



Extraordinary Meeting of the Burnley Borough Council

To be held at 6.30 pm on
Wednesday, 30th September, 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: Wednesday, 30th September, 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. In Memory

To hold a time of remembrance for former colleague and Councillor Tom Porter.

2. Minutes of the Last Meeting

5 - 10

To receive, as read, the Minutes of the proceedings of the previous Council meeting, and to confirm them or otherwise.

3. Declarations of Interest

To receive any declarations of interest.

4. Public Question Time

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

5. Items for Decision by the Council

- a) Election of the Leader of the Council and Appointment by the Leader of the Deputy Leader and the Executive 11 - 28

To elect the Leader of the Council and to note the appointments by the Leader of the Deputy Leader and the Executive.

- b) Constitutional Updates and Appointments to Committees 29 - 40

To consider constitutional updates, and inform Members of call-in waivers which related to Urgent Executive Decisions. To consider vacancies including those arising from the appointment of a new Leader of the Council and Executive.

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>



EXTRAORDINARY FULL COUNCIL

BURNLEY TOWN HALL

Thursday, 30th July, 2020 at 6.30 pm

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

PRESENT

MEMBERS

His Worshipful the Mayor Councillor Wajid Khan ;

Councillors 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, S Graham, S Hall, J Harbour, 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, A Tatchell and C Towneley

OFFICERS

Lukman Patel	Chief Operating Officer
Catherine Waudby	Head of Legal and Democratic Services
Chris Gay	Governance Manager
Imelda Grady	Democracy Officer
Christine Wood	Democracy Officer
Mark Hindman	Graphic Designer

22. Minutes of the Last Meeting

IT WAS AGREED

The Minutes of the meeting of the Council held on the 15th July 2020 were agreed as an accurate record.

23. Declarations of Interest

Councillor Andy Fewings declared an interest in item 6 (b) of the agenda in respect of Pavement Licences and requested that he be given a dispensation due to his limited interest in the matter.

The Chief Operating Officer, in consultation with the Chair of the Audit and Standards Committee, granted the dispensation and allowed Councillor Fewings to speak and vote on this matter.

24. Notice of Motion - Human Rights violations against the LGBTIQA+ community in Poland

It was moved by Councillor Andy Fewings and seconded by Councillor Lian Pate that:

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 LGBTIQA+ activism prompted two plays to be made in 2017.²
- 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 LGBTIQA+ community.³
- Peaceful Pride marches have been met with violence from far-right groups.⁴

This Council believes:

- That, following re-election of President Duda who used anti-LGBTIQA+ rhetoric as his central campaign pledge, that the Human Rights of the Polish LGBTIQA+ community will be further threatened.⁵
- Hate and violence against the LGBTIQA+ 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 LGBTIQA+ community to the fullest extent.

¹ As of March 2020 740 Polish Nationals had registered for settled status under the EU settlement scheme

² <https://lancslgbt.org.uk/2017/01/31/burnley-lgbt-plays/>

³ <https://www.theguardian.com/world/2020/jul/16/dutch-city-ends-ties-with-polish-twin-declared-gay-free-zone-nieuwegein-pulawy>

⁴ <https://www.dailymail.co.uk/news/article-7269879/Police-detain-25-people-far-right-attacks-LGBT-activists-Bialystok-Poland-Pride.html>

⁵ <https://metro.co.uk/2020/07/13/polands-anti-lgbt-president-course-second-term-knife-edge-vote-12982198/>

In accordance with Council Procedure Rules 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.

Human Rights violations against the LGBTIQA+ community in Poland (Motion)	
Councillor Wajid Khan	For
Councillor Mark Townsend	For
Councillor Afrasiab Anwar	For
Councillor Howard Baker	Against
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 Sue Graham	For
Councillor Sarah Hall	For
Councillor John Harbour	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 Andrew Tatchell	For
Councillor Cosima Towneley	Abstain
The Motion was Carried	

25. Suspension of Council Procedure Rule 11 Motions on Notice

In accordance with Council Procedure Rue 13 (m) to suspend a particular council procedure rule, Council Procedure Rule 11 Motions on Notice was suspended to allow the following motion to be taken.

