



BURNLEY BOROUGH COUNCIL FULL COUNCIL

MECHANICS THEATRE

Wednesday, 26th January, 2022

PRESENT

MEMBERS

His Worshipful The Mayor (Councillor Mark Townsend) in the Chair;

Councillors C Towneley (Vice-Chair), A Anwar, H Baker, G Birtwistle, C Briggs, F Cant, P Chamberlain, S Chaudhary, T Commis, S Cunliffe, I Emo, D Ferrier, A Fewings, B Foster, P Gill, S Graham, S Hall, J Harbour, A Hosker, M Hurt, S Hussain, J Inckle, K Ingham, M Ishtiaq, M Johnstone, A Kelly, A Khan, L Khan, W Khan, G Lishman, M Lishman, S Lone, L Mehanna, A Raja, A Royle, J Sumner, D Whitaker and A Wight

OFFICERS

Mick Cartledge	– Chief Executive
Lukman Patel	– Chief Operating Officer
Catherine Waudby	– Head of Legal and Democratic Services
Chris Gay	– Governance Manager
Alison McEwan	– Democracy Officer
David Bristow	– Mayor's Officer
Diane Whittle	– Administration Officer
Dexter Almond	– Kickstart Programme Placement
Paul Barlow	– Graphic Designer
Mark Hindman	– Graphic Designer

54 Minutes Silence

The Mayor asked members to join him in a minutes silence to remember former Councillor and MP for Burnley Peter Pike, who died recently.

Members paid tribute to him and passed on their condolences to his family.

55 Minutes of the Last Meeting

RESOLVED The Minutes of the meeting of the Council held on the 8th December 2021 were confirmed and signed by the Chair.

56 Declarations of Interest

Councillors Ishtiaq and Lone declared a personal and prejudicial interest in Item 6f, Selective Licensing. They left the room and took no part in the debate or vote on the matter.

Councillors Fewings, Hosker and Towneley declared a non-prejudicial other interest in Item 6h, A County Deal for Lancashire. They were able to take part in the debate and vote on the matter.

57 Motion Without Notice (Council Procedure Rule 13(c))

Cllr Anwar moved a Motion Without Notice under Council Procedure Rule 13(c) – to change the order of business on the agenda to hear related items consecutively.

On being put to the vote it was RESOLVED that Item 6(f) on the agenda, Selective Licensing be considered after Item 4 – Public Question Time.

58 Public Question Time

Cllrs Ishtiaq & Lone left the meeting.

Mr Geoffrey Berg addressed the meeting on Selective Licensing under the Public Right to Speak.

59 Selective Licensing Designation - Burnley Wood with Healey Wood and Leyland Road areas

With reference to Executive Minute 72 (19th January 2022) consideration was given to Selective Licensing.

It was RESOLVED that Council approve the financial implications detailed in this report and create a budget of £148,090 for 2022/23 which will be recovered through the fee income.

Cllrs Ishtiaq & Lone re-joined the meeting.

60 20mph Zones and limits in Burnley

It was moved by Cllr Martyn Hurt and seconded by Cllr Andy Fewings that,

“This Council notes:

- In 2010, work started to turn over 200 roads in Burnley and Padiham into 20mph limits¹ with the aim of reducing road casualties
- Lancashire Police adopted a self-policing approach to 20mph limits² despite ACPO⁷ guidance that states : “It is very important that the service doesn’t unintentionally give the impression that the police will not enforce the law”⁶ and Lancashire County Council information on 20mph limits states “The 20mph speed limits can and will be enforced in the same way that any other speed limit is. We are working closely with the police, and enforcement will take place in the same way it does on any other road.”⁸

