.

- (1) The Council must seek to ensure that all electors have such reasonable facilities for voting as are practicable in the circumstances;
- (2) The Council must seek to ensure that as far as is reasonable and practicable every polling district is accessible to electors who are disabled.
- (3) Ideally the polling place should be in its own polling district;
- (4) No polling place should be shared by two wards;
- (5) Where possible “natural” boundaries should be used, eg. railways, major roads, waterways;
- (6) All properties in a minor road or estate should be in the same polling district; and

(7) Polling places should be “logical”, that is, electors should not have to pass another polling place to get to their own place.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

6. The costs arising from the proposed changes will be met from existing budgets.

POLICY IMPLICATIONS

7. None.

DETAILS OF CONSULTATION

8. Group Leaders, Member Structures Working Group, Polling Station Inspectors, Presiding Officers & Poll Clerks

BACKGROUND PAPERS

9. https://www.electoralcommission.org.uk/sites/default/files/word_doc/Polling-district-review-guidance.doc

FURTHER INFORMATION

PLEASE CONTACT:

ALSO:

Alison Stirling

01282 477261

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Food Safety Service Delivery Plan 2022/23**REPORT TO EXECUTIVE**

DATE	19th January 2023
PORTFOLIO	Community & Environment
REPORT AUTHOR	Lisa Fay
TEL NO	01282 477284
EMAIL	lfay@burnley.gov.uk

PURPOSE

1. The regulatory team responsible for Food Safety must have in place a Service Plan for the Delivery of Official Controls to meet the requirements of statutory guidance. This report formally consults the Committee on the plans prior to their approval at Full Council.

RECOMMENDATION

2. That the report be considered by Scrutiny & Executive Committees.
3. That Executive recommend Full Council to approve the Food Safety Service Delivery Plan 2022/2023, detailed at Appendix 1 to this report; and
4. That Full Council approve the Food Safety Service Delivery Plan 2022/2023, detailed at Appendix 1 to this report

REASONS FOR RECOMMENDATION

5. The Council has a statutory obligation to conduct a range of food enforcement functions in accordance with the provisions of the Food Safety Act 1990 and a range of regulations made under the Act.
6. The Food Standards Agency's (FSA) "Framework Agreement on Official Feed and Food Controls by Local Authorities" sets out what the FSA expects from local authorities in their delivery of official controls on feed and food law.
7. It is a requirement of the Framework Agreement to produce a service plan for the delivery of official food controls. The Food Safety Service Delivery Plan appended to this report has been prepared to satisfy this requirement.

SUMMARY OF KEY POINTS

8. The Food Safety Service Delivery Plan explains how we will protect and promote food safety throughout the Borough. It also provides a mechanism to review performance and agree a framework for the future delivery of effective, risk based, proportionate and consistent food safety services.

The content of the plan has been written in accordance with the Food Standards Agency's (FSA) Framework Agreement.

It sets out:

- An outline of the key services and work activity delivered.
- The Council's statement on food safety and the links with corporate priorities and objectives
- A profile of the Borough including the political and managerial arrangements.
- The demands on the service
- Summary of service activity in relation to premises inspection, complaints investigation, advice, sampling, infectious diseases, food safety incidents, liaison arrangements and promotional activities
- The resources deployed to meet these demands.

Key services and work activity delivered by the Food Safety Team include:-

- Carrying out routine, programmed inspections of local food businesses.
- Responding to complaints about food and the hygiene of food premises.
- Investigating infectious diseases and local outbreaks that are associated with food.
- Promoting food safety and best practice by working closely with local businesses
- Working with the FSA to operate and maintain the Food Hygiene Rating Scheme

The Food Safety Delivery Plan provides a series of data profile tables which describe the types of businesses that we have in Burnley and their risk.

In recognition of the challenges LAs were facing in delivering their statutory food functions whilst having to prioritise protecting communities from COVID-19, the FSA published the Recovery Plan. This enabled LAs to target scarce resources at the most high-risk establishments while deferring planned interventions, particularly for low-risk premises. **The delivery plan intends to meet the requirements of the Recovery Plan.**

There are 6 milestones over two phases to the recovery plan:

• **Phase 1** - 1 July to 30 September 2021

1st milestone with a focus on prioritising new business inspections
And planning to deliver an intervention plan from October 2021

• **Phase 2** – 1 October 2021 to March 2024

2nd milestone by 31st March 2022 – All rated Category A received an onsite intervention
3rd milestone by 30th June 2022 - All rated Category B received an onsite intervention.
4th milestone by 30th September 2022 – All rated Category C and less than broadly compliant receive an onsite intervention.

5th milestone by 31st December 2022 – All rated Category D and less than broadly compliant receive an onsite intervention.

6th milestone by 31st March 2023 – All rated Category C and broadly compliant receive an onsite intervention.

9. Performance against the Recovery Plan

Using diverted Contain Outbreak Management Funds (COMF), contractors have been engaged to assist the Team to clear the backlog of inspection work.

In 2021/2022 we completed a total of 540 Official Control Interventions

Category	A	B	C	D	E	Unrated	Total
Number	5	31	53	139	82	230	540

The backlog of 230 unrated/new businesses has been cleared. Since 2020, the numbers of new business registrations received have exceeded 100 per annum.

The Team continue working with businesses to bring about any necessary improvements. Officers initially provide advice, reports, letters, coaching, revisits and where necessary move to the use of more formal enforcement measures.

In addition to inspection work we responded to 671 requests for service and carried out 65 other interventions.

As can be seen from Section 7 of the Service Delivery Plan, the Food Safety Team have maintained a high level of performance which exceeds the expectations of the Recovery Plan.

10. The workplan for 2022/23 will continue to align with the FSA Recovery Plan. The Food Safety Team, where they can, move at a faster pace in realigning with the intervention frequencies and other provisions set out in the Food Law Codes of Practice

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

11. Food Safety regulation is a core statutory service delivered by the Environmental Health & Licensing Team, under contract to Liberata UK Ltd.

POLICY IMPLICATIONS

12. As national regulators the Food Standards Agency set and monitor national standards. The framework for local plans is prescribed to ensure “official controls” are consistently delivered across the country. Through audit, they monitor local authorities to ensure that

local controls are effective, and they have intervention powers where delivery fails to meet the required standard.

DETAILS OF CONSULTATION

13. Scrutiny and Executive will be consulted prior to Full Council decision

BACKGROUND PAPERS

14. None

FURTHER INFORMATION

PLEASE CONTACT: Lisa Fay

ALSO: Karen Davies

BURNLEY BOROUGH COUNCIL

Food Safety Delivery Plan

2022/2023



Burnley
.gov.uk

Burnley Food Safety Delivery Plan

1. Introduction

- 1.1 Burnley Food Safety Delivery Plan
- 1.2 Profile of Burnley
- 1.3 The Council Structure
- 1.4 The Management Structure
- 1.5 Burnley Borough Council Statement of the Food Safety Service

2. Service Aims and Objectives

- 2.1 Service aims – Food Hygiene and Infection Control Service
- 2.2 Links to Council Objectives

3. Food Safety Service

- 3.1 Environmental Health Team Structure
- 3.2 Food standards
- 3.3 Scope of the Food service
- 3.4 Food Exports
- 3.5 Access to the Service
- 3.6 Demands on the Food Service
- 3.7 Local Challenges
- 3.8 Enforcement Policy

4. Service Delivery

- 4.1 Food Premises Interventions
- 4.2 Food Related Complaints
- 4.3 Advice to Businesses
- 4.4 Food Sampling and Inspection
- 4.5 Control and Investigation of Outbreaks of Food Related Infectious Diseases
- 4.6 Food Safety Alerts and Incidents
- 4.7 Primary Authority Scheme
- 4.8 Liaison with other organisations
- 4.9 Consumer Education and Health Promotion

5. Resources

- 5.1 Staffing
- 5.2 Staff development
- 5.3 Local Initiatives, joint working and external grant funding

6. Service Quality and Improvement

- 6.1 Quality Assessment
- 6.2 Regional Peer Group Auditing
- 6.3 National Auditing
- 6.4 Service Review

7. Food Safety Service Delivery Outputs 2021/2022

8. 2022/2023 Workplan

1. INTRODUCTION

1.1 Burnley Food Safety Delivery Plan

This plan explains how we plan to protect and promote food safety throughout the Borough. It has been produced in accordance with the Food Standard Agency's Framework Agreement on Food Law Enforcement

In its development, consideration has been given to the profound impacts the Coronavirus pandemic has had on public, business and Council activities.

The plan intends to comply with the Food Standards Agency (FSA) Recovery Plan which sets out guidance and advice to local authorities **from 1 July 2021 to 2023/24** to ensure that during the period of recovery from the impact of COVID-19, local authority resources are targeted effectively to safeguard public health and consumer protection in relation to food.

The Recovery Plan provides a time sensitive framework for realigning the delivery system with the Food Law Codes of Practice. There are two phases to the Recovery Plan: Phase 1 was completed between July & September 2021. Phase 2 began 1 October 2021. Phase 2 remains in place throughout 2022/23 to 2023/24 (or until a revised food hygiene intervention rating scheme is published by the Food Standards Agency). All local authorities are expected to have regard to Recovery Plan. Local Authority performance against the plan is regularly monitored by the FSA.

This plan is prepared and reviewed annually by Environmental Health. It is subject to Member approval by the Council's Executive Board & Full Council

1.2 Profile of Burnley

Burnley, has a diverse population, the size has increased by 8.8%, from around 87,100 in 2011 to **94,700** in 2021. This is higher than the overall increase for England (6.6%), where the population grew by nearly 3.5 million to 56,489,800 (*ONS.28 Jun 2022*). It is 21 miles north of Manchester and 20 miles east of Preston. The borough covers an area of 42.7 square miles, 80% of which is rural. Along with Blackburn, Blackpool and Preston, Burnley is a key business, service and retail centre in Lancashire.

Burnley has strong sense of identity and pride that stems back from its long manufacturing history. The connectivity of the Borough today is primarily by its road and rail links that services the town's residents, employers and service suppliers.

Manufacturing and Engineering, including aerospace and automotive, account for 7,000 jobs in Burnley – approximately 20% of total jobs in the town

Burnley is a growing university town. The University of Central Lancashire (UCLan) plan to offer courses to 4,000 students by 2025. Plans include transformation of an empty Victorian factory into a canal-side university campus to expand UCLan's existing campus in the town centre, this also follows recent development of a new 136 bedroom student accommodation block.

The town is home to Burnley Football Club and Historic houses and parks such as Towneley Hall and Gawthorpe. It also has a large luxury hotel and leisure complex. This makes it home to a thriving leisure, retail and tourism sector which accounts for around 9,250 of jobs. 2023 will also see the planned opening of Pioneer Place, an exciting new retail and leisure development for the town.

The town’s high street has recovered well following the national COVID-19 lockdown of 2020. Burnley’s town centre was noted in the top ten of the Centre for Cities Recovery Tracker for both footfall and spend.

Burnley has a diverse range of food businesses within the borough from home bakers to multi-site food manufacturers. Most food businesses in the borough however employ less than five people.

As a Borough Council, the Authority is responsible for a range of food safety duties under the Food Safety Act 1990 and the Food Safety and Hygiene (England) Regulations 2013. Responsibility for Food Standards and Animal Feeding Stuffs fall to Lancashire County Council Trading Standards.

1.3 The Council Structure

Burnley Council is divided into 15 wards served by 45 councillors. The Council is based on a Cabinet structure with 5 Portfolios, a Leader and 4 Executive portfolio holders; there are 4 committees including 1 scrutiny committee. The Food Safety Team sits within the Community & Environmental Services portfolio.

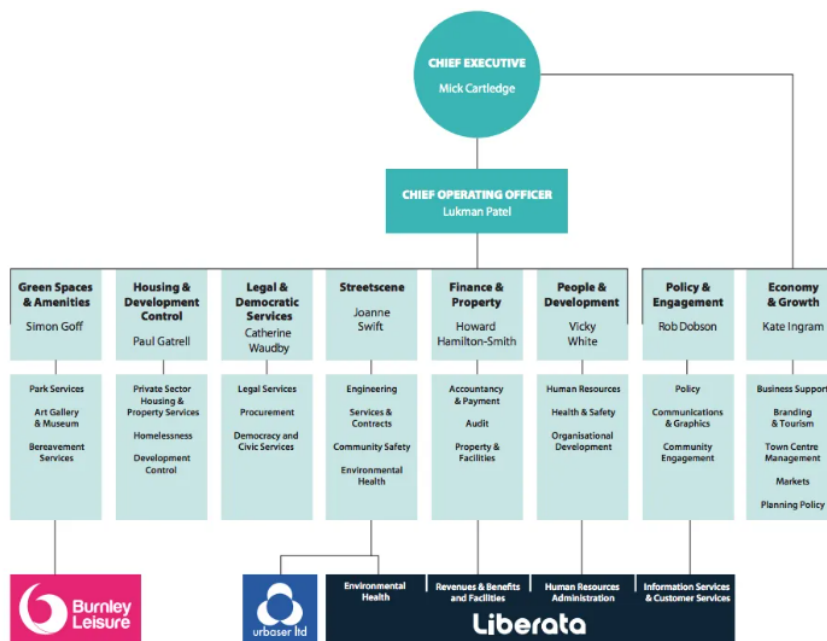
The Key Corporate objectives, governance arrangements, and decision-making timetables are outlined in 4 key corporate documents:

- The Council’s Constitution & Scheme of Delegation
- Strategic Plan 2019/2020
- Forward Plan of key Decisions and Private Meetings
- Burnley’s Community Strategy

1.4 The Management Structure

The Council’s senior management structure comprises the Chief Executive, a Chief Operating Officer and 7 Heads of Service.

Organisational Structure



The Council's Food Safety Service is delivered by the Environmental Health & Licensing Team which sits within Streetscene. Streetscene has a wide range of duties covering the spectrum of public health, environmental health, community safety, waste management and licensing matters.

The aim of the Environment Health and Licensing Service is to:

“Ensure that Burnley is a safe and healthy place of choice to live work and enjoy leisure time. We act on the front line directly providing services that affect people’s daily lives. We provide protection to users of taxis, customers of food businesses, employees in offices, shops and warehouses and help to those suffering the effects of noise nuisance. We police premises which pollute the atmosphere and monitor a whole range of activities that make the Borough a healthier place to be”.

From 1st January 2016 the Council procured a strategic partner to deliver a range of services within a reduced cost base. The Environmental Health and Licensing functions form part of the suite of services that are now outsourced to the private sector.

The overall aim of the contract with respect to Environmental Health is:

“To provide a professional environmental health and licensing service that protects the public and assists businesses to meet their public health obligations”.

Officers currently working for Burnley Borough Council delivering the food safety service are seconded to the strategic partner, Liberata. A detailed contract for delivery has been developed to ensure an effective contractual relationship, continuity of service delivery, risk management and the maintenance of high-quality services.

The Strategic Partnership arrangements that are in place between the Council and Liberata maintain a robust approach to ensure that strong performance of the Council's regulatory provisions and services are maintained. In relation to the purpose of this report and the Council's annual review of food safety enforcement, Members of the Council's Scrutiny Committee have reviewed the Delivery Plan, activity to date and have recognised the strong performance of the Team in maintaining food standards.

1.5 Burnley Borough Council Statement on the Food Safety Service

The overarching purpose of the service is to:

- protect the health of the public through its statutory and non-statutory responsibilities in food safety and a variety of public health measures; and
- ensure quality food for healthier communities

2 SERVICE AIMS AND OBJECTIVES

2.1 Service Aims - Food Hygiene and Infection Control Service

- Safeguard public health through the regular inspection of food premises at a frequency appropriate to the risk
- Respond to complaints from the public and other agencies relating to food safety.
- Promote good practice in food hygiene through the provision of education, advice and training.
- Discharge the Council's statutory and other responsibilities in a positive and efficient manner, in line with relevant enforcement protocols.
- Ensure advice and assistance is readily accessible to the public and businesses alike
- Investigate the occurrence of food related infectious disease, prevent the spread and take action to prevent recurrence or enforcement action as appropriate
- Carry out targeted and reactive food sampling and microbiological swabbing to support investigations & monitoring of the performance of local manufacturers.

2.2 Links to Council Objectives

Burnley Borough Council has a range of corporate objectives covering the four themes, “Prosperity” “People”, “Places” and “Performance”.

Prosperity - We will proactively support the borough’s businesses to innovate and expand, and make the borough a natural choice for business relocation by

- Working with new businesses and event organisers to ensure that they understand and meet their statutory responsibilities before they begin to operate
- Targeting advice and coaching on key food safety matters in high-risk businesses.
- Working with new food business operators to help them understand and meet legal standards
- Offering advice and guidance as part of routine inspections
- Providing Food Hygiene Rating Scheme (FHRS) rerating visits for Food Business Operators.
- Promoting businesses achievement (Food Hygiene Rating Scheme) through the Council’s website.
- Supporting local businesses to export products not of animal origin (PNAO) through the issuing of Export Health Certificates/Attestations to confirm the premises meet the import requirements of other EU & non-European countries.
- Signposting food hygiene guidance in languages other than English as required

People - We will work on the wider determinants of poor health and will keep residents informed about changes to health services and how to access them by

- Carrying out interventions prioritised by risk and regulating to help ensure that all food businesses are providing safe food to consumers.
- Providing help, advice and support to consumers to protect health and promote healthier lifestyles and consumer choice e.g. National Food Hygiene Rating Scheme.
- Providing transparent, robust and consistent approaches to investigating and resolving consumer complaints about food and food businesses.
- Taking part in targeted food sampling programmes and taking action to remove unsafe food from the market.
- Working towards increasing overall food hygiene ratings for food businesses, thereby protecting food consumers within the borough.
- Investigating all substantiated food poisoning allegations and notified food poisoning outbreaks.
- Ensuring we are delivering services to all communities proportionally and consistently.
- Supporting the relaunch of Recipe 4 Health award alongside Lancashire County Council Trading Standards colleagues to promote businesses that focus on healthy eating, environmental issues, and social responsibility

Places - We will implement a range of initiatives to maintain a clean, safe, attractive and environmentally friendly borough by.

