



BURNLEY BOROUGH COUNCIL FULL COUNCIL

BURNLEY TOWN HALL

Wednesday, 10th July, 2019

PRESENT

MEMBERS

Her Worshipful The Mayor (Councillor Anne Kelly) in the Chair;

Councillors W Khan (Vice-Chair), A Anwar, H Baker, G Birtwistle, C Briggs, B Brindle, P Campbell, F Cant, S Chaudhary, 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, 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, C Towneley and M Townsend

OFFICERS

Mick Cartledge	– Chief Executive
Lukman Patel	– Chief Operating Officer
Asad Mushtaq	– Head of Finance and Property
Joanne Swift	– Head of Streetscene
Catherine Waudby	– Head of Legal and Democratic Services
Eric Dickinson	– Democracy Officer
David Bristow	– Mayor's Officer

1 Minutes of the Last Meeting on 29th May, 2019

IT WAS AGREED

The Minutes of the meeting of the Council held on the 29th May 2019 were confirmed and signed by the Chair.

2 Declarations of Interest

Councillor Bea Foster declared an Other (Prejudicial) interest in Item 8 on the agenda regarding Strategic Progress Reports on Hargher Clough Community Centre.

Councillor Andy Fewings declared a Disclosable Pecuniary Interest (DPI) in Item 8 on the agenda regarding Strategic Progress Reports on Lower St James Street.

Councillor Andy Tatchell declared a DPI in Item 11 on the agenda regarding an Urgent Decision by the Chief Executive.

IT WAS AGREED

That regarding DPIs or an Other Prejudicial interest which any Member may have in Item 8 , those Members would not need to leave the room during Item 8 but they would not be able to take part in any discussion about that particular interest.

3 Mayor's Communications

The Mayor, on behalf of the Council, was presented with a gift from the Council Leader, Councillor Charlie Briggs, which was a picture by the artist Lloyd George Higgins of Clock Tower Mill, to say "Thank You " for his year as Mayor of Burnley.

4 Public Question Time

John Rowe addressed the Council under the Request to Speak Policy on Wood Top School.

Matthew Isherwood addressed the Council under the Request to Speak Policy on Recycling.

5 Notice of Motion-Boo Hoo

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

This Council calls on Boo Hoo, Burnley's largest private sector employer, to respond positively to the recommendation of the parliamentary Environmental Audit Committee report into fashion industry sustainability that they 'engage with USDAW as a priority and recognise unions for its workers'

An amendment was moved by Councillor Andy Fewings and seconded by Councillor Cosima Towneley that;

“The council calls on all businesses operating in the Borough to respond positively to the parliamentary Environmental Audit Committee’s report “Fixing Fashion: clothing consumption and sustainability” and ensure that their employees are given full and accurate information about their Trade Union rights as workers, including their rights to join a Union and to decide which union to join.

This Council calls on Boo Hoo, Burnley's largest private sector employer, to respond positively to the recommendation of the parliamentary Environmental Audit Committee’s report into fashion industry sustainability that they recognise unions for its workers as apriority”.

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

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

6 Notice Of Motion- Glyphosate Free Burnley

It was moved by Councillor Andy Fewings and seconded by Councillor Sarah Hall that;

This Council notes that:

- there has been a 60% increase in the use of pesticides and herbicides, such as glyphosate, in the UK since 1990 [1];
- Italy, Portugal and the Canadian city of Vancouver have all banned use of glyphosate (or glyphosate-based weed killers) and France has banned the use of all non-agricultural pesticides as of January 2019;
- Monsanto and German owner Bayer face 12,000 lawsuits in the US from those that believe their illnesses are caused by their products. The first plaintiff won unanimously with many more to follow [2]. Australia has very recently seen its first lawsuit too [3];
- recent studies published in ScienceDirect show a 41% increased risk of Non-Hodgkin Lymphoma caused by exposure from glyphosate-based weed killers and products [4];

this Council believes:

- there is compelling evidence that glyphosate and a wide range of other herbicides and pesticides may be harmful to human health;
- the use of pesticides, herbicides and weed killers reduces biodiversity, impacting negatively on insects, birds and bees at a time when the world is losing 2.5% of its insect population per year [5];
- harmful weed killer residues can creep into the food chain [6]; and
- pets and children should not be playing in parks treated with such chemicals.

this Council resolves to:

- phase out the use of all pesticides, herbicides and weed killers on Council owned or maintained land;