- Lancashire County Council's own speed monitoring has shown speeds of up to 80mph on 20mph roads, with mean speeds remaining similar between 2010 when the limit was 30mph and 2014 when the limit was 20mph ³
- Since August 2016, no enforcement action has been taken against any driver by Lancashire Police for exceeding a 20mph limit within the borough of Burnley. ²
- Kent Police, a similar sized force to Lancashire, issued 11 Fixed Penalty Notices and 4 Summonses for exceeding a 20mph limit between December 2020 and December 2021. The Metropolitan Police have taken action against over 30,000 drivers for exceeding a 20mph limit in the same period, with over 38,000 additional offences currently ongoing ²
- ROSPA⁴ has estimated that every 1mph reduction in speed can reduce accidents by around 5%
- The chance of fatality after being hit by a vehicle being driven at 20mph is 1.5% compared to 8% at 30mph ⁵
- That the Police and Crime Commissioner for Lancashire, Andrew Snowden, has included Dangerous Driving in his Police and Crime Plan as a Priority for 2021-2025
- 20mph limits without traffic calming measures often do not produce the same level of speed reduction as 20mph limits with traffic calming measures⁴

This Council believes:

- That 20mph limits can, and should, have a positive impact on vehicle speeds, casualty rates and vehicle noise and emissions across the borough.
- That Lancashire Police should adopt an enforcement approach to 20mph limits.
- That driving at over 200%-350% of the speed limit in a 20mph limit is far more dangerous than driving at 20% above a 30mph limit, yet the latter will result in enforcement action, and that both should be treated at least equally.
- That speeding drivers should not have impunity in a 20mph zone, which is currently the case.
- That dangerous driving, including speeding, is often linked to other crimes such as driving without a licence or insurance, drug related crime, driving under the influence and more.⁹
- That education and warnings alone are not enough to curb the high level of dangerous driving within 20mph zones, that there has been a severe lack of both, and that a multi-agency approach is needed to tackle the issue of education and enforcement.
- That larger 20mph speed signs would provide a higher impact visual reminder of the speed limit.

This Council resolves:

- That the Chief Executive and Leader of the Council will write to the Chief Constable of Lancashire Police to ask that Lancashire Police start to enforce 20mph limits across the Borough in the same manner as they enforce other speed limits, and that they work with the Chief Constable towards this aim, and that a plan of action and timetable is brought before this council as soon as practical.
- That the Chief Executive and Leader of the Council will write to the Police and Crime Commissioner to ask for their support in the enforcement of 20mph limits, and to work alongside them to achieve this aim.
- That the Chief Executive and Leader of the Council will write to the Chief Constable for Lancashire, the Police and Crime Commissioner, the Lancashire Road Safety Partnership, Lancashire County Council in order to form a multi-agency group to tackle the problem of speeding, particularly in 20mph limits and to ensure that enforcement action is taken where necessary. Once formed, that group should consider whether any other agencies involved with enforcement of speed limits and the education of drivers should be invited to join.”

Cllr Don Whitaker moved and Cllr Ivor Emo seconded an amendment to the motion that:

“This Council notes:

Lancashire’s guidance on 20mph limits states “The 20mph speed limits can and will be enforced in the same way that any other speed limit is. The County Council are working closely with the police, and enforcement will take place in the same way it does on any other road.”

Between December 2020 and December 2021 no enforcement action has been taken against any driver by Lancashire Police for exceeding a 20mph limit in the borough of Burnley or elsewhere in Lancashire.

Kent Police, a similar sized force to Lancashire, issued 11 Fixed Penalty Notices and 4 Summonses for exceeding a 20mph limit between December 2020 and December 2021. The Metropolitan Police have taken action against over 30,000 drivers for exceeding a 20mph limit in the same period, with over 38,000 additional offences currently ongoing.

That Andrew Snowden, the Police and Crime Commissioner for Lancashire, has included Dangerous Driving in his Police and Crime Plan as a Priority for 2021-2025. As part of this plan, he has commenced a review of the Lancashire Road Safety Partnership and has already agreed with the Chief Constable that enforcement in 20mph zones is a requirement. There are a number of these zones in the Borough Lakeland Way, Station Road Padiham and Finsley Gate to name but a few.

This Council believes:

That education and warnings alone are not enough to curb the high level of dangerous driving within 20mph zones in our borough, although there has been a severe lack of both, and that a multi-agency approach is needed to tackle the issue of education and enforcement.

