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Minutes of: COUNCIL

Date of Meeting: 11 September 2013

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

**Apologies for
Absence** D Bailey, S Haroon, N Parnell and Y Wright

Public Attendance: 9 members of the public attended the meeting

C. 334 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 Connolly declared a personal interest in Minute C.342, Notice of Motion–Airport Dividend as he is Deputy Director of MAG and a member of the Shareholder Committee for MAG.
3. Councillor Jones declared an interest in any item which related to staffing as his wife is an employee of Bury Council.
4. Councillor O'Hanlon declared an interest in property issues as he rents two domestic garages.
5. Councillor Fitzwalter declared a personal interest in a question relating to credit unions as she is a member of the recently formed credit union in Ramsbottom.
6. The following members declared Personal Interests in questions relating to Unite the Union, as members of that Trade Union:-

Councillors A Audin, M Bailey, Bury, Carter, Columbine, Connolly, Fitzwalter, Frith, Isherwood, Lewis, Quinn, Shori and Simpson

C. 335 MINUTES OF THE LAST MEETING

RESOLVED:

That the minutes of the Meeting of the Council held on 3 July 2013 be signed by the Mayor as a true and correct record.
(At this stage in the proceedings Councillor Walker asked that members refrain from tweeting remarks relating to statements made by him at Council. Comments should be made in the Chamber so that he can respond.)

C. 336 MAYORAL COMMUNICATIONS AND ANNOUNCEMENTS

The Mayor called for a short silence to mark the passing of the fire fighter, Stephen Hunt, whose funeral took place on 3 September 2013.

C. 337 PUBLIC QUESTION TIME

The Mayor reported that there were no written questions from members of the public. Questions were invited from members of the public present and the following issues were raised:-

Issue	Questioner	Answered By
1. United Nations report on the impact of Benefit Changes in the UK	Mr J Mallon	Councillor Connolly

C. 338 RECOMMENDATIONS OF CABINET AND COUNCIL COMMITTEES

1. Minute CA.189 of the meeting of the Cabinet of 10 July 2013 – Treasury Management Annual Report

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

RESOLVED:

That the Treasury Management Annual Report for 2012/2013 be approved.

2. Minute CA.190 of the meeting of the Cabinet of 10 July 2013 – Risk Management Annual Report 2012/2013

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

RESOLVED:

That the Risk Management Annual Report for 2012/2013 be approved.

C. 339 LEADER'S STATEMENT AND CABINET QUESTION TIME**(a) Written questions (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 Cabinet Members answered questions raised by Councillors on the following issues:

No.	Issue	Questioner	Answered by (and action)
1.	Zero Hour Contracts	Councillor Pickstone	Councillor Holt
2.	Use of "Fracking"	Councillor Hussain	Councillor Isherw
3.	Youth Unemployment and apprenticeships	Councillor Frith	Councillor Connol
4.	Equal Pay and disclosure of information	Councillor O'Hanlon	Councillor Connol
5.	Video promoting democracy produced by UNITE	Councillor Caserta	Councillor Campb
6.	"Bedroom" Tax	Councillor Simpson	Councillor Shori
7.	Road Surfacing Works	Councillor Pickstone	Councillor Isherw
8.	Post of Deputy Police Commissioner	Councillor Walker	Councillor Connol
9.	Working Age People on Out of Work Benefits	Councillor Cassidy	Councillor John S
10.	Waste Disposal Charges	Councillor O'Hanlon	Councillor Isherw
11.	Bury Art Museum	Councillor Gunther	Councillor Lewis
12.	Reduction in Government Grant	Councillor Quinn	Councillor John S
13.	Motorists visiting Bury town Centre	Councillor Gartside	Councillor Isherw

14.	Credit Union in Ramsbottom	Councillor Fitzwalter	Councillor John S
15.	Libraries Review	Councillor Daly	Councillor Lewis
16.	Number of Councillors	Councillor Columbine	Councillor Conno
17.	Trade Waste Recycling	Councillor Jones	Councillor Southw
18.	Anti social Behaviour Programmes	Councillor S Smith	Councillor Walmsl

Due to the lack of time to answer questions 11 to 18 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 under taking 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)

