

Minutes of: AN ORDINARY MEETING OF THE COUNCIL

Date of Meeting: 9 September 2009

Present: The Worshipful the Mayor (Councillor S P Magnall) in the Chair;
Councillors I Ahmed, D M Ashworth, P Ashworth, K Audin, R L Baum, C A Berry, R A Bibby, D B Bigg, D Boden, R C A Brown, J Byrne, D M Cassidy, F A Chaudhry, S Cohen, M Connolly, S Costello, A J Cummings, M D'Albert, V D D'Albert, W J Davison, A J Garner, A S Garner, I B Gartside, J Grimshaw, D L Gunther, M Hankey, J Harris, D M Higgin, S Hurst, A Isherwood, A K Matthews, D O'Hanlon, S P Penketh, T D Pickstone, P H Redstone, K Rothwell, R Shori, J Smith, B J Sullivan, J W H Taylor, B Theckston, B Vincent, R E Walker, J F Walton, M J Wiseman and Y S Wright (clash of meetings)

Apologies for absence: Councillors K S Briggs, Y Creswell, T Holt and S D Wright

Public attendance: 25 members of the public attended the meeting

C.237 DECLARATIONS OF INTEREST

- (a) Councillor Rothwell declared personal interests in; any matter related to the Third Sector as a representative of the Council and a Member in his own right of several voluntary and community organisations; and in any matter relating to primary schools as a Governor of St Paul's CE Primary School.
- (b) Councillors Gartside, Smith, Wiseman, Brown and Davison declared personal interests in any related matter as Members of the Board of Six Town Housing Ltd.
- (c) Councillor Gunther declared a personal and prejudicial interest in any related matter as a Governor of The Derby School.
- (d) Councillors Hurst, Harris and Cummings declared personal and prejudicial interests in any related matter as Governors of Radcliffe Riverside School.
- (e) Councillor Ahmed declared a personal interest in any related matter as a Governor of The Derby School.

C.238 MINUTES OF THE COUNCIL

RESOLVED:

That the Minutes of the meeting of the Council held on 24 June 2009 be confirmed as a correct record and signed by the Mayor

C.239 MAYORAL COMMUNICATIONS AND ANNOUNCEMENTS

The Worshipful the Mayor referred to the loyal service of members of the Armed Forces particularly those soldiers of the Royal Regiment of Fusiliers who had died in active service.

The Mayor paid tribute to all members of the Armed Forces for their professionalism and dedication to duty and the support from their families and friends.

The Mayor reported the recent death of Mrs Florence Lyons who was Bury Hospice 'Woman of the Year' in 2006. Mrs Lyons was involved in a wide variety of community groups related to both young and older people, notably, representing Bury on the national 'Better Government for Older People Board'. She was also a founder member of Bury Elders' Forum. The condolences of the Council had been sent to the family of Mrs Lyons.

The Council joined the Mayor in wishing Councillor Creswell a speedy recovery from her injuries sustained recently in an accident.

The Mayor congratulated Zoë Robinson , Honorary Freeman of the Borough, following her success in the European Boccia Games.

Reverend Elizabeth Binns MBE, an employee of the Authority, had been appointed recently as a Deputy Lieutenant of Greater Manchester.

The Mayor congratulated the Council's Grounds Maintenance Gardeners and the Whitefield Horticultural Society for their joint achievement of a Silver Gilt Award at the Royal Horticultural Society Northern Show at Tatton Park, Cheshire.

In conclusion, the Mayor offered good wishes to the Jewish and Muslim Officers and Members of the Council on the forthcoming Jewish New Year celebrations and the holy month of Ramadan and the Festival of Eid.

C.240 PUBLIC QUESTION TIME

Written notice had been given of two questions, the first of which related to the Building for the Future Programme and the second to the future of Radcliffe Riverside School.

Councillor Diana Ashworth, Executive Member for Children and Young People answered both questions.

C.241 RECOMMENDATIONS OF THE EXECUTIVE

(a) Minute EX.148 of the meeting of the Executive held on 8 July 2009 – Bury Plan 2009/2012

It was moved by Councillor Bibby and seconded by Councillor Brown and, on being put, with no Member voting against with the Mayor abstaining, it was:

RESOLVED:

1. That the recommendation contained in Minute EX.148 be approved and adopted.
2. That, in response to a question raised by Councillor Boden, the funding issues relating to the Council's Carbon Reduction Commitment, be referred to Officers to examine.