- Inspecting food premises in accordance with Food Law Codes of Practice
- Inspecting and sampling food and water to ensure its quality and safety
- Investigating complaints about food and food premises
- Investigating all reported cases of food poisoning and taking action to prevent the spread of infection
- Taking appropriate action in response to food incidents
- Promoting key food safety messages through a variety of media

Performance - We will manage our contract with Liberata robustly, so it delivers value for money and good services by:

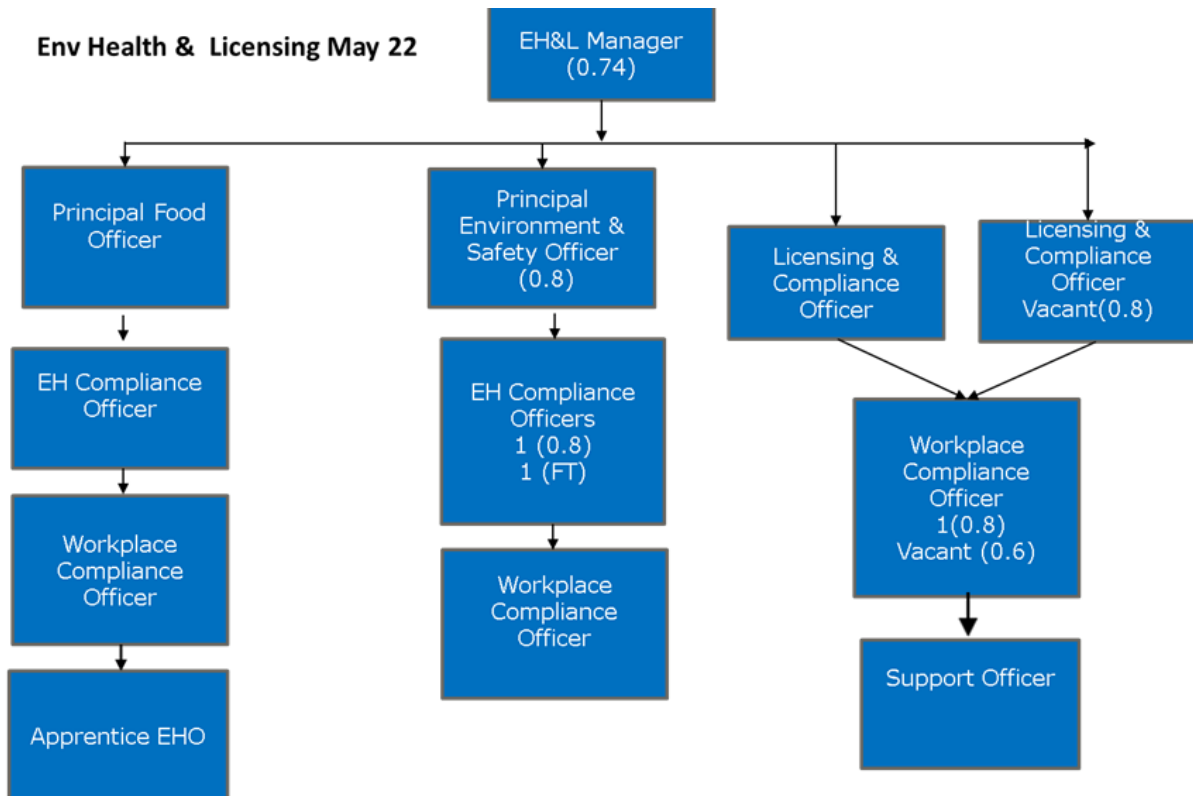
- Identifying what we are currently delivering in our Food Safety Service;
- Setting out what we plan to do throughout the time period covered by FSA Recovery Plan (2021-2024) in a work programme based on government and local agendas;
- Progressing all key areas of service activity & reporting performance in a balanced scorecard which is reported to Members throughout the year. The key performance indicator relating to environmental health compliance services for 2021/22 is EHLPI 1: % of Programmed EH&L compliance inspections and interventions delivered in line with statutory targets.
- Resources will be prioritised and targeted in accordance with the FSA Recovery Plan.

3 FOOD SAFETY SERVICE

3.1 Environmental Health Team Structure

The Environmental Health and Licensing Manager has responsibility for environmental health and licensing functions. The team shares an office with the Environmental Protection and Safety Team, this is beneficial to service delivery and joint working. The Food Safety Team also has responsibility for enforcing health and safety within food premises and Private Water Supplies. Hybrid working arrangements are in place.

Team Structure



The Food Safety Team is overseen by the Environmental Health and Licensing Manager, an experienced and qualified Environmental Health Officer.

The Principal Food Officer holds the EHORB Higher Certificate in Food Control and leads a team of 3 (1.9 FTE) Key responsibilities for the service are service development; day to day management of the Team, official returns; food safety database management; product specific premises inspection; high risk premises inspection; service requests; food sampling; infectious diseases.

The Environmental Health Compliance Officer 1 FTE (0.8 FTE) The EHCO holds the EHORB Higher Certificate in Food Premises Inspection however is currently attending day release undertaking an Environmental Health degree apprentice qualification.

The Workplace Compliance officers (0.9 FTE). undertake complaint work, sampling, investigate infectious diseases, provide advice & support the work of the qualified officers

Authorisations, activities and enforcement options are undertaken and limited in line with the professional requirements as outlined in the Food Law Code of Practice.

The team is currently supporting an apprentice EHO & soon an apprentice Regulatory Compliance Officer to undergo structured work experience and develop expertise as they work towards achieving Level 4 & 5 qualifications.

The service is also supplemented through the use of consultants who undertake a range of lower risk inspections (Categories C and D) but no enforcement activity. On occasions, further technical expertise is sought from external professionals to assist with more complex matters.

3.2 Food Standards

All Food Standards functions within the Borough are carried out by Lancashire County Council. There is a good working relationship between the two services and a good track record of liaison via the Lancashire Food Officers' Group and joint working initiatives.

3.3 Scope of the Food Service

The Service is delivered by the Food Safety Team with additional support as outlined above. The team complies with the Food Standards Agency Codes of Practice and Local Government Regulation guidance for the purposes of food safety including the Regulators' Code. Enforcement action is undertaken in accordance with the Council's Enforcement Policy and follows a graduated approach.

The team are responsible for enforcing the provisions of the Food Safety Act 1990, the Food Safety and Hygiene (England) Regulations 2013 and the European Union (Withdrawal) Act 2018 as amended by the European Union (Withdrawal Agreement) Act 2020 relating to retained EU regulations

Areas of core service delivery include:

- Developing and delivering a programme of planned food hygiene interventions meeting statutory obligations as set out in the Food Standards Agency Code of Practice. The programme will be focussed on those businesses that are not broadly compliant and with Food Hygiene Ratings of 0, 1 or 2, to those premises.
- The programme of interventions will be carried out in line with the FSA Recovery Plan 2021-2024.
- Implementing alternative approaches such as coaching and mentoring to deal with non-compliance
- Operating the FSA Food Hygiene Rating Scheme in accordance with the Brand Standard for all relevant food businesses.
- Approving and regulating any food activities and premises requiring approval and subject to Regulation EC No 853/2004
- Responding to complaints about food premises and the fitness and wholesomeness of food sold in the Borough
- Planning and carrying out a targeted food and environment sampling programme for microbiological quality and chemical purposes and participation in the Lancashire Food Officer Group programmes as resources permit.
- Acting on Food Standards Agency alerts and incidents in accordance with recommended action and relevant parts of the Code of Practice
- Maintaining and recording food establishment registration applications and maintaining the register in accordance with the relevant statutory provisions and Code of Practice.
- Investigating and liaising with UKHSA to deliver infectious disease and outbreak investigation and control.

- Preparation of evidential files and reports to the Council for use in legal action, court proceedings or formal Committee hearings.
- Preparation & implementation of contingency plans in the event of an incident or when the Major Incident Plan is invoked
- The management of any contractors engaged to undertake duties
- Consideration of requests to establish a Primary Authority relationship.
- Where resources permit, service promotion including press releases and articles, leaflets, talks and presentations to relevant parties, seminars, conferences, displays and exhibitions. This includes national initiatives such as National Food Safety Week.
-

3.4 Food Exports

The EU require that some UK food and drink exports are certified by a UK certifying authority before being exported. In Great Britain, the Animal and Plant Health Agency (APHA) is responsible for issuing export health certificates (EHC) for certain products of animal origin (POAO) to specific countries.

Local authorities can provide export certification for certain products not covered by official EHCs issued by APHA. This can relate to products that are:

- not of animal origin
- manufactured food and drinks

The type of certification that needs to be provided is specific to the product being exported and the requirements of the destination country.

3.5 Access to the Service

The Service is delivered from the Council offices at Parker Lane, Burnley. The Public can access the service via telephone 01282 425011, e-mail envhealth@burnley.gov.uk or in person by visiting the Contact centre on Parker Lane in Burnley. Normal business hours are 9 am to 5pm Monday to Friday. Out of hours work is also undertaken in line with service needs.

In addition, a 365-day/24 hour telephone contact service is available for appropriate emergencies. The authority has actively participated in Inter-Authority Auditing (IAA) through a programme of audit agreed through the Lancashire Food Safety Group.

3.6 Demands on the Food Service

Data Profiles

The majority of food premises in the borough of Burnley are predominantly small to medium sized catering or retail businesses.

The following table provides a summary Food Businesses and their risk rating profiles over a period of 5 years. The ratings are defined in the FSA Food Law Code of Practice with A representing the highest risk premises and E the lowest which are subject to a self-assessment and reporting procedure.

Table1: Number of Food premises by Risk Rating Category

Risk Rating Category (Inspection Frequency)	No. of Food premises 2017/2018	No. of Food Premises 2018/2019	No. of Food Premises 2019/2020	No. of Food Premises 2020/2021	No. of Food Premises 2021/2022
A (At least every 6 months)	0	2	0	0	0
B (At least every 12 months)	30	27	29	25	30
C (At least every 18 months)	116	123	120	123	129
D (At least every 24 months)	367	352	349	336	325
E (Alternative strategy for inspection)	380	378	392	405	414
Unrated	20	24	30	34	68
Outside Programme	18	23	17	18	21
TOTAL	931	929	937	941	987

Table 2: Premises Approved Under EC Regulation 853/2004

The following table highlights those premises which require approval under EC Regulation No. 853/2004 due to the specific nature of their activities.

Approved premises	2017/2018	2018/2019	2019/2020	2020/2021	2021/22
Approved Fish processing premises	2	2	2	1	2
Meat and meat products approved premises	2	2	2	2	2
Milk and milk products approved premises	1	1	1	1	1
The approved treated stomachs establishments	1	1	1	0	0
Stand - alone Cold Store	1	1	1	1	1

Table 3: Premises Profile

The following table provides the detail of the types of premises within the Borough.

Description	No. of premises 2017/18	No. of premises 2018/2019	No. of premises 2019/2020	No. of premises 2020/2021	No. of premises 2021/2022
Primary producers	3	3	3	4	4
Manufacturers/processors	21	24	23	24	25
Distributors/transporters	9	14	13	12	14
Retailers	270	268	269	255	268
Restaurants and other caterers	624	615	626	625	675
Importers/Exporters	4	5	3	3	1
TOTAL	931	929	937	923*	987

3.7 Local Challenges

The service faces the following challenges:

- A high number of takeaways/restaurants undertake their food preparation out of traditional office hours.
- Numbers of new food businesses have significantly and continue to increase.
- A high turnover of businesses, food business operator changes are frequent, this prompts requirement for a new inspection and a new rating.
- Understanding the cultural issues and needs of the ethnic minorities who operate food businesses in the borough and whose first language may not be English.
- Reducing staff resources and uncertainties regarding the future model for delivery and the potential impact on the service.
- Officers are noting that standards of compliance at inspections has fallen.
- Economic downturn and local economic deprivation is reflected in the reluctance of some smaller local food businesses to invest in repairs and refurbishment of their premises.

3.7 Enforcement Policy

The Food Safety service operates in accordance with the Regulators Code, the Code for Crown Prosecutions and the Human Rights Act.

Copies of the Compliance and Enforcement Policy for the Food Safety Team are currently unavailable and are under review.

4. SERVICE DELIVERY

The aim of the Food Safety Team is to ensure the protection and good health of consumers in the Borough by enforcing relevant statute, Regulations and by educating and promoting high standards of quality and safety within the food manufacturing, catering and retail establishments of the Borough.

Delivery of the Food Hygiene Control Service is carried out in accordance with national procedures, Good Practice and guidance including:

- Food Law Code of Practice
- Food Law Practice Guidance
- Food Standards Agency Guidance
- The Brand Standard for FHRS
- Burnley BC Compliance and Enforcement Policy
- The Regulators' Code

In addition our Food Safety priorities are:-

- At each business intervention provide advice on legal obligations and use a graduated approach to enforcement action.
- Improve the proportion of food businesses with Food Hygiene Ratings of 3, 4 or 5.
- Monitor, record and report on the programme of activities to relevant bodies to ensure the Council's obligations are being met, resources are targeted appropriately, and steps are taken to make any necessary improvements.
- Investigate the occurrence of food related infectious disease and take the necessary action to prevent the spread or recurrence, working collaboratively with Public Health England and other key partners
- Deliver a programme of targeted proactive sampling of food products.
- Investigate complaints about food products or food establishments and take any action that is required on a coordinated local, sub-regional, regional or national basis.
- Where resources permit, offer a comprehensive advice and support service to business regarding any relevant food legislation and compliance, offering specific support for those wishing to establish a food business within the Borough.
- Work collaboratively across Lancashire with other Environmental Health and Trading Standards professionals to ensure consistency, improvement and the delivery of an effective high-quality service
- Advise, provide support and enforce Health and Safety standards within food businesses
- Work in collaboration with partners in addressing key health inequalities in the Borough.
- Proactively obtain feedback from food businesses regarding the service to ensure continuous improvement in service deliver.
- Support the on-going professional development of officers to deliver high quality services that meet the needs of the public and the requirements of the Gold Standard Investors in People status of the Council.
- Implement the Council's appraisal system for training needs and performance based on the principles of Continuing Professional Development (CPD) and meeting the requirements of the relevant professional bodies including the Chartered Institute of Environmental Health

4.1 Food Premises Interventions

The term “Intervention” refers to any reactive or planned visit to a food business in the course of delivering the Food Safety service. The Food Safety Team will undertake a programme of comprehensive and targeted interventions at food premises to ensure compliance with relevant legislation and the promotion of best practice. The frequency of inspections is determined by risk assessment for each type of food business and each Food business will be allocated a risk category ranging from A to E where “A” is considered to be highest risk.

Food hygiene

Risk category	Minimum intervention frequency
A	At least every 6 months.
B	At least every 12 months.
C	At least every 18 months.
D	At least every 24 months.
E	A programme of alternative enforcement strategies or interventions every three years.

For the period 2021-2024, the frequency and intervals between interventions will be carried out in accordance with the FSA Recovery Plan.

Figure 1: Outline of the Recovery Plan



Notes

The key milestone dates within the Recovery Plan for higher risk establishments are shown.

For lower risk establishments not shown in the figure, local authorities have the flexibility to defer planned interventions and only undertake intervention where information/intelligence suggests that risks have increased/standards have fallen or if the establishment is otherwise considered a priority for intervention due to the risk posed.

In the case of food standards, the impact on the business of the new requirements on allergen labelling for products prepacked for direct sale - that apply from 1 October 2021 - should also be taken into account.

4.2 Food Related Complaints

The Food Safety Team will consider, and where appropriate investigate food complaints or requests for service in accordance with internal procedures and relevant Codes of Practice.

Where necessary, samples will be submitted for analysis. Where appropriate intelligence will be gathered from complaint investigations and used to inform sampling programmes or project based work.

4.3 Advice to Businesses

The Food Safety Team provides an advice service, which, encourages, advises and assists businesses to comply with food safety legislation.

If a business requires more detailed bespoke advice which can only be delivered at the premises, there is a charge per hour for this advice.

4.4 Food Sampling and Inspection

The Food Safety Team undertakes targeted and reactive local sampling in a manner specified by relevant legislation, Codes of Practice and other guidance sources. Ad hoc project-based sampling of food, drink and the food environment activity is undertaken in liaison and co-ordination with other Lancashire Environmental Health Services and Public Health England in accordance with an agreed sampling programme and available resources.

A documented sampling programme for each year will be followed, considering local needs and priorities, subject to available resources and using a risk-based approach.

