

Burnley Three Tier Forum

Note of the Meeting held on Monday, 1st September, 2014 at 6.30 pm in Committee Rooms 2 and 3, Town Hall, Burnley

Present:

Chair

Councillor J Cunningham, Burnley Borough Council

Forum Members

County Councillor M Brindle, Lancashire County Council

County Councillor T Burns, Lancashire County Council

County Councillor Dr M Hassan, Lancashire County Council

County Councillor M Johnstone, Lancashire County Council

County Councillor T Martin, Lancashire County Council

County Councillor J Sumner, Lancashire County Council

Councillor J Fifield, Burnley Borough Council

Councillor G Frayling, Burnley Borough Council

Councillor A Newhouse, Burnley Borough Council

Councillor T Porter, Burnley Borough Council

Parish Councillor Ms G Smith, representing Parish and Town Councils in the Borough

Also in attendance

Ms A Maxim, Trading Standards Manager, Trading Standards Service, Lancashire County Council

Mr H Ballantyne, Locality Officer, Public Health, Adult Services, Health and Wellbeing Directorate, Lancashire County Council.

Mr M Neville Senior Committee Support Officer (Democratic Services) Office of the Chief Executive, Lancashire County Council.

1. Appointment of Chair.

Agreed: That Councillor J Cunningham is appointed as the Chair of the Forum for the following 12 months.

2. Appointment of Deputy Chair.

Agreed: That County Councillor Dr Hassan is appointed as the Deputy Chair of the Forum for the following 12 months.

3. Apologies

Apologies for absence were presented on behalf of Councillor H Baker and received from Mr Cartledge Director of Community Services, Burnley Borough Council and Mr T Forshaw, Head of the Chief Executives Office, Burnley Borough Council.

4. Membership and Terms of Reference.

A report was presented in connection with the current membership and Terms of Reference of the Forum.

Agreed:

1. That the current membership of the Forum as set out below is noted.

Lancashire County Council	Burnley Borough Council
County Councillor M Brindle	Councillor H Baker
County Councillor T Burns	Councillor J Cunningham
County Councillor Dr M Hassan	Councillor J Fifield
County Councillor M Johnstone	Councillor G Frayling
County Councillor T Martin	Councillor A Newhouse
County Councillor J Sumner	Councillor T Porter

Parish and Town Councils representative – Councillor G Smith from Cliviger Parish Council.

2. That the Terms of Reference of the Forum, including the protocol on public speaking at meetings, as set out below, is noted.
 - a) The Forum is a joint business meeting of County, District, and Town and Parish Councillors, open to the public.
 - b) The membership of the Forum will be all local County Councillors with an Electoral Division within the District and an equal number of District Councillors appointed by the District Council, and one Parish/Town Council representative nominated from the Parish Councils within the District area. District Councils and the Parish/Town Councils can nominate deputies or replacements in accordance with their own procedures. The officer(s) supporting the meeting must be notified of any changes prior to a meeting. Political balance rules do not apply to the Three Tier Forum, although districts may follow these for their nominations.
 - c) The Forum will discuss issues that are of joint interest across the three levels of local government in the area. Agenda items will focus on strategic issues relating to all local councils in the area.
 - d) Any member of the Forum can request that an item is considered at a future meeting of the Forum. The Chair is responsible for agreeing the agenda and deciding whether an issue raised by a member will appear on an agenda. Where issues are raised that do not fall within the remit of the Forum these will be dealt with via the appropriate mechanism.

