

Council meeting – 1 February 2012

Questions:-

The Leader of the Council

Question running order:

1st: Liberal Democrat

2nd: Conservative

3rd: Labour

Question 1 – Councillor Vic D’Albert

Could the Leader of the Council update members with progress on the independent consultant report on Civic Suites? When will the report be published?

A. Work has started on the independent review and is progressing well. Customer consultation and a number of meetings with Council officers has already taken place. Benchmarking with other Councils is currently being undertaken together with further consultation with stakeholders. It is too early to say when the review will be fully completed, the important thing is that we get a thorough job done.

Question 2 - Councillor Walker

With reference to introduction of bus lane restrictions and the use of spy camera cars to catch vehicles, could we be updated on:-

(a) how many motorists have been fined as a result of cameras recording them using the bus lanes at times when prohibited, since the end of June 2011 until now ?

(b) how much income has this generated since July 2011 until now ?

(c) how many drivers have been caught and fined at the foot of Bolton Road where the camera car is often situated on the pavement in Church Ward ?

(d) can it be explained why the timing of the bus lane on Bolton Road between St Stephen's Church and the Wellington has had to be extended from 6.30pm till 7.0pm to conform to Greater Manchester requirements when (i) there are only two buses in this half hour (ii) it is extremely dangerous in wet, dark Winter evenings to drive in the middle of the road alongside an empty bus lane , facing oncoming, overtaking traffic and (iii) no drivers appear to be monitored on this stretch of road ?"

A. (a) 3761 motorists have been fined since the end of June to 31st Dec 2011 as a result of cameras recording them using the bus lanes at times when prohibited.

(b) £134,505 income has been generated since July 2011

(c) 1788 drivers have been caught and fined at the foot of Bolton Road where the camera car is often situated on the pavement in Church Ward.

- (d) All bus lanes in Bury conform to one of the 3 Greater Manchester standards. If each bus lane had different timings it would lead to confusion. Regardless of the lane classification of the inside lane there is no certainty of vehicles travelling in it. The Council has bus lanes across the Authority and monitoring is carried out at various locations on a rotating basis. Part of the Plan for Change is to ensure that all bus lanes are monitored.**

Whilst no enforcement has yet taken place on this stretch, it isn't to say it will not be in the future. We are looking at other ways of carrying out enforcement including the potential for installing fixed cameras at certain locations and, therefore, removing the restriction now and reintroducing it at a later date would add to the confusion for drivers.

Question 3 – Councillor Columbine

Does the Leader agree that the investment in member training is key to our effective performance and an essential part of our development as Elected members with Bury Council?

A. I would like to thank Councillor Columbine for the question.

I am fully committed to the training and development of all councillors and take the role of Lead Member for Elected member Development very seriously.

It is the Council's responsibility to give councillors the tools they need to carry out their role. It is vital to the success of local democracy that existing and prospective councillors are aware of the high standard of support they can expect from the council and its officers.

When the Labour Group was previously in control; this council committed to the Member Development Charter and was awarded the Charter in 2007. The Member Charter is a statement of a council's commitment to developing and supporting its elected councillors. It aims to help councils adopt a structured approach to councillor development and to building elected member capacity. As part of the continuing commitment to Member development and training it is my intention to seek re-accreditation of the work carried out in Bury and further develop the training and development opportunities that are available to all Members.

Question 4 - Councillor O'Hanlon

Could the Leader outline what discussions have been taken place between the Authority and the potential developers of a supermarket in Prestwich Village centre. At what stages were elected members informed of the process?

A. Firstly, for clarity, discussions are with the developer for the Longfield Centre, not the developers of a supermarket in the village centre.

Numerous discussions have been held with officers from late 2009, throughout 2010 and 2011. Initially, these focussed on negotiations around the Heads of Terms for the Development Agreement and then primarily focussing on sketch proposals from the developer. In early 2011, the developer introduced Terrace Hill as a partner with HMG on this scheme, following which the most recent sketch proposal was received. In between meetings, correspondence has been exchanged on a range of issues resulting from the sketch proposals.

Members have been updated on a regular basis throughout this time, under both the previous and current administrations. Late December 2010 and January 2011 saw meetings with the Town Centre Regeneration Working Group, the Leader of the previous administration was briefed in April 2011, the new Leader and key Members were briefed in May 2011 and since then both myself and the Executive Member for Leisure, Culture and Tourism have received regular updates, culminating in a meeting called by myself with all Prestwich Ward Councillors on 12/1/12.