Examples of food sampled examined as part of the programme included the following foods made by local manufacturers:

- Milk
- Ready to eat cooked meats and meat products
- Pies

Other sampling may also be carried

- As part of an official control intervention
- In response to complaints
- Where local intelligence indicates a potential risk to health

All formal food samples will be submitted to the Lancashire County Public Analyst for compositional analysis or to the UKHSA Food, Water and Environmental Laboratory Service for microbiological examination.

4.5 Control and Investigation of Outbreaks of Food Related Infectious Disease

This Food Safety Team is responsible for investigating the notification of infectious diseases or suspected infectious diseases. The objective is to minimise the risk of spread of the disease and where possible, identify the source.

Notifications may arise as formal notifications from laboratories, GPs & UKHSA or through informal routes such as self-notifications.

Investigations are carried out by either the Council or UK Health Security Agency depending on the nature of the specific disease notification. Some investigation may require an immediate response to ensure/require exclusion from work, nursery and schools.

We will take a risk-based approach to suspected viral outbreaks. Environmental Health will only carry out intervention or further investigations where:

- The risk assessment indicates that there is a suspected food/food handler link in the source of the outbreak or significant further spread of the infection; or
- The risk assessment indicates that food/food handlers are not significant features in the outbreak but the circumstances indicate a need for regulatory intervention (e.g. under HASAWA, Health Protection Regulations etc.) which will be considered in liaison with other regulators as appropriate (e.g. CQC, HSE).

In these cases the EH intervention may focus on regulatory action for non-compliance with relevant legislation as opposed to following up individual cases or pursuing specimens.

The Council has a Joint Major Outbreak Plan for Managing an Outbreak of Food Poisoning or Communicable Disease in the Community developed in conjunction with UKHSA & partner agencies.

4.6 Food Safety Alerts and Incidents

This Food Safety Team responds to food safety alerts and incidents in accordance with FSA Code of Practice and good practice to ensure that public health is safeguarded. Alerts are received directly from the FSA using their automated notification system and acted upon accordingly.

4.7 Home Authority Principle & Primary Authority Scheme

The Team support both the Home Authority Principle and the Primary Authority Scheme. We do not currently have any formal primary authority agreements in place.

The Primary Authority scheme permits any business to register with one local authority as a source of advice on environmental health issues. Officers are required to contact the Primary Authority before taking any enforcement action against that company. The Primary Authority direct proposed action if it believes that it is inconsistent with their published advice. The scheme builds on the foundation created by voluntary home and lead authority initiatives.

All authorised officers are registered with the online database and are familiar with the requirements of the scheme.

4.8 Liaison with Other Organisations

The Food Safety Team works with other enforcement agencies, partners and other stakeholders for the purpose of developing consistency of enforcement, openness and transparency. The following table details the regular, ongoing liaison with external partners:

Partner Organisation type	Brief description
Other Local Authorities/Scientific support	Lancashire Food Liaison Group – Enforcement issues, sampling, policies, best practice, training, inter-authority audits etc. UKHSA – Food Sampling and examination, Communicable Disease control. Public Analyst – Chemical analysis etc. Environmental Health Lancashire

	Lancashire County Council Trading Standards – Food Standards/Allergens/PPDS labelling/Novel Foods
Local professionals	East Lancs Primary care Trust – working together on health promotion, infectious disease control, health inequalities etc.
Professional bodies and Agencies	CIEH- professional practice, consultation, training. FSA – statutory plans, guidance, training, annual returns, consistency of enforcement, best practice, training.

Within Burnley Borough Council, the Food Safety Team currently links with all services. Liaison is particularly strong for food safety issues with:

- Development control – for planning and building control applications
- Legal and Corporate Services – for litigation purposes
- Licensing
- Environmental Protection & Safety Team
- Market Hall Management
- Street Scene
- Building Control

4.9 Consumer Food Safety & Health Promotion

We participate in the national Food Hygiene Rating Scheme. The aim of the scheme is to help consumers to make informed choices about where they purchase food from. Most of our food business are included in the scheme and it is well received by both food business and consumers.

Where resources permit, we share information with the Council’s Communications Team with a view to publicise businesses achieving the top Food Hygiene Rating of 5 and highlight National Food Safety Campaigns using the Council’s website & social media accounts.

We will work in partnership with the Trading Standards team at Lancashire County Council to promote the relaunch of the Recipe 4 Health award. The scheme will be promoted during routine inspections to potentially eligible businesses.

Health promotion remains an important element to the on-going commitment to improving public health and tackling health inequalities. Although this element of the service is non-statutory, Burnley remains committed to supporting local Health promotion activity where resources permit.

We will continue to support local initiatives and local campaigns, working closely with other local or National partners to maximise the impact and resources.

5. RESOURCES

5.1 Staffing

The Food Safety Team has an establishment of:

	Officer	FTE - Management	FTE- Operational
Management	Environmental Health and Licensing Manager	0.25	0
Delivery	Team Manager	0.2	0.8
	Env Health Compliance Officers	0	0.8 (0.2 day release)
	Workplace Compliance Officers	0	1.1
Support	Admin	0.25	0.75

NB This core is supplemented by the use of consultants to undertake some lower risk inspection work.

All Food enforcement staff involved in service delivery meet the Qualifications, Experience and Training and Competence criteria contained within the Food Law Code of Practice. Each Officer has been individually authorised in accordance with their qualification and experience as described in this Code.

The Team's long-standing Principal EHO left the Authority in January 2022. The post was filled through internal promotion of the Environmental Health Compliance Officer. The post of Environmental Health Compliance Officer was subsequently filled by external appointment in May 2022.

5.2 Staff Development

The Council has successfully obtained Investors in People award and is committed to retaining this. As part of this process all staff undergo an annual Performance and Development review which includes training needs. These individually identified training and development needs are carried forward after consideration by Managers.

The Food Safety Team operates a documented procedure for the recording of qualifications, training and competencies. As required under the Code of Practice, a minimum of 10 core food related hours per officer per year is undertaken. Training is provided to address needs identified within the Council's Performance Development Review framework and the FSA competency framework. Additional training will be resourced subject to emerging demands.

The Council supports personal development by offering opportunities to attend internal courses and supporting attendance at external courses. In addition, the Authority offers internal training courses on a range of subjects, primarily concerned with personal development issues.

Previous training courses have included:-

1. Best Practice Day
2. Legal training
3. Outbreak Training
4. Sampling training
5. Consistency Training/FHRS Consistency Exercise

5.3 Local Initiatives, Joint Working and External Grant Funding

The Food safety Team has an excellent track record of joint working on local initiatives and success in securing external grant funding. Examples include:-

- Food Safety mentoring for local Businesses
- Implementing the National Food Safety Rating Scheme
- Joint initiatives with Trading Standards
- Business Events targeting the lower rated premises to improve compliance and allergen management
- Joint initiative with Public Health England Re: Infectious Disease Studies
- Delivery of Allergen Training with Trading Standards

6. SERVICE QUALITY AND DEVELOPMENT

6.1 Quality Assessment

The quality of the Food Law Enforcement Service in Burnley is monitored in various ways and was audited by the Food Standards Agency in November 2009 as part of its national review of IAA's.

6.2 Regional Peer Group Auditing

The Service is audited annually by peers from other Lancashire councils as part of the Inter-Authority Audit (IAA) scheme.

6.3 National Auditing

An annual return is submitted to the FSA. This is a requirement of all Local Authorities and it outlines in detail the work of our service.

The service is currently required to complete Temperature check surveys to report performance against the FSAs Recovery Plan.

6.4 Service Review

Service delivery will be regularly reviewed in line with this plan, and giving due consideration of National regulations, good practice and local priorities.

7. FOOD SAFETY SERVICE DELIVERY OUTPUTS

Food Standards Agency (FSA) Recovery Plan

The Service will undertake a programme of comprehensive and targeted interventions at food premises in accordance with the Recovery Plan (4.1 above) to ensure compliance with relevant legislation and the promotion of best practice.

Interventions by Risk Rating 2021/2022

	Details					
	Interventions Achieved			Due Interventions Outstanding		
	Orig	Adj	Tot	Orig	Adj	Tot
Premise Rating - A	5	0	5	0	0	0
Premise Rating - B	31	0	31	2	0	2
Premise Rating - C	53	0	53	52	0	52
Premise Rating - D	139	0	139	67	0	67
Premise Rating - E	82	0	82	0	0	0
Premise Rating - Unrated	230	0	230	13	0	13
Premise Rating - Outside	0	0	0	17	0	17
TOTALS	540	0	540	151	0	151

We carried out 540 interventions in total & carried forward 151 to the 2022-2023 programme.

The 2 outstanding Category B interventions noted as outstanding above were carried out in April 2022 within 28 days of their given due dates and ahead of the Recovery Plan milestone expectation by 30th June 2022.

Substantial resource was targeted at reducing the backlog of 230 new/unrated businesses

Other Non-official Control Interventions

Verification & Surveillance Visits	41
Sampling Visits	6
Advice & Education	18

Levels of Compliance in Food Businesses

The following table indicates the number of broadly compliant premises across the Borough which is a key performance measure used within the service

Year	Total number premises	Total Number of Businesses within the programme	Total No broadly compliant within the programme	Target %	Actual %
2016/17	893		872	100	98*
2017/18	929		860	100	98**
2018/19	937		864	100	97**
2019/20	926	771	750	100	97**
2020/21	908	776	761	100	98**
As at 6/12/22	924	813	733	100	94**

*This excludes the number of unrated businesses and premises outside the programme

** This excludes the no. of unrated businesses and premises outside the programme

The standard of compliance identified at the interventions has reduced dramatically. This has huge resource implications as the Team works with businesses to bring about necessary improvements. Officers time is diverted to providing advice, reports, letters, coaching, revisits and where necessary moving to the use of more formal enforcement measures. Once improvements have been made, demands on the service are stretched further as businesses request a reinspection and review of the Food Hygiene Rating.

Service Requests

Request Type	2016/17	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Infectious diseases	99	144	112	128	63	92
Advice requests	354	429	287	218	436	157
Complaints regarding Hygiene at premises	83	66	300	324	93	335
Advice on unfit/contaminated food	6	10	2	N/A – no longer have the category	0	0
Complaints re unfit/contaminated food	59	54	64	91	41	79
Food Hygiene Re-rating visits	30	9	23	15	7	8
Total	633	712	788	776	640	671

Priority will again be given to carrying out interventions in line with the FSA Recovery Plan. Completing interventions at premises rated Cat A – C, noncompliant businesses (FHRS 0 - 2), and overdue interventions which have been prioritised in order of risk.

Using diverted Contain Outbreak Management Funds (COMF) contractors have been engaged to help the Team to clear the backlog of inspection work

New food business registrations will continue to be triaged with an aim to inspect the highest risk operations within 28 days of registration. Of the 118 Registrations received so far this year 83 have been undertaken

Revisits will be limited to non-compliant premises (Food Hygiene Rating 0 – 2 inclusive).

The percentage of compliant premises operating within the Borough is declining, it currently stands (6/12/22) at 94%. The Team will continue to target the non-compliant businesses using a graduated approach to enforcement.

Where resources permit & performance is in line with the Recovery Plan the team aim to;

- Update and implement any policies and procedures required to ensure the service complies with the FSA Framework Agreement.
- Continue to promote the FHRS across the Borough and seek to increase the number of eligible businesses achieving a rating of three and above.
- Further develop the Council's website.
- Develop & improve methods of recording & collating information to improve customer interactions and improve data collection for FSA returns.

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Health and Safety Intervention Plan (reviewed 2022/2023)

REPORT TO EXECUTIVE



DATE	19 th January 2023
PORTFOLIO	Community & Environment
REPORT AUTHOR	Jill Wolfendale
TEL NO	01143999065
EMAIL	jwolfendale@burnley.gov.uk

PURPOSE

1. The regulatory team responsible for Health & Safety at Work enforcement must have in place an intervention plan to meet the requirements of statutory guidance. This report formally consults the Committee on the plans prior to their approval at Full Council.

RECOMMENDATION

2. That the report be considered by Scrutiny & Executive Committees.
3. That Executive recommend Full Council to approve the Health & Safety Delivery Plan 2022/2023, detailed at Appendix 1 to this report; and
4. That Full Council approve the Food Safety Service Delivery Plan 2022/2023, detailed at Appendix 1 to this report.

REASONS FOR RECOMMENDATION

5. Section 18 of the Health & Safety at Work Act 1974 and the subsequent National Local Authority Enforcement Code for Health and Safety (The Code) provide frameworks within which the Environmental Health & Licensing Team must operate when carrying out its public protection duties within workplaces. The frameworks require the Council to have plans in place to control these activities, and mechanisms for review. The intervention plan appended to this report has been prepared to satisfy the statutory requirements.

SUMMARY OF KEY POINTS

6. The Health & Safety Intervention Plan has been produced to outline the health and safety regulation duties undertaken by Burnley Borough Council's health and safety team. The regulation of health and safety is split between local authority (LA) regulators and the Health and Safety Executive (HSE), the businesses we regulate as the LA are mostly in the service sector and include offices, shops, restaurants, care homes, hotels, tyre and

exhaust fitters and warehouses. The HSE regulate health & safety in factories, hospitals, council run premises, schools, colleges, construction and agricultural premises.

7. Following recommendations in “Reclaiming health & safety for all: an independent review of health & safety legislation” the approach to health and safety enforcement changed. The changes resulted in the National Local Authority Enforcement Code for Health and Safety Enforcement, which is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government expectations of a risk-based approach to targeting interventions. Whilst the primary responsibility for managing health and safety risks lies with the businesses who create the risk, LA health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities, and contributing to the wider public health agenda.

Recovery of service delivery post Coronavirus pandemic

In 2021 Local Authority Circular (LAC 67-2 (Revision 10) HSE recognised the need for LAs to prioritise regulatory resources and where appropriate, shift the focus to Coronavirus related health and safety activities The LAC, was revised in 2022, its focus reverted back to advising local authorities on setting their health and safety workplans and targeting their interventions based on local and national priorities.

Towards the end of 2021 officers were still involved in dealing some pandemic related issues and this is reflected in the number of service requests in 2021/2022. We also undertook some targeted visits to specific premises such as Gyms to help them prepare for reopening. We were also working towards getting back to `business as usual` in relation to health and safety regulatory work. At the beginning of 2022 recovery plans were put in place to start to pick up interventions listed as national priorities these plans ran up to the end of October 2022. In 2022/23 officers have started to undertake more proactive inspections and have also undertaken a number of health and safety compliance surveys in the warehouse/logistic sector.

Health and Safety Interventions 1/4/2021 to 31/3/2022

Total interventions include all service requests and interventions undertaken by the Health and Safety Team i.e. H&S complaints and visits, all skin piercing registration work, licensing consultations in regard to public safety and public burials

Total no. of H&S service requests received	199
Reactive Visits following incident/ complaint	1
Reactive Visit to give advice	1
Visits following complaints	6
Other visits face to face (local)	15
Other visits face to face (national)	0
H&S Office based activity	19
Other contact (non-visit) National	54
Other contact (non-visit) Local	49
Revisits	0
Licensing response	51

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

8. Health and Safety regulation is a core statutory service delivered by the Environmental Health & Licensing Team, under contract to Liberata UK Ltd.

POLICY IMPLICATIONS

9. As national regulators the Health & Safety Commission set and monitor national standards. The framework for local plans is prescribed to ensure “official controls” are consistently delivered across the country. Through audit, they monitor local authorities to ensure that local controls are effective, and they have intervention powers where delivery fails to meet the required standard.

DETAILS OF CONSULTATION

10. Scrutiny and Executive will be consulted prior to Full Council decision

BACKGROUND PAPERS

11. None

FURTHER INFORMATION

PLEASE CONTACT: Jill Wolfendale

ALSO: Karen Davies

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Burnley
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Environmental Health & Licensing Section

Health and Safety Intervention Plan

Reviewed 2022/2023

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Introduction

The Health & Safety Intervention Plan has been produced to outline the health and safety regulation duties undertaken by Burnley Borough Council's health and safety team. Health and safety regulation is split between local authority (LA) regulators and the Health and Safety Executive (HSE), the businesses we regulate as the LA are mostly in the service sector and include offices, shops, restaurants, care homes, hotels, tyre and exhaust fitters and warehouses. The HSE regulate health & safety in factories, hospitals, council run premises, schools, colleges, construction and agricultural premises.

Following recommendations in "Reclaiming health & safety for all: an independent review of health & safety legislation" the approach to health and safety enforcement changed. The changes resulted in the [National Local Authority Enforcement Code for Health and Safety Enforcement](#), which is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government expectations of a risk-based approach to targeting. Whilst the primary responsibility for managing health and safety risks lies with the businesses who create the risk, LA health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to the wider public health agenda.

This Code sets out what is meant by 'adequate arrangements for enforcement' and replaces the existing S18 Standard, it concentrates on the following four objectives:

- a) Clarifying the roles and responsibilities of business, regulators and professional bodies to ensure a shared understanding on the management of risk.
- b) Outlining the risk-based regulatory approach that LAs should adopt with reference to the Regulator's Compliance Code, HSE's Enforcement Policy Statement and the need to target relevant and effective interventions that focus on influencing behaviours and improving the management of risk.
- c) Setting out the need for the training and competence of LA H&S regulators linked to the authorisation and use of HSWA powers; and
- d) Explaining the arrangements for collection and publication of LA data and peer review to give an assurance on meeting the requirements Of the Code.

