

Mike Owen CPFA
Chief Executive

<i>Our Ref</i>	LW	
<i>Your Ref</i>	OSC/LW	Legal & Democratic Services
<i>Date</i>	24 January 2017	Division
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TO: All Members of Council

Councillors : P Adams, N Bayley, I Bevan, J Black, S Briggs, R Caserta, R.Cathcart, M C Connolly, T Cummings, M D'Albert, J Daly, E Fitzgerald, I Gartside, J Grimshaw, D Gunther, M Hankey, S Haroon, J Harris, R Hodkinson, T Holt, K Hussain, M James, D Jones, G Keeley, J Kelly, Kerrison, O Kersh, J Lewis, J Mallon, A Matthews, A McKay, S Nuttall, E O'Brien, N Parnell, T Pickstone, C Preston, A Quinn, Schofield, R Shori, D Silbiger, R Skillen, S Smith, Sarah Southworth, Susan Southworth, T Tariq, J Walker, R Walker, S Walmsley, Whitby, S Wright and Y Wright

Dear Member/Colleague

Council

You are invited to attend a meeting of the Council which will be held as follows:-

Date:	Wednesday, 1 February 2017
Place:	Council Chamber, Bury Town Hall
Time:	7.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

The Agenda for the meeting is attached.

Reports are enclosed only for those attending the meeting and for those without access to the Council's Intranet or Website.



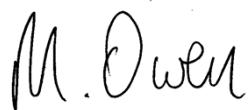
Electronic service of legal documents accepted only at:
E-mail: legal.services@bury.gov.uk
Fax: 0161 253 5119

Town Hall
Knowsley Street
Bury BL9 0SW
www.bury.gov.uk

The Agenda and Reports are available on the Council's Intranet for Councillors and Officers and also on the Council's Website at www.bury.gov.uk – click on **Agendas, Minutes and Forward Plan**.

Copies of printed reports can also be obtained on request by contacting the Democratic Services Officer named above.

Yours sincerely

A handwritten signature in black ink, appearing to read "M. Owen".

Chief Executive

AGENDA

1 DECLARATIONS OF INTEREST

Members of the Council are requested to declare any interests which they have in any items or issues before the Council for determination.

2 MINUTES (Pages 1 - 10)

To approve as a correct record the Minutes of the last meeting held on 30 November 216.

3 MAYORAL COMMUNICATIONS AND ANNOUNCEMENTS

To receive communications from the Mayor and any announcements by the Leader of the Council or the Chief Executive on matters of interest to the Council.

4 PUBLIC QUESTION TIME

To answer questions from members of the public, notice of which has been given, on any matter relevant to the Council or its services to the community. Up to 30 minutes will be set aside for this purpose. If time permits, further questions will be invited from members of the public present.

5 RECOMMENDATIONS OF CABINET AND COUNCIL COMMITTEES (Pages 11 - 18)

Committee/ Date	Subject	Recommendation
Cabinet - 14 December 2016 (Minute CA.397)	Mid Year Review Treasury Management Strategy(Report attached)	<ul style="list-style-type: none">1. That the report be noted.2. That approval be given to the addition of the Greater Manchester bodies to the Counterpart Investment List.
Cabinet - 25 January 2017	Mayoralty 2017/2018	Minute to Follow

6 LEADER' STATEMENT AND CABINET QUESTION TIME (Pages 19 - 40)

To receive a Statement from the Leader of the Council on the work of the Cabinet and to answer written questions from Members of the Council to the Leader and Cabinet Members on any matter in relation to which the Council has powers or duties which affect the Borough, provided the necessary written notice has been given.

Verbal questions on the work of the Cabinet since the last Council meeting will be allowed subject to a limit of one question per Councillor.

7 JOINT AUTHORITIES - REPORT BY THE COUNCIL'S REPRESENTATIVE AND QUESTIONS (Pages 41 - 44)

- (A) A report from the Council's representative on the work of Greater Manchester Integrated Transport Authority, Councillor Bayley
- (B) Questions (if any) on the work of the Joint Authorities to be asked by Members of the Council for which the necessary notice has been given in accordance with Council Procedure Rule 11.2

8 **CONSTITUTIONAL CHANGES - CONTRACT PROCEDURE RULES** (Pages 45 - 68)

Report from the Leader of the Council attached.

9 **NOTICES OF MOTION**

The following Notices of Motion have been received:-

(i) Elections Pilot Scheme

Council welcomes the publication in August 2016 of the review into electoral fraud carried out by Sir Eric Pickles in his role as the Government's Anti-Corruption Champion.