Question 5 – Councillor Harris

At the last Council meeting the leader, whilst referring to the equal pay issue, described the previous administration's actions as "defending the indefensible". Would it not be in the interests of the remaining claimants to wait for the imminent judgement from the Supreme Court and pay out the claims in full?

A. I would like that thank Councillor Harris for her question, as she is aware I made a statement regarding the progress made towards the settlement of equal pay claims earlier this evening.

Councillor Harris has raised an interesting point; I would be interested to know whether this her own view or that of the Conservative Group on this Council.

It is my understanding that as Councillors we have a duty to ensure that public funds are used appropriately. She will recall that I clearly stated in my response to her question on 14th September 2011 that this administration is mindful of the need to give full consideration to our obligations to maintain pay equality for the workforce and our obligations to the council tax payers of Bury. My position on this has not changed.

In my view this settlement is about balancing duties and responsibilities and establishing common interests, therefore, I am unclear why she should choose to speculate on the possible outcome of the Court of Appeal Hearing. I think Councillor Harris should give further consideration to the wider implications for this Council given the scenario she describes.

Question 6 - Councillor Quinn

In light of the Executive's recent decision to allow Six Town Housing to apply for Registered Provider Status, can the Executive Member for Adult Care, Health and Housing please outline the potential effects of the Government's policy to encourage Council tenants to exercise their Right to Buy on social housing stock in Bury?

A. Under the current Right to Buy legislation council tenants are eligible to purchase their homes with a discount off the full market value, if they have spent five years as a public sector tenant. Where the Council makes a Right to Buy sale, the receipts (proceeds of the sale) are subject to pooling. The Council may retain the administrative costs of the sale and any costs incurred on improving the dwelling up to three years before the sale. After those costs have been taken into account, the Council may retain 25% of the remaining receipt and the balance (75%) is paid directly to the Government.

The current national discount rates are:

- **houses: 35% of the property's value plus 1% for each year beyond the qualifying period up to a maximum of 60%.**
- **flats: 50% plus 2% for each year beyond the qualifying period up to a maximum of 70%.**

The maximum amount of discount payable in Bury is currently £26,000.

The Consultation document 'Reinvigorating the Right to Buy and One for Replacement' proposes to amend the legislation as follows:

- raise the upper limit (cap) on discounts to £50,000 across England;
- remove the current requirement to pool Right to Buy receipts on the basis that all new receipts from sales (after allowable costs and repayment of housing debt) should be used to replace the homes sold.

Whilst the Council recognises that the increased discounts may stimulate interest in Right to Buy, the receipts generated from sales in Bury may not in itself be sufficient to support the funding required for replacement properties and we have expressed these concerns to the Government.

Allowing Six Town Housing to apply for Registered Provider status opens up new opportunities to maintain the level of affordable housing in the Borough such as the acquisition of empty homes, management of new build properties and joint ventures with other registered social landlords. We will approach this on a scheme by scheme basis with each scheme being subject to a business case to assess viability and cost effectiveness.

Question 7 – Councillor Pickstone

The Government has and will provide additional resources to local authorities to provide social care. How will this additional money be spent? Could the Leader confirm that all of this money will be spent as additional expenditure on social care (i.e. not just funding existing expenditure) throughout the period covered by the Plan for Change?

A. The Government has allocated £4.34 million to NHS Bury in financial years 2011/12 & 2012/13. NHS Bury is required to transfer these funds to the Council, via a Section 256 Agreement, and are to be used in ways that benefit both adult social care & Health.

However, the Government did not 'ringfence' these funds.

Government has also yet to make an announcement about how funds will be allocated & distributed to Councils in years 2013/14 and beyond.

With the agreement of NHS Bury, we intend to use these funds on a range of initiatives, all with the aim of reducing avoidable admissions into hospital, and/or enabling people to remain safely in their own homes for as long as possible. These initiatives will benefit all adult groups (for example people with learning & physical disabilities, and carers), not just older people.

