



# Extraordinary Meeting of the Burnley Borough Council

To be held at 6.30 pm on  
Thursday, 30th July, 2020





Sir or Madam,

Notice is given of a MEETING of the COUNCIL of the BOROUGH OF BURNLEY to be held by video-conference on

**DATE: Thursday, 30th July, 2020**

**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 meetings are currently being held remotely. Members of the public wishing to address the meeting should submit their request in the usual way, and will then be invited either to join the meeting by video conference or to make a submission in writing which will be shared with the Committee.**

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

## **A G E N D A**

1. Minutes of the Last Meeting 7 - 14  
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 His Worshipful the Mayor.
4. Public Question Time

To receive questions, statements or petitions (if any) from members of the public.

5. Notice of Motion - Human Rights violations against the LGBTIQ+ community in Poland

Human Rights violations against the LGBTIQ+ community in Poland

This Council notes:

- The Polish population of Burnley is at least 7401 as at March 2020.
- In the 1970s, Burnley was the UK's battleground for gay and lesbian rights, with two ground-breaking public struggles at either end of the decade. The first was a transformative public meeting held at Burnley Central Library in 1971. The meeting was about the right to open the first ever LGBT centre in old Co-Operative Society premises. The second was as a result of the political activism of Mary Winter, a bus driver sacked for nothing more than wearing a 'Lesbian Liberation' badge and unsupported by her trade union. She fought back against her employers in 1978 using a network of women's groups across the UK, and staging a demo outside the Burnley Bus Station. These links to LGBTIQ+ activism prompted two plays to be made in 2017.<sup>2</sup>
- Since 2019, 100 Polish Local Government areas, which cover about 1/3rd of Poland, have declared themselves "LGBT-free" zones and in passing such resolutions used aggressive, dehumanising and hate filled language against the LGBTIQ+ community.<sup>3</sup>
- Peaceful Pride marches have been met with violence from far-right groups.<sup>4</sup>

This Council believes:

- That, following re-election of President Duda who used anti-LGBTIQ+ rhetoric as his central campaign pledge, that the Human Rights of the Polish LGBTIQ+ community will be further threatened.<sup>5</sup>
- Hate and violence against the LGBTIQ+ community is unacceptable in all forms and should be called out and addressed.

Therefore, this Council agrees:

- To send a letter to the Burnley MP, the Prime Minister of the UK Government and the President of the European Commission to call on them to do whatever they can to speak out against this injustice and support whatever international sanctions are necessary to ensure that the Polish Government recognises that it must uphold the Human Rights of the LGBTIQ+ community to the fullest extent.

6. Items for Decision by the Council

a) Appointment of Head of Finance and Property (Section 151 Officer) 15 - 18

To seek approval of the recommendation from the Appointments Committee regarding the appointment of the Head of Finance and Property (Section 151 Officer).

b) Pavement Licences 19 - 20

To outline the new Pavement Licence regime and set a fee for the Pavement Licence application and grant the necessary delegations to officers to enable the

licences to be issued and make the necessary amendments to the Council's Constitution.

7. 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).

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## FULL COUNCIL

### BURNLEY TOWN HALL

Wednesday, 15th July, 2020 at 6.30 pm

The meeting was a remote meeting held in accordance with the regulations under Section 78 of the Coronavirus Act 2020.

#### PRESENT

#### MEMBERS

Councillors W Khan (Chair), M Townsend (Vice-Chair), A Anwar, H Baker, G Birtwistle, C Briggs, B Brindle, P Campbell, F Cant, T Commis, I Emo, D Ferrier, A Fewings, B Foster, P Gill, S Graham, S Hall, J Harbour, A Hosker, S Hussain, M Ishtiaq, M Johnstone, A Kelly, T Kennedy, A Khan, L Khan, S Khan, G Lishman, M Lishman, S Lone, T Martin, P McCann, L Mehanna, N Mottershead, A Newhouse, L Pate, E Payne, M Payne, A Raja, D Roper, A Royle, J Sumner, A Tatchell and C Towneley

#### OFFICERS

Mick Cartledge	Chief Executive
Lukman Patel	Chief Operating Officer
Catherine Waudby	Head of Legal and Democratic Services
Chris Gay	Governance Manager
Imelda Grady	Democracy Officer
Alison McEwan	Democracy Officer
Christine Wood	Democracy Officer

#### 13. Minutes of the Last Meeting

##### IT WAS AGREED

The Minutes of the meeting of the Council held on the 27<sup>th</sup> May 2020 were agreed as an accurate record.