Council further welcomes the 50 recommendations contained in the review. In particular council wishes to see:

- a) Photo I.D being requested by voters and proxy voters at polling stations, along the lines of the system already in use in Northern Ireland
- b) Robust checks on nationality to make sure only those entitled to vote do vote
- c) Tightening of the law/rules regarding postal and proxy voting.

The review also advises that systems for voter photo ID at polling stations should be piloted and suggests doing this in areas that are considered at higher risk of electoral fraud.

Council resolves to either write to Government to volunteer as another pilot area for this scheme or run its own pilot scheme at the next Local Government elections in 2018.

In the names of Councillors I Bevan, R Caserta, J Daly, I Gartside, D Gunther, M Hankey, J Harris, R Hodkinson, K Hussain, G Keeley, O Kersh, S Nuttall, I Schofield, D Silbiger, R Walker, and Y Wright

(ii) NHS Crisis

The NHS is facing the most serious crisis since its inception in 1948. The British Red Cross has described it as "humanitarian crisis"; something we normally hear about in Third World countries, not from the world's fifth largest economy.

The Conservative government have claimed that the NHS is safe in their hands, far from this being the case, they have:

- Created a funding crisis through the worst financial settlement in NHS history.
- Created chaos through top down reorganization and increased bureaucracy.
- Sold off huge chunks of the NHS to private providers.

This has led to:

- Increased waiting times.
- Ward closures.
- Rationing of services.
- Cuts to staffing.

This winter we have witnessed the distressing scenes of our residents waiting on trolleys outside A & E departments, not seen by a doctor for hours; in some cases dying in ambulances or in corridors. The complacency of the Prime Minister and the Health Secretary is staggering; they refuse to accept any responsibility for this situation and attempt to blame hard-working GPs for not being flexible enough with their opening times.

This Council resolves to write to the Prime Minister and the Health Secretary demanding that they:

- Restore the NHS as an accountable public service.
- Reverse the market place culture within the NHS.
- Abolish the purchaser/provider split; end contracting and re-establish public bodies and public services accountable to local communities.
- Support real integration of Health and Social Care.
- Restore the duty of government to provide health services fairly across England.
- Cancel its £22 billion cuts to the NHS.

In the names of Councillors P Adams, N Bayley, J Black, S Briggs, R Cathcart, M Connolly, A Cummings, E Fitzgerald, J Grimshaw, S Haroon T Holt, M James, D Jones, J Kelly, S Kerrison, J Lewis, A Mckay, J Mallon, A Matthews, E O'Brien, N Parnell, C Preston, A Quinn, R Shori, R Skillen, S Smith, Sarah Southworth, Susan Southworth, T Tariq, J Walker, S Walmsley and M Whitby.

(iii) Withdrawal from Greater Manchester Spatial Framework

This council meeting notes:

- 1 That all councils are required by government to have a Local Plan which identifies land for housing, offices and industry.
- 2 That the proposed Greater Manchester Spatial Framework (GMSF) is

one approach to fulfilling this requirement.

- 3 That the GMSF is a 20-year plan, requiring a third more housing land to be identified than would be required by a 15 year plan, as produced by many other Local Authorities, and is based upon growth assumptions over such a long period which cannot be verified.
- 4 That the GMSF proposals include significant releases of Green Belt in Bury (20%) which residents and politicians alike have reacted strongly against
- 5 The commitment made unanimously by this Council at its meeting on 14 September 2016 to the principles of Green Belt land.
- 6 The significant pressures Bury faces on its transport network, highways, motorways and public transport and the need to address these pressures to meet current and future demand.

This council expresses its commitment to local communities being at the heart of planning for the future of their local areas.

This council meeting therefore resolves to ask the Leader to:

- 1 Make arrangements to ensure that the Greater Manchester Spatial Framework does not apply to Bury.
- 2 Make alternative arrangements to ensure that Bury fulfills its duty to cooperate with other planning authorities
- 3 Pursue Bury's own Local Plan.

In the names of Councillors M D'Albert, T Pickstone and S Wright

10 SCRUTINY REVIEW REPORTS AND SPECIFIC ITEMS "CALLED IN" BY SCRUTINY COMMITTEES

11 QUESTIONS ON THE WORK OF OUTSIDE BODIES OR PARTNERSHIPS

Questions on the work of Outside Bodies or partnerships on which the Council is represented to be asked by Members of the Council (if any).