26. Notice of Motion - Local Government Reorganisation

It was moved by Councillor Mark Townsend and seconded by Councillor Lian Pate;

This Council is alarmed that the ruling Conservative Group at Lancashire County Council are pursuing a policy of scrapping all 15 Lancashire Councils, including Burnley, and replacing them with 3 Unitary Councils. This completely ignores the policy of this Council to wait until Government provides clarity on future devolution options before detailed consideration of the matter, the need for consensus across Lancashire and the rejection of any reorganisation as a pre-condition for the setting up of a Lancashire Combined Authority.

This Council resolves to :

- a. Write to all Lancashire County Councillors calling for them to support the policies of this Council and vote against any proposals that may come forward at LCC for local government reorganisation prior to publication of the Governments English Devolution White Paper.
- b. Write to Burnley's MP requesting his views on local government reorganisation and calling for his support in Parliament to oppose any Government proposals that come forward that would result in the scrapping of Burnley Council as a pre-condition for a Lancashire Combined Authority and devolution.
- c. Call on the Council Leader to write to the Leader of Lancashire County Council informing him that this Council has lost confidence in his chairmanship of the Lancashire Leaders meeting and his position as spokesperson for Lancashire Councils on Combined Authority and devolution matters.
- d. Call an extraordinary meeting of this Council to discuss the matter further immediately on the Council becoming aware of Lancashire County Council receiving a Government invitation to submit a proposal for local government reorganisation in Lancashire.

An amendment moved by Councillor Margaret Lishman and seconded by Councillor Cosima Towneley to add as point €.

“That this Council develops its own proposals around a suitable potential reorganisation in the area in conjunction with the development of a Combined Authority “ Following further discussions and the potential for the amendment to have financial implications, the mover and seconder withdrew the amendment .

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

That this Council :

a. Write to all Lancashire County Councillors calling for them to support the policies of this Council and vote against any proposals that may come forward at LCC for local government reorganisation prior to publication of the Governments English Devolution White Paper.

b. Write to Burnley's MP requesting his views on local government reorganisation and calling for his support in Parliament to oppose any Government proposals that come forward that would result in the scrapping of Burnley Council as a pre-condition for a Lancashire Combined Authority and devolution.

c. Call on the Council Leader to write to the Leader of Lancashire County Council informing him that this Council has lost confidence in his chairmanship of the Lancashire Leaders meeting and his position as spokesperson for Lancashire Councils on Combined Authority and devolution matters.

d. Call an extraordinary meeting of this Council to discuss the matter further immediately on the Council becoming aware of Lancashire County Council receiving a Government invitation to submit a proposal for local government reorganisation in Lancashire.

27. Appointment of Head of Finance and Property (Section 151 Officer)

Consideration was given to 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.

RESOLVED

1. That approval be given to 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.
2. 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.
3. That the thanks of the Council be extended to outgoing Head of Finance and Property Asad Mushtaq for his services to the Council over the past years and he be wished the very best in his new position.

28. Pavement Licences

Consideration was given to the new Pavement Licence regime which had 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.

An amendment to the motion was moved by Councillor Mark Townsend and seconded by Councillor Lian Pate to

Replace recommendation 1) with

'The Pavement Licence Application fee will be free of charge.'

Add recommendation 3)

'Licences will prohibit the use of outside heaters.'

On being put to the vote the amendment was carried

A further amendment to the substantive motion was moved by Councillor Andy Fewings and seconded by Councillor Sarah Hall

to replace recommendation 1 with "The Pavement Licence Application fee will be £25 unless the applicant is in receipt of Small Business Rates Relief, Discretionary Business Rates Relief or Mandatory (Charitable) Relief in which case it will be free of charge."

On being put to the vote the amendment was carried and it was **RESOLVED**

1. The Pavement Licence Application fee will be £25 unless the applicant is in receipt of Small Business Rates Relief, Discretionary Business Rates Relief or Mandatory (Charitable) Relief in which case it will be free of charge.
2. The Head of Streetscene or in her absence the Strategic Head of Economy and Growth be given power under the Business and Planning Act 2020 to;
 - a. Issue guidance for Pavement Licences
 - b. Set conditions (both standard and bespoke conditions) to be attached to Pavement Licences
 - 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
 - d. Revoke a Pavement Licence
 - e. Issue notices to remedy any breaches of a Pavement Licence.
3. Licences will prohibit the use of outside heaters

Election of Leader of the Council and appointment of Deputy Leader and Executive

REPORT TO FULL COUNCIL



DATE	30/09/2020
PORTFOLIO	None
REPORT AUTHOR	Alison McEwan
TEL NO	01282 477259
EMAIL	amcewan@burnley.gov.uk

PURPOSE

1. Following the resignation of the Leader of the Council, to consider the election of a new Leader of the Council and note the new Leader’s appointment of Deputy Leader and the Executive, in accordance with the Constitution and legislative arrangements.