#### 14. Public Question Time

Samina Ali and the Bishop of Burnley, Right Reverend Philip North addressed the Council under the Request to Speak Policy on the annexation of the occupied West Bank.

#### 15. Notice of Motion - Annexation of part of the occupied West Bank

It was moved by Councillor Bea Foster and seconded by Councillor Shah Hussain that;

Residents in Burnley, including those in the interfaith community are very concerned about what is happening in the Holy Land. This issue has been debated regularly by the Building Bridges in Burnley Forum. As a town we need to continue to work hard on the relationship between all sections of the community, and the situation in Palestine is of direct relevance to building community cohesion in Burnley.

It is proposed that the Council resolve to send a letter to our local MP to ask him to represent these concerns over the plans of the new Israeli coalition 2020.

The annexation is a breach of international Law, which rejects any acquisition of territory through force and would be a major threat to peace and the 2 state solution, which is the official Government policy for all who live in Israel/Palestine. As a Council, we call on the MP and the Government to speak out against this injustice and support whatever international sanctions are necessary to stop this illegal annexation taking place, which against numerous UN resolutions.

In accordance with Council Procedure Rule 16.4 a recorded vote was taken.

On being put to the vote the motion was declared to be carried and it was RESOLVED accordingly.

<b>Annexation of Part of the Occupied West Bank (Resolution)</b>	
Councillor Wajid Khan	For
Councillor Mark Townsend	For
Councillor Afrasiab Anwar	For
Councillor Howard Baker	For
Councillor Gordon Birtwistle	For
Councillor Charlie Briggs	For
Councillor Bill Brindle	For
Councillor Paul Campbell	For
Councillor Frank Cant	For
Councillor Tom Commis	Against
Councillor Ivor Emo	For
Councillor Dale Ferrier	For
Councillor Andy Fewings	For
Councillor Beatrice Foster	For
Councillor Peter Gill	Abstain
Councillor Sue Graham	For
Councillor Sarah Hall	For
Councillor John Harbour	For
Councillor Alan Hosker	For
Councillor Shah Hussain	For
Councillor Mohammed Ishtiaq	For
Councillor Marcus Johnstone	For
Councillor Anne Kelly	For
Councillor Tracy Kennedy	For
Councillor Arif Khan	For
Councillor Lubna Khan	For
Councillor Shbana Khan	For
Councillor Gordon Lishman	For

Councillor Margaret Lishman	For
Councillor Sehrish Lone	For
Councillor Tony Martin	For
Councillor Peter McCann	For
Councillor Lorraine Mehanna	For
Councillor Neil Mottershead	For
Councillor Andrew Newhouse	For
Councillor Lian Pate	For
Councillor Emma Payne	For
Councillor Mark Payne	For
Councillor Asif Raja	For
Councillor David Roper	For
Councillor Ann Royle	For
Councillor Jeff Sumner	For
Councillor Andrew Tatchell	For
Councillor Cosima Towneley	Abstain
<b>The motion was carried</b>	

## **16. Tackling homelessness and providing a night shelter for rough sleepers within the Borough of Burnley**

Consideration was given to the Executive's response to a motion on Tackling Homelessness and Providing a Night Shelter for Rough Sleepers in the Borough of Burnley which had been referred to the Executive because if carried it would have the effect of materially increasing the expenditure or reduce the revenue of the Council or involve capital expenditure.

(Full Council Minute 67 refers)

The matter was an Executive function and the Executive's decision was

That the Executive

1. Approves the implementation of the temporary housing scheme A Bed Every Night as set out in the report; and
2. Approves the use of £45,000, identified through the budget amendment approved at Full Council on 26<sup>th</sup> February 2020, as a contribution to fund the scheme; and
3. Reports to Full Council that the proposals in the report is more sustainable than a night shelter and will strengthen the Council's capacity to tackle rough sleeping; and
4. Reports to Full Council that a draft Prevention of Homelessness and Rough Sleeping Strategy has been prepared and that a consultation process would be undertaken soon.

### **RESOLVED**

That the decision of the Executive be noted.

## **17. Lancashire Combined Authority**

Consideration was given to whether the Council should work with other Lancashire Councils to explore a Lancashire Combined Authority with a directly elected Mayor.

It was moved by Councillor Charlie Briggs and seconded by Councillor Margaret Lishman that

1. That Full Council approves that the Council should work with other Lancashire Councils to explore a Lancashire Combined Authority with a directly elected Mayor; and
2. If Full Council supports 1. above a report be brought back to a future Full Council for further consideration on the results of the work and any associated options.