Our commitment to Improving Health and Safety Outcomes

Burnley Council's 10 year vision for the Borough (*Burnley Council's Strategic Plan 2021*)

Burnley and Padiham will be places where families choose to live because of our clean, safe neighbourhoods, beautiful parks and unspoilt countryside. Businesses will choose to invest in our borough because of our skilled workforce, our diverse, competitive, modern economy and a supportive council

Our values:

One Burnley –Leading the Way

One Council –Working Together

One Team –Ambitious for Burnley

Burnley Borough Council has a range of corporate objectives covering the four themes, "People", "Places", "Prosperity" and "Performance".

People: Creating flourishing, healthy and confident communities

Places: Making the Borough a place of choice

Prosperity: Promoting transformational economic change for Burnley

Performance: Ensuring a continuous focus on improvement in all aspects of the Council's performance.

Service Aims and Objectives

To this end Environment Health and Licensing Service's overall aim is to:

"Ensure that Burnley is a safe and healthy place of choice to live work and enjoy leisure time. We act on the front line directly providing services that affect people's daily lives. We provide protection to users of taxis, customers of food businesses, employees in offices, shops and warehouses and help to those suffering the effects of noise nuisance. We police premises which pollute the atmosphere and monitor a whole range of activities that make the Borough a healthier place to be".

This intervention plan details how the Health and Safety Team intend to meet these objectives.

The aim of the health and safety service is to protect the health, safety and welfare of employees in the borough and to safeguard others, principally the public, who may be exposed to risks from work activity.

Page 57
The Health and Safety service is a core Statutory function, within the Environmental Health & Licensing service, as such the aim is to set priorities within our health & safety intervention programme that contribute to the health, safety and welfare of those exposed to work activities, the intervention plan aims to meet all of the requirements of the mandatory guidance issued under Section 18 of the Health and Safety At Work etc Act 1974 that requires each local authority to make adequate arrangements for the enforcement of health and safety legislation.

Officers working for Burnley Borough Council delivering the health and safety service were seconded to the strategic partner, Liberata from January 2016. The Council will work with Liberata to deliver the Council's health and safety service from January 2016. A detailed contract for delivery has been developed to ensure an effective contractual relationship, continuity of service delivery, risk management and the maintenance of high-quality services.

Progress on all key areas of service unit activity will be fed into a balanced scorecard and reported to Members throughout the year. The key performance indicator relating to environmental health compliance services for 2021/22 is.

EHLPI 1: % of Programmed EH&L compliance inspections and interventions delivered in line with statutory targets.

The specific Key Performance Indicators measured for health and safety regulation are;

- Number of inspections of higher risk activities due on workplan undertaken (identified within HSE national code)
- Due Cat A (as per s18 risk rating) rated Inspections undertaken
- Non-inspection 'face to face' intervention due on workplan undertaken
- Non-inspection 'other contact' intervention due on workplan undertaken (information distributed, including information sent with food S/A)

Delivery of Priorities

Our delivery priorities will be achieved by;

- A proactive intervention programme which prioritises high risk or poor performing businesses over low-risk businesses
- Investigating workplace accidents in line with the service's accident investigation policy
- Responding to service requests in line with the service's expected standards
- Delivery of identified local priorities and HSE national priorities where appropriate.
- Delivery and participation in interventions that aim to reduce health inequalities as they relate to delivery in the workplace.
- Partnership working – work with other Council Departments, Environmental Health Lancashire, Environment Agency, Police, fire Officers, HMRC, joint work with Health and Safety Executive, and with Public Health England and other organisations to meet local and national targets or initiatives.
- Ensure enforcement decisions are consistent with our Enforcement Policy, the HSC's Enforcement Policy Statement and the Enforcement Management Model. (Ensures proportionate, consistent, transparent and accountable enforcement - part of the Better Regulation agenda)
- Train and develop our staff to ensure competence. (Encourages staff retention/recruitment and ensures credibility with local business)

Borough Profile

Burnley's population size has increased by 8.8%, from around 87,100 in 2011 to **94,700** in 2021. This is higher than the overall increase for England (6.6%), where the population grew by nearly 3.5 million to 56,489,800 (*ONS.28 Jun 2022*). The town lies 21 miles north of Manchester and 20 miles east of Preston, at the confluence of the River Calder and River Brun, with the Leeds-Liverpool canal running through the Borough. Neighbouring local authorities are Lancashire's Hyndburn, Ribbles Valley, Pendle, Rossendale; and Calderdale in West Yorkshire.

During the Industrial Revolution Burnley became one of Lancashire's most prominent mill towns; at its peak it was one of the world's largest producers of cotton cloth. The town is now hub for a mixture of business sectors such as;

Advanced Manufacturing and Advanced Engineering

In total, these major sectors and all of their sub sectors, including aerospace and automotive, account for 7,000 jobs in Burnley – this accounts for approximately 20% of total jobs in the town.

Digital and Creative:

Burnley has a growing status as a university town, and this has given rise to digital jobs success. Burnley ranks second in the UK for digital jobs growth. During 2014-2015 it saw annual growth of almost 162%, in this sector compared to 2% across Great Britain and 30% across the rest of the Northwest. With UCLAN committed to having 4,000 university students in Burnley by 2025, this sector is expected further expand.

Leisure, Retail and Tourism:

The town is home to Burnley Football Club and Historic houses and parks such as Towneley Hall and Gawthorpe. It also has a large luxury hotel and leisure complex. This makes it home to a thriving leisure, retail and tourism sector which accounts for around 9,250 of jobs.

Warehousing & Logistics:

With close links to the M65 and other motorway networks, the town has a number of large warehousing and logistic companies located in a number of business parks in the Borough.

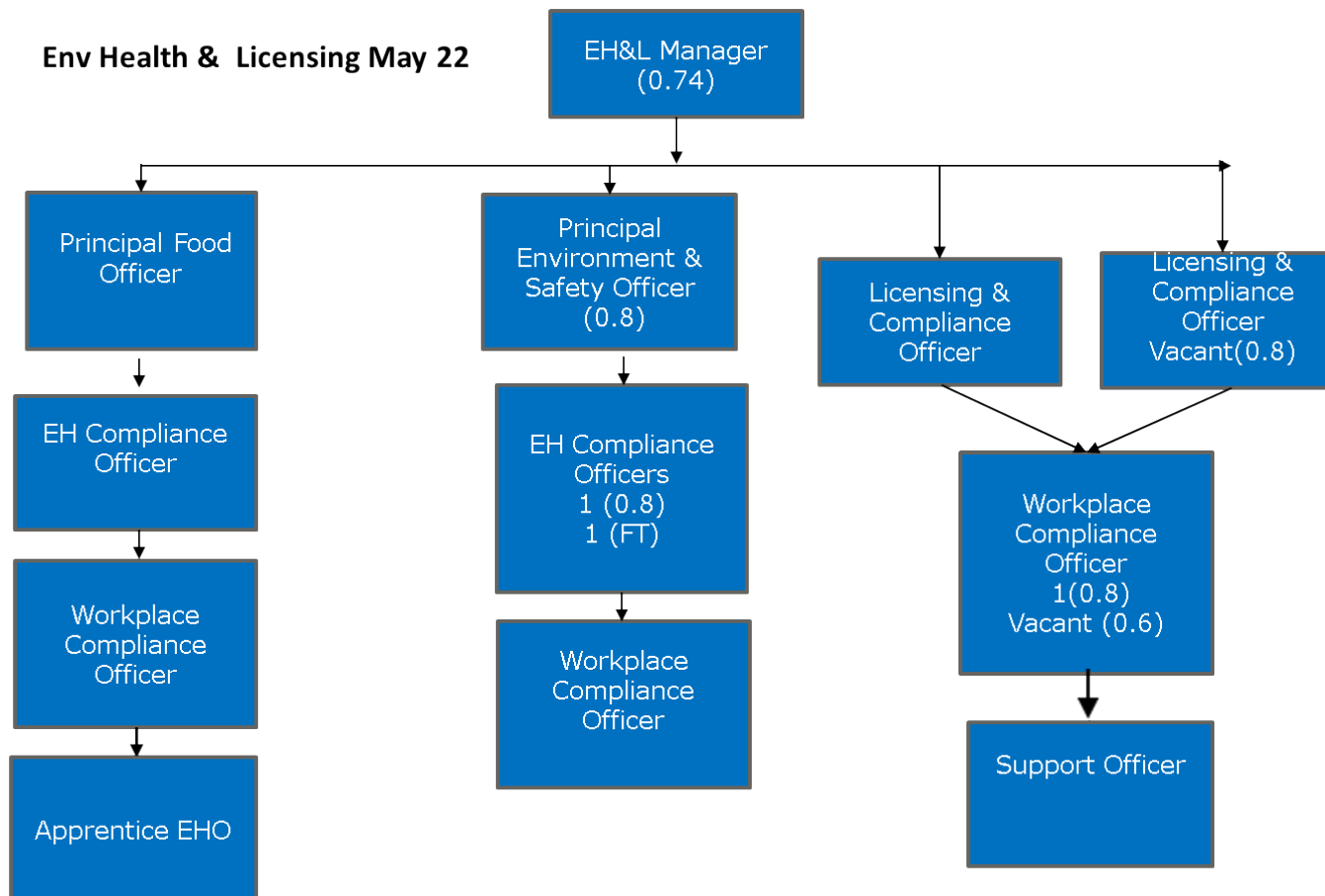
Burnley Council is divided into 15 wards served by 45 councillors. The Council is based on a Cabinet structure with 5 Portfolios, a Leader and 4 Executive portfolio holders; there are 4 committees including 1 scrutiny committee. The health and safety team sits within the Community & Environmental Services portfolio.

The Key Corporate objectives, governance arrangements, and decision-making timetables are outlined in 4 key corporate documents:

- The Council's Constitution & Scheme of Delegation
- Strategic Plan
- Forward Plan of key Decisions and Private Meetings
- Burnley's Community Strategy

Organisational Structure

Health and Safety Law Enforcement responsibilities are mainly discharged by the health and safety team with a range of support functions provided by a small compliment of support staff, which also provides support for officers throughout the Environmental Health & Licensing service unit. The unit covers a number of functions which include health and safety regulation, food safety regulation, licensing, and environmental protection. Officers in the Food Safety team also undertake some health and safety work, particularly regarding 'Matters of Evident Concern' observed during food safety inspections. FTE refers to number of full-time equivalents working on Health and Safety.



Scope of the Health and Safety Service

The Health and Safety Team is responsible for providing the following services;

- The programmed and reactive inspection of business premises.
- Advice to new and existing business premises
- Other visits including advice and complaints investigation.
- The investigation of reported accidents
- Licensing of skin piercing premises
- Maintain a register of cooling towers
- Enforcement action in accordance with the Enforcement Policy.
- Workplace health promotional activities.
- Enforcement of Smokefree Legislation
- Advice in relation to events through Events Safety Group
- Public health burials
- Responses to Premises Licence applications as a Responsible Authority

Service Delivery

LAC 67-2: Setting Local Authority Priorities and Targeting Interventions

In 2021 LAC 67-2 (Revision 10) HSE recognised the need for LAs to prioritise regulatory resources and where appropriate, shift the focus to Coronavirus related health and safety activities.

Recovery of service delivery post Coronavirus pandemic

Towards the end of 2021 officers were still involved in dealing some pandemic related issues and this is reflected in the number of service requests in 2021/022. However, we were working towards getting back to `business as usual` in relation to health and safety regulatory work. At the beginning of 2022 recovery plans were put in place to start to pick up interventions listed as national priorities these plans ran up to the end of October 2022.

The Local Authority Circular, was revised in 2022, its focus reverted back to advising local authorities on setting their health and safety priorities and targeting their interventions based on local and national priorities.

Annex A of the LAC Outlines a summary of national planning priorities for 2022-2023 <https://www.hse.gov.uk/lau/lacs/67-2-priorities-targeting-interventions.pdf>

Service delivery
Interventions 1st April 2021 to 31st March 2022

Health and Safety Interventions 1/4/2021 to 31/3/2022

Total interventions include all covid complaints and visits, all skin piercing registration work, licensing consultations re public safety and also public burials

Total no. of H&S service requests received	199
Reactive Visits following incident/ complaint	1
Reactive Visit to give advice	1
Visits following complaints	6
Other visits face to face (local)	15
Other visits face to face (national)	0
H&S Office based activity	19
Other contact (non-visit) National	54
Other contact (non-visit) Local	49
Revisits	0
Licensing response	51

Service Delivery

Enforcement

All enforcement action will be taken by authorised and competent officers and in accordance with the Health and Safety Enforcement Policy. The following actions may be taken following an inspection or investigation.

Enforcement Action	Description	Number issued. 2021/22*
Improvement Notice	Legal Notice requiring works to be completed within a minimum of 21 days	0
Prohibition Notice	Legal Notice prohibiting an activity being carried out where there is a serious risk of injury	0
Deferred Prohibition Notice	As above but with a time delay allowing certain actions to be taken before the Notice comes into force	0
Simple Caution	May be offered in certain circumstances instead of prosecution	0
Prosecution	Where the health and safety offences are dealt with at Court	0

Liaison with Other Organisations	<p>Formal and informal relationships exist with the following organisations;</p> <ul style="list-style-type: none"> • Health and Safety Executive (HSE) • Environmental Health Lancashire Health and Safety Officers Group • Environmental Health Lancashire Chief Environmental Health Officers • Public Health England • Ofsted • Lancashire County Council - Safeguarding • Lancashire Fire Service • Lancashire Police Service • Burnley Council Regeneration & Planning Policy • Better Regulation Delivery Office (BRDO) • United Utilities • HMRC • GENGA Partner organisations 				
Staff Allocation	<p>Staff resources devoted to health and safety enforcement work as of 31 March 2022</p> <table border="1" data-bbox="577 884 1218 1075"> <tr> <td>No of HSWA Warranted Officers</td> </tr> <tr> <td>5</td> </tr> <tr> <td>Full Time Equivalent of warranted officers time spent on HSWA activity</td> </tr> <tr> <td>1.7</td> </tr> </table>	No of HSWA Warranted Officers	5	Full Time Equivalent of warranted officers time spent on HSWA activity	1.7
No of HSWA Warranted Officers					
5					
Full Time Equivalent of warranted officers time spent on HSWA activity					
1.7					

Staff Development and Competency	<p>The service is committed to the continuing development of individual members of the team. The Council operate under the Investors in People Standards. Staff competency and training needs are assessed as part of the Corporate Performance and Development Reviews which are annually – any training or development needs that are identified at the review are fed into an annual training plan which links to the budget planning process.</p> <p>In line with revised Section 18 Standard our procedures will be reviewed to include the use of the HSE’s Regulators Development Needs Assessment Tool (RDNA)</p>
The Regulators Code	<p>The Regulators’ Code came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006, replacing the Regulators’ Compliance Code. It provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate.</p> <p>Nearly all non-economic regulators, including local authorities and fire and rescue authorities, must have regard to it when developing policies and procedures that guide their regulatory activities.</p> <p>We are currently reviewing all our policies to ensure they comply with the Regulators Code</p>

Table 1

Health and Safety Workplan What we did last year 2021/2022

	Interventions	Outcomes
Accident/Major Investigations	We had 47 reported accidents in this period – we investigated 22 of these accidents	Most accidents are minor and as such a `desktop` investigation is undertaken to understand the circumstances surrounding the incident and what actions have been taken to prevent similar incidents occurring in future
Health and Safety Inspections	Visits were made to advise businesses on reopening following the lifting of Covid restrictions. In particular visits were carried out in April and May 2021 to Gyms in the Borough to follow up on specific guidance we provided to them to assist them re-opening following the national lockdown. We provided general advice to business to help them to continue to operate safely as restrictions gradually lifted.	Businesses were able to pre-prepare and plan for reopening safely following restrictions.
Complaints/ Requests for Service	Complaints and service requests over this time period were partly in relation to Covid restrictions and reopening following lifting of restrictions. There was also an increased number of requests about registrations in relation to skin piercing.	Extra staffing support over the spring and Summer allowed us to be able to respond quickly to requests for service and complaints in relation to the lifting of restrictions.

Table 2

Health and Safety Workplan What we are doing in 2022/2023

Interventions	Outcomes
Accident investigations	Continue to investigate any accident that indicates poor health and safety management, or fit criteria outlined in the Councils Accident Investigation Policy
Complaints and requests for service	Continue to respond to all complaints and request for service within the service target response times
Inspections	The recovery plan has assisted the team to carry out a number proactive inspections in line with the National Code and LAC 67/2 (Rev 10)
Other. Recovery work Training apprentice`s - Use of surveys 6 6 Other service demands	<p>Continue to work with other Lancashire authorities through the health and safety officers' group to identify local or national H&S issues</p> <p>We have been able to fill vacant posts within the team and this has allowed plan and plan and carry out additional health and safety interventions in line with the National Code and LAC 67/1</p> <p>The team will continue to train and mentor the apprentices and overtime this will assist with the current demand on resources</p>

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LANCASHIRE 2050

REPORT TO EXECUTIVE



DATE	19 January 2023
PORTFOLIO	Leader
REPORT AUTHOR	Mick Cartledge
TEL NO	7280
EMAIL	mcartledge@burnley.gov.uk

PURPOSE

1. To update Members on the progress in developing the Lancashire 2050 Strategic Framework.

RECOMMENDATION

2. That the Executive recommend to Full Council to:
 - (i) Endorse the outline Lancashire 2050 strategic framework (Appendix 'A') as the strategic framework that will guide further development of shared detailed priorities and actions with partners and stakeholders across the whole of Lancashire.
 - ii) Agree that the Leader of the Council continues to work with Lancashire Leaders and that the Leader will make representations to that forum on any matters arising from the Council's consideration of this report.