RECOMMENDATION

2. The Council is asked to:
 - (1) Elect the Leader of the Council for 4 years up to the date of the next Appointments Council after the end of the 4 year term, in accordance with the Constitution and legislative requirements in relation to the arrangements for Leader of the Council; and
 - (2) Note the Leader’s appointment of the Deputy Leader and the Executive as set out in Appendix 2 (to be circulated at the meeting) and, if relevant, detailed remits of the Executive portfolios (Appendix 3 – A copy of the current detailed portfolios is attached as Appendix 3. Should there be any changes these will be circulated as appropriate) as set out in Paragraph 8(ii).

REASONS FOR RECOMMENDATION

3. To enable the Council to appoint the Leader and note the Leader’s appointment of the Deputy Leader and the Executive according to the Council’s constitution and legislative requirements.

SUMMARY OF KEY POINTS

4. Due to legislative changes the Council now has the ability to determine the period for which a Leader may be appointed, and on 20th May 2015 Council determined that the appointment will be for a period of 4 years up to the date of the Appointments Council following the end of the 4 year term (see Appendix 1 -Article 7.03 of the constitution).
5. Cllr Charlie Briggs was elected Leader of the Council on 29th May 2019. Cllr Briggs

resigned from his position as Leader of the Council on 18th September 2020, bringing to an end his term of office as paragraph 7.03 (a) of Part 2 (Articles) of the Council's Constitution (Appendix 1)

The Council Procedure Rules state that following the end of the Leader's term of office then the Council will elect a new Leader as soon as is reasonably practicable, and that the Leader will then appoint between 2 and 9 members to the Executive one of whom will be appointed by the Leader to act as Deputy Leader.

This will occur at an Extraordinary Council meeting on 30th September 2020.

Populated Appendix 2 detailing the Executive Members will be circulated at the Council meeting following the election of the Leader.

Appendix 3 detailing the current detailed remits of Executive Portfolios is attached.

6. Part 4.4 paragraph 1.2 of the Constitution further sets out the rules to be followed regarding the appointment of the Executive and delegations by the Leader.

"Appointments and delegation by Leader;

(a) At the Appointments Meeting of the Council, the Leader will present to the Council the names of the Members appointed to the Executive by the Leader (including the Executive Member who is appointed as the Deputy Leader) and their Portfolios.

(b) Either at the Appointments Council Meeting or as soon as practicable afterwards, the Leader will present to the Head of Legal and Democratic Services a written record of;

(i) the detailed remits of the Portfolios of the Executive Members

(ii) any delegations made by the Leader in respect of the discharge of the Council's executive functions." i.e. Part 3 of the constitution.

Part 2 Article 7.04 of the constitution further sets out practical arrangements for the appointment of the Deputy Leader and Executive Members, as follows;

"The Leader will appoint one of the Members of the Executive to act as Deputy Leader. The Leader must give written notice of such appointment to both the person who he/she is appointing as Deputy Leader and the Head of Legal and Democratic Services.

The appointment of the Deputy Leader will take effect on receipt of the Leader's written notice by both the person who the Leader is appointing as Deputy Leader and the Head of Chief Executive's Office.

The Head of Legal and Democratic Services will keep a written record of the appointment of the Deputy Leader, and the Leader will report the appointment to Council and the Executive at the earliest opportunity"

7. It is anticipated that a Group Leaders meeting will have taken place in advance of the Extraordinary meeting on 30th September.

8. Issues arising

- (a) As referred to in paragraph 6 above once a Leader is elected by the Council the Leader must give notice in writing to the Deputy Leader and Executive Members of their appointments – this should take place immediately before Council is informed of their appointments.