- cut out all use of glyphosate-based treatments in all council operations within one year, except in parks and children's play areas where treatments will cease immediately;
- trial pesticide-free and herbicide-free alternatives during this period. Particularly those adopted by the likes of Hammersmith and Fulham, Lewes and Trafford Councils who use biodegradable foam or hot steam treatments on weeds. To be decided by Executive;
- grant an exception to the above ban regarding the control of Japanese knotweed, or other invasive species, where necessary and whilst there is no effective mechanical or alternative pesticide-free or herbicide-free techniques available. However, in this case pesticides and herbicides (such as glyphosate) will only be stem-injected, rather than sprayed, in order to reduce its spread in the environment;
- grant an exception on sprays only in relation to giant hogweed where it is absolutely necessary and not safe to be dug out or safely removed by other means and whilst there is no effective mechanical or alternative pesticide-free or herbicide-free techniques available;
- write to the Leader of Lancashire County Council to inform it of this Council's decision and to call on it to implement a ban on the same terms; and
- write to the Prime Minister to inform the Government of this Council's opposition to glyphosate-based herbicides and to call for a UK-wide programme to phase out its use.

In accordance with Council Procedure Rule 12- Motions on Expenditure- as this item would have the effect of materially increasing the expenditure of the Council, the motion was REFERRED to the Executive to consider and report back to a future meeting of the Full Council.

7 Notice of Motion- Declare a Climate Emergency

It was moved by Councillor Andy Fewings and seconded by Councillor Sue Graham that;

Full Council notes:

1 Humans have already caused irreversible climate change, the impacts of which are being felt around the world. Global temperatures have already increased by 1 degree Celsius from pre-industrial levels. Atmospheric CO₂ levels are above 400 parts per million (ppm). This far exceeds the 350ppm deemed to be a safe level for humanity;

- 2 In order to reduce the chance of runaway Global Warming and limit the effects of Climate Breakdown, it is imperative that we as a species reduce our CO₂eq (carbon equivalent) emissions from their current 6.5 tonnes per person per year to less than 2 tonnes as soon as possible;¹
- 3 Individuals cannot be expected to make this reduction on their own. Society needs to change its laws, taxation, infrastructure, etc., to make low carbon living easier and the new norm;
- 4 Carbon emissions result from both production and consumption;
- 5 Unfortunately, our current plans and actions are not enough. The world is on track to overshoot the Paris Agreement's 1.5°C limit before 2050;^{2, 3}
- 6 The IPCC's Special Report on Global Warming of 1.5°C, published last month, describes the enormous harm that a 2°C rise is likely to cause compared to a 1.5°C rise, and told us that limiting Global Warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities³;
- 7 The UK Government declared a Climate Change Emergency on the 1st May 2019 and Councils around the world are responding by declaring a 'Climate Emergency' and committing resources to address this emergency.⁴ At least 43 Councils have already declared a Climate Change Emergency.

Full Council believes that:

- 1 All governments (national, regional and local) have a duty to limit the negative impacts of Climate Breakdown, and local governments that recognise this should not wait for their national governments to change their policies. It is important for the residents of Burnley and the UK that towns and cities commit to carbon neutrality as quickly as possible;
- 2 Urban areas are uniquely placed to lead the world in reducing carbon emissions, as they are in many ways easier to decarbonise than rural areas – for example because of their capacity for heat networks and mass transit;
- 3 The consequences of global temperature rising above 1.5°C are so severe that preventing this from happening must be humanity's number one priority; and
- 4 Bold climate action can deliver economic benefits in terms of new jobs, economic savings and market opportunities (as well as improved well-being for people worldwide).

Full Council calls on Burnley Borough Council to:

- 1 Declare a 'Climate Emergency';
- 2 Call on the Executive to establish a cross-party 'Climate Change Working Group' (one member from each group) whose remit is to provide recommendations to the Executive, in light of the Climate Emergency, to make the Borough of Burnley carbon neutral by 2030, taking into account both production and consumption emissions (scope 1, 2 and 3)⁵;
- 3 Call on Lancashire County Council and Westminster to provide the powers and resources to make the 2030 target possible;
- 4 Call on the Executive to report to Full Council within six months with the actions the Council will take to address this emergency and detailed reasons with supporting evidence (from within existing resources and expertise without incurring third party expenditure) for the refusal of any recommendation(s) made by the Climate Change Working Group.