(b) Minute EX.228 of the meeting of the Executive held on 2 September 2009 – Treasury Management Annual Report 2008/2009.

It was moved by Councillor Bibby and seconded by Councillor Brown and, on being put, with no Member voting against with the Mayor abstaining, it was:

RESOLVED:

1. That the recommendation contained in Minute EX.228 be approved and adopted.
2. That Councillor Byrne be advised of the decisions taken in respect of the level of Council borrowing referred to in paragraph 5.1 of the report.

C.242 LEADER'S STATEMENT AND EXECUTIVE QUESTION TIME

(a) Written questions (four clear days' notice given)

No	Issue	Questioner	Answered by (and action)
1.	Funding by the Council of Bury Housing Concern	Councillor Rothwell	Councillor Sullivan
2.	Best Value Performance Indicator Failure Intervention Level for roads in the Borough	Councillor Pickstone	Councillor Gunther
3.	1. Involvement of Councillors in the Best Value Review of Youth Services 2. Background papers to the Review	Councillor Byrne	Councillor D Ashworth (All relevant background papers to be submitted to Children & Young People Scrutiny Commission)
4.	Disabled and elderly residents waiting for home adaptations.	Councillor V D'Albert	Councillor Sullivan

No	Issue	Questioner	Answered by (and action)
5.	1. Improvements to The Derby School site 2. Contingency plan for the future of the school, if BSF funding is unavailable	Councillor Shori	Councillor D Ashworth
6.	1. "Park Free after 3" initiative in Bury Town Centre 2. Similar scheme in Rochdale	Councillor Baum	Councillor Gunther (To examine the scheme in Rochdale)
7.	1. Commercial use of parks within the Borough 2. Development of a plan to encourage commercial use	Councillor Costello	Councillors Gunther and Bibby (Development of the Commercial Plan)
8.	Complaints against the Council relating to domiciliary care services	Councillor Baum	Councillor Sullivan
9.	1. Reduction in late-night disorder in Bury Town Centre 2. Management of evening economy in Bury Town Centre	Councillor Smith	Councillors Cohen and Bibby
10.	Waste deposited in streams, gardens and footpaths	Councillor A S Garner	Councillor Gunther
11.	Sheltered accommodation managed by Six Town Housing	Councillor Isherwood	Councillor Sullivan
12.	Return of waste bins once emptied to domestic properties	Councillor A S Garner	Councillor Gunther
13.	Issue of brown waste bins to properties in Besses Ward	Councillor Matthews	Councillor Gunther
14.	Installation of CCTV cameras in the Borough 2005-2009	Councillor S Wright	Councillor Cohen
15.	The preferred site for the new Millwood School	Councillor Cummings	Councillor D Ashworth

No	Issue	Questioner	Answered by (and action)
16.	Collection from blue waste bins in the last three years	Councillor S Wright	Councillor Gunther
17.	Dog fouling in streets and parks in the Borough	Councillor Cassidy	Councillor Gunther
18.	Usage and demand for allotment sites in the Borough	Councillor Pickstone	Councillor Gunther
19.	Street lighting	Councillor Boden	Councillor Gunther
20.	Funding of the road maintenance programme	Councillor Audin	Councillor Gunther
21.	Parking of vehicles on Rhiwlas Drive, Bury	Councillor Chaudhry	Councillor Gunther
22.	Future of the Springs Estate, Bury	Councillor Smith	Councillor Sullivan

Due to lack of time to answer questions 11 to 22 inclusive, the Leader gave an undertaking that copies of the answers to those questions would be circulated to all Councillors

(b) Oral Questions on the work of the Executive since the last Council meeting (without Notice)

23.	Housing Options for Older People – Minutes of preparatory meetings	Councillor Connolly	Councillor Sullivan
24.	Maintenance of revenue funding for various services including waste collection and Surestart	Councillor Gartside	Councillor Bibby
25.	Future of the Building Schools for the Future funding if the Government changes	Councillor V D'Albert	Councillor Bibby
26.	New Council Logo – authorisation; consultations; procurement process and total cost	Councillor Smith	Councillor Bibby (all Councillors to be advised)
27.	Housing Options for Older People – Adequacy of Information in the report	Councillor Cummings	Councillor Bibby (written response to Councillor Cummings)
28.	Monitoring of low traffic speeds – Review of policy	Councillor Boden	Councillor Bibby (written response to Councillor Boden)

C.243 NOTICES OF MOTION

Four Notices of Motion had been received in accordance with Council Procedure Rule 12:-

(A) Funding of Bury Housing Concern

The following Motion had been received and set out in the Summons:-

"This Council deplores the attack on our most vulnerable citizens by the withdrawal of funding for Bury Housing Concern.