An amendment was moved by Councillor Mark Townsend and seconded by Councillor Lian Pate (amendment shown in bold and underlined) as follows;

**2a. Council notes the previous decision of the Council in December 2015 on a Combined Authority without an elected Mayor and no requirement to acknowledge that local government functions may need to be simplified.**

**2b.** That Council approves that, **after the Governments English Devolution White Paper has been published,** the Council should work, with **all 14** other Lancashire Councils to explore a Lancashire Combined Authority with a directly elected Mayor, **with limited powers as agreed by Lancashire Leaders at their meeting on June 10th, 2020.**

**2c.** If full Council supports 2b. a report would be brought to a future Full Council for further consideration on the results of the work and any associated options.

**2d. That Council rejects any form of local government reorganisation, or simplification, as a condition for the establishment of a Lancashire Combined Authority.**

### **Adjournment of meeting**

The mayor adjourned the meeting at 7.48 pm

### **The meeting reconvened at 8.03 pm**

On being put to the vote the amendment was declared to be carried

An amendment to 2 (b) of the substantive motion was moved by Councillor Andy Fewings and seconded by Councillor Sarah Hall (amendments shown in bold and underlined)

**2b.** That Council approves that, after the Governments English Devolution White Paper has been published, the Council should work, with all 14 other Lancashire Councils to explore a Lancashire Combined Authority with **all governance options on the table, including without an elected mayor, at the outset of these new discussions.**

On being put to the vote the amendment was declared to be LOST

On being put to the vote the substantive motion was declared to be CARRIED and it was

## RESOLVED

1. The Full Council approves that the Council should work with other Lancashire Councils to explore a Lancashire Combined Authority with a directly elected Mayor;
2. (a) Council notes the previous decision of the Council in December 2015 on a Combined Authority without an elected Mayor and no requirement to acknowledge that local government functions may need to be simplified.  
  
(b) That Council approves that, after the Governments English Devolution White Paper has been published, the Council should work, with all 14 other Lancashire Councils to explore a Lancashire Combined Authority with a directly elected Mayor, with limited powers as agreed by Lancashire Leaders at their meeting on June 10th, 2020.  
  
(c) A report be brought to a future Full Council for further consideration on the results of the work and any associated options: and  
  
(d) That Council rejects any form of local government reorganisation, or simplification, as a condition for the establishment of a Lancashire Combined Authority.

### 18. Coronavirus Potential Budget Implications

Further to Minute 12 of the Executive 7<sup>th</sup> July 2020 consideration was given to the potential financial impact on the 2020/21 revenue budget following the Coronavirus pandemic.

## RESOLVED

1. That the current forecast financial impact of Covid-19 as shown be noted, and the financial impact be modified and updated regularly to inform action plans to deal with the loss of income and increased expenditure;
2. That Officers continue to work on a number of options to mitigate potential financial impact and bring forward options for decisions as appropriate. It be noted that a review of some service provision may be necessary if additional Central Government funding is not forthcoming;
3. That the Council, along with other District Councils and industry groups continue to lobby Central Government for additional funding; and
4. It was recognised that additional funding has been received from Central Government following publication of the agenda/report.

### Duration of the Meeting

In accordance with Council procedure rule 13 (i) Members considered a motion without notice to continue the meeting beyond three hours in duration until the business was concluded and it was RESOLVED accordingly

## 19. Constitutional Updates

Consideration was given to the constitutional updates and Council delegations made since the last meeting.

### RESOLVED

1. That the minor amendment to Part 2 of the Constitution increasing the number of officers authorised to seal documents be noted;
2. That the Urgent Delegated (Council/Executive Function) decisions be noted relating to;
  - Local Authority Discretionary Business Grant Scheme
  - Local Authority Discretionary Business Grant Scheme Amendment
  - Environmental Health (Compliance Officer) – Streetscene
3. That the call-in waiver be noted for Urgent Executive Decisions relating to;
  - Local Authority Discretionary Business Grant Scheme
  - Local Authority Discretionary Business Grant Scheme Amendment
  - Environmental Health (Compliance) Officer – Streetscene
  - Burnley Market Recovery Plan

## 20. Appointments to Committees and Outside Bodies

Consideration was given to appointments to the Audit and Standards Committee and to the outside body of Lancashire County Council (LCC) Health Scrutiny Committee.

### RESOLVED

1. That Councillor Margaret Lishman be appointed to the Audit and Standards Committee for the remainder of the 2020/21 municipal year to replace Councillor Howard Baker; and
2. That Councillor Lian Pate be appointed as Lead member on the LCC Health Scrutiny Committee to replace Councillor Tracy Kennedy and Councillor Tracy Kennedy be the substitute member.