It is proposed;

- (i) That at the Council meeting, once the Leader has been elected, the Leader circulates the letters of appointment to the Deputy Leader and the Executive Members to give effect to their appointments, and that the Council are then informed of the appointments by circulation of a finalised version of Appendix 2
- (ii) That a written record of the detailed remits of the Executive portfolios be presented either at the Appointments Council (Appendix 3) or to the Head of Legal and Democratic Services as soon as practicable after the Appointments Council.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

9. None

POLICY IMPLICATIONS

10. None

DETAILS OF CONSULTATION

11. Management Team.
Group Leaders

BACKGROUND PAPERS

12. None

FURTHER INFORMATION

PLEASE CONTACT: Catherine Waudby

ALSO:

7.03 **Leader**

The Leader will be a Member elected to the position of leader by the Council. The Leader's term of office will end on the day when the Council holds its first Appointment Council Meeting after the Leader's normal day of retirement as a Member, unless:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a Member; or
- (d) he/she is removed by resolution of Council provided that no such resolution may be moved unless a Notice of Motion is delivered to the Head of Legal and Democratic Services not later than 7 days before the meeting at which it is to be debated, and signed by one third of the Members (for the time being) of the Council (which will also meet signing requirements in Part 4.1 Council Procedure Rule 15 Previous Decisions and Motions), and that this particular Motion be exempt from Council Procedure Rule 22 relating to waiving of Standing Orders

Deputy Leader and Executive Members
Cc Head of Legal and Democratic Services

Our Ref ED
Your ref Executive 20/2119
Date 30th Sept 2020

Dear Councillor,

Appointment by Leader of Deputy Leader and Executive Members

I, Councillor xx, as Leader of Burnley Borough Council, appoint you as Deputy Leader and as Executive Members for the relevant Portfolios, as set out below;

Deputy Leader and Executive Member for xx	
Executive Member for xx	
Executive Member for xx	
Executive Member for xx	

Yours Sincerely

Cllr XX

Leader of the Council

CONFIRMATION OF THE EXECUTIVE 2020/21

APPOINTED BY THE LEADER on 30th SEPTEMBER

COUNCILLOR	PORTFOLIO
	Leader
	Deputy Leader (plus Portfolio from below)

	Resources & Performance
	Economy & Growth
	Community & Environmental Services
	Housing & Leisure

Executive Member Portfolios 2019/20

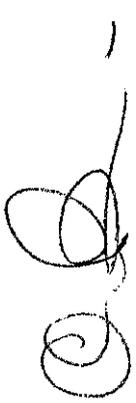
Portfolio	Services	Officer	Responsibilities	Lead Roles
<p>Leader Councillor Charlie Briggs</p>	<p>Policy & Engagement</p>	<p>Chief Executive Head of Policy and Engagement</p>	<p>Ensure effective leadership of Council as a whole, that work is co-ordinated, resources are linked to agreed strategic priorities and the culture is responsive, open and helpful Determining the Council's strategic framework -- Strategic Plan and ensuring this is translated into action Community Strategy Strategic direction of local, sub-regional and regional partnerships Civics - Civic matters/mayoral matters, Parish liaison overseas links, corporate hospitality Promoting inclusive growth and social inclusion within the borough</p>	<p>Promotion of Burnley Community Strategy/Strategic regional/sub-regional agenda Education and skills lead UCLan lead Local Government Association Barnfield and Burnley Development Company PLACE</p>

Portfolio	Services	Officer	Responsibilities	Lead Roles
Executive Member for Housing and Leisure	Housing and Development Control	Chief Operating Officer	Planning and Building Control	Sustainability Member Champion
Councillor Ivor Emo	Green Spaces and Amenities Leisure and Culture	Head of Housing and Development Control	All aspects of Housing Cemeteries and Crematoria Parks, open spaces and allotments Towneley Hall Leisure and Culture	Heritage Member Champion Pennine Lancashire Building Control Joint Committee
		Head of Green Spaces and Amenities		Housing Associations in the Borough Private Rented Sector Forum Housing Joint Venture Partnership Leisure Trust