We demand that the funding be restored to ensure the future of this vital and essential service."

In the names of: Councillors Connolly, Smith, Cummings, Byrne, Holt, Shori, Costello and Grimshaw.

Councillor Connolly sought the permission of the Council to withdraw the Motion in the light of the answer to the written question number 1 in Minute C.242 above.

On being put, with no Member voting against and with the Mayor abstaining, the Council gave permission for the withdrawal of the Motion.

(B) Democracy and Openness

It was moved by Councillor Pickstone and Seconded by Councillor Baum that the following Motion be approved:-

- "1. This Council re-affirms its commitment to operating at the highest standards of democracy and openness to the public.
2. This Council therefore welcomes the recent initiative to make appropriate non-key decisions available to members and that this will be available to the public after an appropriate trial period.
3. This Council instructs the Democratic Arrangements Forum to bring proposals to Council by the end of 2009 which will detail how the decisions of the following bodies can be reported to members and the public, and be open to question and review through the Digest of Decisions:
 - Executive, Council and Scrutiny
 - Greater Manchester Joint Authorities for Fire, Police, Transport and Waste
 - Team Bury
 - Local Area Partnerships
4. This Council instructs the Democratic Arrangements Forum to undertake the review of public and members question time at Council and Executive, as agreed when the current procedures were introduced in Autumn 2008, and report back to this Council by the end of 2009.

5. This Council welcomes the discussions at the 2009 Strategic Planning Event on the future of Scrutiny, and resolves that that all-party consideration is given to proposals to reform and improve the scrutiny process, for implementation from the beginning of the 2010-2011 municipal year."

In the names of: Councillors Baum, Mary D'Albert, Vic D'Albert, Davison, Andrew Garner, Ann Garner, O'Hanlon, Pickstone and Steven Wright

An amendment was moved by Councillor Bibby and second by Councillor Brown to the follow effect:-

- "1. This Council re-affirms its commitment to operating at the highest standards of democracy and openness to the public.
2. This Council therefore welcomes the recent initiative to make appropriate non-key decisions available to members and that this will be available to the public after an appropriate trial period.

DELETE:

- "3. This Council instructs the Democratic Arrangements Forum to bring proposals to Council by the end of 2009 which will detail how the decisions of the following bodies can be reported to members and the public, and be open to question and review through the Digest of Decisions:
 - Executive, Council and Scrutiny
 - Greater Manchester Joint Authorities for Fire, Police, Transport and Waste
 - Team Bury
 - Local Area Partnerships"

DELETE:

- "4. This Council instructs the Democratic Arrangements Forum to undertake the review of public and members question time at Council and Executive, as agreed when the current procedures were introduced in Autumn 2008, and report back to this Council by the end of 2009."

INSERT:

- "3 This Council requests the Democratic Arrangements Forum to undertake a review of public and members' questions time at Council and Executive. The outcome of the review to be reported back to Council at the earliest opportunity."

DELETE:

- "5. This Council welcomes the discussions at the 2009 Strategic Planning Event on the future of Scrutiny, and resolves that that all-party consideration is given to proposals to reform and improve the scrutiny process, for implementation from the beginning of the 2010-2011 municipal year."

INSERT:

"4. This Council undertakes to review the functionality of overview and scrutiny. This process to be overseen by the Scrutiny Management Committee. Any agreed changes would be implemented for the 2010-2011 municipal year."

The amendment on being put, 24 members voted for, 21 against with the Mayor abstaining, was declared carried.

The substantive motion on being put, 24 voted for, 14 against and with 9 abstentions, was declared carried.

RESOLVED:

That the Motion, as amended above be approved and adopted.

(C) Olympics

It was moved by Councillor O'Hanlon and seconded by Councillor Baum that the following Motion be approved:-

"Council notes that it is now less than three years until the XXX Olympiad in London in 2012.

Council also notes that this event represents the first of many large, international sporting events taking place across the nation in the following years including the World Cups of Rugby Union, Rugby League, Cricket and perhaps Football.

Council resolves to use this country's upcoming decade of sport to promote sport and physical wellbeing across the borough.