- e) Public speaking is permitted on the following basis - on each agenda item for up to 3 minutes per person at the discretion of the Chair.
- f) The Chair is responsible for managing the debate at the meeting. The Chair's ruling on any aspect of a member of the Forums right to speak will be final. Members who persistently ignore the ruling of the Chair may after being warned, be asked to leave the room for the duration of the meeting.
- g) Decisions of the Forum should be by consensus wherever possible. In the event that a consensus cannot be reached, decisions are by simple 'show of hands' majority with the Chair having a casting vote.
- h) The Forum is not a formal committee of County, District or Parish Councils, therefore Access to Information provisions do not apply. However, as they are public meetings, agendas and minutes will be available on the County Council's website and by request can be obtained in person at County Hall, Preston.
- i) The Chair and Deputy will be elected at the Annual Meeting from amongst the membership of the Forum. Should a vacancy arise during the year, a new Chair or Deputy will be elected. A Chair or Deputy may be removed from their position by a vote of the Forum.
- j) The Forum will meet 3 times a year, one of which will be the Annual Meeting. The Forum does not have the authority to establish sub groups or working groups. From April 2014, the Annual Meeting will be the first meeting of the Forum after the County Council's AGM.
- k) Urgent business is allowed, with the consent of the Chair. Any member wishing to raise a matter of urgent business should advise the Chair via the officer support for the Forum as soon as possible.
- l) The "Protocol on Public Speaking at Three Tier Forums" applies (see below).

Protocol for Public Speaking at the Burnley Three Tier Forum

For the purpose of this protocol, "members of the public" includes members of the press and parish and district councillors who are not members of the Forum. It does not include officers of county or district authorities who are in attendance to support and advise the meeting.

Each Forum will agree at what points of the meeting members of the public will be entitled to speak. **On the 25th November 2013 the Forum agreed that members of the public would be allowed to speak during the discussion of each item on the agenda.**

Each Forum may also set a maximum length of time for any individual speech from a member of the public. **On the 25th November 2013 the Forum agreed that each speaker would have up to 3 minutes per person, to be managed by the Chair at their discretion.**

Public speaking must be on topics included on the agenda for the meeting.

Whilst a member of the public is speaking, no interruption shall be allowed from either a member of the Forum or another member of the public.

However, the Chair of the meeting may intervene in the speech of a member of the public. This includes the right of the Chair to terminate a speech if it is felt appropriate to do so. The Chair's judgement will be informed by the following provision:

Members of the public must not

- Speak at a point in the meeting other than those specified
- Interrupt another speaker
- Speak for longer than the allotted time
- Reveal personal information about another individual
- Make a personal complaint about a service provided by County, District or Town/Parish Councils in the area.
- Make individual or personal complaints against any member of the authority.
- Reveal information which they know or believe to be confidential.
- Use offensive, abusive or threatening language.
- Ignore the ruling of the Chair of the meeting.

Members of the public who breach these guidelines may, following a warning, be asked to leave the meeting. If a person refuses to leave the room, the Chair shall adjourn the meeting for a short period of time and if necessary to a later date.

Speeches by members of the public are not expected to be the subject of a debate, nor are any questions raised expected to be answered. The Chair may, at his or her discretion, invite a response or comment from an appropriate officer or Forum member, but it is anticipated that this will be the exception rather than the rule.

The contents of any speech by a member of the public will be noted by officers supporting the Forum and will be dealt with via the appropriate mechanism.

5. Note of the last meeting.

Agreed: That the Note of the meeting held on the 14th April 2014 is confirmed as an accurate record and signed by the Chair.

6. Events on the highway - policy and procedures for highway management.

Following a request from Councillor Ms Smith the Chair agreed that item 12 on the agenda would be taken as the next item of business so that she could take part in any discussion as she would have to leave the meeting later due to another commitment.

The Forum was informed that Lancashire Constabulary had adopted the Association of Police Officers 'National Guidance' in relation to policing events and would not undertake any traffic management for an event on the highway other than those which were deemed by the police to be of national importance, such as Remembrance day parades.

Ms Smith reported that Parish Councils were concerned about the impact that this position would have on many events and parades which traditionally were held in towns across the Borough.

It was noted that such events often required the closure of roads for short periods and that the power to do so rested with local authorities rather than the Police. The Town Police Clauses Act 1847 enabled District Councils to prevent obstruction in streets in times of public procession, rejoicing or illuminations and in any case when the streets are thronged or liable to be obstructed. The County Council, under the Road traffic Act 1984 is able to close roads for a maximum of three days in any calendar year in order to regulate traffic on a temporary basis to facilitate sporting events, social events or entertainment on the highway. It was noted that the 1847 legislation was normally used for carnivals and processions where any road closure would be for a short period and there were no substantial traffic management required.