More specifically, we will be using the funds in:

- **Providing additional community equipment, adaptations and technology**

- **Developing in-reach & outreach services for people with dementia**
- **Expanding a step down/ step up service, along the lines of intermediate care, for people with learning difficulties, and severe & enduring mental illness, to ensure that hospital admissions are avoided where appropriate, & that discharge is properly supported.**
- **Developing new services for carers, especially for those with a primary health need**
- **Creating a specialist team to manage young people in transition (from age 14 years)**
- **Expanding the availability of appropriate sheltered housing and extra care housing**
- **Further strengthening systems and procedures to ensure that the safeguarding of adults is a high priority across all health & social care**

In addition, as is the practice in other Councils, we will use some of the funds to offset the additional costs we are incurring because of the continued increasing demand for social care in all areas, support at home in particular. We are supporting ever greater numbers of people, so this is a perfectly legitimate use of the funds.

Question 8 - Councillor Wiseman

What are the procedures for a member of the public to report concerns regarding safeguarding issues involving adults or children?

What procedures are undertaken to follow up any such reports?

A. Adult Care

Members of the public wanting to report concerns about Adult Safeguarding should ring the Adult Care Services Contact Centre on 0161 253 5151 (further details below).

On receipt of the telephone call the contact centre will raise a "Safeguarding Alert" form which will be passed through to the most appropriate social work team (i.e. Learning Disabilities Team, Vulnerable Adults Team etc).

If the concern is out of office hours members of the public are asked to ring the Emergency Duty Team - 0161 253 6606 who will follow the same process as above, or where appropriate, contact the emergency services using the 999 system.

Contact number and opening hours for Adult Care Service

Customer Contact Centre: -

Adult Care Services Customer Contact Centre - 0161 253 5151

| Telephone operation hours | |
|----------------------------------|---------------------------------|
| Day | Telephone operation time |
| Monday | 9.00am - 5.00pm |
| Tuesday | 9.00am - 5.00pm |
| Wednesday | 10.00am - 5.00pm |
| Thursday | 9.00am - 5.00pm |
| Friday | 9.00am - 5.00pm |
| Saturday | Not available |
| Sunday | Not available |

What procedures are undertaken to follow up any such reports?

Answer – Safeguarding Alerts follow the process below when passed through to Adult Care Services:

- 1) Decision to proceed – The social work manager will assess the details of the alert and at this stage make the decision whether to take forward through the safeguarding procedures or to re-direct through a more appropriate route i.e. complaints, introducing additional support services etc. This decision is made within 24 hours of receiving the alert.
At this point the social work manager will also assess to see whether the adult at risk is in any immediate danger and put in measures to protect them.**
- 2) Safeguarding Strategy Meeting/Discussion – Within 2 days of receiving the alert the social work manager will hold either a formal meeting (strategy meeting) or have a series of discussions (safeguarding discussion) to decide if there are grounds for and/or a requirement to investigate the alleged abuse. If there are grounds to continue the social work manager will also at this point plan and coordinate the actions of agencies that have a role in responding to the alleged abuse.**

- 3) **Safeguarding Adult Investigation** – During the Strategy Meeting/Discussion and Investigating Officer is appointed. This officer will coordinate and lead the investigation into the suspected abuse. The Investigating Officer will produce a formal report into their findings.
- 4) **Safeguarding Planning/Outcome of Investigation Meeting**– Following the collation of the all the evidence a Safeguarding Planning/ Outcome of Investigation Meeting will be held. The purpose of this meeting is to review the findings of the investigation (as presented by the investigating office), review risk and decide the investigation outcomes.
This meeting will also produce a safeguarding plan – which will lay out the steps that are to be taken to assure the adult’s future safety.
This meeting will also set out a future date to review the safeguarding case.
- 5) **Safeguarding Review Meeting** – On a pre-arranged date, a Safeguarding Review meeting will be held, this meeting is to ensure that the actions recommended within the Safeguarding Plan are being progressed and to assess whether any further action is needed to safeguard the adult from future abuse.
Where all parties are satisfied that the adult is protected, the safeguarding process will end here. However, further meetings will be arranged if additional action is needed or any risk remains.

Children’s Services

The procedure for members of the public to report concerns about a child's welfare is to contact our Advice and Assessment team either in person at Athanaeum house or by telephone - 0161 253 5454. An Emergency Duty Service is run out of hours to address immediate issues of concern.