## 21. Reports of Committee Chairs

**RESOLVED** That the reports of the Chairs of Scrutiny, Audit and Standards, Development Control and Licensing be noted.

## 22. Strategic Plan Progress Reports

**RESOLVED** That the Strategic Plan Progress Reports of Executive Members be noted.



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## Appointment of Section 151 Officer

### REPORT TO FULL COUNCIL



<b>DATE</b>	<b>30/07/2020</b>
<b>PORTFOLIO</b>	<b>Leader</b>
<b>REPORT AUTHOR</b>	<b>Vicky White, Strategic HR Manager</b>
<b>TEL NO</b>	<b>01282 477124</b>
<b>EMAIL</b>	<b>vwhite@burnley.gov.uk</b>

#### PURPOSE

1. To seek approval of the recommendation from the Appointments Committee regarding the appointment of the Head of Finance and Property (Section 151 Officer) following the recruitment and selection process undertaken.

#### RECOMMENDATION

2. That the Council be asked to:
  - (i) Approve the appointment of Howard Hamilton-Smith to the position of Head of Finance and Property and Section 151 Officer as recommended by the Appointments Committee, such appointment to be remunerated in accordance with the Council's approved salary level of £61,515 per annum.
  - (ii) That delegated authority be given to the Leader in conjunction with the Chief Operating Officer to finalise the arrangements and agree the start date for the Head of Finance and Property.

#### REASONS FOR RECOMMENDATION

3. The reasons for the recommendations outlined within this report are as follows:
  - (i) To ensure the Council complies with the requirements of part 5.12 of the Council's Constitution.
  - (ii) To ensure the Council complies with Section 151 of the Local Government Act 1972 which requires every Council to "make arrangements for the proper administration of their Finance affairs and shall secure that one of their Officers has responsibility for the administration of those affairs"

<b>SUMMARY OF KEY POINTS</b>
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4. The post of Head of Finance and Property was advertised externally through relevant media. A total of 7 applications were received for the position and the Appointments Committee agreed on 3<sup>rd</sup> July 2020 that 3 should be longlisted for the financial technical assessment which formed the first stage of the recruitment and selection process on 9<sup>th</sup> July 2020.
5. Two candidates undertook the financial technical assessment (1 candidate withdrew from the process) and the Appointments Committee received feedback from the assessment at a meeting on 10<sup>th</sup> July 2020 and agreed that both candidates be shortlisted to progress to interview.
6. Interviews were held on 17<sup>th</sup> July 2020 and candidates were interviewed by the Appointments Committee. Each candidate was also required to give a presentation on a relevant topic prior to their interview. The Committee were supported by the Strategic HR Manager.
7. Following the conclusion of the interview process the Appointments Committee considered the candidates and it was agreed that Howard Hamilton-Smith should be recommended for appointment on the agreed salary of £61,515.
8. The Section 151 role is categorised under the Local Government Act 2000 as a non-executive function and the Chief Finance Officer is designated as a "Statutory Chief Officer". This means that his/her appointment is the responsibility of the Council. The Council has designated the Head of Finance and Property as the Chief Finance Officer.

<b>FINANCIAL IMPLICATIONS AND BUDGET PROVISION</b>
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9. The salary applicable to this position is within the budgeted salary range and therefore there are no additional financial implications.

<b>POLICY IMPLICATIONS</b>
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10. Under the Council's Constitution (Part 5.12 – Protocol for the Section 151 Officer) the full Council will approve the appointment of the Chief Finance Officer (who the Council has designated as the Head of Finance and Property) following the recommendation of the appointment by the Appointments Committee.

<b>DETAILS OF CONSULTATION</b>
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11. Executive Members and Group Leaders have been provided with the opportunity to raise any objection to the proposed appointment.

**BACKGROUND PAPERS**

**FURTHER INFORMATION**

**PLEASE CONTACT:**

**Vicky White, Strategic HR Manager,  
Tel 01282 477124**

**ALSO:**

**Lukman Patel, Chief Operating Officer,  
Tel 01282 477140**

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ITEM NO	
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## REPORT TO FULL COUNCIL

