

Minutes of: THE COUNCIL OF THE METROPOLITAN BOROUGH OF BURY

Date of Meeting: 24 April 2008

Present: The Worshipful the Mayor (Councillor F A Chaudhry) in the Chair;
Councillors D M Ashworth, P Ashworth, K Audin, R L Baum, C A Berry, R A Bibby, D B Bigg, R C A Brown, W A Campbell, S Cohen, M Connolly, Y Creswell, A J Cummings, A J Garner, D L Gunther, M Hankey, D M Higgin, S P Magnall, A K Matthews, D O'Hanlon, S P Penketh, T D Pickstone, P H Redstone, K Rothwell, J Smith, S J Southworth, B J Sullivan, J W H Taylor, B Theckston, B Vincent, R E Walker, J F Walton, M J Wiseman and Y S Wright

Apologies for absence: Councillors L E Baucutt, D Boden, K S Briggs, J Byrne, D M Cassidy, T P Chamberlain, S Costello, D V D'Albert, W J Davison, A S Garner, I B Gartside, M A Gibb, J Grimshaw, T Holt, A Isherwood and S D Wright.

Public attendance: 4 members of the public attended the meeting.

C.845 DECLARATIONS OF INTEREST

There were no interests declared at the meeting.

C.846 MAYORAL COMMUNICATIONS AND ANNOUNCEMENTS

The Worshipful the Mayor informed the Council of the recent deaths of former Councillors Gordon Sharkey and Warren Flood.

Former Councillor Sharkey had served on the Council of the former Whitefield Urban Council and, latterly, as a Member of this Council representing Unsworth Ward. He had been Mayor of the Borough for the Municipal Year 1993/1994 and was created an Honorary Freeman of the Borough on 28 March 2007 immediately prior to his retirement as a Councillor.

Former Councillor Flood had served on the Council representing Pilkington Park and Moorside Wards in recent years.

The sympathy and condolences of the Council had been conveyed to both families. All Councillors stood in silence as a mark of respect and in remembrance of former Councillors Sharkey and Flood.

C.847 MAYORAL REFERENDUM 2008

The Leader of the Council, Councillor Bibby, submitted a report on the outcome of the consultation exercise in relation to the Draft Proposals for the governance of the Council under an Elected Mayor with Cabinet which were agreed for the purposes of 'light touch' consultations with residents and other interested parties, at the meeting of the Council held on 26 March 2008. (Minute C.852).

The Leader requested the Council to take into consideration the outcomes from the consultations in approving Final Proposals for the governance of the Council under an Elected Mayor with Cabinet for submission to the Secretary of State for approval. The Final Proposals would be implemented when the Elected Mayor took office in the event that the Referendum result is in favour of an Elected Mayor.

The consultations had been undertaken by means of a questionnaire which the Council had approved at its last meeting.

The Council debated the 887 responses received and examined the response to each question individually as part of the requirement to demonstrate how the Final Proposals reflect the preferences expressed by the respondents.

- (i) Question 1 asked Respondents “What do you think the Mayor should take into account when deciding the size of the Cabinet?”

57% of responses were in favour of the Mayor needing as many Councillors as possible to help make decisions.

It was moved by Councillor Bibby and seconded by Councillor Creswell that paragraph 3.2 of the Draft Proposals be amended to read:-

“The Executive will comprise the Elected Mayor and nine other Elected Members of the Council, including two Opposition Members without Portfolios, appointed by the Mayor.”

On being put, with no Members voting against and with the Mayor abstaining, the Motion was declared carried.

- (ii) Question 2 asked respondents, “What do you think the Mayor would need to take into account when considering the political make-up of the Cabinet?”

75% of responses were in favour of the Cabinet membership reflecting the political views of all parties on the Council.

It was moved by Councillor Bibby and seconded by Councillor Creswell seconded that the decision in (i) above to include the Opposition Members without Portfolios in the Cabinet, reflected the responses to the consultations on this question.

On being put, with no Members voting against and the Mayor abstaining, the Motion was declared carried.

