

Minutes of: THE COUNCIL OF THE METROPOLITAN BOROUGH OF BURY

Date of Meeting: 28 July 2004

Present: The Worshipful the Mayor (Councillor E B Briggs) in the Chair;
Councillors K Audin, R A Bibby, D B Bigg, D Boden, K S Briggs, J Byrne, G Campbell, L E Campbell, W A Campbell, D M Cassidy, T P Chamberlain, S Cohen, M Connolly, J P Costello, S Costello, Y Creswell, A J Cummings, V D D'Albert, W J Davison, W Flood, A J Garner, A S Garner, I B Gartside, M A Gibb, J Grimshaw, D L Gunther, D M Higgin, T Holt, K Hussain, A Isherwood, S P Magnall, A K Matthews, R H J Nuttall, T D Pickstone, P H Redstone, K Rothwell, G Sharkey, J Smith, S J Southworth, J W H Taylor, B Theckston, S J Treadgold, B Vincent, R E Walker, J F Walton and Y S Wright

Apologies for absence: Councillors R C A Brown, E K Grime, S R Perkins and M J Wiseman

Public attendance: 5 members of the public attended the meeting.

C.183 MINUTES

RESOLVED:

That the Minutes of the meeting of the Council held on 23 June 2004 be confirmed as a correct record and signed by the Mayor.

C.184 DECLARATIONS OF INTEREST

- (a) Councillors Walton and Cohen declared personal and prejudicial interests in Minute EX.1659 of the Executive at its meeting on 19 May 2004 and in Minute EX.026 of the Executive at its meeting on 30 June 2004 relating to Bury Metro Racial Equality Council (REC) and in any other references to the REC in the Minutes or made at this Council meeting and left the meeting for the duration of the discussion on the funding of the REC referred to in Minute C.012 below.
- (b) The following Members declared personal interests in Minute EX.1659 of the Executive at its meeting on 19 May 2004 and Minute EX.026 of the Executive at its meeting on 30 June 2004 relating to Bury Metro Racial Equality Council (REC) and in any other references to the REC in the Minutes or made at this Council meeting and those Members listed in Column A left the meeting whilst those listed in Column B remained for the duration of the discussion on the funding of the REC referred to in Minute C.012 below:-

Column A	Column B
Councillors	Councillors
Boden	Holt
Connolly	Nuttall
D'Albert	Walker
Davison	
Flood	
Pickstone	
Sharkey	
Treadgold	

- (c) Councillor Walker also declared personal interests in any references made at this Council meeting in relation to Elton High School, Bury Football Club, Bury Air Cadets, Bury Gateway Club and St Stephen's Primary School.
- (d) Councillor Byrne declared a personal interest in Minute EX.156 of the Executive at its meeting on 21 July 2004 relating to Pimhole Area Renewal: Declaration of Clearance Areas.
- (e) Councillor Gunther declared a personal interest in any matters referred to at this Council meeting relating to the Ramsbottom, Tottington and North Manor Area Board and as a resident of Ramsbottom.
- (f) Councillor K S Briggs declared a personal interest in Minute HSC.135 of the Healthier and Safer Communities Scrutiny Commission at its meeting on 20 July 2004 relating to the proposals for Children's and Maternity Services at Fairfield General Hospital and in any other references to this matter made at this meeting.

At the request of the Mayor, the Director of Legal and Democratic Services, advised Members of the terms of the Code of Conduct for Members in respect of declarations of interest.

C.185 MAYORAL COMMUNICATIONS

Mayoral Sunday

The Worshipful the Mayor informed Members that he and the Mayoress would be attending a Special Service to mark their election to Office to be held at Christ Church, Ainsworth on Sunday, 8 August 2004 at 10.15 am.

The Mayor and Mayoress hoped that many Members would be able to join them on this occasion. Following the service, a reception was also to be held in the Parish Hall.

C.186 PUBLIC QUESTION TIME

Questions were asked on the following issues during public question time:-

- (a) Mrs P Mason concerning the proposals for the closure of the Baby Unit at Fairfield Hospital. The Leader of the Council and Councillor Smith, Chair of the Healthier and Safer Communities Scrutiny Commission, responded.

- (b) Mr B Shatliffe concerning the axing of Phase 3 of the Metrolink. The Leader of the Council and Councillor Connolly, Executive Member for Environment and Transport, responded by indicating their disappointment at the decision and, at the request of Councillor J P Costello, agreed to make representations to the Secretary of State on this matter.

