

Minutes of: AN ORDINARY MEETING OF THE COUNCIL

Date of Meeting: 4 July 2012

Present: The Worshipful the Mayor (Councillor J Grimshaw), in the Chair;
Councillors D Bailey, M Bailey, N Bayley, S Briggs, P Bury, G Campbell, S Carter, R A Caserta, D M Cassidy, J Columbine, M Connolly, A J Cummings, E FitzGerald L Fitzwalter, I B Gartside, D L Gunther, M Hankey, S Haroon, P Heneghan, T Holt, K Hussain, A Isherwood, M A James, D Jones, J S Lewis, , D O'Hanlon, N A Parnell, T D Pickstone, A Quinn, K Rothwell, R Shori, A Simpson, S Smith, J Smith, S Southworth, T Tariq, B Vincent, R E Walker, S Walmsley, J F Walton, M J Wiseman and Y Wright

Apologies for

Absence: Councillors A Audin, K Audin, I Bevan, R Bibby, J Black, J Frith, A Matthews and J Taylor

Public attendance: 11 members of the public attended the meeting

C.133 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 Jones declared an interest in any item which related to staffing as his wife is an employee of Bury Council.

C.134 MINUTES

RESOLVED:

That the minutes of the Annual Meeting of the Council held on 16 May 2012 be approved as a correct record and signed by the Mayor.

C.135 MAYORAL COMMUNICATIONS

The Mayor offered her congratulations to Derek Boden OBE, Jill Neville and Harry Reed who earlier in the day had become Freeman of the Borough. She also passed on congratulations to those recognised in the Employee Achievement Awards and those involved in organising the event.

C.136 PUBLIC QUESTION TIME

No.	Issue	Questioner	Answered by
1.	Licensing of Hackney Carriage Vehicles	Mr C Oakes	As Mr Oakes was not present the Leaser under took to forward a written response

2.	Impact of Stone Roses Concerts on residents of Sheepfoot Lane	3 residents from Sheepfoot Lane	Councillor Connolly
3.	Future location of Highways Depot	Mrs B Sullivan	Councillor Connolly

C.137 RECOMMENDATION OF CABINET AND COUNCIL COMMITTEES

RESOLVED:

That consideration of this matter take place following the transaction of all other business before Members.

C.138 LEADER'S STATEMENTS AND CABINET 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 the Cabinet since the date of the last Council meeting. The Leader and the relevant Cabinet Members answered questions raised by Councillors on the following issues:

No.	Issue	Questioner	Answered by (and action)
1.	Proposed Reform to Council Tax Benefit System	Councillor Tariq	Councillor Isherwood
2.	Waste Collection Service	Councillor Pickstone	Councillor Campbell
3.	Employee Achievement Awards	Councillor Gartside	Councillor Connolly
4.	Credit Unions	Councillor Bevan	Written response provided
5.	Revenue Outtum	Councillor Matt Bailey	Councillor Isherwood
6.	Former Prestwich Tip - Fly Tipping	Councillor O'Hanlon	Councillor Campbell
7.	Car Parking Charges	Councillor Gunther	Councillor Campbell
8.	CCTV Centre - Bradley Fold	Councillor Quinn	Councillor Campbell
9.	Plan for Change	Councillor Pickstone	Councillor Smith
10.	Horse Riding at Dow Lane Park	Councillor Hankey	Councillor Lewis
11.	Stone Rose Concerts in Heaton Park	Councillor O'Hanlon	Councillor Campbell

12.	Regeneration Initiatives in Radcliffe and Prestwich	Councillor Wiseman	Councillor Campbell
13.	Homes Operating as businesses	Councillor Walker	Councillor Isherwood
14.	Wind Turbines	Councillor Gartside	Councillor Campbell
15.	Expenditure on food and corporate entertainment	Councillor Wright	Councillor Isherwood

Due to the lack of time to answer questions 14 and 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.