References:

- 1 Fossil CO₂ & GHG emissions of all world countries, 2017: <http://edgar.jrc.ec.europa.eu/overview.php?v=CO2andGHG1970-2016&dst=GHGpc>
- 2 World Resources Institute: <https://www.wri.org/blog/2018/10/8-things-you-need-know-about-ipcc-15-c-report>
- 3 The IPCC's Special Report on Global Warming of 1.5°C: <https://www.ipcc.ch/report/sr15/>
- 4 UK government: <https://www.bbc.co.uk/news/uk-politics-48126677> , Bristol, Calderdale, Lancaster, Trafford and other councils: <https://inews.co.uk/news/environment/climate-emergency-declaration-councils-green-party-un-report/> and overseas in US cities Berkeley: <https://www.theclimatemobilization.org/blog/2018/6/13/berkeley-unanimously-declares-climate-emergency> and Hoboken: <https://www.theclimatemobilization.org/blog/2018/4/25/hoboken-resolves-to-mobilize>, and the C40 cities: <https://www.c40.org/other/deadline-2020>
- 5 Scope 1, 2 and 3 of the Greenhouse Gas Protocol explained: <https://www.carbontrust.com/resources/faqs/services/scope-3-indirect-carbon-emissions>

An alteration was moved by Councillor Andy Fewings, that;

"There is an error in the motion that refers to last "month" where it should instead read "year" (point 6 of the notes)

To insert the words "The working group's first task will be to establish rules for and propose a citizen's assembly for climate change action so that the public can provide feedback to the working group in future so that they can take that into consideration when making recommendations to the Executive".

(add to point 2 of "Full council calls...")

In accordance with Council Procedure Rule 14.7, the meeting's consent was signified without further discussion, and the new substantive motion was then considered that;

Full Council notes:

- 1 Humans have already caused irreversible climate change, the impacts of which are being felt around the world. Global temperatures have already increased by 1 degree Celsius from pre-industrial levels. Atmospheric CO₂ levels are above 400 parts per million (ppm). This far exceeds the 350ppm deemed to be a safe level for humanity;
- 2 In order to reduce the chance of runaway Global Warming and limit the effects of Climate Breakdown, it is imperative that we as a species reduce our CO₂eq (carbon equivalent) emissions from their current 6.5 tonnes per person per year to less than 2 tonnes as soon as possible;¹
- 3 Individuals cannot be expected to make this reduction on their own. Society needs to change its laws, taxation, infrastructure, etc., to make low carbon living easier and the new norm;
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- 6 The IPCC's Special Report on Global Warming of 1.5°C, published last year, describes the enormous harm that a 2°C rise is likely to cause compared to a 1.5°C rise, and told us that limiting Global Warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities³;
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- 2 Urban areas are uniquely placed to lead the world in reducing carbon emissions, as they are in many ways easier to decarbonise than rural areas – for example because of their capacity for heat networks and mass transit;
- 3 The consequences of global temperature rising above 1.5°C are so severe that preventing this from happening must be humanity's number one priority; and
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Full Council calls on Burnley Borough Council to:

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The working group's first task will be to establish rules for and propose a citizen's assembly for climate change action so that the public can provide feedback to the working group in future so that they can take that into consideration when making recommendations to the Executive".

- 3 Call on Lancashire County Council and Westminster to provide the powers and resources to make the 2030 target possible;
- 4 Call on the Executive to report to Full Council within six months with the actions the Council will take to address this emergency and detailed reasons with supporting evidence (from within existing resources and expertise without incurring third party expenditure) for the refusal of any recommendation(s) made by the Climate Change Working Group.

References:

- 1 Fossil CO₂ & GHG emissions of all world countries, 2017: <http://edgar.jrc.ec.europa.eu/overview.php?v=CO2andGHG1970-2016&dst=GHGpc>
- 2 World Resources Institute: <https://www.wri.org/blog/2018/10/8-things-you-need-know-about-ipcc-15-c-report>
- 3 The IPCC's Special Report on Global Warming of 1.5°C: <https://www.ipcc.ch/report/sr15/>
- 4 UK government: <https://www.bbc.co.uk/news/uk-politics-48126677> , Bristol, Calderdale, Lancaster, Trafford and other councils: <https://inews.co.uk/news/environment/climate-emergency-declaration-councils-green-party-un-report/> and overseas in US cities Berkeley:

<https://www.theclimatemobilization.org/blog/2018/6/13/berkeley-unanimously-declares-climate-emergency> and Hoboken: <https://www.theclimatemobilization.org/blog/2018/4/25/hoboken-resolves-to-mobilize>, and the C40 cities: <https://www.c40.org/other/deadline-2020>

