



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