

Minutes of: AN ORDINARY MEETING OF THE COUNCIL

Date of Meeting: 26 October 2011

Present: The Worshipful the Mayor (Councillor Y Creswell, in the Chair;
Councillors I Ahmed, A Audin, K Audin, M Bailey, N Bayley, I Bevan, R A Bibby, D Boden, R C A Brown, P Bury, J Byrne, G Campbell, R Caserta, D M Cassidy, S Cohen, J Columbine, M Connolly, A J Cummings, M D'Albert, V D D'Albert, J Frith, I Gartside, J Grimshaw, D L Gunther, M Hankey, J Harris, T Holt, K Hussain, A Isherwood, M James, J Lewis, A K Matthews, D O'Hanlon, N Parnell, T D Pickstone, K Rothwell, R Shori, J Smith, T Tariq, J W H Taylor, B Theckston, B Vincent, R E Walker, S Walmsley, J F Walton, M J Wiseman and Y S Wright

Apologies for absence: Councillors Garner, Hurst and Quinn

Public attendance: 10 members of the public attended the meeting.

C.324 DECLARATIONS OF INTEREST

1. Councillor Connolly declared an interest in any item which related to staffing as his partner is an employee of Bury Council.
2. Councillor Brown declared a personal interest in Minute C.328, Notice of Motion A, Legacy of Mr William Openshaw Street, as he had given legal advice to a person on this issue.
3. Councillor Cassidy declared a personal interest in Minute C.329, 2011/12 Treasury Management Strategy, in so far as it relates to Six Town Housing, where her son is an employee.

C.325 MINUTES

RESOLVED:

That the Minutes of the meeting of the Council held on 14 September 2011 be approved as a correct record and signed by the Mayor.

C.326 MAYORAL COMMUNICATIONS

The Mayor offered congratulations to those involved in Bury Light which had taken place on 14 October 2011 and had proved a huge success. The Mayor also congratulated all concerned in the outstanding success enjoyed by Bury at both the Britain in Bloom and North West Bloom finals.

C.327 PUBLIC QUESTION TIME

No	Issue	Questioner	Answered by (and action)
1.	Restoration of post box on Pimhole Road close to Holly Court Sheltered Accommodation	Mr H Reid	Councillor Connolly: Enter into correspondence with Royal Mail

At this stage of the Proceedings, it was moved and seconded and

RESOLVED:

That the Order of Business be changed in accordance with Council Procedure rule 13(c) to enable consideration of the Notices of Motion as the next item of business.

C.328 NOTICES OF MOTION

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

(A) LEGACY OF MR WILLIAM OPENSHAW STREET

A motion had been received and set out in the Summons in the names of:

Councillors A Audin, K Audin, M Bailey, N Bayley, D Boden, P Bury, J Byrne, G Campbell, D Cassidy, J Columbine, M Connolly, A Cummings, J Frith, J Grimshaw, T Holt, A Isherwood, M James, J Lewis, A Matthews, N Parnell, A Quinn, K Rothwell, R Shori, J Smith, T Tariq and S Walmsley.

It was moved by Councillor Connolly and seconded by Councillor Walmsley as an amendment that:-

"The Council notes:

Mr William Openshaw Street was a well known and respected local Bury businessman and philanthropist who started up and ran the Bury Felt Company for many years. When Mr Street died he left in trust millions of pounds to support defined charitable activities in the United Kingdom and the Channel Island of Jersey. Mr Street's wishes also included a stated preference be given to persons resident in or otherwise connected with the County of Lancaster (as at the 1973 definition) which included Bury.

A public campaign has now been launched with the aim of securing support to ensure that Mr Street's intent that preference be given, insofar as is practicable to persons connected with the County of Lancaster (as at the 1973 definition that includes Bury) be successfully achieved.

This Council resolves to:

1. Support the public campaign with the objective that preference is given to persons resident in or otherwise connected with the County of Lancaster (as at the 1973), and in particular Bury;
2. To actively promote how Bury residents can make applications to the William Openshaw Street Trust to maximise opportunities for this Borough; and
3. To communicate this resolution to all Lancashire and Greater Manchester Councils and MPs to seek their support for this public campaign."

The amendment on being put, was unanimously accepted and was declared carried.

(B) SMOKING BANS IN OUTDOOR PLAY AREAS

A motion had been received and set out in the Summons in the names of:

Councillors Mary D'Albert, Vic D'Albert, Garner, O'Hanlon and Pickstone

In accordance with Council Procedure Rule 147(a), an alteration to the motion was accepted and it was moved by Councillor Vic D'Albert and seconded by Councillor Pickstone that:-

"This Council:

1. Notes that other Local Authority within the UK, such as Inverclyde and Pendle, have or are in the process of implementing smoking bans in children's play areas and that many other areas are considering it.
2. Notes campaigns by Smoke Free North West for a voluntary ban in smoking in children's play areas across the North West.
3. Notes that research suggests public support for smoke-free play areas is high: A YouGov survey undertaken by ASH in March 2010 found that 73% of the general population backed a smoking ban in children's areas.
4. Believes that, in the long term, smoke-free play areas will assist in decreasing the number of young people who start smoking and will also help to reduce levels of unsightly cigarette litter such as cigarette butts, matches, empty packets and wrappers in children's play areas.