REASONS FOR RECOMMENDATION

3. This report presents progress made since January 2022, when the County Council together with Lancashire's 14 District and Unitary Councils considered and supported the proposal to develop a long-term Strategic Plan for Lancashire. It sets out the general principles and high-level priorities contained in a strategic framework for Lancashire, known as 'Lancashire 2050'. This report also sets out the continuing commitment to ensure that there continues to be opportunities for all the partner authorities to contribute to and influence thematic plans, including identifying specific schemes and activities.

SUMMARY OF KEY POINTS

4. Introduction

- 4.1 With a robust evidence base and utilising the strong local knowledge of elected representatives, Leaders have been considering collective priorities and developing a shared vision and ambition for the future of Lancashire, looking ahead to 2050 to recover, grow and decarbonise the economy, improving the place and the life opportunities of its people. The plans to achieve this will not only

realise opportunities for Lancashire and UK plc but in doing so, will help address many structural inequalities and support levelling up across the County.

- 4.2 It is considered that a County the size and complexity of Lancashire should have a shared strategic framework. Lancashire 2050 will also enable any engagement with central government to be placed within a strategic context. In doing so, working collaboratively, Lancashire Leaders agree the time is right for Lancashire to move forward together with a collective voice to make the case for more powers and investment for the whole of Lancashire, and to strengthen local collaborative decision making.
- 4.3 Leaders have identified that the work is now at a stage where it is important to secure the engagement and support of all elected members and are each determining their own process for considering the Lancashire 2050 strategic framework and securing commitment within their own authorities.
- 4.4 This report covers:
- (i) **Lancashire 2050**, which sets out the headline themes to be included in a long-term strategic framework and ambition for Lancashire.
 - (ii) **Oversight, performance management and monitoring**, which sets out information about the proposed approach to overseeing the long-term plan.
- 4.5 By setting out shared priorities and ambitions, Lancashire 2050 will help Lancashire authorities prepare for and respond to opportunities that will help them achieve their shared ambitions and goals.

5. Developing a Lancashire 2050 Strategic Framework

- 5.1 The original conception of this strategic framework was to develop Lancashire 2050 alongside plans to enter devolution negotiations with government. However, the policy context has changed substantially since the start of the year. The publication of the Levelling Up White Paper in February 2022 set out a proposed devolution framework, to be enacted through the Levelling Up and Regeneration Bill. Following the recent changes in government, we await clarity on the ongoing policy direction and timeframes.
- 5.2 Nevertheless, it is considered important for Lancashire to set its own long-term vision and strategic framework. By continuing to press ahead with the development of Lancashire 2050 in this context, Lancashire is collectively taking action to insulate against ongoing policy uncertainty and to take best advantage of emerging opportunities. While councils will continue to decide which of these emerging opportunities will best suit their own priorities on a case by case basis, the Lancashire 2050 strategic framework provides an additional tool, that not only helps inform this judgement, but also boosts the credibility of Lancashire's collective engagement with government.
- 5.3 Significant work has taken place across Lancashire to gather evidence that will shape an overarching vision, ambition, and strategic framework for the whole of Lancashire. This work has helped inform the scale of ambition and the development of robust key priorities, together with the delivery and oversight principles described in this report. The Lancashire 2050 strategic framework has been informed by a wide ranging evidence base. Directorates and specialists

across Lancashire's 15 Local Authorities, together with a number of key partners and existing thematic forums have supported the development of the strategic framework and will lead development of the next stages of action planning, performance metrics and monitoring across each of the thematic priority areas.

- 5.4 Over the past several months all Lancashire Leaders across our fifteen councils, have been further considering and refining our approach, with a singular vision to make Lancashire *“a place where every single person can live their best life.”*
- 5.5 Once adopted, Lancashire's overarching strategic plan will be forward looking and take a long-term view, setting the vision and ambition over a 20-30 year period. As a result, development of actions to deliver the framework will also need to include short to medium term milestones on the journey to achieving the long-term vision.
- 5.6 To do this, we are clear it requires our collective efforts and must be shaped by our residents, communities and partners.
- 5.7 Lancashire 2050 is our strategic framework that sets out our shared vision, ambition and strategic priority areas. In doing so, it will also ensure:
 - Lancashire competes better for its share of national resources and investment
 - Lancashire's public, private and voluntary sectors collaborate better to maximise the best use of our resources
 - Lancashire has a strong and clear voice and can respond innovatively to new opportunities and challenges
 - Lancashire has rich, meaningful and strategic dialogue with central government about the future of our County.
- 5.8 Our strategic framework for achieving the vision is organised around 8 priority areas. While focussed, this framework allows flexibility to adapt to changing local and global trends, policy mandates and place needs.
- 5.9 Our priorities have been created in such a way that they are accessible and easy to understand. The priorities are presented visually in a way that allows them to stand alone and be easily understood.
- 5.10 Within partner organisations, the priorities aim to give clarity and structure for staff to understand how their roles and responsibilities contribute to key priorities and ambitions and provide a focus for teams to develop service plans and work programmes that support them.
- 5.11 They also enable key partners, stakeholders, business and industry associates to be clear about the collective ambitions, which will aid the alignment of aims and facilitate collaborative work to deliver high quality, best value services that meet the needs of Lancashire's residents.
- 5.12 Developing the strategic framework and priorities this way also ensures more integrated policy development to tackle cross cutting opportunities such as skills, health and the environment.

6. Oversight, performance management and monitoring

- 6.1 In January and February 2022, Councils agreed governance structures for delivering the strategic plan priorities, designed with two aims in mind:

- to create the best arrangements to deliver the priorities within the strategic plan
 - to ensure decisions are made democratically and with all partners having an equal voice.
- 6.2 Additionally, Councils endorsed a set of core principles to guide the progression of Lancashire 2050, which have been put in practice through the Lancashire Leaders Forum. It is proposed that the future strategic and delivery oversight of Lancashire 2050 continues to be taken forward through this group.
- 6.3 In addition, to ensure maximum transparency and participation of partners, it's proposed that twice yearly, the Lancashire Leaders Forum meets with wider partners from across the County to:
- Agree and update shared strategic priorities
 - Consider an annual shared "State of Lancashire" evidence base developed and presented by an independent Data Observatory
 - Review delivery performance against Lancashire 2050 aims and priorities
 - Agree collaborative actions / contributions required to achieve shared priorities.
- 6.4 Thematic priority areas will be overseen by Portfolio Leads (nominations to be agreed on an annual basis), supported by nominated Chief Executive leads for each thematic priority.
- 6.5 Where Lancashire-wide arrangements already exist (such as for example on Transport and Skills), these forums will develop and take forward Lancashire 2050 thematic priorities and actions. Where necessary, additional thematic sub-group arrangements will be established to support action planning and delivery.
- 6.6 The group will continue to be chaired by Lancashire County Council, with any decisions made on a consensual basis.

7. Next Steps

- 7.1 For Lancashire to move forward with a strong collective voice, the engagement and support of all councils is extremely important in setting and agreeing a strategic framework for the whole County. This support will give Leaders a mandate to collectively move forward on the issues set out in this report, and to engage with government, public and private sector partners to secure the best possible future for Lancashire and the people that live here.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

8. None arising directly from this report. As progress is made in developing priority theme action plans, consideration will need to be given by Leaders and councils on how best to resource any cross-Lancashire activities that go beyond existing business as usual. With support from finance officers, Local Authorities may need to continue to consider the fairest ways for each partner authority and other stakeholders to contribute. However, any such proposals will be subject to future decisions and are not within scope of the recommendations in this report.

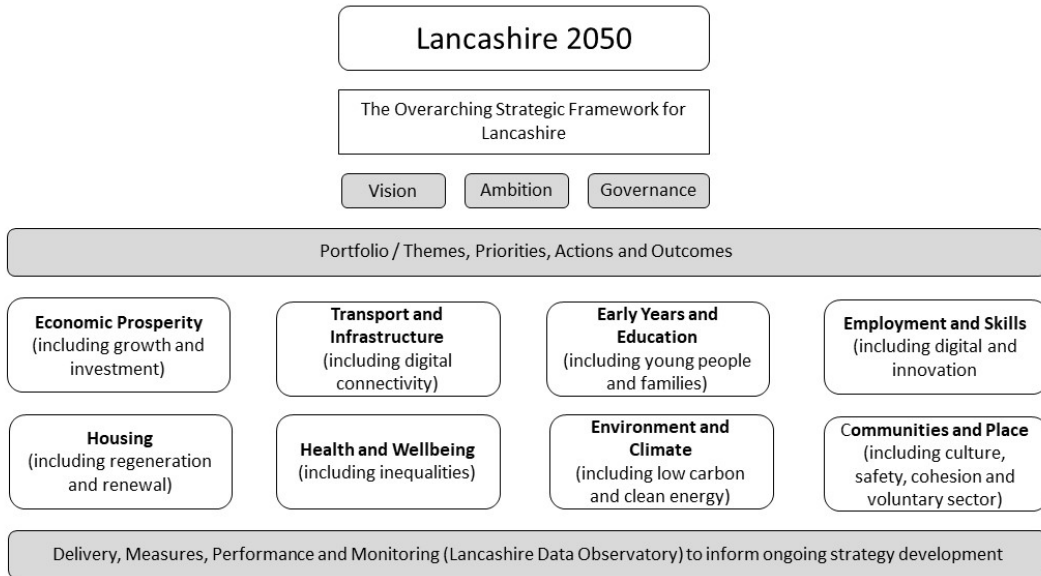
POLICY IMPLICATIONS

9. No policy implications arising directly from this report, however as work progresses the development of future shared detailed priorities and actions will inform and be informed by the Councils work as well as other partners and stakeholders across the whole of Lancashire.

DETAILS OF CONSULTATION

10. This report will be discussed at Scrutiny Committee on 11 January 2023.

Diagram 1: Scope



LANCASHIRE

2050

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Lancashire 2050 is about bringing people together with a shared vision, shared ambition, shared goals and shared priorities.



Lancaster Castle

It's about the future of our county and its people. Initiated by Lancashire's 15 councils, but involving everyone with a stake in our county's success, it sets out the areas where we can work together to help our county thrive.

It is both bold and strategic, creating a framework so that:

- Lancashire competes better for its share of national resources and investment.
- Lancashire's public, private and voluntary sectors collaborate better to maximise the best use of our resources.
- Lancashire has a strong and clear voice that responds innovatively to new opportunities and challenges.
- Lancashire has rich, meaningful and strategic dialogue with central government about the future of our county.



Tarleton

"A thriving Lancashire remains one of the pre-requisites to a successful economy in the North of England"

This is Lancashire

We're proud of Lancashire. It's a place of amazing beauty, talented people, diverse communities and world-leading businesses. We're proud of our history, but always looking to the future. We're proud of what we have to offer for living, learning, investing and succeeding.

With a population of 1.5m people, our 54,000 businesses generate 637,000 jobs across a range of important and future-facing sectors from manufacturing and tourism to cyber, digital and low carbon.

This thriving £34bn economy is home to globally leading firms and the 4th largest aerospace cluster in the world.

We're proud of where we've come from, where we are, and where we're heading.

We're proud to say: we are Lancashire.



Lytham Festival



Our vision

Lancashire: a place where every single person can live their best life



The Midland Hotel, Morecambe

Our ambition

Our ambition is for Lancashire to be seen across the world as the best place to make a home, raise a family, develop a career, do business and grow old.

A place made up of communities everyone is proud of, that celebrates our sense of place, heritage and natural environment.

A place where we always look to the future.

Our plan

Our plan for achieving our vision is organised around eight priority areas.

We have created a framework for action that will help us focus on the things that are most important, as well as respond to changing local and global trends, policy mandates and place needs.

It will mean Lancashire can speak with one voice when championing our needs in government.



Wallace and Gromit statue, Preston

St Annes Beach Huts

Our priorities will help Lancashire:



Economic prosperity

Succeed as a globally-recognised, competitive and sustainable economy, distinguished by its quality of life, connectivity and access to opportunities.



Early years and education

Support all our children so they are ready to learn, achieve, and can access opportunity.



Employment and skills

Support people to develop skills throughout their lives and attract business to the county because of our high skilled workforce.



Health and wellbeing

Improve health, life chances and independence, so residents can live healthy lives and access quality care when they need it.



Communities and place

Build pride, belonging, and resilience in all our diverse communities and ensure people have a voice and stake in Lancashire's future.



Transport and infrastructure

Become better-connected and accessible, with infrastructure that links opportunities to need, and travel choices that are safe, inclusive, affordable and low carbon.



Environment and climate

Meet our low carbon ambitions, promote clean energy and enhance our rich natural environment.

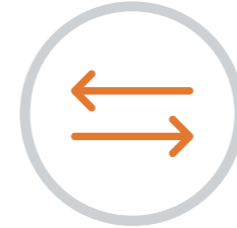


Housing

Deliver decent and affordable housing for every community. High quality housing will benefit existing residents, as well as attract and retain the people required to drive the economy over the long term.

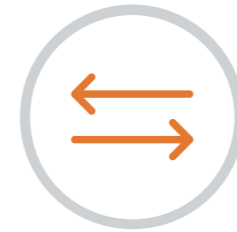
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Partners commit to:



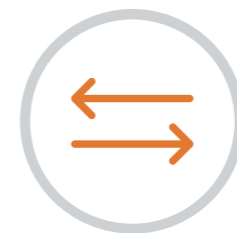
Working collaboratively

We will work collaboratively on our collective priorities, sharing ideas, assets, skills and knowledge.



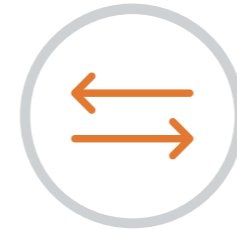
Cross cutting key themes

We will ensure our commitments to diversity and inclusion, reducing inequalities, children and families, climate, and improving quality of life are addressed in each of our priority themes.



Listening to residents

We will be active listeners in building our plans for Lancashire. Everyone will be able to contribute in shaping our shared future.



Being open and transparent

We will ensure decisions are made democratically and transparently, so residents can easily understand progress against our priorities.



The Atom, Wycoller Country Park

Fleetwood



We will be a globally-recognised, competitive and sustainable economy distinguished by its quality of life, connectivity and access to opportunities.

Theme priorities

- ▶ To realise the growth potential in our existing and emerging key sectors, particularly low carbon and renewables, and to attract increased investment.
- ▶ To ensure Lancashire has an outward-looking and connected economy that works for all.
- ▶ To build a pipeline of strategic development sites and infrastructure opportunities.
- ▶ To maximise the economic benefits of Lancashire’s tourism offer and promote a diverse place with urban, coastal and rural economies.
- ▶ To encourage business as good employers.

What this will mean for our residents

- ▶ A thriving economy will enable Lancashire residents to access more and better jobs, drive employment growth, and increase wealth and independence.
- ▶ In turn, this will help improve the wider determinants of health, encourage social mobility and drive the get-up-and-go aspirations amongst our young people, giving each generation more control over their own futures.



Chorley



We will be better-connected and accessible, with infrastructure that links opportunities to need, and travel choices that are safe, inclusive, affordable and low carbon.

Theme priorities

- ▶ To connect the economic clusters and sectors of Lancashire and tackle isolation.
- ▶ To take a place-focused approach to transport and infrastructure, which ensures that provision is designed to allow places to flourish.
- ▶ To reduce the need to travel by providing fast reliable access to digital technology.
- ▶ To reduce carbon emissions in support of a net zero county.

What this will mean for our residents

- ▶ Residents and communities will be better connected to opportunities and experiences, including employment, leisure and services.
- ▶ There will be less reliance on carbon-based modes of transport, with significant reductions in carbon and other vehicle emissions.
- ▶ Infrastructure and employment sites will support a low-carbon and a modern and forward-looking economy.



We will meet our low carbon ambitions, promote clean energy, and enhance our natural environment.

Theme priorities

- ▶ To substantially reduce carbon emissions and energy demand, with our approach to housing and transport helping secure that transition.
- ▶ To increase energy generation from low carbon sources, including renewables.
- ▶ To improve the resilience of infrastructure, assets and services to climate change.
- ▶ To significantly grow the low carbon and environment sectors of Lancashire's economy.
- ▶ To retain our rich biodiversity and natural environment.

What this will mean for our residents

- ▶ We will have enhanced our natural environment, which will be enjoyed by more Lancashire residents.
- ▶ We will be a net zero county protecting our environment for future generations.
- ▶ Lancashire will be recognised as a place where low carbon businesses can invest and thrive, and people can live a low carbon lifestyle.



Singing Ringing Tree, Burnley



Haslingden

We will deliver decent and affordable housing for every community. High quality housing will benefit existing residents, as well as attract and retain the people required to drive the economy over the long term.