(b) Oral questions on the work of the Cabinet since the last Council meeting (without Notice)

16.	Stone Roses Concerts and Environmental Impact	Councillor Quinn	Councillor Connolly
17.	Public Health Report	Councillor Hussain	Councillor Connolly
18.	Person missing following Stone Roses Concerts	Councillor James	Councillor Connolly
19.	Public Health Report – Geographical Issues	Councillor O’Hanlon	Councillor Connolly
20.	Stone Roses Concerts – Impact in Schools and Transport	Councillor Walker	Councillor Connolly

C.139 NOTICES OF MOTION

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

1. Smoking Tobacco

A Motion had been received and set out in the Summons in the name of:-

Councillors A Audin, K Audin, D Bailey, M Bailey, N Bayley, J Black, S Briggs, P Bury, G Campbell, S Carter, D M Cassidy, J Columbine, M Connolly, A J Cummings, E FitzGerald L Fitzwalter, J Frith, S Haroon, P Heneghan, T Holt, A Isherwood, M A James, D Jones, J S Lewis, A K Matthews, N A Parnell, A Quinn, K Rothwell, R Shori, A Simpson, S Smith, J Smith, S Southworth, T Tariq and S Walmsley.

It was moved by Councillor Simpson and seconded by Councillor Shori:-

"This Council notes:

- That smoking tobacco can cause serious and fatal disease, and that the only way to avoid these risks is not to smoke.
- That smoking is an addiction of childhood, with the vast majority of smokers starting before they are 18 years old.
- That 319 people in Bury die from smoking related disease every year
- That with advertising bans in place, tobacco companies have increasingly focussed on packaging design to make their products more appealing.
- That published, peer reviewed scientific research is clear and that plain packs are less attractive especially to young people, strengthen the impact of health warnings, and make packs less misleading to consumers.

This Council believes:

- That it is the responsibility of all levels of Government to try and ensure good public health in the population.

This Council resolves:

- To request the Leader of the Council to write to the Secretary of State for Health, expressing these views and asking him to bring forward legislation to introduce standardised packaging of tobacco products to protect children and young people from tobacco marketing.
- To continue to promote good health in Bury, to support the reduction of local rates of smoking, and to protect children and adults from harm caused by tobacco."

The Motion on being put, 41 voted for, none against, with two abstentions, was declared carried

2. Election Activities

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

Councillors R A Bibby, R A Caserta, I B Gartside, D L Gunther, M Hankey, K Hussain, J Taylor, B Vincent, R E Walker, J F Walton, M J Wiseman and Y Wright.

It was moved by Councillor Walker and seconded by Councillor Hussain:-

"This Council notes the upset caused to many children and parents of St Peter's School during the 2012 Local Election Campaign when candidates and campaigners were observed standing at the school gate handing out election literature.

Whilst campaigning has taken place over the years clearly outside of a particular school, such campaigning at such close proximity to the school gates is unprecedented. Children were being directly canvassed, were presented with adhesive stickers and balloons before their parents had an opportunity to meet with them and supervise the rest of their journey home.

Therefore, this Council resolves to help raise the standard of political campaigning in our Borough.

This Council calls on those elected members who were involved in this form of campaigning previously to acknowledge that this was inappropriate. This Council calls that all Councillors and political campaigners from all political parties refrain from doing this in the future."

During the debate it was moved by Councillor Isherwood and seconded by Councillor John Smith that in accordance with Council Procedure Rule 13(j) that the question be now put.

The Motion was declared carried.

The original Motion on being put, 12 voted for, 30 against, with one abstention, was declared lost.

3. Budget Information and Process

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

Councillors R A Bibby, R A Caserta, I B Gartside, D L Gunther, M Hankey, K Hussain, J Taylor, B Vincent, R E Walker, J F Walton, M J Wiseman and Y Wright.

It was moved by Councillor Gartside and seconded by Councillor Wiseman:-

"This Council notes the difficult challenge of achieving £17 million of on-going savings until 2015. Every Councillor on Bury MBC has a legal responsibility to help set the budget for every financial year.

Preceding every financial year, Council members have always been supplied with a specific breakdown of what front-line services, geographical locations, and staffing numbers would be affected by the proposed savings targets. This has helped members in their decision making process over whether to support or vote against the ruling group's budget proposals.

This Council notes that for the first time no information regarding the same has been provided to Council members before or at the Budget Council Meeting on the 23rd February 2012.

This was the reason why Council members who were not whipped as part of the current ruling group abstained from supporting the 2012-13 budget.

The Council also notes that no such budgetary information has been provided since.