C.187 RECOMMENDATIONS OF THE EXECUTIVE AND COUNCIL COMMITTEES

(a) Minute EX.1469 of the Executive on 31 March 2004 – Treasury Management Annual Strategy and Plan 2004/2005.

It was moved by Councillor Byrne, seconded by Councillor W A Campbell and -

RESOLVED:

That the recommendations contained in Minute EX.1469 of the meeting of the Executive held on 31 March 2004 concerning the Treasury Management Annual Strategy and Plan 2004/2005 be approved and adopted.

(b) Minute EX.1657 of the Executive on 19 May 2004 – Prudential Code for Capital Finance – Prudential Indicators 2004/2005

It was moved by Councillor Byrne, seconded by Councillor W A Campbell and -

RESOLVED:

That the recommendations contained in Minute EX.1657 of the meeting of the Executive held on 19 May 2004 concerning the Prudential Code for Capital Finance – Prudential Indicators 2004/2005 be approved and adopted.

C.188 PROPOSED DATE OF EXTRAORDINARY COUNCIL MEETING AND POSSIBLE CHANGES TO DATES OF MEETINGS IN OCTOBER/NOVEMBER 2004

It was moved by Councillor Byrne, seconded by Councillor W A Campbell and -

RESOLVED:

1. That an Extraordinary Meeting of the Council be held on Wednesday, 13 October 2004 at 5.00 pm in the Council Chamber, to confer the Honorary Freedom of the Borough on William Johnson, MBE.
2. That the motion concerning possible changes to dates of meetings in October/November 2004 be withdrawn in view of the recent Government announcement postponing the referendum on an elected Regional Assembly for the North West.

C.189 LEADERS' STATEMENT AND EXECUTIVE QUESTION TIME

The Leader of the Council made a Statement on the work of the Executive.

The Leader and Executive Members answered questions asked by Members of the Council on the following issues:-

(a) Written Questions (Notice Given)

	Issue	Questioner	Answered by
1.	Prosecutions for fly posting and the use of Anti-Social Behaviour Orders	Councillor Wiseman	In view of the absence of Councillor Wiseman, Councillor Connolly, Executive Member for Environment and Transport indicated that a written reply would be sent to her.
2.	Elected Member Development 'Excellence Through Leadership' Programme and the delivery of training for Members.	Councillor Gunther	Leader of the Council.

(b) Oral Questions

	Issue	Questioner	Answered by
3.	Implementation of Operation Deep Clean in Ramsbottom.	Councillor Gunther	Councillor Connolly, Executive Member for Environment and Transport
4.	Savings on spending on job adverts, publicity and other advertising.	Councillor Wright	Leader of the Council, who agreed to let Councillor Wright have a written reply.
5.	Membership of the Editorial Board of Bury Metro News.	Councillor Walker	Leader of the Council and Councillor W A Campbell, Executive Member for Resource
6.	Timetable for review of the pilot waste bin collection service.	Councillor Pickstone	Councillor Connolly, Executive Member for Environment and Transport

	Issue	Questioner	Answered by
7.	Proposed closure of the Baby Unit at Fairfield Hospital and contents of a Labour Party leaflet.	Councillor Redstone	Leader of the Council and Councillor Chamberlain, Executive Member for Health and Social Services.
8.	Consultation with local residents of Charlton Court and Thorndyke Walk about the use of the former Adult Education Centre, Thorndyke Walk.	Councillor A S Garner	Leader of the Council

C.190 SCRUTINY REVIEW REPORTS AND SPECIFIC ITEMS 'CALLED IN' BY SCRUTINY PANELS AND COMMISSIONS

There were no scrutiny review reports or specific items 'called-in' by Scrutiny Panels/Commissions to be considered at this Council meeting.

C.191 NOTICE OF MOTION

Proposed European Union Constitution

- (i) It was moved by Councillor Boden and seconded by Councillor G Campbell that the following Notice of Motion submitted under Council Procedure Rule 12.1 be approved:-

'This Council welcomes the decision by H M Government to put the Treaty establishing a Constitution for the European Union to a Referendum. We consider it essential that the Referendum should be conducted on the basis of objective information as to the Constitution's aims and detailed provisions to a sufficient extent so as to facilitate a rational debate leading to an informed judgement of the consequences for the United Kingdom of ratification of the Constitution on the one hand or failure to ratify it on the other.

Accordingly, we urge the Council to take this opportunity to draw the attention of the people of our area to the features of the Constitution which have relevance to the ability of United Kingdom state and sub state authorities to perform our functions and to determine our own policies. We have set out examples of such features in the Annexe attached to this motion.'