Theme priorities

- ▶ To improve and increase the availability of good quality housing – both on new sites and through existing stock.
- ▶ To link housing regeneration to economic and transport plans.
- ▶ To secure urban renewal by demolishing and replacing housing stock in some areas.
- ▶ To improve the attractiveness of the built environment of our communities.

What this will mean for our residents

- ▶ We will have higher quality homes and neighbourhoods across the county, that are more energy efficient, and better connected to opportunities through our transport infrastructure.
- ▶ We will help tackle concentrated deprivation and provide the housing choices to attract and retain workers in the economy. These actions will help relieve pressures on housing in more attractive locations.



We will support all our children so they are ready to learn, achieve, and can access opportunity.

Theme priorities

- ▶ To improve attainment for all children across the region, particularly in literacy and numeracy.
- ▶ To ensure vulnerable families get the help they need for their children to progress and achieve.
- ▶ To support vulnerable young people and families by removing barriers to learning and helping them access opportunity.
- ▶ To improve multi-agency working to make sure all our children have the best possible start in life.

What this will mean for our residents

- ▶ All our children and young people will be able to thrive in education throughout their childhood and develop the life skills they need to be happy and productive adults.
- ▶ Families will have access to appropriate support to ensure children are healthy, happy and developing well from birth.





Advanced Manufacturing Research Centre North West, Samesbury



Northlight, Brierfield

We will support people to develop their skills throughout their lives and attract business to the county because of our highly skilled workforce.

Theme priorities

- ▶ To help young people make informed choices about their pathway into employment.
- ▶ To retain a higher percentage of local graduates and place them into graduate level jobs.
- ▶ To build a strong pipeline of skilled people at all levels entering the labour market to meet the needs of Lancashire businesses.
- ▶ To increase the proportion of adults in Lancashire achieving a Level 4 qualification or higher and improve access to tailored adult skills provision.
- ▶ To increase the employment rate to at least equal to any other region of the UK outside London and improve economic activity rates.

What this will mean for our residents

- ▶ People will have the opportunity to access good jobs and progress in their chosen career, without being held back by their skills or background.
- ▶ Lancashire will have amongst the highest skilled workforce in the country, ready to take advantage of a strong and growing regional economy.
- ▶ We will have a skills base that will support inward investment opportunities and create more good jobs.



We will improve health, life chances and independence, so residents can live healthy lives and access quality care when they need it.

Theme priorities

- ▶ To give our children the best start in life and support better choices.
- ▶ To improve quality of life and reduce health inequalities.
- ▶ To provide better opportunities to stay healthier for longer.
- ▶ To make sure public bodies properly join up their services to focus on Lancashire people's needs.

What this will mean for our residents

- ▶ Everyone in Lancashire can look forward to living longer, healthier lives, regardless of their backgrounds or where they live.
- ▶ Residents will be able to make an active contribution to our communities and our economy.
- ▶ Lancashire residents will be confident they can access more person / family centred services, enabling them to lead healthier and independent lives.





Blackburn Cathedral

Accrington Soapbox Challenge



We will build pride, belonging and resilience in all our diverse communities and ensure everyone has a voice and stake in their future.

Theme priorities

- ▶ To foster a sense of pride and belonging in all our communities.
- ▶ To better join up public services so they deliver what people and places need.
- ▶ To work with residents, businesses and the voluntary, community, faith and social enterprise sector, to build the vision for our communities.
- ▶ To foster safer and more resilient neighbourhoods.
- ▶ To work together across the public, private and voluntary sectors to help tackle the long-term causes and short-term impacts of poverty.

What this will mean for our residents

- ▶ Residents will feel pride in their place and will see the contribution their community makes to achieving the whole county's aspirations.
- ▶ Lancashire will be a place where public services, businesses, residents and community groups all work together to improve their communities.
- ▶ Our communities will thrive, and their distinctiveness and diversity celebrated.

How we will make it happen – our shared commitment to residents

As Local Authorities, this strategic framework represents our shared vision, priorities and intent. It will be endorsed through all our councils individually and will align with our own organisational plans.

But for this plan to work, every business, resident, community and public service has to have a stake in its success. That is why we commit to bringing together key partners to consider our plans, and we welcome the formal endorsement of this approach from many of them.

We will continue to work closely with a wide range of partners and engage closely with everyone as we develop the detail of our action plans.

With these priorities, we will make better decisions locally, we will make a more powerful case for extra tools, powers and resources to central government, and we will deliver on our shared ambitions.

- Businesses
- Councils
- Education
- Government
- Lancashire MPs
- Media
- Partners
- Residents
- Voluntary sector
- Workforce

Lancashire 2050



Blackpool Tower and Central Pier

“Together we are stronger
and Lancashire will be a
place where every single person
can live their best life”



LANCASHIRE 2050

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Appointment of Chief Executive

REPORT TO FULL COUNCIL



DATE	25th January 2023
PORTFOLIO	Leader
REPORT AUTHOR	Vicky White
TEL NO	01282 477124
EMAIL	vwhite@burnleyu.gov.uk

PURPOSE

1. To confirm arrangements for the appointment of a new Chief Executive.

RECOMMENDATION

2. That the Council be recommended to:
 - (a) Confirm the Appointment Committee’s authority to conduct the recruitment within the financial parameters set out in this report; and
 - (b) Establish a budget of £20,000 for the cost of recruitment support and advertising as set out in the report.

REASONS FOR RECOMMENDATION

3. To ensure that the Council makes appropriate arrangements for recruiting a new Chief Executive.

SUMMARY OF KEY POINTS

4. After working for the Council for 21-years, the Council’s Chief Executive, Mick Cartledge, has decided to retire and has submitted his resignation. In order to ensure a smooth transition, his employment with the Council will end on 28th July 2023. It is therefore necessary to put in place arrangements to recruit a successor.
5. **Appointments Committee**
 The protocol, which has to be followed for appointing a Chief Executive, is set out in the Constitution. An Appointments Committee is to be formed and to ensure there is appropriate cross-party representation on that Committee, the Constitution sets out the Committee should comprise Leader, Deputy Leader, Executive Member for Resources & Performance Management and the leaders of the two largest opposition groups. However, as there are two groups with six Members and the current Deputy Leader is also the Executive Member for Resources & Performance Management, it is recommended that the Committee should comprise the Leader, Deputy Leader, another Executive Member and Group Leaders from the three largest opposition groups. The Leader will be the Chair of the Panel and Group Leaders will be able to nominate a substitute Member if they cannot commit to the different recruitment stages for the Panel, ie long-listing, shortlisting and interview.

6. The Council has to approve the appointment of the Chief Executive after considering the recommendation of the Appointments Committee. To undertake its task, the Council is asked to delegate full authority to the Appointments Committee to conduct the recruitment process. The recruitment timetable suggests that a Special Council meeting to ratify the decision of the Panel will be required at the end of March/early April 2023. Advance notice of the date will be given after consultation with Group Leaders.
7. North West Employers Association (NWEA) has been appointed to support the Council in the recruitment process. It is proposed to create a budget of £20,000, although recent
8. The Council's Strategic HR Manager will act as the Proper Officer to advise the Committee during the appointment process, as allowed for in the Constitution.
9. **Recruitment Package**
The post has been advertised at its current salary level of £118,151 and benchmarking with other authorities in the area suggests this is comparable. The post receives no other remuneration, other than entitlement to a car user allowance. The postholder may be appointed to act as the Returning Officer for elections but this is regarded as a separate employment. In the event that insufficient quality of applicants is received, the Council may wish to review the salary of the post.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

10. The report recommends that the Council establishes a budget of £20,000 to facilitate the recruitment of a new Chief Executive.
11. Anticipated salary savings from the Management Team salary budget occurring during the period this post is vacant will be sufficient to cover this cost.

POLICY IMPLICATIONS

12. The Chief Executive fulfils the statutory role of Head of Paid Service and the appointment of an effective chief executive is an essential requirement, if the Council is to achieve the outcomes set out in the Council's Strategic Plan and continue the momentum driving the Borough forward.

DETAILS OF CONSULTATION

13. Leader of the Council.
Member Structures Working Group.

BACKGROUND PAPERS

14. None.

FURTHER INFORMATION

PLEASE CONTACT:

Vicky White – Strategic HR Manager
T: 01282 477124

Planning Performance – Quality of Decision making on Major Applications

DEVELOPMENT CONTROL COMMITTEE



DATE	13th October 2022
PORTFOLIO	Housing and Development Control
REPORT AUTHOR	Paul Gatrell
TEL NO	01282 477230
EMAIL	pgatrell@burnley.gov.uk

PURPOSE

1. To inform Members of the Council's current performance on the quality of major planning decision making as recorded and published by the Department for Levelling Up, Housing and Communities.

RECOMMENDATION

2. That Members consider the report and note that it shall be presented to Full Council for information.

REASONS FOR RECOMMENDATION

3. To ensure Members are fully briefed on the Council's current performance on the quality of decision making for major planning applications and are aware of the potential implications if performance worsens.

SUMMARY OF KEY POINTS

Introduction

4. On a quarterly basis local planning authorities supply information to the Department for Levelling Up, Housing and Communities on planning application type, volume, the speed of determination and the number of planning enforcement notices served. The Government then use this information to publish planning performance data for each local authority that assesses the speed of decision making and the quality of decision making for "major" and "non-major" applications.
5. This briefing paper will look specifically at the quality of decision making for major applications which are defined as planning applications that consist of,

- mineral extraction
- waste development
- the provision of 10 dwellings or more
- a site area of over 0.5 hectare and the number of dwellings is not known
- a floorspace of over 1,000sqm or a site area of one hectare

Performance monitoring and published data

- The information on the quality of decision making is published on an annual basis in the first quarter of the year and looks at the local planning authority's performance over a two-year period. The performance data looks at the number of major applications determined by a local planning authority, how many have been refused, how many decisions have been appealed and how many appeals have been allowed. Fundamentally the performance measure is assessing how many applications the planning authority has refused that have gone to appeal and the decision has been overturned by the planning inspectorate.
- The current published data runs for the period April 2019 to March 2021 and the next set of published data will run from April 2020 up to March 2022 and is expected to be published in the first quarter of 2023. The data is intentionally 9 months behind the date of publication to allow a time lag for appeals in the pipeline to be determined. The Government have set the maximum threshold that no authority should exceed 10% of decisions overturned at appeal.

April 2019 – March 2021

- The currently published performance data is set out in the table below.

		Majors Applications						
		All Major Decisions	Refusals	Appeals	Dismissed	Appeals allowed	Appeals Pending	Result
Quarter 01	Apr - Jun 2019	2	0	0	0	0		0.00%
Quarter 02	Jul - Sep 2019	1	0	0	0	0		0.00%
Quarter 03	Oct - Dec 2019	3	2	1	0	1		33.33%
Quarter 04	Jan - Mar 2020	1	0	0	0	0		0.00%
Quarter 05	Apr - Jun 2020	6	2	1	0	1		16.67%
Quarter 06	Jul - Sep 2020	7	1	0	0	0		0.00%
Quarter 07	Oct - Dec 2020	4	0	0	0	0		0.00%
Quarter 08	Jan - Mar 2021	2	1	0	0	0		0.00%
total		26	6	2	0	2		7.69%

Maximum level
required

10.00%

9. This data shows that the Council determined 26 major applications and lost two appeals which resulted in a performance measure of 7.7%. One decision was an officer refusal that was overturned at appeal, Astley House, Albert Street – 01/04/2019 and one decision was a committee refusal that was overturned at appeal, Land to the North of Higher Saxifield – decision date 19/11/2019.

April 2020 – March 2022

10. The table below shows the expected position that will be published in the first quarter of 2023.

		District matter Majors						
Council:		All Major Decisions	Refusals	Appeals	Dismissed	Appeals allowed	Pending	Result
Quarter 01	Apr - Jun 2020	6	2	1	0	1	0	16.67%
Quarter 02	Jul - Sep 2020	7	1	0	0	0		0.00%
Quarter 03	Oct - Dec 2020	4	0	0	0	0		0.00%
Quarter 04	Jan - Mar 2021	2	1	0	0	0		0.00%
Quarter 05	Apr - Jun 2021	4	0	0	0	0		0.00%
Quarter 06	Jul - Sep 2021	4	1	1	0	1	0	25.00%
Quarter 07	Oct - Dec 2021	1	1	1	0	1	0	100.00%
Quarter 08	Jan - Mar 2022	6	1	0	0	0		0.00%
total		34	7	3	0	3	0	8.82%

Maximum
level required

10.00%

11. This data shows that the Council determined 34 major applications and lost 3 appeals which is expected to result in a performance measure of 8.82%. As with the currently available data one decision was an officer decision that was overturned at appeal, Astley House, Albert Street – decision date 01/04/2020 and two decisions were committee decisions that were overturned at appeal, Harrogate Crescent – decision date 13/09/2021 and Butchers Farm – decision date 17/11/2021.

12. Due to the relatively low number of major applications dealt with by Burnley Council there is very limited scope for appeal overturns in any two-year period. As can be seen from the

tables above one more appeal overturn in either of the two-year periods would have resulted in a percentage in excess of the 10% threshold.

April 2021 – March 2023

13. The table below shows the first 18 months of data that we expect will be included in the performance results for April 2021 – March 2023, which shows that in the first 18 months of performance data we are currently running at 9.09%. The figures for July to September 2022 are provisional at this stage of the assessment.

Council:		District matter Majors						
		All Major Decisions	Refusals	Appeals	Dismissed	Appeals allowed	Pending	Result
Quarter 01	Apr - Jun 2021	4	0	0	0	0	0	0.00%
Quarter 02	Jul - Sep 2021	4	1	1	0	1	0	25.00%
Quarter 03	Oct - Dec 2021	1	1	1	0	1	0	100.00%
Quarter 04	Jan - Mar 2022	2	1	0	0	0	0	0.00%
Quarter 05	Apr - Jun 2022	5	1	1	0	0	1*	0.00%
Quarter 06	Jul - Sep 2022	6	0	0	0	0	0	0.00%
Quarter 07	Oct - Dec 2022							
Quarter 08	Jan - Mar 2023							
total		22	4	3	0	2	1	9.09%
							Maximum level required	10.00%

*Reserved matters appeal for 1 Magnesium Way.

14. Our calculations indicate that if the outstanding reserved matters appeal is successful, the percentage of major applications overturned at appeal for the forthcoming reporting period to date for April 2021 to March 2023 would be **13.64%**. It must be noted that there are two quarters of data outstanding and the data for July to September 2022 is provisional.

15. The implication of a local planning authority’s performance going above 10% of total applications overturned on appeal is the potential for designation of the local authority into “Special Measures” by the Secretary of State.

16. The most recent Council to go into Special Measures was Uttlesford District Council for the determination of major planning decisions.

17. Data shows that 9 of the 79 major planning applications considered by Uttlesford between April 2018 and March 2020 were overturned on appeal, which at 11.4% of all decisions was above the 10% threshold for intervention.

The legal context of Special Measures

18. Section 1 of the Growth and Infrastructure Act 2013 inserted sections 62A and 62B into the Town and Country Planning Act 1990. Section 62A allows certain planning applications to be made directly to the Secretary of State, where the local planning authority for the area has been designated for this purpose. S62A enables the Secretary of State to designate Local Planning Authorities where "*there are respects in which the authority are not adequately performing their function of determining applications*" and in doing so give applicants the choice to apply for permission direct to the Secretary of State (with the application determined via the Planning Inspectorate) for the category of applications (major, non-major or both) for which the authority has been designated. This is commonly referred to as "Special Measures." Section 62B requires that the criteria for any such designation, or for revoking a designation, must be set out in a document published by the Secretary of State and laid before Parliament.
19. Section 153 of the Housing and Planning Act 2016 amended sections 62A and 62B of the Town and Country Planning Act 1990 to allow the Secretary of State to determine which applications an authority may be designated for. The Town and Country Planning (Section 62A Applications) (Amendment) Regulations 2016 prescribe and define these applications as "non-major development" and "major development".

The implications of Special Measures

20. If 10% or more of the total number of major planning applications dealt with by a local authority are overturned at appeal during the two-year assessment period, the local authority is considered to be underperforming. For example, if a local planning authority determined 50 major planning applications over a 2-year period then 4 would be the maximum number that could be overturned at appeal. If a local planning authority hits or exceeds 10% they are considered to be underperforming and can be put in "special measures" by the Secretary of State.
21. Where an authority is designated and placed in "special measures" applicants may apply directly to the Planning Inspectorate (on behalf of the Secretary of State) for the category of applications for which the authority has been designated i.e., major or non-major. This in effect removes the ability from the local planning authority to determine planning applications within their borough for those applications against which they are judged to be underperforming. A Council may also be required to prepare an improvement plan by the Secretary of State.
22. Being placed in special measures means that where applicants choose to submit their planning application to the Planning Inspectorate rather than to the Council, the planning fee would be paid only to the Planning Inspectorate. The Council will in these cases still incur substantial costs (due to requirements imposed on the Council to carry out certain administrative functions and Officer assessments and recommendations) but would not receive any part of the fee to pay for this.
23. If placed in special measures not only can the local planning authority lose the ability to make the final decision on a planning application and lose the application fee, but the

situation also has the potential to weaken the authorities influence and negotiation position with applicants.