12 DELEGATED DECISIONS OF THE COUNCIL COMMITTEES

Questions on the delegated decisions made by the Regulatory Committees and Scrutiny Committees contained in the Digest of Decision 4, 2016/2017 published since the last ordinary meeting of the Council, providing four clear working days' notices has been given of the question.

Members are asked to bring to the meeting their copy of Digest 4.

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Minutes of:**AN ORDINARY MEETING OF THE COUNCIL****Date of Meeting:**

30 November 2016

Present:

The Worshipful the Mayor (Councillor M Connolly), in the Chair; Councillors P Adams, N Bayley, I Bevan, J Black, K S Briggs, R A Caserta, R Cathcart ,A J Cummings, M D'Albert, J Daly, E Fitzgerald, I B Gartside, J Grimshaw, D L Gunther, M Hankey, S Haroon, J Harris, R Hodkinson, T Holt, K Hussain, M A James, D Jones, G Keeley, J Kelly, S Kerrison, O Kersh, J Lewis, A McKay, J Mallon, A K Matthews, S Nuttall, E O'Brien, N Parnell T D Pickstone, C Preston, A Quinn, I Schofield, R Shori, D Silbiger, S Smith, Sarah Southworth, Susan Southworth, T Tariq, J Walker, R E Walker, S Walmsley, M Whitby, S Wright and Y Wright.

Apologies from: Councillor R Skillen**Public attendance:** 16 members of the public attended the meeting**C.376 DECLARATIONS OF INTEREST**

1. Councillor Jones declared a personal interest in any item which related to staffing as his wife is an employee of Bury Council.
2. Councillor Bevan declared a personal interest in any item which related to staffing as his wife is an employee within a Bury School.
3. Councillor Mallon declared a personal interest in any item which related to staffing as his wife is an employee within a Bury High School.
4. Councillor S Wright declared a personal interest in any item which related to staffing as his wife is an employee within a Bury School.
5. Councillor R E Walker declared a personal interest in respect of the ongoing Library Review as a Member of the Re-instate Bury Central Library Group.
6. Councillor Shori declared a personal interest in any item which related to staffing as his partner is an employee of Bury Council.

C.377 MINUTES**RESOLVED:**

That the Minutes of the Meeting of Council held on 14 September 2016 be signed by the Mayor as a true and correct record.

C.378 MAYORAL COMMUNICATIONS

The Mayor reported on the success of Council in this year's North West in Bloom awards.

The Mayor congratulated Mrs Elsie Rigby who has been awarded the British Empire Medal.

The Mayor paid tribute to Rev. Dr John Findon, who is due to retire as Rector of Bury in January 2017.

Members stood in silent tribute to remember holocaust survivor, Mr Mayer Hersh, who had died at the age of ninety.

C.379 PUBLIC QUESTION TIME

The Mayor reported the receipt of three written questions as set out below:

No	Issue	Questioner	Answered By
1.	Winter Maintenance	Mr A Miller	Councillor Shori
2.	Parking Radcliffe Metrolink	Ms C Taylor	Councillor Shori
3.	Bury Street, Radcliffe	Mr C Self	Councillor Shori

On inviting questions from members of the public present, the following issues were raised:-

No.	Issue	Questioner	Answered By
1.	Green Belt (sale of land)	Ms J Mills	Councillor Shori
2.	GMSF Growth Forecasts	Mr D Bentley	Councillor Shori
3.	Land needed for retention of Flood waters being bought by developers	Mr L McGuire	Councillor Shori
4.	Housing Need in the Borough	Mr G Booth	Councillor Shori
5.	Brownfield Sites	Ms A Bridge	Councillor Shori
6.	Parking Radcliffe Metrolink	Mr Spencer	Councillor Shori
7.	Council Purchase of Central Manchester Property	Ms S Hargreaves	Councillor Shori

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8.	Development of Road Infrastructure	Ms McIntosh	Councillor Shori
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C.380 RECOMMENDATIONS OF CABINET AND COUNCIL COMMITTEES

There were no recommendations of Cabinet or Council Committees.