Therefore, Council:

1. States support for the principle of a voluntary smoking ban in children's play areas within Bury.
2. Welcomes preparatory work undertaken to date to gauge local support for smoking bans in play areas and urges consultation with playground users to assess support for this initiative.

3. Requests that the Leader brings forward plans for a voluntary smoke-free code for play areas in Bury, with a view to introduction from early 2012 (subject to the outcome of consultations). Plans to include a smoke-free policy statement, public awareness raising and a timetable for evaluation of the effectiveness of the smoke-free code.
4. Requests that the Leader brings a report to a future meeting of the Executive as to how powers contained in the Localism Bill may facilitate the introduction of legally enforceable bans."

The Motion on being put, 45 members voted for, none against and with three abstentions, was declared carried.

(C) COUNCIL TAX

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

It was moved by Councillor Brown and seconded by Councillor Gartside that:-

"This Council notes:

The continuing tough economic climate that was created by the previous Labour Government's irresponsible borrowing has caused the debt crisis that the Coalition Government is now having to deal with.

This Council therefore, welcomes the recent announcement by George Osborne that the Government will give this Council the option to freeze Council Tax for the people of Bury for the second year running, without hampering the planned clearance of Labour's structural deficit by 2014/15.

At a time when the cost of living is rising and wages remain flat, throughout both the private and public sector, not increasing the level of Council Tax will put more money in people's pockets and help with the recovery from the current debt crisis.

However, this Council resolves to lobby Government in regards to the scheme being funded on an on-going basis."

Prior to the vote on the motion, in excess of the required eight Councillors requested that voting be recorded to show how each Member cast their vote.

The result of the vote was as follows:-

Councillors I Ahmed, I Bevan, R Bibby, R Brown, R Caserta, S Cohen, M D'Albert, V D'Albert, I Gartside, D Gunther, M Hankey, J Harris, K Hussain, D O'Hanlon, T Pickstone, J Taylor, B Theckston, B Vincent, R Walker, J Walton, M Wiseman and Y Wright (22)

Against the Motion:

Councillors A Audin, K Audin, M Bailey, N Bayley, D Boden, P Bury, J Byrne, G Campbell, D Cassidy, J Columbine, M Connolly, A Cummings, J Frith, J Grimshaw, T Holt, A Isherwood, M James, J Lewis, A Matthews, N Parnell, K Rothwell, R Shori, J Smith, T Tariq and S Walmsley (25)

Abstaining from the Vote:

The Worshipful the Mayor

The Mayor declared the Motion lost.

C.329 RECOMMENDATION OF EXECUTIVE AND COUNCIL COMMITTEES

Minute EX.303 of the meeting of the Executive held on 12 October 2011 – 2011/2012 Treasury Management Strategy – Mid year Review.

It was moved by Councillor Connolly and seconded by Councillor Smith and it was

RESOLVED:

That the 2011/12 Treasury Management Annual Strategy – Mid Year Review be approved.

C.330 LEADER'S STATEMENT AND EXECUTIVE QUESTION TIME

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

The Leader of the Council, Councillor Connolly, made a statement on the work undertaken by him since the date of the last Council meeting. The Leader and the relevant Executive Members answered questions raised by Councillors on the following issues:

No	Issue	Questioner	Answered by (and action)
1.	Government Funding for School Buildings	Councillor Caserta	Councillor Parnell
2.	Impact and application of the Equalities Act 2010	Councillor Rothwell	Councillor Holt
3.	Government Grants for recycling	Councillor Pickstone	Councillor Isherwood
4.	Members Allowances and Charitable Donations	Councillor Harris	Councillor Connolly
5.	Income Regeneration through recycling.	Councillor Boden	Councillor Isherwood
6.	Plans in place for dealing with adverse winter conditions	Councillor Vic D'Albert	Councillor Isherwood
7.	Consultation on the future of the Civic Halls	Councillor Hankey	Councillor Lewis
8.	Job Creation through recycling	Councillor Boden	Councillor Isherwood

9.	Backlog in Tree Surgery work	Councillor O'Hanlon	Councillor Lewis
10.	Health and Well-Being Boards	Councillor Walker	Councillor Shori
11.	Flower beds in Council Parks and Gardens	Councillor Mary D'Albert	Councillor Lewis
12.	Flexibility of Refuse Collection Services	Councillor Vic D'Albert	Councillor Isherwood
13.	Arrangements for the Queen's Diamond Jubilee	Councillor Pickstone	Councillor Walmsley
14.	Road repairs and potholes	Councillor O'Hanlon	Councillor Isherwood
15.	Availability of Section 106 Monies	Councillor Mary D'Albert	Councillor Isherwood

Due to the lack of time to answer questions 10 to 15 inclusive, the Leader gave an undertaking that copies of the answers to those questions will be circulated to all Councillors. The Leader also gave an undertaking to make these available on the Council Web Site.

The Mayor called upon the Leader to move The Closure Motion in accordance with Council Procedure Rule 9.

The Leader moved and it was:

RESOLVED:

That the whole of the remaining business before the Council be approved.

THE WORSHIPFUL THE MAYOR

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

NOTE: There were no Scrutiny Review reports or "called-in" items; there were no questions on the work of outside bodies or partnerships; and there were no questions on delegated decisions of Council Committees.

The GMP representatives report would be circulated subsequently.

The following reports were duly noted/approved following the Closure Motion:

- § Polling Districts and Polling Places Review 2011
- § Parliamentary Boundary Review
- § Special Urgency Decisions