Portfolio	Services	Officer	Responsibilities	Lead Roles
<p>Executive Member for Economy and Growth</p> <p>Councillor Gordon Birtwistle</p>	<p>Economy and Growth</p>	<p>Chief Executive</p> <p>Strategic Head of Economy and Growth</p>	<p>Develop, promote and co-ordinate Regeneration work in Burnley</p> <p>All aspects of Economic Development</p> <p>Transport/Connectivity</p> <p>Local Development Framework</p> <p>Town Centre Strategy/Management</p> <p>Markets</p>	<p>Economic Development</p> <p>Transport Policy</p> <p>Town Centre</p> <p>Partnership and Management</p> <p>Local Plan</p> <p>Business Engagement</p> <p>Weavers Triangle</p>

Portfolio	Services	Officer	Responsibilities	Lead Roles
Deputy Leader and Executive Member for Resources and Performance Management	People and Development Legal and Democracy Finance and Property	Chief Operating Officer Head of Finance and Property	Budget Preparation and Monitoring Asset management HR and Workforce planning Performance and Improvement Procurement Corporate health and safety	Financial Planning and budget preparation Budget Consultation Risk management
Cllr Margaret Lishman	Revenues & Benefits	Head of People and Development Head of Legal and Democratic Services	Corporate Governance Freedom of Information Customer Services & IT	Organisation Development Performance Liberata Partnership

Portfolio	Services	Officer	Responsibilities	Lead Roles
Executive Member for Community and Environmental Services	Streetscene Environmental Health and Licensing	Chief Operating Officer Head of Streetscene	All Streetscene issues Waste Collection/Recycling Community Safety Emergency Planning Engagement and Communication	Equality and Inclusion Lancashire Police and Crime Panel (Liaison)
Councillor Cosima Towneley		Head of Policy and Engagement	Equalities Young People Health Environmental Health and Licensing	County Waste Management Group Engagement Strategy Public transport issues Armed Services/Military Covenant Champion Older People Burnley & Pendle Children's Partnership East Lancashire Health and Wellbeing Partnership Environmental Enforcement Partnership

Leader of the Council:  (Signed)

Date: 20/6/19

REPORT TO FULL COUNCIL



DATE	30/09/2020
PORTFOLIO	
REPORT AUTHOR	Alison McEwan
TEL NO	01282 477259
EMAIL	amcewan@burnley.gov.uk

PURPOSE

1. To make changes to committee appointments by the Conservative group.
2. To appoint to all vacancies that arise from the decision of Council to appoint a new Leader of the Council and the subsequent appointments by the Leader of the Executive Portfolio Holders.
3. To note the additions to delegations to the Head of Streetscene and to the Strategic Head of Economy & Growth to deal with Pavement Licenses; and an additional delegation to the Strategic Head of Economy & Growth to deal with student accommodation.
4. To note the Urgent Delegated (Council Function) decision(s) made by the Chief Executive regarding:
 - Environmental Health (Compliance) Officer Streetscene
5. To inform Members of call-in waivers for Urgent (Executive Function) Decision(s) relating to:
 - Crematorium Repairs
 - Discretionary Business Grant Amendment 2
 - Environmental Health (Compliance) Officer Streetscene

RECOMMENDATION

6. That Council is asked to:
 - i. Approve the changes to Committee and Working Group places submitted by the Conservative Group as listed below:
 - a. Cllr Andrew Newhouse be appointed to Scrutiny Committee in place of Cllr Peter Gill.
 - b. Cllr Peter Gill be appointed to DC Committee in place of Cllr Ivor Emo.

- c. Cllr Andrew Newhouse be appointed to Member Structures and Support Working Group in place of Cllr Cosima Towneley.
- ii. Make appointments to all consequential vacancies that arise from the appointment of a new Leader of the Council and Executive.
- iii. Note the additions to the delegations of the Head of Streetscene and to the Strategic Head of Economy and Growth relating to the granting of pavement licenses and to the Strategic Head of Economy & Growth regarding student accommodation.
- iv. Note Urgent Delegated (Council Function) decision by the Chief Executive relating to the appointment of a temporary Environmental Health Officer.
- v. Note that call-in was waived for Urgent Executive Decisions relating to Crematorium Repairs, Discretionary Business Grant amendment 2 and appointment of a temporary Environmental Health Officer position.