- (iii) Question 3 asked respondents, “The Elected Mayor can choose to make all major decisions alone; to make them jointly with the Cabinet; or to appoint other Cabinet Members to make decisions in specific areas of Council activity. What do you think the Mayor should do?”

79% of responses were in favour of the Elected Mayor taking all major decisions jointly with Members of the Cabinet.

The Leader considered that the principal objective of installing an Elected Mayor was to make decision-making accountable to the electorate and if the entire Cabinet were to be made responsible for making ‘Key Decisions’ then this would have the effect of diluting the accountability of the Elected Mayor.

It was moved by Councillor Bibby and seconded by Councillor Creswell that, despite the outcome of the consultations in this respect, the Elected Mayor be solely responsible for making 'Key Decisions' and that paragraph 3.3 of the Draft Proposals be amended by the addition of the words "including the sole responsibility for making 'Key Decisions'" to the first listed function of the Elected Mayor which would now read:-

"Chair and lead the Executive including the sole responsibility for making Key Decisions."

On being put, with no Member voting against and with the Mayor abstaining, the Motion was declared carried.

- (iv) Question 4 asked respondents "If the Referendum for an Elected Mayor with Cabinet is successful, should the existing Overview and Scrutiny arrangements be enhanced?"

54% of respondents were in favour of enhancing the scrutiny function.

It was moved by Councillor Bibby and seconded by Councillor Creswell that paragraph 6.1 of the Draft Proposals be amended to read:

"The Council will review its Overview and Scrutiny arrangements including consideration of dedicated Officer support for scrutiny, once the Elected Mayor takes office. The remit for each Scrutiny Commission is set out in Appendix 2".

On being put, with no Member voting against, the Motion was declared carried.

- (v) Question 5 asked respondents "If the Referendum on 3 July 2008 is in favour of an Elected Mayor, do you think these ceremonial duties should be carried out by; the Elected Mayor; by the longest serving Member of the Council (other than the Elected Mayor); jointly by the Elected Mayor and the longest serving Members; or by another Councillor?"

65% were in favour of the Elected Mayor undertaking these ceremonial duties.

It was moved by Councillor Bibby and seconded by Councillor Creswell that the Final Proposals provide that the Council appoints a Chair and Deputy Chair of Council from amongst the Councillors annually and that the Elected Mayor undertake all civic and ceremonial duties and, as such, be the First Citizen of the Borough which would require the following amendments of the Draft Proposals:-

- (a) the amendment of paragraph 3.3 by the addition of the following function to those of the Elected Mayor:-

"Act in the capacity of First Citizen of the Borough".

- (b) the amendment of paragraph 5.3 by the deletion of these words from the functions of the Councillor presiding at Council meetings:-

"and referred to as the First Citizen of the Borough".

- (c) the amendment of paragraph 5.6.1(d) relating to matters reserved to Council, to read:-

“To elect the Chair of the Council and the Deputy Chair of the Council at the Annual Meeting of the Council”.

On being put with no Members voting against and with the Mayor abstaining, the Motion was declared carried.

(vi) Question 6 asked the respondents “What title should the Council adopt for the Ceremonial Mayor?”

It was moved by Councillor Bibby and seconded by Councillor Creswell that the decision in (v) above had resolved this question.

On being put, with no Member voting against and with the Mayor abstaining, the Motion was declared carried.

In conclusion it was moved by Councillor Bibby and seconded by Councillor Creswell:-

1. That the Draft Proposals incorporating the recommendations agreed in (i) to (vi) above in respect of the consultation responses, be approved as the Council’s Final Proposals for the governance of the Authority under an Elected Mayor with Cabinet and submitted to the Secretary of State for approval.
2. That authority be delegated to the Chief Executive after consultation with the Leader of the Council to make any further minor amendments necessary throughout the Final Proposals, to give effect to the above decisions and to draw up a Statement of Consultations for submission to the Secretary of State.

On being put, with no Member voting against, and with the Mayor abstaining, the Motions 1 and 2 above were declared carried.

RESOLVED:

That Motions referred to in (i) to (vi) inclusive and 1 and 2 above, be approved and adopted.

THE WORSHIPFUL THE MAYOR

(NOTE: The meeting started at 7.00 pm and ended at 7.23 pm).