This is clearly specified on the Council's website - the link below is one click from the home page and specifies what the Advice and Assessment Team does when a contact has been made. On the right hand side in the Contact Us box is the address, telephone number and a map.

<http://www.bury.gov.uk/index.aspx?articleid=3669>

there are clear procedures and processes in place to follow up concerns. These are also specified on that web page (link to Safeguarding Procedures). In short, to follow up any report from the public about safeguarding / welfare concerns about a child, the Advice and Assessment team will undertake the following action:

1. Take full details from the person reporting the concerns and check our own records to determine if the family are known to us
2. Contact professionals who work with the child / the family to

gather information, such as Health Visitor, School or any known other service such as Connexions, Adult Mental Health or Drug and Alcohol Service

3. If there are concerns about the potential for significant harm, a strategy meeting will be held that day involving the police and key agencies working with the child to agree what immediate action is required and to agree how to investigate (e.g. whether joint investigation with the police as is usual for physical abuse or sexual abuse). If there are concerns but these fall short of immediate risk of harm, an Initial Assessment will be undertaken by the Advice and Assessment Team which involves seeing the child, their parents/carers and undertaking an assessment of the parenting the child is receiving, what the issues of risk and need are.

4. Where there are concerns about the possibility of significant harm, the strategy meeting will be followed by an investigation (usually undertaken on the day, depending on the type of abuse alleged - e.g. an allegation of physical abuse would be addressed within a couple of hours, for sexual abuse, this requires careful planning and will involve video interviewing so may take longer). During the investigation, the child and their parents/carers are interviewed. The child will be seen alone, and may have a child protection medical assessment undertaken by a paediatrician, e.g. where there are physical injuries or where there are concerns about failure to thrive/malnutrition. The outcome of the investigation will determine whether further action is required to protect the child, such as intervention to keep the child safe (child protection plan), removal/legal proceedings or whether additional support is required. A fuller assessment is undertaken ("Core Assessment") following from an investigation and this may highlight support needs that can be put in place for the child/their family.

Question 9 – Councillor Tariq

Does the Leader agree with me that Bury's staff should be congratulated on their participation in FC United's "Big Coat Day" at Xmas?

A. I would remind members that the "Big Coat Day" involved football fans being urged to donate clothing at FC United's derby match at Gigg Lane against Ashton on Boxing Day. Our staff responded magnificently in supporting this worthy cause and my thanks and congratulations goes to them and all supporters who responded so positively.

I would also congratulate FC United on demonstrating how a community football club can make a difference by tapping into the generosity of fans in helping those who suffer through the cold weather conditions.

Question 10 – Councillor Mary D’Albert

Could the Leader of the Council report to members the number of fly-tipping incidents have been reported to Council since the closure of Prestwich Tip. What cost has the Council incurred responding to these incidents?

- A. 1) Since the closure of the Prestwich Household Waste Recycling Centre, Environmental Protection have received 1 complaint about fly tipping outside the gates of the facility. This was investigated thoroughly at a cost to the Council of £60.**
- 2) Waste Management have had 29 fly tipping referrals direct to them from the Community Safety Team. However, the cost of clearing these is being re-charged to GMWDA so there will be no cost to the Council.**
- 3) There have been 4 reports of fly tipping made by members of the public to the Contact Centre. These were referred direct to Waste Management but again there is no cost to the Council for clearance as this is being re-charged to GMWDA**

As well as the reactive work carried out, Officers have also been proactive with a view to preventing problems from arising. These pro-active actions included :-

- 1) Arranging for additional signage to be erected along Clifton Road advising the public that the facility has closed. GMWDA are covering the cost of this. The additional signs have been ordered and are due to be put up either this week or next week.**
- 2) Erecting an additional dozen 'No Tipping' signs along Clifton Lane and Buckley Lane.**
- 3) Increased surveillance by Environmental Crimes Officers (20 visits to date)**
- 4) Increased surveillance by Community Safety Officers (one or two visits per day whilst in the area).**
- 5) Visits by the local Neighbourhood Policing Team**
- 6) Delivery of letters to local residents asking them to report anyone seen fly tipping**
- 7) At a meeting on Friday 27th January between Officers of the Council and GMWDA a review of the situation was carried out and it was agreed that the number of incidents seemed to have declined. However, the following actions were identified :-**
 - i) GMWDA are to put another press release out advising that the facility has closed and giving alternative sites. This is expected to go out in the Prestwich advertiser within the**

next 2 weeks

- ii) **Pursue the possibility of erecting a barrier to prevent access to the site down the secluded part of Buckley Lane. There was a suggestion that the cost of doing this should be shared between GMWDA and the Council as this area is beyond the boundaries of GMWDA's responsibility**
- iii) **GMWDA to carry out another check of all websites to ensure there are no links to sites directing people to the Prestwich facility**
- iv) **The erection of an additional sign giving the post code in large letters of alternative facilities is being explored.**