In particular, Council resolves to:

- 1) Look at opportunities to "host" a nation's athletes in their preparations for the Olympic Games in 2012
- 2) Commit to involving the borough's young people in the Olympic Games, with enhanced provision for the uptake of Olympic sports, and the establishment events such as of a "mini Olympics" for schools in the run up to the Games.
- 3) Begin a pro-active marketing campaign for sporting and physical activities in Bury, aimed at the least active.
- 4) Follow the lead of the Prestwich LAP and produce a healthy activities guide for all townships within the borough to promote physical wellbeing.
- 5) Discuss with AGMA colleagues the possibility of a Greater Manchester Leisure Card to maximise use of the city region's sport and leisure facilities.

- 6) Begin to explore how best to ensure a lasting legacy for Bury from the Games, including enquiring with government about their promised legacy for the country, and what this will specifically mean for Bury."

In the names of: Councillors Baum, Mary D'Albert, Vic D'Albert, Davison, Andrew Garner, Ann Garner, O'Hanlon, Pickstone and Steven Wright

An amendment was moved by Councillor Bibby and seconded by Councillor Brown to the following effect:-

"Council notes that it is now less than three years until the XXX Olympiad in London in 2012.

Council also notes that this event represents the first of many large, international sporting events taking place across the nation in the following years including the World Cups of Rugby Union, Rugby League, Cricket and perhaps Football.

Council resolves to use this country's upcoming decade of sport to promote sport and physical wellbeing across the borough.

In particular, Council resolves to:

- 1) Look at opportunities to "host" a nation's athletes in their preparations for the Olympic Games in 2012

DELETE:

- "2) Commit to involving the borough's young people in the Olympic Games, with enhanced provision for the uptake of Olympic sports, and the establishment events such as of a "mini Olympics" for schools in the run up to the Games."

INSERT:

- "2) This Council supports the Borough's young people in the uptake of all sports including those associated with the Olympics & Para Olympics, and encourages sports clubs and associations to establish events such as "mini Olympics" for schools/clubs in the run-up to the Games."

DELETE:

- "3) Begin a pro-active marketing campaign for sporting and physical activities in Bury, aimed at the least active."

INSERT:

- "3) Continue to be pro-active in the marketing of sporting and physical activities in Bury."

DELETE:

- 4) Follow the lead of the Prestwich LAP and produce a healthy activities guide for all townships within the borough to promote physical wellbeing.

INSERT:

- "4) All Local Area Partnerships (LAPs) be encouraged to continue to produce a healthy activities guide, in line with Team Bury's ambitions and the LAPs own priorities set out in Local Community Plans."

DELETE:

- "5) Discuss with AGMA colleagues the possibility of a Greater Manchester Leisure Card to maximise use of the city region's sport and leisure facilities."

DELETE:

- "6) Begin to explore how best to ensure a lasting legacy for Bury from the Games, including enquiring with government about their promised legacy for the country, and what this will specifically mean for Bury."

INSERT:

- "5) The Council acknowledges that Bury Sport and Physical Activity Alliance (SPAA) will be working on a Bury legacy plan in order to ensure there is a lasting legacy from the 2012 Olympic Games."

Following a debate, Councillor Connolly moved and Councillor Smith moved that the question be now put which was passed by the Council with the Mayor abstaining.

The amendment on being put, 37 members voted for, 8 against and with the Mayor abstaining, was declared carried.

The substantive Motion on being put was approved unanimously and it was

RESOLVED:

That the Motion as amended above, be approve and adopted.

(D) Surveillance

It was moved by Councillor V D'Albert and seconded by Councillor Pickstone that the following motion be approved:-

"This Council notes the growing concern shown by Government, watchdogs and others into the use of the Regulatory and Investigatory Powers Act (RIPA) by local authorities and in particular inappropriate use of the powers by some authorities.

Specifically this Council notes:

1. Over the past 5 years surveillance powers have been used by local authorities over 10,300 times including over 165 times by Bury Council.

2. The growing concern that in some instances these powers are being exercised too readily.
3. That Council Members have a duty to be aware of the powers being exercised by the authority and to satisfy themselves on behalf of the Council workforce and the public that they are being used wholly in accordance with the Government's published code of practice.

Furthermore it is noted that the use of these (RIPA) powers by Bury officers, and the procedures and checks employed have yet to be scrutinised by Councillors.

As such this Council resolves to:

- * Request that a detailed report into this Council's use of RIPA powers over the past 5 years be presented to the appropriate Scrutiny Commission before the end of the year.
- * Further request that the Councils' Procedural Guide for the use of covert surveillance and covert human intelligence sources ("CHIS") be scrutinised by the Scrutiny Commission."