This Council resolves:

To participate fully in the review of the Lancashire Road Safety Partnership which will establish a clear set of guidelines to determine the enforcement in 20 mph zones in the Borough of Burnley.

That the Chief Executive and Leader of the Council will write to the Police and Crime Commissioner to note our support for his Police and Crime Plan and to ask him to keep Burnley Councillors informed on the progress of correcting the historical issues he faces.”

Adjournment of meeting

With the consent of Members the Mayor adjourned the meeting at 7.26pm

The meeting reconvened at 7.38pm

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

On being out to the vote the original motion was declared to be CARRIED and it was RESOLVED accordingly.

61 Fireworks

Cllr Alan Hosker moved and Cllr Karen Ingham seconded a motion that,

“Within the Burnley borough, in the days leading up to 5th November 2021, there were a number of disturbing anti- social and criminal activities, which involved the misuse of fireworks, mainly by youths making mayhem.

Incidents included;

A firework being tied to the leg of a kitten causing significant injury

Dog bins being destroyed by fireworks

Lit fireworks being thrown at members of the public, including senior citizens

On Bonfire night, 5th November 2021 lit fireworks were also thrown at members of the Police and the Fire and Rescue Service.

This Council resolves that the Chief Executive writes to the Secretary of State for Business, Energy and Industrial Strategy asking him to consider what measures he can take to reduce or eradicate such behaviour, including, but not limited to;

(i) Imposing further restrictions on the sale of fireworks, for example, by only allowing sales to organisers of licensed public fireworks displays and banning sales to others.

(ii) Banning the use of fireworks on any dates other than dates traditionally connected with the use of fireworks.

This Council believes that legislation is needed which balances people’s desire for firework displays and protects people’s rights not to be distressed by fireworks throughout the year.

Cllr John Harbour moved and Cllr Sue Graham seconded an amendment to the motion:

“Within the Burnley borough, in the days leading up to 5th November 2021, there were a number of disturbing anti- social and criminal activities, which involved the misuse of fireworks, mainly by youths making mayhem.

Incidents included;

A firework being tied to the leg of a kitten causing significant injury

Dog bins being destroyed by fireworks

Lit fireworks being thrown at members of the public, including senior citizens

On Bonfire night, 5th November 2021 lit fireworks were also thrown at members of the Police and the Fire and Rescue Service.

This Council resolves that the Chief Executive writes to the Secretary of State for Business, Energy and Industrial Strategy asking him to consider what measures he can take to reduce or eradicate such behaviour.”

Adjournment of meeting

With the consent of Members the Mayor adjourned the meeting at 7.54pm

The meeting reconvened at 8.04pm

Cllrs Hosker and Ingham indicated their support for the amendment.

On being put to the vote the amendment was CARRIED and became the substantive motion.

On being put to the vote the substantive motion was CARRIED and it was RESOLVED accordingly.

62 Constitutional Updates and Appointments to Committees

Consideration was given to constitutional updates and appointments to Committees since the last meeting.

It was RESOLVED that:

1. The report detailing Special Urgency Executive decisions made from November 2020 to December 2021 be noted.
2. Council notes the waiver of call in granted relating to an urgent decision (Executive Functions) taken by the Chief Executive on 21 December 2021 (Minute attached as Appendix 1), and also notes the waiver of call for a future decision to be taken by the Executive on 19 January 2022, both relating to the Levelling Up Fund.
3. Council notes minor updates made using the Monitoring Officer's delegated powers to Part 5.2 Appx Code of Conduct for Employees -Whistleblowing Policy (Appendix 2).
4. Council approves the following changes to Labour Group committee places as follows:
 - i) Cllr Paul Campbell to stand down from Scrutiny Committee, to be replaced by Cllr Lubna Khan.
 - ii) Cllr Paul Campbell to stand down from Audit & Standards Committee, to be replaced by Cllr Lubna Khan.

63 Calendar of Meetings 2022-23

Consideration was given to the Calendar of meetings for 2022-23.