REASONS FOR RECOMMENDATION

- 7. Comply with legislation and to ensure the Council continues to have an effective decision making structures.
- 8. To ensure that the Council continues to be properly represented in all forums.
- 9. To ensure that the requirements of the constitution are upheld, and that maximum transparency is maintained.

SUMMARY OF KEY POINTS

10. Appointments to vacancies

- i. The Conservative Group has requested to make changes to its committee membership within its existing allocation of committee places.
- ii. A number of appointments are qualified within the Council's Constitution and or legislation. As a consequence of the appointment of a new Leader the Council will have to consider whether changes are required to any of these. These qualifications include:
 - a. A specific Executive Portfolio Holder must hold the position.
 - b. The Leader may nominate any Executive Portfolio Holder to the position.
 - c. The position may not be held by an Executive Member.

11. Delegations to Head of Streetscene and Strategic Head of Economy & Growth

- i. Following a decision by Full Council (30.07.2020), the Head of Streetscene was granted a delegation to grant pavement licenses.
- ii. The Strategic Head of Economy & Growth was given delegated powers to grant pavement licenses in the absence of the Head of Streetscene.
- iii. On 15th September the Leader of the Council approved a delegation to the Strategic Head of Economy and Growth to allow them to manage student accommodation.

12. Urgent Decisions (Council Functions)

An urgent decision (Council Functions) was taken by the Chief Executive on 8th September to appoint a part-time, temporary Environmental Health Officer to support Track & Trace.

13. Executive Decisions - Waiver of call-in

- i. Part 4.5 of the constitution requires that a waiver to call-in be reported at Full Council. The Chair of Scrutiny waived call-in regarding the following decisions:
 - 1. Crematorium Repairs – To replace equipment at the Crematorium to ensure the service fully operational prior to the winter peak.
 - 2. Discretionary Business Grant amendment (2) – To approve and implement revised eligibility criteria following updated guidance from Government.
 - 3. Temporary Environmental Health Officer post – To approve a temporary post to support Track & Trace.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

14. None.

POLICY IMPLICATIONS

15. None

DETAILS OF CONSULTATION

16. Member Structures Officer and Working Groups.

17. Group Leaders

BACKGROUND PAPERS

FURTHER INFORMATION

PLEASE CONTACT:

Alison McEwan Ex. 7259

ALSO: Catherine Waudby Ex. 7198

To: Executive Member for Economy & Growth, Chief Executive, Chief Operating Officer,
Strategic Head of Economy & Growth, Head of Legal & Democratic Services

Amendment to Part 3 Scheme of Delegation (Executive Functions)

I give notice that on 15th September 2020, I approved the following recommendation.

That I approve changes to Part 3 (Executive) of the Council's Constitution, i.e. the Scheme of Delegation below for the Strategic Head of Economy & Growth by adding in the following delegation:

'The management of the Council's Student Accommodation at Sandygate which shall include (without limitation) the letting of rooms to students.'

DATED 15.09.2020

SIGNED:



Leader – Councillor Charles Briggs

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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URGENT DECISION BY THE CHIEF EXECUTIVE

BURNLEY TOWN HALL

PRESENT

OFFICERS Alison McEwan - Democracy Officer

5.	Establishment of Environmental Health (Compliance) Officer - Streetscene
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Purpose

To seek approval to establish a temporary Environmental Health (Compliance) Officer for a maximum of 6 months within the Streetscene unit, using the Chief Executive urgency powers under Part 3 of the Constitution (Council/Executive Functions).

Reason For Decision

The introduction of the local contact tracing system places additional pressures on existing staff within the Environmental Health team. The team is working with Public Health authorities to manage local COVID-19 outbreaks and regulate guidance within covid secure businesses. Demand for services is high and increasing. The Council must secure the resource quickly in order to ensure it is able to meet demand and keep communities safe.

Decision

That the Chief Executive in exercise of his urgency powers under Part 3 of the Constitution (Council/Executive Functions):

- Approve the establishment of a post of Environmental Health (Compliance) Officer (20 hours per week), Grade 10/11, for a maximum of 6 months.
- Waive recruitment and selection procedures in the interests of urgency/expediency to allow the appointment of a fully competent EHO to be appointed immediately.

The decision is urgent in order to be able to meet the Government requirement and is therefore not subject to call-in in accordance with Part 4.5 of the constitution.

Decision made by: Chief Executive