24. Prior to major planning applications being presented at committee for a decision, in most cases, they have gone through a rigorous process of negotiation with the applicant to seek improvements and amendments to the proposed scheme to make them more acceptable and deliver a higher quality of development. The planning officer's role is to achieve the highest standard of development possible before it is presented to committee for a decision. If applicants know that the local planning authority will not be making the final determination on the planning application, they are likely to be less willing to agree to amendments to improve schemes or agree to certain conditions to make applications more acceptable to the planning authority, if they consider in their judgement that the scheme would be acceptable to the planning inspectorate.
25. Being placed in special measures also carries with it a reputational risk for the local authority. Being formally recognised as an underperforming planning authority by the Government has the potential to affect the Council's reputation for sound, quality decision making in the eyes of developers, business, investors and residents.
26. Recruitment to planning posts is already difficult and being placed in Special Measures would most likely heighten that pressure.
27. The Secretary of State decides once each year whether local authorities should be designated and whether those authorities designated should be de-designated.

Guidance for Members on the Council's DC Committee and the Code of Conduct

28. Members are reminded of the personal liability in relation to the decisions they make. Personal liability may arise to any individual member whose wilful misconduct is found to have caused loss to the Council. Such liability would depend upon the exact role played by the member and the seriousness of the loss.
29. Members of the Council's Development Committee will be aware of the guidance made available to them in the Council's Constitution. Members are reminded that:
 - Decisions made in Development Control Committee must be made on sound planning grounds only. Party political issues must not be raised at Committee, nor used to influence the consideration of planning applications.
 - Members who sit on Development Control Committee are serving the town as a whole, and not just their ward constituencies. In dealing with planning applications Members must fulfil a number of roles both as representatives of the people and as decision makers, objectively considering the facts and deciding upon them. This is particularly relevant to Members of Development Control Committee who must strike a balance between listening to and responding to the concerns of their constituents and making a decision in accordance with proper planning considerations.
 - An applicant who has been refused planning permission has a right of appeal to the Secretary of State, if an appeal is successful and it is shown that the Council's conduct in dealing with the matter was unreasonable, the appellant's costs may be awarded against the Council.

- The Secretary of State possesses a range of powers which could be exercised where a local planning authority appears to be making inconsistent decisions or decisions which are seriously in conflict with national and development plan policies. This could involve a greater use of the power to 'call in' applications whereby the application would be determined by the Secretary of State, following a public inquiry, rather than the Development Control Committee.
30. The Council's Code of Conduct for Members provides that in reaching decisions on any matter Members must have regard to any relevant advice provided to them. The Code of Conduct also covers the reasonableness of decision making and that decisions can be reviewed by a range of courts and tribunals and overturned if they are irrational, improper or unfair. It goes on to state that **"sometimes you [Members] may have to take decisions that you [they] personally disagree with if these are the "right" decisions for the Council..."**. Whilst the Committee has the ultimate decision on planning applications presented before them it is important that the decision is made taking account of the planning framework, advice given by officers at the committee and set out within the report, and that despite any personal opinions, decisions are made in the interests of Council and the borough as a whole.
31. In the cases of Higher Saxifield, Harrogate Crescent and Butcher's Farm the decision taken by committee went against the officer recommendations, and also followed strong advice from both planning and legal officers that the reasons for refusal were weak and the Council would find it very difficult to successfully defend the decisions at an appeal. In one of these cases (Harrogate Crescent), costs of £15,855.60 were awarded against the Council.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

The Council would lose planning fee income in relation to applications submitted directly to the Planning Inspectorate if the Council went into Special Measures. Additional staffing and resources would also be required to liaise with the planning inspector as the Council would be required to support the process. By way of background, in 2021 the Council received 23 major applications which generated a total fee of £298,432.

POLICY IMPLICATIONS

32. There are no direct policy implications associated with the recommendations in this report.

DETAILS OF CONSULTATION

33. This topic shall be covered as part of the training provided to Members of the Development Control Committee in view of the potential implications if the Council is placed in Special Measures.

BACKGROUND PAPERS

34. Code of Conduct for Members:
[CONTENTS \(moderngov.co.uk\)](https://www.moderngov.co.uk/contents/)

35. Procedural guidance for Section 62A Authorities in Special Measures:

[Procedural guidance for Section 62A Authorities in Special Measures - GOV.UK
\(www.gov.uk\)](http://www.gov.uk)

FURTHER INFORMATION
PLEASE CONTACT: Paul Gatrell
Extension: 7230

Scrutiny Committee Chair's Report to 25th January 2023 Full Council

Since the last report to you at December's Full Council, the Scrutiny Committee met on 11th January as scheduled.

The committee had an opportunity to consider and note all of the items which were to be presented for update and/or approval at the meeting of the Executive on 18th January.

These included updates on progress in developing the Lancashire 2050 Strategic Framework, on Burnley's community safety performance, and on how the authority plans to protect and promote food safety throughout the borough.

In an update on the Health and Safety Intervention Plan the committee was informed about how the authority's Health and Safety team met the requirements of statutory guidance when carrying out its public protection duties within workplaces.

Ever pleased to see empty homes being brought back into use and providing high quality accommodation, members were informed about proposals to make a number of Compulsory Purchase Orders for long term vacant properties in the private sector.

The committee received a report on proposals to re-procure the Council's environmental enforcement service for the borough and an overview of performance of the current contract which is due to expire at the end of June. We also learnt of proposals in relation to the construction of a wheeled sports area at Memorial Park in Padiham, for use by skateboards, scooters and BMX bikes.

Members were also able to examine proposals relating to St James's Street Heritage Action Zone, Burnley Bus Station Facilities Management contract and the lease of the Stables Café.

Cllrs Howard Baker & Ann Royle, Scrutiny Committee Chair & Vice-Chair – January 2023

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Report of Development Control Chair

The agendas at November's and December's Development Control Committee dealt mainly with the Council's own applications. The committee granted permissions for listed building consent to carry out repair work to Council premises, approved some renovation works for one of the properties that the Council has acquired under our empty homes programme and granted permission to carry out some work on protected trees.

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BURNLEY BOROUGH COUNCIL STRATEGIC PLAN PROGRESS REPORT TO THE FULL COUNCIL

January 25 2023

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COUNCILLOR AFRASIAB ANWAR, LEADER OF THE COUNCIL

Progress against our strategic commitments

Strategic commitment	Progress update
<p>PR1- We will contribute to the strategic direction of local, sub-regional and regional partnerships, and will position the borough for economic development investment.</p>	<p>Members will be aware that we had a Full Council on 7th December 2022 and this January Full Council is scheduled so that we can focus on the budget at February's Full Council. Therefore, taking into account the Christmas break, you will find updates to this Full Council only cover a working period of 4-weeks and Executive Member reports are shorter than usual, covering key highlights only for this period.</p> <p>As promised, Members will see that the Lancashire 2050 Strategic Framework is on this Council agenda. I hope that Members can endorse the framework and approve that I continues to work with Lancashire Leaders on taking this work forward. Again, I will keep Members updated on further progress through my future Council reports.</p>

Strategic commitment	Progress update
<p>PE1- We will work with partners to make the borough a place of aspiration, including supporting efforts to increase education attainment and skills development</p>	<p>Holiday Activities and Food Programme</p> <p>Children were able to take part in 19 different activities over the Christmas holidays.</p> <p>In addition, for teenagers the CR8 programme ran again enabling young people to choose from a range of activities including the cinema, bowling and ice skating.</p> <p>Data is currently being collated and will be available in February.</p>

COUNCILLOR SUE GRAHAM, DEPUTY LEADER AND EXECUTIVE MEMBER FOR RESOURCES AND PERFORMANCE

Progress against our strategic commitments

Strategic commitment	Progress update
PL5- We will prepare and deliver a new Climate Emergency Strategy.	The Council's new Climate Change Officer, Claire Graham commenced employment with us this week. I am sure you shall all meet with her in the coming weeks and months. I trust that you shall all make her feel extremely welcome. Most Members will agree that a dedicated resource shall give us more capacity to deliver on the priorities identified in the Climate Change Action Plan.

Strategic commitment	Progress update
PF1- We will manage our contract with Liberata robustly, so it delivers value for money and good services.	A remediation plan to improve contact centre responsiveness has been received and is being considered. The signs are encouraging as November's performance saw considerable improvement compared with Q2: 75.4% calls answered within 20 seconds (target is 80%) and a 3.3% abandonment rate (target is 5% maximum). December's performance was also encouraging (81%) but it must be noted that the total talk time was significantly lower (approximately 1/3) than this time last year.

Strategic commitment	Progress update
PF2- We will adopt a Medium Term Financial Strategy that will put the Council on a sustainable financial footing. This strategy will set the framework for preparing annual budgets, ensuring the annual budget strategy is set within the context of the longer-term outlook.	<p>Revenue Budget</p> <p>The Council has reported a projected net overspend of £89k at the end of quarter 2 for the 2022/23 financial year. The quarter 3 report is due to be reported to Full Council in February 2023 together with the Revenue Budget 2023/24 report and the Medium-Term Financial Strategy for the period 2024/27.</p> <p>Statement of Accounts</p> <p>The Council published its draft Statement of Accounts by the extended deadline of 31st July 2022. Grant Thornton, the Council's external auditor, have completed their audit and presented their audit findings to the November 2022 meeting of the Audit and Standards Committee where they were approved. Grant Thornton is continuing their annual Value for Money review of the Council which will be completed by the</p>

	<p>end of February 2023 and reported to the following meeting of the Audit and Standards Committee.</p> <p>Council Tax and Business Rate Collection Rates</p> <p>It is estimated that business rates collection rates for 2022/23, up to the 31st December, are on target to achieve 97.5% for the year. Council tax collection rates are 2.04% below the target of 94.5% for the year. As at the 31st December, collection rates for council tax and business rates were 77.68% and 83.26% against targets of 79.74% and 81.45% respectively.</p>
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Strategic commitment	Progress update
PF3- We will develop our digital strategy, so that more residents transact with us online and we will continue to deliver services more efficiently.	294 residents have signed up for the Love Clean Streets app. In November and December, 840 reports were made using the new service.
Strategic commitment	Progress update
PF4- We will deliver our Organisational Development strategy, ensuring we plan for the structures and capabilities that the organisation needs, and empowering our workforce to deliver the objectives of the Strategic Plan. This will include embedding hybrid working patterns where this improves productivity.	<p>The Council's Talent Management Programme was launched last week. It always delivers fantastic development opportunities for existing staff. Over the coming months, colleagues from different teams at the Council will come together and work on corporate projects sponsored by Chief Officers.</p> <p>I am also pleased to advise that officers are currently working on the Carbon Literacy Silver Award application and I hope to report more on the same over the coming months.</p>
PL6- We will invest in our heritage assets for the benefit of this, and future, generations.	<p>Town Hall Stone works</p> <p>The stone works have now been completed issues and the scaffolding has been removed from the front of the building. The final costs of this scheme are on track to remain within the approved budget.</p> <p>Towneley Hall</p> <p>Following the erection of scaffolding, the repair works have now started. The contractor is currently dismantling and</p>

	rebuilding sections of the Great Hall walls and this will be followed by re-roofing.
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COUNCILLOR MARGARET LISHMAN, EXECUTIVE MEMBER FOR HEALTH AND WELLBEING

Progress against our strategic commitments

Strategic commitment	Progress update
<p>PE4- We will work on the wider determinants of poor health and will keep residents informed about changes to health services and how to access them.</p>	<p>I would like to thank Burnley Together colleagues based at Calico’s Valley Street Community Centre for their fantastic work on this year’s Christmas appeal. This partnership effort supported over 1000 children thanks to donations from local businesses and agencies, including this council.</p>
<p>PL4- We will implement our 2015-25 Green Space Strategy.</p>	<p>Towneley Hall</p> <p>Following the erection of scaffolding, the repair works have now started. The contractor is currently dismantling and rebuilding sections of the Great Hall walls and this will be followed by re-roofing.</p> <p>The scaffold tour of the Great Hall for elected members was cancelled due to the ambulance strike and will be re-arranged for February and members will be advised.</p> <p>An expression of interest was submitted to the National Lottery Heritage Fund for access improvements and community engagement activities. Unfortunately, we have not been invited to progress this to the next stage. The EOI will be reviewed considering the NLHF’s comments and resubmitted in the summer.</p> <p>I’m pleased to report that Sally Smith has been appointed as the Towneley Hall Manager, to replace Ken Darwen who retires at the end of March.</p> <p>Parks & Green Spaces</p> <p>The Council will shortly confirm appointment of the contractor for the new concrete wheeled sports area in Memorial Park which will replace the old skate ramp that was installed in 1992. Work is expected to start in February and be complete by Whitsun.</p> <p>Allotments</p> <p>Work is progressing clearing vacant plots, splitting them into smaller and more manageable size plots and re-letting them. By</p>

	<p>the end of March, it is expected that 35 new plots will be lettable.</p> <p>Climate and Biodiversity Action More than 570 native woodland trees were planted by volunteers at Rowley on 8th Dec, organised by Trees for Burnley and funded by the Council. This year, the Council celebrates a 30 year partnership with Trees for Burnley and during this time volunteers have planted many tens of thousands of trees in Burnley and helped to manage areas of woodland in our parks.</p>
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Strategic commitment	Progress update
<p>PE2- We will continue to develop the leisure and cultural offer in partnership with Burnley Leisure.</p>	<p>Burnley Leisure is experiencing some challenges due to the cost of living crisis effecting income from hospitality, which are being kept under review as the end of the financial year approaches.</p> <p>Work is starting on development of a new Active Burnley Strategy which will focus on all aspects of how residents of Burnley can be encouraged to become more active through a 10-year action plan for Burnley, with the aim of making '<i>being active the easy choice</i>'</p> <p>The strategy will develop the idea of the 'outdoor town', using Burnley's amazing countryside and great parks as a route to encouraging more people to be active..</p> <p>An example of the 'outdoor town' is the return of the popular Beat the Street activity which will be commencing on 10th May for a period of 6 weeks.</p>

COUNCILLOR JOHN HARBOUR, EXECUTIVE MEMBER FOR HOUSING

Progress against our strategic commitments

Strategic commitment	Progress update
<p>PL2- We will improve the management and condition of rented accommodation.</p>	<p>Selective Licensing</p> <p>Selective Licensing: Trinity, Queensgate with Duke Bar, Gannow and Daneshouse & Stoneyholme areas 2019-2024</p> <p>The total number of properties that are required to be licensed is 2503 across all four areas. 2157 (86%) are currently licensed with a further 55 in the process of being granted. An additional 120 applications are being processed by the licensing team.</p> <p>Further reminders will be sent to those landlords who are non-compliant in mid-January. So far civil penalties have been served in relation to nine non-compliant properties in these areas.</p> <p>In December the team undertook the latest area audits, focusing on the Green/Mark Street and Furness Street areas of Queensgate, and the Woodbine Road and Oak Street area of Gannow. Full reports of these audits will be published at the end of January.</p> <p>Selective Licensing: Burnley Wood with Healey Wood and the Leyland Road area 2022-2027</p> <p>The designations for the above area came into force on 21st July 2022. Since this date we have received 515 applications (58% of licensable properties). The licensing team continue to work through the large number of applications submitted to ensure compliance, and reminders will be sent mid-January to those landlords who have submitted incomplete forms. The team will also be pursuing those landlords who have not yet submitted any application.</p> <p>Private Rented Disrepair</p> <p>Since the start of April 2022, the Council has received and dealt with 270 new disrepair complaints from private rented sector tenants. The Enforcement Team has a current caseload of 220 open/ongoing private rented sector disrepair/proactive inspection cases, which includes planned housing inspections. Since December 2022, the Enforcement Team have served 7 formal improvement notices requiring owners to complete specified repairs within a given timescale.</p>

Strategic commitment	Progress update
<p>PL3- We will work with partners to improve quality and choice in the borough's housing stock, and reduce the blight of empty properties</p>	<p>New Homes</p> <p>New properties continue to come to the market across the borough offering residents a broad choice of homes and locations. All our sites at Kiddrow Lane, Manchester Road Hapton, Red Lees Road, Cliviger and Brownside Road, Worsthorne are progressing well. .</p> <p>McDermott Homes are now underway with their development at Harrogate Crescent that will see a disused building demolished to make way for 44 family homes and Barretts Homes secured planning permission for their site off Rossendale Road in June this year to develop 87 2, 3 and 4 bedroom homes.</p> <p>Calico continue to press ahead with their development programme offering a range of affordable homes for Burnley's residents, with their current focus on the development of 93 extra care apartments at Burnley General Hospital, which are expected to be ready for occupation late summer 2024. This scheme will see a clear link between Burnley's housing and healthy living offer to create safe and sustainable homes for older residents.</p>

Strategic commitment	Progress update
<p>PE3- We will continue to work with partners to provide necessary support systems to reduce homelessness and to end rough sleeping in the borough.</p>	<p>We continue to accommodate rough sleepers and homeless households who have a connection to the borough. We have 16 ABEN (A bed every night) accommodation spaces in the Borough providing accommodation and support for people sleeping rough or at risk of sleeping rough. The housing needs team manage an additional 13 temporary accommodation units making a total of 29 housing units within Burnley with the flexibility to accommodate both families and single people. We also have access to a small B&B in Burnley if all our accommodation is full. We keep the demand and supply of temporary accommodation under review and have recently been successfully awarded just under £275,000 through the Governments Rough Sleeper Accommodation Programme to provide 6 units of supported move on accommodation for homeless people who have a history of rough sleeping. A homeless support and resettlement officer will provide support in the accommodation to enable a positive move on into long term sustainable settled accommodation. The first unit will be available from January 2023 with all six being available before 31st March 2023.</p>

Agreements are in place with Gateway to provide additional emergency spaces to assist with cold weather provision through to 31st March 2023. The cold weather provision will be activated, and accommodation provided on a nightly basis when the temperatures are predicted to be zero or below for three consecutive nights.