Therefore, this Council resolves to set a special scrutiny meeting as soon as possible to discuss the details of the 2012-13 Budget.

This Council also resolves to invite the Council's external auditors KPMG to give their independent views upon the budget setting process for 2012-13 and if it should provide more details in the future."

The Motion on being put, 12 voted for, 30 against and with one abstention, was declared lost.

C.140 SCRUTINY REPORTS AND SPECIFIC ITEMS "CALLED IN" BY SCRUTINY COMMISSIONS

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

C.141 JOINT AUTHORITIES – REPORTS BY THE COUNCIL'S REPRESENTATIVE AND QUESTIONS

- (a) Councillor John Smith, the Council's representative, on the Greater Manchester Police Authority, gave a verbal report on the work of the Authority to all Members of the Council.
- (b) No questions had been received in accordance with Council Procedure Rule 11.2.

C.142 QUESTIONS ON THE WORK OF OUTSIDE BODIES OR PARTNERSHIPS

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

C.143 DELEGATED DECISIONS OF COUNCIL COMMITTEES

There were no written questions asked on the delegated decisions of the Committee or Scrutiny Commission contained in the Digests of Decisions No.d 11 (2011/2012) and 1 (2012/13).

C.144 THE LOCALISM ACT 2011 – NEW STANDARDS REGIME

The Leader submitted a report which set out changes to the Standards Regime brought about by the Localism Act and which made recommendation for its immediate implementation.

It was moved by Councillor Connolly and seconded by Councillor John Smith that the report and recommendations be approved.

On being put the recommendation was unanimously carried and it was:

RESOLVED:

1. That the Council adopts the recommended Code of Conduct for Members as set out at Appendix 1 to the report;
2. That the Council adopts the recommended local arrangements to handle complaints about breach of the Code of Conduct for Members as set out in Appendix 2 to the report;
3. That the Council delegates to the Monitoring Office to make arrangements for the recruitment and selection of at least two "Independent Persons" (whose appointment must then be approved by the majority of Council);

4. That the Council establishes a Standards Committee composed of nine Members and two Co-opted Independent Members; and that the Council should delegate to Standards Committee the powers set out in Appendix 3 to the report;
5. That the Council appoint the Mayor as an additional ex-officio Member of Standards and, to Chair the Standards Committee;
6. That the Council delegates to the Council's Monitoring Officer the powers set out at Appendix 4 to the report.
7. That the Council requests the Council's Monitoring Officer to make amendments to the Council's Procedure Rules at Part 4 of the Council's Constitution, in order to give effect to the requirements of the Council's Draft Code of Conduct for Members; in relation to the notification and disclosure of interests and withdrawal from the Council Meeting where a Member has either a Disclosable Pecuniary Interest or a Prejudicial Interest.

C.145 GREATER MANCHESTER JOINT MINERALS DEVELOPMENT PLAN DOCUMENT

The Cabinet Member for Neighbourhoods and Regeneration submitted a report which recommended the approval of modifications to the Greater Manchester Joint Minerals Development Plan Document.

It was moved by Councillor Campbell and seconded by Councillor Cummings that the report and recommendations be approved.

On being put the recommendation was unanimously carried and it was:-

RESOLVED:

1. That the main Modifications to the Joint Minerals Development Plan Document and subsequent period of consultation be approved; and
2. That the additional minor modifications be noted.

C.146 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item of business since it involves the disclosure of exempt information, namely, information relating to an individual.

C.147 RECOMMENDATIONS OF CABINET AND COUNCIL COMMITTEES

Minute HRA.03(e) of 4 July 2012, which dealt with the contract of the Chief Executive was submitted.

It was moved by Councillor Connolly and seconded by Councillor John Smith that the recommendations be approved.

The Motion on being put with 32 voting for, none voting against and with 11 abstentions was declared carried and it was:-

RESOLVED:

1. That with effect from 1 March 2013, the Chief Executive's fixed term contract be extended for a further two year period until 31 March 2015.
2. That the fixed term appointment be on a salary of £147,822 and subject to incremental progression from 1 April 2014.

THE WORSHIPFUL THE MAYOR

(NOTES: The meeting started at 7.00 pm and ended at 10.10 pm)