Question 11 – Councillor James

I'm sure that the Leader agrees with me that one of the complaints that a councillor most receives is dog fouling. Can he state that we in Bury will no longer accept that irresponsible dog owners will be tolerated?

A. Irresponsible dog owners have never been tolerated in Bury. Dog fouling is recognised as a serious issue that is of concern to residents, Councillors and Officers across the whole of the Borough.

Unfortunately, the problem is unlikely to ever be completely eradicated because the Council has limited resources and it is very difficult to catch offenders. However, in working towards this, Officers do carry out or arrange the following :-

- 1) Patrols of identified hot spot areas**
- 2) Installation of signs warning offenders of the penalties associated with not clearing up dog waste**
- 3) Issuing Fixed Penalty Notices when offenders are identified followed up by prosecution where these are not paid**
- 4) Sending warning letters to irresponsible dog owners following receipt of information from other members of the public.**
- 5) Borough wide and Local campaigns.**
- 6) Delivery of advisory leaflets and letters to residents asking for help in identifying offenders**
- 7) Talks to children in schools in identified hot spot areas.**
- 8) Arranging clean ups in heavily fouled areas**

In 2011, Council Officers dealt with 102 complaints of dog fouling and 110 requests for dog fouling signs. Environmental

Enforcement Officers take an intelligence led, problem solving approach and rely on information from members of the public to target their actions. Councillors and local residents can help Enforcement Officers investigating these complaints by providing relevant information that may lead to the identification and detection of dog fouling offenders.

Question 12 – Councillor Garner

Could the Leader inform members on the progress the Authority is making to develop Registers of Community Assets, as required by the Localism Act?

A. Whilst the Localism Act came into force on 15 November last year the Government has yet to clarify when the different parts of the Act will come into effect and additional regulations setting out the detailed operation of the Act are not expected to be received until the Spring. Until these regulations are received it is difficult for Councils to make significant progress.

However what we do know is that the Act sets out a requirement for Council's to place assets that have a 'community value' on to Council administered registers and it goes on to prescribe formal processes which must be undertaken in the event that the owner of such an asset seeks to sell that asset.

The form and content of the register have to be determined by individual Councils along with the criteria for deciding which properties should be initially placed on the register and the criteria for approving, or otherwise, requests from community groups for additional properties to be listed on the register.

Despite the lack of clarity from the Government officers have already begun working on these issues although Members will appreciate that the creation of the register of Assets of Community Value is a significant piece of work and it is one that the Council is committed to developing it in such a way to ensure that it is wholly transparent and has credibility both within the community and with property owners.

It should be stressed, however, that contrary to earlier suggestions, the legislation does not confer a *right to buy* assets on community groups, nor does it give them first refusal in any proposed sale. Effectively, the Act delays the sale of assets in order to give groups time to develop bids. Owners of assets are still at liberty to sell to whoever they feel is most appropriate, under the terms of the legislation, and so community aspirations must be realistic in this regard.'

Question 13 – Councillor Boden

In light of the success of Credit Unions throughout the country, especially in the North of England, will the Leader instruct our Finance Department to look at the possibility of setting up a credit union in Bury?

A. I am delighted to be able to tell Councillor Boden that the Council is already working with colleagues in Six Town Housing to consider the implications of establishing a Credit Union. The proposal being considered would involve extending the Credit Union operated by Bolton at Home into the Bury area. However there are a number of issues still to be resolved including the funding of running costs and any equity finance and a full risk assessment needs to be undertaken together with an understanding of the costs of any exit strategy. Members will be kept informed as this work progresses.