The Forum was informed that it was the responsibility of the event organiser to liaise with the relevant local authority about the event and determine what form of traffic management and marshalling were required. Ms Smith reported that Cliviger Parish Council had raised concerns regarding the cost of marshalling events with the Police and Crime Commissioner and it was noted that Padiham Town Council had similar concerns in relation to an event that would be held in November.

With regard to traffic management associated with football matches it was noted that the club would pay for any necessary road closures on match days and provide marshals. In response to a report that residents of Belvedere Road had been prevented from parking on match days as the road was used for coaches it was suggested that the matter be raised directly with the Chief Superintendent.

Mr Ballantyne reported that the County Council recognised that hiring or training marshals for an event could be costly and so consideration was being given to the establishment of an accredited training course which would enable County/District Council staff to be trained at a potentially reduced cost.

Members of the Forum agreed that in the future it would be essential that event organisers contact the local authority well in advance in order to establish what form of traffic management/level of marshalling would be required and so that the necessary action could be taken to put any road closures in place.

Agreed:

1. That the proposed policy and procedure for highway management associated with events on the highways is noted.

2. That the provision of an accredited training course by the County Council, as set out in the policy, be pursued in order to reduce the cost of providing marshals for events/parades in the future.

7. Updates from the Trading Standards Service

Ms Maxim, Trading Standards Manager, from the County Councils Trading Standards Service gave a presentation in relation to two issues which had been raised at the previous meeting.

a) Electronic cigarettes and Electronic Shisha Bars.

It was reported that the Service would continue to work with colleagues in Public Health to address concerns regarding the health implications of the growth in the use of E-cigarettes. Currently there was no legislation in place in relation to E-cigarettes though legislation was being drafted in relation to the underage use of E-cigarettes and the Medicines and Healthcare Products Regulatory Agency was to introduce regulations in 2016 regarding use of some E-cigarette products to support attempts to stop smoking. Current legislation regarding smoking in public places did not cover E-cigarettes though in some cases organisations had imposed a similar ban on use of such products on their premises.

With regard to smoking in buildings it was reported that whilst the Borough Council had prohibited smoking tobacco inside its buildings the same legislation did not apply to E-cigarettes and so would require the Council to widen the scope of its smoking policy for public buildings. It was noted that a Shisha bar in Burnley had closed down though similar businesses operated in Manchester.

Ms Maxim reported that much of the work of the Trading Standards Service was intelligence led and often reports from the public would prompt investigations and enforcement action. In response to a report that products were being sold which enabled consumers to construct their own E-cigarettes Ms Maxim asked for details to be passed to her outside of the meeting so that she could refer the matter to colleagues for investigation.

b) Rogue Traders

Ms Maxim gave a number of examples where Rogue Traders had manipulated elderly or vulnerable people into paying for expensive and often unnecessary work on their property, often starting with a minor repair which then escalated into further expensive work. In addition such traders often shared information about their victims and so a resident could be targeted by others in relation to building work, roofing, windows, driveways and burglar alarms.

It was noted that the Trading Standards Service operated a Rapid Response Team which was able to attend a property with the Police at short notice when the trader was present. In those cases there was then an opportunity to negotiate with the resident/trader as to what action would be taken. Details were given of a number of successful prosecutions which had resulted in prison terms, suspended prison sentences, unpaid work being

undertaken by the trader and the payment of compensation. In response to the suggestion that the Service adopt a more aggressive approach towards Rogue Traders Ms Maxim explained that Trading Standards Officers were highly reliant on evidence from consumers to identify the traders and in many cases victims did not report incidents because they felt ashamed. Also in some instances residents were actually content with the work which had been done even though it may have been of very poor quality. Furthermore, prosecutions were often difficult due to a lack of evidence that a particular trader had done the work in question and so it was suggested that the public ask for written quotations/receipts, pay by cheque not cash and even take photos during the work as these would all provide valuable evidence in the event of a problem later.