19.	Youth Unemployment and Government Action	Councillor Gartside	Councillor Conno
20.	Government Grant and Regional Impact	Councillor Quinn	Councillor Lewis
21.	Diversity and Equality	Councillor James	Councillor Conno
22.	Public Convenience Closures	Councillor Bevan	Councillor Conno
23.	Whitefield Town Hall	Councillor Caserta	Councillor Conno
24.	Libraries Review and current provision and staffing levels	Councillors Daly and Hankey	Councillor Lewis
25.	Services in Prestwich Library	Councillor O'Hanlon	Councillor Lewis
26.	Use of computer facilities in libraries by Benefit Claimants.	Councillor Simpson	Councillor Conno

C. 340 JOINT AUTHORITIES - REPORT BY THE COUNCIL'S REPRESENTATIVE AND QUESTIONS

- (a) Councillor Noel Bayley, the Council's representative, on the Committee for Greater Manchester Transport, gave a verbal report on the work of the Authority to all Members of the Council.
- (b) The following question had been received in accordance with Council Procedure Rule 11.2.

No.	Issue	Questioner	Answered by
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1.	Impact on Prestwich of downgrading Broughton Fire Station	Councillor O'Hanlon	Councillor Matthew (Representative of the Greater Manchester Fire and Rescue Authority)
2.	Bus Services and "running to time."	Councillor Pickstone	Councillor Noel B (Representative of the Committee for Greater Manchester Transport)
3.	Costs associated with the smart travel card.	Councillor O'Hanlon	Councillor Noel B (Representative of the Committee for Greater Manchester Transport)
4.	Ring and Ride Service operated by GMATL	Councillor Pickstone	Councillor Noel B (Representative of the Committee for Greater Manchester Transport)

Due to lack of time to answer question 4 it was agreed that this would be circulated following the meeting.

C. 341 HEALTH AND WELLBEING BOARD - CONSTITUTION AND TERMS OF REFERENCE (Pages 231 - 240)

A report of the Leader was submitted which sought approval to an amendment to the Terms of Reference of the constituted Health and Wellbeing Board and a change to the appointment of Chair.

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

It was moved by Councillor Walker and seconded by Councillor Gartside as an amendment that:-

"As the Health and Wellbeing Board is a Committee of the Local Authority, this Council agrees that elected representatives (in addition to the Cabinet Member for Adult Care, Health and Wellbeing and Housing) should have a decision making role on the Board."

Proposal:-

Paragraph 2 – Membership

To delete as a core voting member the Deputy Cabinet Member, Adult Care, Health and Wellbeing and Housing and replace with three elected Councillors to be appointed on the basis of the political composition of the Local Authority as a whole."

The amendment on being put with 13 voting for, 32 against and one abstention was declared lost.

The substantive motion on being put with 32 voting for, none against and 14 abstentions was declared carried and it was

RESOLVED:

1. That the Terms of Reference of the Health and Wellbeing Board be amended by the inclusion of the following paragraph, whereby meetings no longer need to be chaired by a representative from the GP Clinical Commissioning Group:-

“The meeting will be chaired by a Member of the Health and Wellbeing Board duly appointed by the Council. The Vice Chair will be the Executive Director, Adult Care Services. The Chair and Vice Chair would be appointed annually; the appointments would be ratified by Council. **In the absence of the Chair or Deputy Chair** – A replacement Chair will be elected for the duration of the meeting from the Core Membership.”

2. That following the resignation of the Chair, Dr Audrey Gibson, Councillor Shori be appointed as Chair of the Board for the remainder of the Municipal Year.

3. That the thanks of the Council be passed on to Dr Gibson for her commitment and support whilst acting as Chair.

C. 342 NOTICES OF MOTION

Two Notices of Motion have been received in accordance with Council Procedure Rule 12:

1. AIRPORT DIVIDEND

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

Councillors I Bevan, R Caserta, J Daly, I Gartside, D Gunther, M Hankey, K Hussain, S Nuttall, B Vincent, R Walker, J Walton, M Wiseman and Y Wright

“This Council welcomes the increased airport dividend of £400,000 as a result of the revaluation of Stansted airport. In the latest “Corporate Financial and Performance Monitoring Report April 2013-June 2013” that was approved by Cabinet on 28 August, this sum of money is being used to reduce the Council’s projected overspend position.