In the names of: Councillors Baum, Mary D'Albert, Vic D'Albert, Davison, Andrew Garner, Ann Garner, O'Hanlon, Pickstone and Steven Wright

An amendment was moved by Councillor Bibby and seconded by Councillor Brown to the following effect:-

DELETE:

"This Council notes the growing concern shown by Government, watchdogs and others into the use of the Regulatory and Investigatory Powers Act (RIPA) by local authorities and in particular inappropriate use of the powers by some authorities."

INSERT:

"This Council supports the decision by Government to carry out a whole systems review in order to clarify the use of the Regulatory and Investigatory Powers Act (RIPA).

Any scrutiny of these arrangements would be a matter for the Scrutiny Management Committee or individual Scrutiny Chairs."

Specifically this Council notes:

1. Over the past 5 years surveillance powers have been used by local authorities over 10,300 times including over 165 times by Bury Council.

DELETE:

- "2. The growing concern that in some instances these powers are being exercised too readily."

DELETE:

- "3. That Council Members have a duty to be aware of the powers being exercised by the authority and to satisfy themselves on behalf of the Council workforce and the public that they are being used wholly in accordance with the Government's published code of practice."

INSERT:

- "2. That Council Members be aware of the Government's code of practice for Regulatory and investigatory Powers Act (RIPA)."

DELETE:

"Furthermore it is noted that the use of these (RIPA) powers by Bury Officers, and the procedures and checks employed have yet to be scrutinised by Councillors."

DELETE:

"As such this Council resolves to:

- * Request that a detailed report into this Council's use of RIPA powers over the past 5 years be presented to the appropriate Scrutiny Commission before the end of the year.
- * Further request that the Councils' Procedural Guide for the use of covert surveillance and covert human intelligence sources ("CHIS") be scrutinised by the Scrutiny Commission."

Following a debate, Councillor Smith moved and Councillor Connolly seconded that the question be now put which was passed by the Council with the Mayor abstaining.

The amendment on being put, 37 members voted for, 8 against and with the Mayor abstaining, was declared carried.

The substantive Motion on being put, 37 members voted for, 8 against and with the Mayor abstaining, was declared carried and it was:-

RESOLVED:

At the conclusion of the debate on Motion D above, the Mayor, in accordance with Council Procedure Rule 9.2 called for a vote that the whole of the remaining business before the Council be approved. The Council approved the Closure Motion unanimously.

C.244 SCRUTINY REPORTS AND SPECIFIC ITEMS 'CALLED IN' BY SCRUTINY COMMISSIONS

There were no Scrutiny Review Reports or specific items 'called in' by Scrutiny Commissions to be considered at this Council meeting.

C.245 JOINT AUTHORITIES – REPORTS BY THE COUNCIL’S REPRESENTATIVE AND QUESTIONS

- (a) Councillor Creswell, the Council’s representative on the Greater Manchester Fire and Rescue Authority, would circulate her report on the work of that Joint Authority to all Members of the Council.
- (b) The following questions had been received in accordance with the Council Procedure Rule 11.2:- (copies of the written answers would be circulated to all Councillors)

Joint Authority and Questioner	Issue	Answered by (and action)
Passenger Transport Authority Councillor Shori	Subsidies for non-profit making bus routes in the south of the Borough	Councillor Creswell
Passenger Transport Authority Councillor Baum	Cost of Metrolink tickets	Councillor Creswell
Fire and Rescue Authority Councillor Cassidy	“Beatsweep” exercise in Moorside Ward	Councillor Walton
Police Authority Councillor Connolly	“Operation Admiral” in Bury Town Centre	Councillor Walker
Police Authority Councillor Baum	Complaints about failure to meet the ‘Policing Pledge’	Councillor Walker
Police Authority Councillor Wright	Description of parts of Manchester by Chris Grayling MP	Councillor Walker
Police Authority Councillor S Wright	Prices of illegal drugs being sold in the Borough	Councillor Walker

C.246 QUESTIONS ON THE WORK OF OUTSIDE BODIES OR PARTNERSHIPS

There were no written questions on the work of outside bodies or partnerships on which the Council is represented, submitted in accordance with Council Procedure rule 11.2.

C.247 DELEGATED DECISIONS OF COUNCIL COMMITTEES

There were no written questions asked on the delegated decisions of the Committees or Scrutiny Commissions contained in the Digest of Decisions 2 and 3 (2009/2010).

THE WORSHIPFUL THE MAYOR

(NOTE: The meeting started at 7.00 pm and ended at 10.05 pm)