 <p><b>Burnley</b> gov.uk</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;"><b>DATE</b></td> <td><b>30th July 2020</b></td> </tr> <tr> <td><b>PORTFOLIO</b></td> <td><b>Leader</b></td> </tr> <tr> <td><b>REPORT AUTHOR</b></td> <td><b>Catherine Waudby</b></td> </tr> <tr> <td><b>TEL NO</b></td> <td><b>7198</b></td> </tr> <tr> <td><b>EMAIL</b></td> <td><b>Cwardby@burnley.gov.uk</b></td> </tr> </table>	<b>DATE</b>	<b>30th July 2020</b>	<b>PORTFOLIO</b>	<b>Leader</b>	<b>REPORT AUTHOR</b>	<b>Catherine Waudby</b>	<b>TEL NO</b>	<b>7198</b>	<b>EMAIL</b>	<b>Cwardby@burnley.gov.uk</b>
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<b>TEL NO</b>	<b>7198</b>										
<b>EMAIL</b>	<b>Cwardby@burnley.gov.uk</b>										

## PAVEMENT LICENCES

### PURPOSE

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|----|--|
| 1. | To outline the new Pavement Licence regime which has been introduced in the Business and Planning Bill 2020; to set a fee for the Pavement Licence application and to seek approvals to grant the necessary delegations to officers to enable the Licences to be issued and make the necessary amendments to the Council's constitution. |
|----|--|

### RECOMMENDATION

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|----|---|
| 2. | <p>The Council is asked to approve:</p> <ul style="list-style-type: none"> <li>(1) the Pavement Licence Application fee being set at £25</li> <li>(2) the Head of Streetscene or in her absence the Strategic Head of Economy and Growth power under the Business and Planning Act 2020 to;               <ul style="list-style-type: none"> <li>(a). Issue guidance for Pavement Licences</li> <li>(b). Set conditions (both standard and bespoke conditions) to be attached to Pavement Licences.</li> <li>(c) Grant in whole, or in part any application for a Pavement Licence (with or without conditions) or to refuse any application for a Licence.</li> <li>(d) Revoke a Pavement Licence</li> <li>(e) Issue notices to remedy any breaches of a Pavement Licence</li> </ul> </li> </ul> |
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### REASONS FOR RECOMMENDATION

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|----|---|
| 3. | This legislation was fast tracked through Parliament and is expected to become law on or before 30th July 2020. The Council needs to be ready to process applications for Pavement Licences from traders as soon as possible. |
|----|---|

### SUMMARY OF KEY POINTS

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|----|--|
| 4. | One of the measures introduced by the Business and Planning Bill 2020 is the pavement licence. A pavement licence will allow businesses selling food and drink, such as cafes, pubs and restaurants to place temporary furniture such as tables and chairs on the pavement outside their premises.   |
| 5. | The reason behind the initiative is to provide a temporary measure to support businesses selling food and drink and in particular to mitigate the impact of social distancing guidelines on their capacity to accommodate customers. Use of outdoor spaces is also seen as a positive way to reduce the transmission and spread of COVID-19. |

6.	The pavement licence will be administered by the same authority that is responsible for the functions of the Licensing Act 2003 in their area. In Burnley, responsibility for issuing pavement licences will be Burnley Council. This contrasts with Highway permits which are decided by Lancashire County Council.
7.	<p>The pavement licence will avoid the need for the trader to apply for three separate permissions under three separate regimes; a highway permit under the Highways Act 1980; planning permission under the Town and Country Planning Act 1990 and a street trading licence or consent under the Local Government (Miscellaneous Provisions) Act 1982.</p> <p>8.. Licences can be granted for any period that is not less than 3 months and that does not extend beyond 30<sup>th</sup> September 2021.</p> <p>9. There is a requirement for public consultation prior to the application for a licence being determined. There is also a requirement to consult with Lancashire County Council as the highway authority.</p> <p>10. The Council is entitled to charge a fee for the licence application, the maximum being £100. It is proposed to set the fee at £25 which is considered a reasonable fee and is unlikely to deter applications.</p> <p>11. The Council will need to have a process in place to consider applications for pavement licences. This includes devising guidelines, setting conditions to be attached to the licence and identifying an officer within the Council who has the power to determine the application, whether this is to grant the licence (with or without conditions) or to refuse the licence. Powers are also needed to revoke the licence or issue a notice requiring any breaches of the licence to be remedied.</p> <p>12. It is proposed that the Head of Streetscene is given the powers set out in the recommendation with the powers also exercisable by the Strategic Head of Economy and Growth in her absence.</p> <p>13. There is no statutory right of appeal against the refusal of a licence. Given the Pavement Licence regime is only intended as a temporary measure, it is not proposed to introduce an internal review mechanism.</p>

**FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

14. None arising directly from this report.

**POLICY IMPLICATIONS**

15. As set out in the report.

**DETAILS OF CONSULTATION**

16. Chief Operating Officer, Head of Finance and Property  
Head of Streetscene  
Strategic Head of Economy and Growth