Ms Maxim added that the Service continued to educate and empower the public not to deal with doorstep traders in the first place, through various initiatives and publicity, including the annual Rogue Trader Week. When considering having work done the public were also recommended to use the [Safer Trader Scheme](#) which provided contact details for reputable companies/tradesmen.

The Chair thanked Ms Maxim for her attendance and the presentation.

Agreed: That the presentation is noted and that members of the Forum continue to promote the work of the Trading Standards Service, particularly with regard to rogue traders, in their areas.

8. Action Sheet update from the Last Meeting.

It was suggested that the Action Sheet was incorrect in that two separate locations with a similar issue had been combined.

Concerns had been raised in relation to access at Hapton CofE Methodist Primary School, off Manchester Road and the potential increase of traffic to Rockwood Nursery School on Kingsland Road following the granting of planning permission for the introduction of a modular building as both schools were accessed via a section of unadopted highway. In both cases the County Councils position was that consideration would only be given to adopting the highways concerned if works were carried out to bring them up to the standard required by the Council, with the costs being met by the owner(s) of the land.

Agreed: That subject to the above clarification the update set out in the Action Sheet from the last meeting are noted.

9. 2014/15 Quarter 1 Environment Directorate Performance Dashboard

The following points were discussed in relation to the updates set out on the Dashboard for Quarter 1.

- It was noted that a programme of work, including signalisation of most of the junctions on the M65 and improvements at the A646/A679 junction at Rose grove were planned as part of the £12 million pounds programme of work to be funded through the Lancashire Growth Deal. In response to a query regarding the Rosegrove junction

work Mr Ballantyne undertook to get more details and let the members of the Forum know.

- It was noted that improvement works would be carried out along Trafalgar Street in Burnley and it was suggested that in the future consideration be given to the creation of an additional lane at the Hapton junction on the M65 to assist with the flow of traffic.
- Members of the Forum expressed their concern regarding the condition of the former Plain Trees and Mitre public houses on Westgate which were both considered to be eyesores and would detract from the improvements being done to Trafalgar Street.
- It was noted that urgent discussions were being held with Network Rail/Northern Rail as the commencement of a service on the Todmorden Curve had been delayed to May 2015 due to issues with signalling and the availability of rolling stock.
- It was suggested that the current road works on Trafalgar Street had highlighted how dependent the highway network in Burnley was on the availability of certain routes and the impact that the loss of those routes could have on the wider highway network.
- A request was made for the worn hatched box road markings at the Manchester Road/Trafalgar Street junction to be repainted in order to assist with traffic movement.

Agreed: That the comments of the Forum as set out above are noted and where appropriate action taken and further updates provided via the Action Sheet for this meeting.

10. Developing the Three Tier Forums - feedback on the review.

A report was presented in connection with the responses received during the consultation on the future of 3 Tier Forums and the decision of the County Councils Cabinet in May to develop two test models in Lancaster and Chorley in relation to different models of governance. It was also noted that the Rossendale Forum would adopt a slightly different format in order to accommodate the Borough Councils neighbourhood Forums.

It was noted that the County Councils preferred position was for Forums to be open to the public and where that was not the case officer attendance would remain at the current level. In addition no consideration would be given to devolving decision making or budgets in relation to those Forums which did not meet in public.

Agreed: That decision of the County Councils Cabinet on the 8th May in relation to the development of 3 Tier Forums is noted.

11. Tour de France review

Mr Ballantyne informed the meeting that the two stages of the Tour de France which held in Yorkshire during July had proved to be a success in terms of tourism with the associated traffic management measures working well and minimal disruption to traffic in Lancashire.

It was suggested that the event had caused some disruption due to the number of people with bicycles who used trains during that period, often meaning that trains were full before reaching Burnley so that passengers were unable to board even though they had booked seats.

It was acknowledged that as with any event of this size there had been some issues and that hopefully valuable lessons had been learnt in relation to similar events in the future.

Agreed: That the update is noted.