5 Scope 1, 2 and 3 of the Greenhouse Gas Protocol explained: <https://www.carbontrust.com/resources/faqs/services/scope-3-indirect-carbon-emissions>

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

8 Notice of Motion-Remembering Srebrenica

It was moved by Councillor Lian Pate and seconded by Councillor Paul Campbell that the Notice of Motion submitted below be withdrawn, in accordance with Council Procedure Rule 13 (f);

This Council:

- Notes that 2019 is the 24th anniversary of the Srebrenica genocide in Bosnia and Herzegovina, which saw over 8,000 Muslim men and boys killed by Serbian nationalist forces.
- Applauds the work of those involved in the pursuit of justice for the victims and their surviving relatives, including the International Commission of Missing People (ICMP) and the Mothers of Srebrenica, whose courage and humility in the face of unthinkable horror is an inspiration to us all.
- Commends the work of the charity, Remembering Srebrenica, in raising awareness of this tragic and preventable genocide and working in communities across Britain to help them learn the lessons of Srebrenica.

The Council resolves to:

- Mark the 25th anniversary in July 2020 with a commemorative gathering as part of the Remembering Srebrenica Memorial Week.

- Support the work of Remembering Srebrenica in communities across Burnley to learn the lessons from Srebrenica, to tackle hatred and intolerance to help build a better, safer and more cohesive society for everyone.

- Support the work of schools and education providers to bring the lessons of Srebrenica to young people across Burnley.

On being put to the vote the motion to withdraw was declared to be carried, and the motion was WITHDRAWN accordingly.

9 Recycling

With reference to Minute 5 of the Executive (18th June 2019) consideration was given to a recommendation on the budget aspect of recycling collections, moved by Councillor Cosima Towneley and seconded by Councillor Charlie Briggs;

That it be recommended to Full Council to add a capital budget of £720k for the procurement of wheeled bins and paper and card collection equipment in the 2019/20 capital budget

An amendment was moved by Councillor Mark Townsend and seconded, as follows;

That it be recommended to Full Council to add a capital budget of £720k for the procurement of wheeled bins and paper and card collection equipment in the 2019/20 capital budget; and any revenue savings are ring fenced for a) 50% for Streetscene for recycling and/or street cleanliness initiatives; and b) 50% into a Climate Change Emergency reserve to support future expenditure that may be required for local initiatives to meet carbon reduction targets. If at a future date the reserve is found not to be required the reserve and future savings to be allocated to Streetscene for the purposes identified at a).

On being put to the vote, the amendment was declared to be lost

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

10 Calendar of Meetings 2019/20

Consideration was given to an amended calendar of meetings for 2019/20.

IT WAS AGREED

That an amended Calendar of meetings for 2019/20 be approved based on the Annual and Appointments Council meeting taking place on 27th May 2020, as in Appendix 1.

11 Appointments to Committees and Outside Bodies

Consideration was given to the completion of and changes to appointments to Committees and Outside Bodies for the remainder of the 2019/20 Municipal Year, as a consequence of and since the Appointments Council on 29 May 2019.

An amendment was moved by Councillor Mark Townsend and seconded by Councillor John Harbour to delete the references to “Green” and “UKIP” from the definition of the Opposition in recommendation (f) of the report.

On being put to the vote, the amendment was declared to be lost.

IT WAS AGREED

That the following appointments be made for the remainder of the 2019/20 Municipal Year-;

- (1) Councillor Peter McCann as a Lib Dem Member on the Scrutiny Committee to replace Cllr Margaret Lishman;
- (2) Councillor Ivor Emo to replace Councillor Cosima Towneley on Development Control Committee as the relevant Executive Member (for Housing and Leisure);
- (3) Councillor Mark Payne, and Cllrs Emma Payne and Neil Mottershead as Substitute Members, from the Burnley and Padiham Independent Group (BPIP) representing the Ruling Group (LD/BPIP/CON) on the Lancashire Police and Crime Panel (LPCP);
- (4) Councillor Cosima Towneley as the relevant Executive Member (for Community and Environmental Services) , and Cllr Ann Royle as a Member from the largest Opposition Group (LAB), on the Parking and Traffic Regulations Outside London (PATROL) Adjudication Joint Committee;
- (5) Councillor Cosima Towneley as the Any Executive Member on Burnley and Pendle Childrens Partnership(BPCP);
- (6) Councillor Lian Pate as the nominee from LAB to be the Experienced Opposition Member (LAB/Green/UKIP/IND) on Burnley and Pendle Citizens Advice Bureau (BPCAB);
- (7) Councillor Gordon Birtwistle as the Any Executive Member on North West Employers Local Authorities Organisation (NWLAE0) as Substitute(Cllr M Lishman has already been appointed as the Primary Member);
- (8) Councillor Ivor Emo as the Any Executive Member on Stocks Massey Bequest (up to May 2020) (Cllr Towneley has already been appointed as an LCC Member);
- (9) Councillor Lian Pate and Councillor Mark Townsend as Labour Members to replace Councillor Bill Brindle and Councillor Tony Martin on the Scrutiny Committee;
- (10) That the qualified appointments to Growth Lancashire be amended , so that the Public Sector Director is changed from Leader to Executive Member for Economy and Growth, and that the Alternate Director (currently Executive