However, assurances were given at the Cabinet meeting on 28 August that the current projected overspends can be seen as being “Cautious” at this early stage in the financial year and that departmental budgets should not overspend by the year end. Therefore, this Council resolves to:-

- 1) Cease using the increased airport dividend as a way of reducing the Council's projected overspend position

- 2) Distribute the £400,000 equally between the 6 township forums to allow them to decide how their share can be used to help fulfill local priorities.”

The motion on being put with 11 voting for, 31 against and 3 abstentions was declared lost

2. CONTRIBUTION OF LARGE SUPERMARKETS TO THE LOCAL COMMUNITY

A Motion had been received and set out in the Summons in the names of Councillors Pickstone and O’Hanlon.

“Council notes the important role large retail outlets, such as supermarkets, play in the local economy.

Council further notes the importance of vibrant local towns and communities and the importance of local facilities, local shops and community spaces.

Council therefore resolves to follow the example of the Scottish Parliament, the Northern Ireland Assembly and over 60 English local authorities by submitting the following proposal to the government under the Sustainable Communities Act:

‘That the Secretary of State gives Local Authorities the power to introduce a local levy of 8.5% of the rate on large retail outlets in their area with a rateable annual value not less than £500,000 and requires that the revenue from this levy be retained by the Local Authority in order to be used to improve local communities in their areas by promoting local economic activity, local services and facilities, social and community wellbeing and environmental protection.’

The Council notes that if this power was acquired it would present the opportunity to raise further revenue for the benefit of local communities, should the Council wish to use it.”

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

DELETE:

“Council therefore resolves to follow the example of the Scottish Parliament, the Northern Ireland Assembly and over 60 English local authorities by submitting the following proposal to the government under the Sustainable Communities Act: ‘That the Secretary of State gives Local Authorities the power to introduce a local levy of 8.5% of the rate on large retail outlets in their area with a rateable annual value not less than £500,000 and requires that the revenue from this levy be retained by the Local Authority in order to be used to improve

The Council notes that if this power was acquired it would present the opportunity to raise further revenue for the benefit of local communities, should the Council wish to use it.”

REPLACE WITH:

“Council also recognises the vital role played by small and independent businesses in the life and economic well-being of the borough and it therefore calls on the Government to do more to support local businesses by extending the temporary doubling of small business rate relief that was introduced by the last Labour government and which the coalition is due to scrap at the end of March 2014.”

The amendment on being put with 42 voting for, 2 against and one abstention was declared carried.

The substantive motion on being put was unanimously carried.

C. 343 SCRUTINY REVIEW REPORTS AND SPECIFIC ITEMS "CALLED IN" BY SCRUTINY COMMITTEES

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. 344 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. 345 DELEGATED DECISIONS OF THE COUNCIL COMMITTEES

There were no written questions asked on the delegated decisions of the Committees or Scrutiny Committee contained in the Digests of Decision No.d 2 and 3 (2013-2014).

THE WORSHIPFUL THE MAYOR

(Note: The meeting started at 7.00 pm and ended at 10.00 pm)

REPORT FOR DECISION

DECISION OF:	Council
DATE:	11 September 2013
SUBJECT:	Health and Wellbeing Board – Constitution and Terms of Reference
REPORT FROM:	The Leader
CONTACT OFFICER:	Jayne Hammond Assistant Director – Legal & Democratic Services
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This report seeks approval to an amendment to the Terms of Reference of the constituted Health and Wellbeing Board and a change to the appointment of the Chair.
OPTIONS & RECOMMENDED OPTION	Members are asked to approve the change to the Terms of Reference to the Health and Wellbeing Board and appointment of the Chair.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no direct financial or risk implications arising from this report.
Statement by Executive Director of Resources:	There are no financial or other resource implications arising from this report.
Equality/Diversity implications:	No

Considered by Monitoring Officer:	Yes In accordance with Article 15.02 of the Constitution, changes can only be approved by the full Council after consideration of the proposal by Standards Committee or the Leader. The Health and Wellbeing Board is a Committee of the Council, which once established, is to be treated as if it were a committee appointed under Section 102 of the Local Government Act 1972.
Wards Affected:	All
Scrutiny Interest:	None

TRACKING/PROCESS

DIRECTOR: Pat Jones-Greenhalgh – Executive Director of Adult Care Services

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
The Leader - Yes			
Scrutiny Committee	Cabinet/Committee	Council	

1.0 BACKGROUND

- 1.1 At the annual meeting of Council, appointments were made to the Health and Wellbeing Board in accordance with the Constitution and the Health and Social Care Act 2012.
- 1.2 Within the Terms of Reference of the Health and Wellbeing Board it is stated that the meeting will be chaired by a representative from the GP Clinical Commissioning Group.