12. Transport and Asset Management Plan (TAMP).

Mr Ballantyne presented a report in connection with the above and informed the meeting that the TAMP was the County Council's approved investment strategy which identified key strategic priorities for the highway authority during the period 2015-2030.

The TAMP represented a fundamental change in approach with the authority moving away from tackling what was perceived as the worst areas first towards one aligned to the Department for Transport's philosophy that, 'prevention is better than cure' with resources being used to reduce key maintenance backlogs through preventative methods.

It was reported that analysis indicated the County Council required approximately £35m per annum to maintain all of its transport assets at their 2013 levels. However, the direct allocation likely to be received from central government, via the Department for Transport would only be £25m per annum and so the resulting shortfall provided a real challenge to do more, or even the same, with less.

Preventative intervention works, involving treatments that are generally carried out at an earlier critical stage in an asset's life-cycle and are usually less expensive and less intrusive, were proposed to reduce maintenance backlogs. Key maintenance backlogs would be reduced over a ten to fifteen year period which would mean that the level of available funding broadly matched the amount needed to maintain all assets.

In discussing the TAMP the members of the Forum highlighted the following points.

- It was noted that a phased approach, based on the county council's priorities and affordability, would be adopted in relation to works and that investment in A, B and C roads and the footway network would be prioritised.
- It was suggested that improving the condition of footways in particular would result in a reduction in the number of personal injury claims which the County Council received each year, making resources available for use elsewhere.
- With regard to the replacement of street lighting it was reported that each case would be judged on its merits and the most appropriate action taken in terms of replacing a single column, the type of lighting to be used and respacing existing columns. In

addition where possible existing lighting would be replaced with the more energy efficient LED lights.

- It was noted that a programme of patching works would be undertaken to repair defects and bring certain sections of highway up to a condition where they could then be given a surface dressing.
- The Forum also acknowledged that there would be no initial investment in relation to bridges as analysis had indicated that those assets were in excellent condition and could wait until the third phase. However, action would be taken in connection with structures considered to be at risk and also in relation to the management of the stock.

Agreed: That the principles and approach as set out in the Transport Asset Management Plan are noted and that the Forum receive updates in the future regarding implementation of the Plan.

13. Themes for future meetings

A number of Forum members expressed their concern in relation to the condition of the former Plain Trees and Mitre public houses on Westgate that were both considered eyesores and would detract from the improvements in the area around Trafalgar Street.

The Chair referred to maintenance work which had been done in Cotton Street, Padiham where damaged paving flags had been removed and replaced with tarmac. A number of residents had expressed the view that the tarmac was an eyesore and would have preferred to have an opportunity to pay for replacement flags to be laid. It was suggested that in future were work of this nature is to be undertaken residents be given an opportunity to contribute to the cost of replacement flags rather than tarmac being used.

The fatal traffic accident on Hapton Bridge was also discussed and it was noted that the County Council had put some temporary traffic management measures in place and was awaiting the decision of the Coroners inquiry before proceeding with further works. It was suggested that the local road safety partnership be contacted with a view to highlighting issues about general road safety and in relation to driving at both the local schools and college.

Agreed:

1. That a report is presented to the next meeting in relation to the status of the former Plane Trees Hotel and Mitre Hotel public houses on Westgate, Burnley, together with options for minimising the impact these buildings would have on the improvements to the area around Trafalgar Street.
2. That residents in Cotton Street, Padiham are provided with information relating to the cost of works to replace the tarmac with new paving slabs.

3. That in future when planning to repair sections of paving in residential areas residents be given an opportunity to contribute towards providing replacement flags rather than having tarmac used.
4. That members of the Forum be kept informed of any developments in relation to the outcome of the coroner's inquiry regarding the accident on Hapton Bridge and subsequent action to be taken by the County Council.

14. Urgent Business

There were no items of urgent business for discussion at the meeting.

15. Date of Next Meeting

It was noted that the next scheduled meeting would be held at 6.30pm on the 17th November 2014 in Committee Rooms 2/3 at the Town Hall, Manchester Road, Burnley.

I Young
County Secretary and Solicitor

County Hall
Preston