In the name of:-

**Councillor D Boden
Councillor E K Grime**

ANNEXE

“Part 1, Title 1 Definition and Objectives of the Union”

Article 1 Establishment of the Union

1. Reflecting the will of the citizens and states of Europe to build a common future, this constitution establishes the European Union, on which the member states confer competences to attain objectives they have in common.

Article 3 The Union’s Objectives

3. The Union shall work for the sustainable development of Europe based on balanced economic growth, a social market economy, highly competitive and aiming at full employment and social progress, and with a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.

It shall promote economic, social and territorial cohesion, and solidarity amongst member states.

The Union shall respect its rich cultural and linguistic diversity, and shall ensure that Europe’s cultural heritage is safeguarded and enhanced.

Article 5 Relations between the Union and the Member States

1. The Unions shall respect the national identifies of the member states, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self government. It shall respect their essential state functions, including those for ensuring the territorial integrity of the statem and for maintaining law and order and safeguarding internal security.

Title II Fundamental Rights and Citizenship of the Union

Article 7 Fundamental Rights

2. The Union shall recognise the rights, freedoms and principles set out in The Charter of Fundamental Rights which constitutes Part II of the Constitution.

Title III Union Competencies

Article 9 Fundamental Principles

1. The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principles of subsidiarity and proportionality.
2. Under the principle of conferral, the Union shall act within the limits of the competences conferred upon it by the member states in the Constitution to attain the objectives set out in the Constitution. Competences not conferred upon the Union in the Constitution remain with the member states.

3. Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the intended action cannot be sufficiently achieved by the member states, either at central level or at regional and local level, but can, rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.

The Union Institutions shall apply the principles of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality, annexed to the Constitution. National Parliaments shall ensure compliance with that principle in accordance with the procedure set out in the Protocol.

4. Under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Constitution.

Part III The Policies and Functioning of the Union

Chapter 1 Provisions Governing the Institutions

Section 1 The Institutions

Subsection 5 The Court of Justice

Article III – 270

1. The Court of Justice shall have jurisdiction under the same conditions in actions brought by the Court of Auditors, by the European Central Bank and by the Committee of the Regions for the purpose of protecting their prerogatives.

Section 2 The Union's Advisory Bodies

Subsection 1 The Committee of the Regions

Article III – 294

The Committee of the Regions shall be consulted by the European Parliament, by the Council of Ministers or by the Commission where the Constitution so provides and in all other cases, in particular those which concern cross-border co-operation, in which one of these institutions considers it appropriate.”

- (ii) An amendment was moved by Councillor Walker and seconded by Councillor Cohen by way of:-
 - (a) the deletion of the word 'decision' in the first line of the motion to be replaced by the insertion of 'u-turn'; and
 - (b) the deletion of all the words after the first sentence of the Motion

On being put, 17 voted for, 29 against and with one abstention, the amendment was declared lost.

- (iii) The substantive motion on being put, 29 voted for, none against and with 18 abstentions the Motion was approved and it was -

RESOLVED:

That the Notice of Motion set out in (i) above be approved and adopted.

C.192 QUESTIONS ON THE FUNCTIONS OF THE JOINT AUTHORITIES

Greater Manchester Passenger Transport Authority

Councillor Connolly, the Council's nominated spokesperson on the above Joint Authority, answered a question submitted by Councillor Pickstone concerning the funding of Phase III of Manchester Metrolink.

C.193 QUESTIONS ON THE WORK OF OUTSIDE BODIES OR PARTNERSHIPS

There were no written questions on the work of outside bodies or partnerships submitted in accordance with Council Procedure Rule 11.2

C.194 DELEGATED DECISIONS OF THE EXECUTIVE AND COUNCIL COMMITTEES

Questions were asked on the delegated decisions of the Executive and Council Committees contained in the Digests of Decisions 17 (2003/2004) and 1 and 2 (2004/2005) published since the last ordinary meeting of the Council as follows:-

	Issue	Questioner	Answered by
1.	Funding of Bury Metro Racial Equality Council (Minute EX.026 of the Executive on 30 June 2004)	Councillor Walker	Leader of the Council, Councillor W A Campbell, Executive Member for Resource, and Councillor J P Costello, Member of Resource Scrutiny Panel.
2.	Declaration of interest in the Pimhole Renewal Area by the Leader of the Council at the last meeting of the Executive (Minute EX.149 of the Executive on 21 July 2004)	Councillor Walker	Leader of the Council.

THE WORSHIPFUL THE MAYOR

(Note: The meeting started at 7.00 pm and ended at 9.27 pm)