Question 14 - Councillor O'Hanlon

Does the Leader agree with me that the lamentable response figures in relation to the "SPD1 Consultation" (12 responses in 12 months from hundreds of consultees) indicates that the way the Council engages with outside bodies needs a wholesale shake-up?

A. The response we received in relation to this specific consultation is lower than we would have preferred. However, as my fellow Councillors are aware, we are fully committed to being an open and transparent Council where we regularly engage and consult with the local community. In fact, in relation to this consultation, along with press publicity, information being available in all local libraries and public points, we also used social media for the first time to raise the profile of the consultation. In fact, prior to the September/October 2011 consultation, 711 consultees were contacted directly via letter and email and asked to respond.

The process of consulting on SPDs is regulated at a national level and therefore the Council is required to follow a very prescriptive process. In this instance we have fully complied with the requirements outlined in our Statement of Community Involvement (SCI) and in Government regulations concerning the preparation of Supplementary Planning Documents (SPDs).

Members will also be fully aware that our recent Plan for Change consultation gained over 3,500 responses and signified a watershed moment for the way we conduct consultation in Bury. Departments are now replicating this methodology and we hope this will increase participation in the future.

I hope to have demonstrated that the Council does make significant efforts, with limited resources, to make people aware of emerging planning documents. In this case, two rounds of consultation were undertaken, reflecting the fact that after initial consultations significant changes were made to the document which were considered to merit further consultation and the targeting of smaller developers and housebuilders.

The Council cannot force consultees to respond and lack of a response may be a reflection of many factors, one of which may be that consultees are content with the document!

Question 15 – Councillor Pickstone

Could the Leader of the Council outline how much money is spent on bus lane enforcement in the Authority? What is the total value of fines issued in the same period?

A. Expenditure for 2010/11 was £80,835 and the income received from fines was £175,575. Expenditure for 2011/12 is £108,000 and income received from fines to 31.12.11 was £212,750

Question 16 – Councillor Mary D’Albert

Could the Leader outline to members what future plans there are for Farmers Markets around the Borough?

A. An expanded Borough-wide programme of Farmers’ Markets was established in March 2011 for a 12 month trial period to enhance the current programme of events in each town centre. As part of the evaluation of the trial period an assessment has now been undertaken of the Farmers’ markets in Radcliffe, Whitefield and Prestwich and consultations with the Business Groups and traders have been undertaken.

The assessment has highlighted a number of problems with the operation and success of some of the markets, particularly in Radcliffe and Whitefield. However, in overall terms, there is strong support from the Business Groups for the markets to continue in all centres.

We will now be seeking to proceed with the continuation of the extended programme on a slightly reduced basis for 2012/13. We will also be exploring with the current operator for this to be undertaken on a commercial basis to reduce the impact on Council resources.

Question 17 – Councillor Garner

Could the Leader update members on any plans to further increase recycling rates beyond what has been achieved through fortnightly collection of residual waste?

A. Through this question I can add further detail to the announcement made by the Leader in his statement to Council earlier this evening.

The residents response to the changes made last year has been fantastic. Already our recycling rate has increased from 27.8% to 43%. As a result of this success and responding to views expressed by residents not included in the garden and food waste recycling scheme, we are going to extend the garden and food waste recycling to a further 25,000 households

5000 households with a garden will be given a 240l or 140l brown bin for garden and food waste. Approximately 20,000 households without a garden will receive a 23l brown street caddy for food waste. All 25,000 households will receive a small indoor kitchen caddy, information leaflet, a roll of compostable liners and a revised collection calendar. Additional recycling opportunity will be further extended to schools, flats and businesses.

Detailed planning is now underway with a view to have the extended service up and running this springtime, with a target to drive up the recycling rate to 50%.

Question 18 – Vic D’Albert

Could the Leader provide an update to members on progress settling cases brought under equal pay? How much money has been paid out in settlements to date? How much is expected to have been out when the process is complete? Could the Leader outline how these payments have or will be funded?

A. I would like that thank Councillor D’Albert for his question, as he is aware I made a statement regarding the progress made towards the settlement of equal pay claims earlier this evening. It is not my intention at this stage to provide financial details when discussions with other claimants and their representatives is ongoing.

I can confirm that the settlement costs will be funded through the provision made through capitalisation approval granted by the Treasury for this purpose and that further details will be provided to Members once the settlement discussions have been concluded with all parties.