Between 1st April 2022 and 31st December 2022, we have placed 131 households into temporary accommodation. We currently have 222 active cases for either homelessness prevention or homelessness relief. We continue to refer into the changing futures programme to assist people with multiple and complex need and the rough sleeping navigators and housing needs team work with the service users to support and help them secure stable and sustainable accommodation.

COUNCILLOR SHAH HUSSAIN, EXECUTIVE MEMBER FOR COMMUNITY AND ENVIRONMENTAL SERVICES

Progress against our strategic commitments

Strategic commitment	Progress update
<p>PL1- We will implement a range of initiatives to maintain a clean, safe, attractive and environmentally friendly borough. This will include community engagement and cleansing in 'hotspot' areas</p>	<p>National Waste Strategy</p> <p>There have been delays on the publication of the Government's National Strategy due to the national Pandemic, however it is anticipated that the publication will be imminent. Clarification is expected on future waste collections with regards to increasing recycling and the possible introduction of separate mandatory food waste collections. I am pleased to report that Officers are already taking preparatory steps to address this. The Council are working with WRAP (Waste and Resources Action Programme – DEFRA affiliated national Group) and with Circulogic, as a commissioned partner, to undertake some early work to benchmark our existing services and prepare for the potential introduction of the new Strategy measure. This work will also serve Burnley well, as Officers are preparing for the future waste and cleansing procurement work, as the current Contract will expire in 2025.</p> <p>Waste & Recycling Services</p> <p>The annual collection of Christmas trees has been completed by Urbaser. It has been another busy year for tree collection with over 1100 trees collected during the allocated collection week. We thank residents for their commitment to recycling initiatives.</p> <p>Emergency Planning</p> <p>Burnley Council continues to work in close liaison with the Lancashire Resilience Forum (LRF) and other strategic partners including the Met Office and the Environment Agency. Planning has been made for winter and preparedness for any severe weather that could affect residents of the Borough of Burnley. Colleagues connected with Emergency Planning can respond to incidents as necessary to support residents who have concerns in an emergency.</p> <p>Flooding is one of the highest risks especially surface water flooding and residents are advised to take precautions to protect their properties. Residents and local businesses are encouraged to download or access the 'The Flood Hub' for</p>

valuable resources and information to assist with flood property resilience via; www.thefloodhub.co.uk

The Met office website has useful information for residents to view. Are you ready for the weather this winter?

Thinking ahead and preparing for what the weather may bring this winter can make a real difference. There are some simple steps you can take to stay safe and healthy at this time of year – from preparing your home or business to taking care of yourself, your family and neighbours. Further information is available within the following link [WeatherReady - Met Office](#)

Environmental Enforcement

Additional waste during the festive period was collected by our Contractor, in recognition of the fact that we may all have greater requirements over this time. However, I wish to remind residents that as a Council we are committed to the Government's 'Re-use, Reduce and Recycle' agenda. Residents are also reminded to refrain from presenting side waste in public areas, as this amounts to fly-tipping and could result in a fixed penalty notice being issued. The Council is committed to supporting local residents with any of their waste and recycling queries and information can be found on the Council's website via : <https://loveburnley.burnley.gov.uk> or <https://your.burnley.gov.uk>. In addition, waste related issues can be reported via the Council's Love Clean Streets App. This is simple to use and details for this can be found on the Council's website.

The introduction of a Senior Enforcement Officer and Education and Enforcement Officer to Streetscene means that more time can be spent in locations talking to residents, gathering information, and advising perpetrators on the correct way to dispose of waste. Ultimately, if warnings are not adhered to, fixed penalty notices will be issued. Complainants have responded very positively to this way of working and like to have a point of contact to pass intelligence on to.

From information gathered by the team with the help of residents, 481 Fixed Penalty Notices for fly-tipping and incorrectly presented waste have been issued by the team during 2022.

The Streetscene enforcement team will also be actively seeking out, disrupting and prosecuting waste carriers working illegally within the borough. This includes establishing strong relationships with local police to ensure

that vehicles suspected of fly-tipping will be seized and crushed if not claimed within 7 days.

Three individuals suspected of large scale flytipping have been interviewed by the team in the first week of January 2023 with more arranged over the coming weeks. The focus of the team in 2023 is to prosecute more offenders and publish details of successful outcomes, to send out a clear message.

Anti-Social Behaviour (Youth Panel & ASBRAC)

During December there was an 8.2% reduction in ASB reports to the police, compared to November and this is complemented by data showing youth ASB accounted for only 20% of all incidents. This marks a significant reduction on previous months.

At a local level, incidents of serious and complex ASB are monitored through the monthly multi-agency ASBRAC panel. The Youth Panel maintains an overview of Youth provision and provides a forum for joint working and coordination opportunities between the various youth outreach services.

Serious Violence Duty

The new Duty came into force on the 31 January 2023 and falls on the Council and partners, as part of the Community Safety Partnership (CSP). Council Officers are working with colleagues from the Pennine CSP and the Home Office together with the Office of the Police Crime Commissioner in Lancashire, to secure funding to support initiatives to reduce and prevent serious violence in our town over the next 3 years.

Public Space Protection Order

The town centre PSPO was renewed in November. During the first month of activity 25 individuals have been reported for breaches. The individuals were reported for persistent begging and alcohol related ASB and they will be managed through the multi-agency Town Centre Offender Group.

COUNCILLOR MARK TOWNSEND, EXECUTIVE MEMBER FOR ECONOMY AND GROWTH

Progress against our strategic commitments

Strategic commitment	Progress update
<p>PR2- We will proactively support the borough's businesses to innovate and expand, and make the borough a natural choice for business relocation.</p>	<p>Business Support The Business Team are currently working with 50 live enquiries for companies looking to relocate into the Borough or expand within. There is very limited supply currently in the local property market providing limited options for businesses.</p> <p>The Business Team has conducted a targeted business survey to understand the business performance over the past 12-24 months and business confidence looking forward over the medium term. The results were broadly positive with signs of continued growth and investment over the next two years despite economic headwinds. Skills, recruitment and energy costs remain challenges for businesses.</p> <p>Vision Park Vision Park remains at 100% occupancy with a waiting list for units should any become available. Three tenants have recently renewed their leases.</p> <p>Padiham Town Hall Business Hub All fixed offices are now fully occupied and there are 6 members of the co-working space with interest from other parties currently.</p> <p>Burnley Brand and Burnley Bondholders</p> <p>The Burnley Bondholder end-of-year celebration was held at Penny Black on 8 December. Mick Cartledge thanked bondholders for their resilience and success over 2022 and briefly detailed the exciting year ahead.</p> <p>On Tuesday 10th January, a COFFEE + COLLAB bondholder event took place at +24 Marketing on Shuttleworth Mead. The theme – doing a marketing plan for the year. COFFEE + COLLAB is a new bondholder event where businesses meet for an hour a month to share best practice and seek advice about a particular topic.</p> <p>Following the launch of Film in Burnley in summer, three dramas based in Manchester have reached out to the Burnley Brand Team seeking filming locations.</p> <p>Since last full council there have been 13 pieces of positive news on Burnley.co.uk and 5 on burnley.social. Burnley has featured in 265 pieces of online, print and broadcast news with a combined AVE of £346,000 and reach of 123 million.</p>

Strategic commitment	Progress update
<p>PR3- We will deliver the Town Centre and Canalside Masterplan, and strategic projects in Padiham Town Centre.</p>	<p>Burnley Town Centre Town 2 Turf Some preparation works including tree removal and installation of anti-terrorism measures to Turf Moor have been undertaken. Tidying-up of the canal embankment has commenced. A site compound has been established on Centenary Way car park ready for the main construction works due to start on the 23rd Jan. The first phase of works will be on Harry Potts Way.</p> <p>Burnley Business Improvement District (BID) The BID provided a number of events over the Christmas Period including the Christmas Lights Switch which attracted 17% more footfall than the previous year, and an Ice Rink entertaining almost 1,000 skaters over the week leading to Christmas. Working with the NHS the BID has installed 3 new defibrillators in the town centre and businesses are being trained to use them. A comprehensive visitor survey has been undertaken providing a health check against a survey conducted in 2020. The results show that the net promoter score i.e. customers willingness to recommend Burnley to others, has increased; there is a very loyal local catchment with 92% of visitors having a Burnley postcode; 57% of visitors were on retail visits and 30% visiting for leisure; 56% of respondents visited Burnley town centre at least once per week compared to 41% in 20 The BID has continued to fund Participation Works to visit the town centre one night per week monitoring youth ASB.</p> <p>Pioneer Place Work on site has progressed to programme. The steel works are completed; the cinema is fully clad and internal work is at an advanced stage; the restaurant units are constructed ready for cladding; external areas have been prepared ready for surfacing and landscaping.</p> <p>Charter Walk The Christmas period this year started off slowly with extreme temperatures affecting shopping patterns of customers, with week 49 and 50's footfall dropping lower than 2021 for only the second time in 2022. This reflects the national picture with retailer's reporting poor trading in the first two weeks of December but footfall and trading rallied in the week prior to Christmas with Primark reporting their busiest week since opening. Stores reported strong boxing day footfall and sales. January footfall has been affected by extreme weather conditions, a trend which is reflected nationally.</p>

Throughout this period Charter Walk management ran a range of initiatives to entertain shoppers including a Busk Factor Competition, Schools carol singing, the Grinch, Street Theatre a Santa Band and grotto over two weekends to add atmosphere to the Centre and gain online engagement.

Burnley Market

Burnley market continues to offer a trading place for traders with incentivised rents for new products. Footfall increased to 21207 the week prior to Christmas making an average of 16706 weekly visits during the last quarter. This is down by 8% on the same quarter in 2021, but is reflective of the town centre. Utilisation remains at 57%

The markets continue to run a range of specialist markets including a bi-monthly Record Fair, and a 3 Makers, Bakers and Crafters Markets.

A range of festive events aimed at young families and live music were held on the market in the run up to Christmas which helped to drive footfall.

Lower St. James Street Heritage Action Zone

A ribbon cutting ceremony took place at Delta Taxis 143 Lower St James Street to unveil its fresh new look. This is the first completed project within the HSHAZ Scheme and will demonstrate to other property owners what the funding can provide and hopefully be a catalyst for other investment in the conservation area. A press release has been issued.

Renovation works to 160 St Lower James Street have started on site. This work involves, reinstatement of a traditional shop front and bay windows, and works to repair architectural features. This project is due for completion Spring 23.

Works to 156/158 Lower St James Street have been tendered and relevant approvals are being sought from Historic England and the property owners. A further 3 properties are at design stages.

The Cultural Consortium have been delivering a variety of exhibitions and events in the Pop-up Shop at 117 St James Street, including a book launch of Stacey Orr's Saturday Girl about town Project. A promotional video of the book launch and how important culture is in the area was produced. This reached over 1,000 people.

Padiham Town Centre

The Padiham Town Centre officer continues to engage with local businesses and promote Padiham Town Centre as well as local events.

A promotional Christmas video and highlight video were produced, featuring local businesses advertising special offers to attract customers. Reaching a total of 8,445 people on Facebook.

The Padiham Christmas Light Switch 26/11/22, featured a live stage show, firework finale and other free attractions that

	<p>increased footfall and brought 4,014 visitors to Padiham town centre according to footfall monitoring.</p> <p>The Padiham.org.uk website continues to be updated and views grow each month with 2,488 new visitor views in the past 30 days between Dec 10 – Jan 8.</p> <p>Padiham Flood Risk Management Scheme</p> <p>Construction work on the flood defences to the rear of Padiham Town Hall continues with completion expected in Spring this year. The Environment Agency continue to finalise designs for Phase 2 to the rear on Benwood Close to commence in May. Further details are on the flood hub Padiham Flood Risk Management Scheme The Flood Hub</p> <p>Padiham Townscape Heritage Initiative</p> <p>The Padiham Townscape Heritage Initiative has brought £1.4m investment from the Heritage Lottery regenerating what was a rundown part of the town centre. The programme will run until Sept 2023.</p> <p>Works to the former National School building are nearing completion with elements of the shopfront still being built-up on site. The first floor apartments at 33-35 Burnley Rd are completed ready for tenants. Works are underway to complete the ground floor shop units.</p> <p>There are a further two projects in the pipeline including 12-14 Burnley Rd and 25-27 Burnley Rd.</p>
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Strategic commitment	Progress update
<p>PR4- We will implement the Local Plan, delivering new housing, employment sites, and infrastructure.</p>	<p>Annual Monitoring Report</p> <p>The 2021/2022 annual Authority Monitoring Report (AMR) was completed and published in December 2022. This is an important report in assessing the performance of the Local Plan and its policies as well as providing a wealth of wider statistical information.</p> <p>Burnley-AMR-2021-22-Final.pdf</p> <p>Allocated Housing Sites:</p> <p><i>Sites Under Construction:</i></p> <p>Build-out continues at site HS1/1 Former Hambledon School site (Valour Park, McDermott Homes - nearly 90% reserved or sold), site HS1/3 Former Blythe’s Site (Canal Walk, Gleeson - c 80% reserved or sold), site HS1/8 Red Lees Road (The Calders, Miller Homes - over 46% reserved or sold) and site</p>

	<p>HS1/26 Land adj 250 Brownside Road, Worsthorne (Millers Green, Boyes Homes - 5 properties reserved or sold).</p> <p>Construction is also now underway on part of site HS1/4 Land at Rossendale Road (Barratt Homes). Early marketing has begun, with a full launch expected in Spring 2023 (Brun Lea Heights).</p> <p><i>Applications and Approvals:</i></p> <p>The application for site HS1/2 Hollins Cross Farm for the erection of 200 dwellings is to be considered at Development Control Committee on 18 January 2023 (FUL/2022/0149).</p> <p>An application for part of site HS1/15 (Coronation Avenue/Thompson Street, Padiham) for 19 affordable dwellings (FUL/2022/0514) has been withdrawn.</p> <p>A full planning application has been received for Site HS1/12 Former Heckenhurst Reservoir, Brownside for the erection of 37 dwellings (FUL/2022/0629).</p> <p>Outline planning permission has now been issued for site HS1/20 Lodge Mill, Barden Lane (OUT/2021/0443) for up to 73 dwellings following the signing of the Section 106 Agreement and similar full planning permission at site HS1/30 Land West of Smithyfield Avenue, Brownside for 38 age-restricted specialist bungalows (FUL/2021/0274).</p> <p>Employment Sites:</p> <p>The full planning application for part of site EMP1/1 Rossendale Road (North) is to be considered at Development Control Committee on 18 January 2023 (FUL/2022/0259). The site boundary differs from the outline consent granted under (OUT/2019/0625).</p> <p>A number of application for reserved matters, discharge of conditions and amendments have been received in respect of site EMP1/5 Land South of Network 65 following the outline approval in September 2022 (OUT/2020/0366).</p>
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Strategic commitment	Progress update
PR5- We will support UCLan's expansion, transforming Burnley into a University Town	Newtown Mill Work has commenced on site including the erection of scaffold, extensive excavation of the surrounding site, strip out and foundations for the new steel frame.
PR6- We will delivery our COVID-19 economic recovery plan.	Employment & Skills Partnership It has been agreed that the scope of the Thrive partnership should move beyond its initial focus of supporting young people, to now include other priority groups. These are:- the Over 50s, Black and Minority Communities and Women (labour market

returners), aligning with local priority needs, as well as the funding from UKSPF.

Unemployment rates generally across the borough, for all age groups, remains static at 5.6 % in the period to November 2022 compared to a static Lancashire rate of 4%in the same period.

Youth Employment and Skills Hub (Thrive)

Thrive had a case load of 209 young people up to the end of December 2022. Several people had taken up volunteering posts at organisations such as the British Heart Foundation, Meadow Farm Animal Sanctuary and the Football Soccer Academy.

1 person had been able to return to college to start a level 3 qualification and generally been able to get their life back on track, after a period of anxiety following Covid.

14 people had recently taken up employment positions.

UK Shared Prosperity Fund

On 5th December 2022 DLUHC announced that Burnley Council's Investment Plan, which outlined how the Council would utilise the allocated £3.488 million pounds of UKSPF funding, was approved. Year 1 funds totalling £443,313.00 - were received into Council accounts in early January 2023.

Approved year 1 business cases so far are:-

- Burnley Community Grant Scheme – applications to be made to BPRCVS by community groups for grants of between £5,000 and £20,000 for projects around improving place, accessibility, healthier lives, green spaces, sports, culture, arts, heritage, green spaces. A total of just under £50,000 is available to apply for to March 2023.
- Burnley Youth Zone – £100,000 contribution towards the feasibility study
- Greenspaces –£45,000 for improvement works to refurbish 3 play areas
- Calico - £135,000, to lead a project in partnership with 7 delivery partners from Burnley's existing employment & skills group. The project provides support to those classed as “economically inactive” - neither employed or unemployed and the most dis-engaged or with complex barriers.