It was RESOLVED that the calendar of meetings be approved.

64 Changes to Polling Stations

Consideration was given to changes to a number of polling stations.

It was RESOLVED that Council approve the following permanent changes to polling stations:

- (a) Brunshaw Ward (FD) from Brunshaw Methodist Church to Belmont Community Centre, Belmont Grove, BB10 4NR;
- (b) Daneshouse & Stoneyholme Ward (DC) from Chai Centre to Ghausia Centre, Abel St, Burnley BB10 1QY;
- (c) Cliviger with Worsthorpe (HA) from 67 Richmond Avenue to Pike Hill Library, Langwyth Road, Burnley BB10 3JX (double station);
- (d) Coalclough with Deerplay Ward (KC, KD and KE) from REMEC Engineering to Burnley Golf Club, Glen View Road, Burnley BB11 3RW and
- (e) Whittlefield with Ightenhill (MB) from St Mary Magdalene's School to St Mary Magdalene's Church, Gawthorpe Road, Burnley BB12 0JP (double station)
- (f) With the exception of a) to e) above, Members note the Returning Officers decision not to change any other polling stations.

65 Health & Safety Delivery Plan 2022

With reference to Executive Minute 73 (19th January 2022) consideration was given to the Health & Safety Delivery Plan (reviewed 2021-22).

It was RESOLVED that Council approve the Health and Safety Intervention Plan (reviewed 2021/2022).

66 Food Safety Delivery Plan 2022

With reference to Executive Minute 74 (19th January 2022) consideration was given to the Food Delivery Plan (reviewed 2021-22).

It was RESOLVED that Council approve the Health and Safety Intervention Plan (reviewed 2021/2022).

67 Local Government Boundary Commission Review

Consideration was given to a Local Government Boundary Commission Review.

It was RESOLVED that Council's preference was Option 2 – implementation in 2027.

68 Lancashire County Plan

Consideration was given to the County Deal for the Lancashire Area.

Cllr Shah Hussain moved and Cllr Mohammed Ishtiaq seconded an amendment to recommendation 2.2 of the report:

“That Full Council:

- 2.1 Supports the outline ‘Our New Deal for a Greater Lancashire’ at APPENDIX 1 as the initial draft basis for further discussion and development of a possible County Deal for the Lancashire area.
- 2.2 **Notes** the principles of governance as set out in APPENDIX 2 for any future deal **and requests that Lancashire Leaders strengthen the proposals in the areas of democratic leadership, accountability and transparency.**
- 2.3. Agrees that the Leader of the Council continues to work with Lancashire Leaders in line with the principles agreed in recommendations 1 & 2 above and note that any formal proposals will require approval by Full Council at the appropriate time.

Adjournment of meeting

With the consent of Members the Mayor adjourned the meeting at 8.23pm

The meeting reconvened at 8.33pm

On being put to the vote the amendment was CARRIED.

A motion without notice under CPR 13(l) to extend the meeting beyond 3 hours duration was moved and seconded. On being put to the vote the motion was carried, and it was RESOLVED accordingly.

On being put to the vote, the substantive motion:

“That Full Council:

- 2.1 Supports the outline ‘Our New Deal for a Greater Lancashire’ at APPENDIX 1 as the initial draft basis for further discussion and development of a possible County Deal for the Lancashire area.
- 2.2 Notes the principles of governance as set out in APPENDIX 2 for any future deal and requests that Lancashire Leaders strengthen the proposals in the areas of democratic leadership, accountability and transparency.
- 2.3. Agrees that the Leader of the Council continues to work with Lancashire Leaders in line with the principles agreed in recommendations 1 & 2 above and note that any formal proposals will require approval by Full Council at the appropriate time.

Was CARRIED, and it was RESOLVED accordingly.

69 Reports from Committee Chairs

It was RESOLVED that the reports of Committee Chairs of Scrutiny, Licensing and Development Control be noted.

70 Strategic Plan Progress Reports

It was RESOLVED that the Executive Member reports be noted.