Member for Economy and Growth) be removed from the OB list. Therefore that Councillor Gordon Birtwistle replaces Cllr Charlie Briggs as the Public Sector Director, as the only Council's only representative.

12 Constitutional Updates

Members considered amended Executive Member Portfolios, various amendments to the constitution relating to Part 2, 4.9, and 5.11, amendments to the delegations of the Head of Housing and Development Control, and that Call in was waived regarding an Executive decision on Capital Works to the Town Hall Roof.

IT WAS AGREED

- (1) That an amended Part 3 (Executive Functions) Scheme of Delegation as made by the Leader relating to detailed Executive Member Portfolios be noted, as set out in Appendix 1;
- (2) That Full Council be recommended to approve amendments to the constitution relating to Part 2 Article 16.03 (Appendix 2), Part 4.9 (Appendix 3), and Part 5.11 (Appendix 4);
- (3) That amendments to Part 3 (Executive Functions) Scheme of Delegation made by the Leader to the delegations of the Head of Housing and Development Control, relating to the Housing and Planning Act 2016, be noted (Appendix 5); and
- (4) That it be noted that Call in was waived regarding a decision made by the 18th June 2019 Executive on Capital Works regarding the Town Hall Roof.

13 Duration of 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.

14 Revenue Budget Outturn 2018/19

With reference to Minute 18 of the Executive (2nd July 2019) consideration was given to the 2018/19 final revenue outturn position.

IT WAS AGREED

- (1) That the final position on the Council's revenue account for 2018/19 which shows a break even position be approved. This remains unchanged from the outturn position estimated during quarter 3 budget monitoring;
- (2) That the transfers to/from Earmarked Reserves totalling a net £0.468m addition to reserves be approved (see Appendix 2);and
- (3) That additional revenue budget carry forward requests from Heads of Service totalling £0.128m be approved (see Appendix 3).

15 Capital Budget Outturn 2018/19

With reference to Minute 19 of the Executive (2nd July 2019) consideration was given to the 2018/19 final capital outturn position.

IT WAS AGREED

- (1) That the final position on capital spending and financing of £6.422m for 2018/19 be approved as shown in Appendices 1 & 2, which equates to 81% of the final resources position; and
- (2) That the revised capital budget for 2019/20 totalling £19.625m be approved as outlined in Appendix 3, (including net carry forward of £1.401m).

16 Treasury Management Review 2018/19

With reference to Minute 20 of the Executive (2nd July 2019) consideration was given to treasury management activity during 2018/19.

IT WAS AGREED

That the annual treasury management activity for the year ended 31 March 2019 be noted..

17 Report from the Chair of Scrutiny Cycle 1 2019/20

IT WAS AGREED

That the Cycle 1 report of the Scrutiny Chair be noted.

18 Strategic Plan Progress Reports

IT WAS AGREED

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

19 Exclusion of the Public

RESOLVED

That the public be excluded from the meeting before discussion takes place on the following items of business relating to Minute 20 on the grounds that if the public were present there would be a disclosure to them of exempt information within the meaning of Part VA of the Local Government Act 1972 relating to the financial or business affairs of any particular person (including the authority holding that information).

20 Urgency Decision by the Chief Executive - Town Hall Roof

Councillor Andy Tatchell left the meeting and did not take part in the item.

With reference to Minute 14 of the Executive (18th June 2019) and Minute 1 of Urgent Delegated Decisions by the Chief Executive (Council Functions) (19th June 2019), consideration was given to the noting of the urgent delegated decision by the Chief Executive regarding capital works on the Town Hall roof.

IT WAS AGREED

That the Urgent Delegated Decisions by the Chief Executive (Council Functions) (19th June 2019) regarding capital works on the Town Hall roof be noted.