2.0 ISSUES

- 2.1 Following an unavoidable long term absence, it has been agreed that the current Chair of the Health and Wellbeing Board will resign as Chair but continue as a voting core member of the Board.
- 2.2 It is therefore proposed that the Terms of Reference no longer refer to meetings being chaired by a representative from the GP Clinical Commissioning Group and to that extent the Terms of Reference for the Health and Wellbeing Board be amended. The amendment is set out in the attached Appendix 1.

- 2.3 For the remainder of the municipal year it is proposed that Cllr R Shori is appointed as Chair of the Health and Wellbeing Board.

3.0 CONCLUSION

The revision contained in this report and the appointment of a new Chair for the Health and Wellbeing Board are put forward for approval by the Council.

List of Background Papers:-

None

Contact Details:-

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APPENDIX 1

HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

1. VISION

The Health and Wellbeing Board will improve health and wellbeing through working with communities and residents to ensure that all people have a good start and enjoy a healthy, safe and fulfilling life.

2. MEMBERSHIP

Membership of the Health and Wellbeing Board will be made up of leaders across the NHS, Social Care, Public Health and other services directly related to the health and wellbeing agenda.

Core voting members:

- A nominated representative from B3SDA
- Cabinet Member, Adult Care, Health and Wellbeing and Housing
- Deputy Cabinet Member, Adult Care, Health and Wellbeing and Housing
- Executive Director of Adult Care **Services**
- Executive Director of Children's Services
- Executive Director of Environment and Development Services
- Director of Public Health
- Two nominated representatives from the GP Clinical Commissioning Group
- A nominated representative from the Local Healthwatch
- A nominate representative from the Community Safety Partnership.

Non Voting members:

- A nominated representative from the National Commissioning Board.

The Board may also decide to co-opt/invite by invitation additional members to advise in respect of particular issues. These may include representatives from:

North West Ambulance Service; Police; Fire and Rescue; Clinicians; Representatives from Pennine Acute NHS Trust; Representatives from

Pennine Care Foundation Trust; Coroner; other provider organisations/government agency/representatives from the Charity sector.

The Health and Wellbeing Board can, once the board is established, in agreement with full Council, appoint additional members to the Health and Wellbeing Board (Section 194, Health and Social Care Act).

3. FUNCTION

The Health and Wellbeing Board will be the single strategic forum to ensure coordinated commissioning and delivery across the NHS, Social care, public health and other services, directly related to health and wellbeing.

The Health and Wellbeing Board will determine, shape and implement key priorities and integrated strategies to deliver improved health and wellbeing outcomes, for the whole of the population of Bury.

4. KEY RESPONSIBILITIES OF THE BOARD

- To provide Strong Leadership and a governance structure for local planning and accountability of health and wellbeing related priorities and services.
- To assess and understand the needs and assets of the local population and lead the statutory integrated strategic needs assessment (CHWA).
- Agree annual strategic priority outcomes for CHWA needs assessments, ensure plans are in place and actions and recommendations are monitored and followed up.
- To promote integration and partnership working and build strong stakeholder relationships across areas through promoting joined up commissioning plans across the NHS, social care and public health.
- To develop a Joint Health and Wellbeing Strategy to provide the overarching framework for commissioning plans for the NHS, social care, public health and other services the Board agrees to consider.

- To review major service redesigns of health and wellbeing related services provided by the NHS and Local Government. Providing critical challenge and strategic steer
- Receive exception reports, manage risks and resolve issues from other strategic groups, challenge performance and provide strategic steer where relevant. To challenge and support joint commissioning and pooled budget arrangements, where all parties agree this makes sense.
- Oversee effective and appropriate community engagement, involvement and consultation with regards to health and wellbeing priorities, to ensure strategies and service redesign reflect the views of local people, users and stakeholders.
- Provide overarching communication for regional and national agendas, co-ordinate responses.
- Ensure overarching actions to reduce health and social inequalities.
- Any other function that may be delegated by the Council under Section 196 (2) of the Health and Social Care Act 2012.

5. MEETINGS

The Health and Wellbeing Board is a Committee of the Local Authority.

The Health and Wellbeing Board will meet every six weeks.

The **date and timings** of the meetings will be fixed in advance by the Council, as part of the agreed schedule of meetings.

Additional meetings may be convened at the request of the Chair, and with the agreement of the Council Leader.

The meeting will be Chaired by a Member of the Health and Wellbeing Board duly appointed by the Council. The Vice Chair will be the Executive Director, Adult Care **Services**. The Chair and Vice Chair would be appointed annually; the appointments would be ratified by Council. **In the absence of the Chair or Deputy Chair** - A replacement Chair will be elected for the duration of the meeting from the Core Membership.

A **quorum** of four will apply for meetings of the Health and Wellbeing Board including at least one elected member from the Council or one representative of the Clinical Commissioning Group or a nominated substitute.

Members will adhere to the agreed principles of the Council's Code of Conduct. It is expected that members of the Board will have delegated authority from their organisations to take decisions within their terms of reference.

Declarations of Interest – Any personal, prejudicial or pecuniary interests held by members should be declared in accordance with the Council's Code of Conduct on any item of business at a meeting, either before it is discussed or as soon as it becomes apparent. Interests which appear in the Council Register of Interests should still be declared at meetings, where appropriate.

Decisions are to be taken by **consensus**. Where it is not possible to reach consensus, a decision will be reached by a simple majority of those present at the meeting. Where there are equal votes the Chair of the meeting will have the casting vote, there will be no restriction on how the Chair chooses to exercise his/her casting vote.

The Executive Director of Adult Care will act as the **lead officer**. Lead officer responsibilities will include ensuring that agendas are appropriate to the work programme of the Health and Wellbeing Board.

Workload – Work Programme to be determined annually by the Board. The Board must also have regard to any issue referred to it by the Health Scrutiny Committee, Council and its leadership, or the Executive Director Adult Care.

The agenda and supporting **papers** shall be in a standard format and circulated at least five clear working days in advance of meetings. The minutes of decisions taken at the meeting will be kept and circulated to partner organisations as soon as possible. Minutes will be published on the Council web site.

Access to Information – It is important to ensure that all councillors are kept aware of the work of the Board and a copy of the minutes will be circulated to all Bury Councillors. The Board shall be regarded as a

Council Committee for Access to Information Act purposes. Freedom of Information Act provisions shall apply to all business.

All meetings will be held in **public** with specific time allocated for public question time.

The Board will retain the ability to **exclude representatives** of the press and other members of the public from a defined section of the meeting having regard to the confidential nature of the business to be transacted, publically on which would be prejudicial to the public interest (Part 5A and Schedule 12A, Local Government Act, as amended).

Non members of the Health and Wellbeing Board may be co-opted onto the Board as a non voting member, with speaking rights, with the agreement of the Chair.

Meetings will be **clerked** by a representative of Democratic Services.

The Board will oversee and receive reports from a set of sub groups which will focus on the delivery of key targeted areas of work. The sub groups will report directly to the Health and Wellbeing Board. Provisions that apply to the HWB would also apply to any sub groups of the HWB.

The HWB must be mindful of their duties as prescribed in the Equality Act 2010 and the Data Protection Act 1998:

The Equality Act 2010, requires specified public bodies, when exercising functions to have due regard to eliminating conduct prohibited by the Act and advancing equality of opportunity.

The Data Protection Act 1998 makes provision for the regulation of the processing of information relating to individuals.

REPORTING STRUCTURES

The Health and Wellbeing Board has a direct reporting link to Council.

Although Health and Wellbeing Boards are not committees of a Council's Cabinet, the Council may choose to delegate additional functions to the Board. The Discharge of these functions would fall within the remit of scrutiny but the core functions are not subject to call-in as they are not Cabinet functions.

The Health and Wellbeing Board would consult and involve the Health Scrutiny Committee in the development of the Community Health and Wellbeing Assessment and the Joint Health and Wellbeing Strategy. The Chair of the Health and Wellbeing Board will attend the Health Scrutiny Committee, as required.

The Health and Wellbeing Board will not exercise scrutiny duties around health and social care, this will remain the role of the Health Scrutiny Committee as defined in the Health and Social Care Act and related regulations.