C.381 LEADER'S STATEMENT AND CABINET QUESTION TIME

(a) Written question (Notice given)

The Leader of the Council, Councillor Shori, 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
1.	Housing for Older People	Councillor Pickstone	Councillor Holt
2.	Lidl Store, Radcliffe	Councillor J Walker	Councillor Shori
3.	GM Spatial Framework	Councillor Fitzgerald	Councillor Walmsley
4.	Private Refuse Collection	Councillor Gunther	Councillor Quinn
5.	City Forest Park	Councillor Cummings	Councillor Quinn
6.	Drainage A56 Prestwich High Street	Councillor Bayley	Councillor Quinn
7.	Bus Lane, Bolton Road	Councillor R Walker	Councillor Quinn
8.	Healthy Eating Voucher Scheme	Councillor Mallon	Councillor Holt
9.	Adult Social Care Pressures	Councillor Preston	Councillor Holt
10.	New School Construction	Councillor Daly	Councillor Briggs
11.	Road Maintenance	Councillor S Wright	Councillor Quinn
12.	Phonics	Councillor Preston	Councillor Briggs
13.	Electric Cars	Councillor Mallon	Councillor Quinn
14.	Corporate Financial Monitoring Report	Councillor Gartside	Councillor Lewis

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15.	Neighbourhood Working	Councillor Cathcart	Councillor Tariq
16.	Backing Young Bury	Councillor J Walker	Councillor O'Brien

Due to the lack of time to answer questions 17 to 29 inclusive, the Leader gave an undertaking that copies of those questions and responses 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 Leader's Speech and the work of the Cabinet since the last Council meeting (without Notice)

1.	Budget Revenue Monitoring	Councillor Gartside	Councillor Lewis
2.	Bury 10k Run Consultation	Councillor R E Walker	Councillor Shori
3.	Bury 10k run Volunteers	Councillor James	Councillor Shori
4.	Bury and Prestwich Walk in Centres	Councillor Black	Councillor Holt
5.	Charges for Child Burials	Councillor Caserta	Councillor Quinn
6.	National Economic Performance	Councillor Gunther	Councillor Shori
7.	A56 Regeneration	Councillor Kersh	Councillor Quinn
8.	100 Resilient Cities Initiative	Councillor Mallon	Councillor Shori
9.	National Economy	Councillor Parnell	Councillor Shori
10	Waterside Bridge	Councillor Daly	Councillor Walmsley

C.382 LOCAL SCHEME OF COUNCIL TAX SUPPORT

It was moved by Councillor Walmsley and seconded by Councillor Lewis and it was:-

RESOLVED:

That the scheme introduced with effect from 1st April 2013 be amended from 1st April 2017 to 31st March 2018 in line with the recommendations set out in the report.

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C.383 APPOINTMENT OF MEMBERS TO THE HEALTH AND WELLBEING BOARD

It was moved by Councillor Holt and seconded by Councillor R E Walker and it was:-

RESOLVED:

That the appointment of provider members to the Health and Wellbeing Board, effective from the current Municipal Year and as set out in the report, be approved.

C.384 NOTICES OF MOTION

Three Notices of Motion had been received and set out in the Summons.

(i) Funding for Community Pharmacies

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

Councillors M D'Albert, T Pickstone and S Wright.

It was moved by Councillor Pickstone and seconded by Councillor D'Albert that:-

This Council notes:

The £170million reduction in NHS funding for community pharmacies announced on December 17th 2015 which could put many out of business

The announcement made by the Government on September 5th 2016 of the delay to the cuts which were originally due to be introduced in October 2016

The scrapping of plans to introduce a "hub and spoke" model for community pharmacies

This Council believes that:

The Government's plans threaten patient access to pharmacies and pharmacy services in the Metropolitan Borough of Bury and that the recent announcements are causing uncertainty about future investment in pharmacy services

Our local pharmacies are at risk of closure or being forced to cut services such as free delivery of prescription drugs, family planning advice and advice on medicines

This will put more pressure on GPs and hospitals and impact social services and is at odds with the local Clinical Commissioning Group's desire to increase the use of pharmacists to ease pressure on GPs.

This Council resolves to:

Request that the Chief Executive writes to the Secretary of State responsible calling for the Government to abandon these cuts, rather than just simply to postpone them, and to make a commitment to maintaining a fully-funded community pharmacy service

Council, 30 November 2016

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Request that the Chief Executive also writes to the Borough's two Members of Parliament and to the Chair of the NHS Bury Clinical Commissioning Group asking them to make similar representations on this matter to the Secretary of State

On being put, with no-one voting against the Mayor declared the motion carried

(ii) Protecting Children from Alcohol Advertising

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

Councillors P Adams, N Bayley, J Black, S Briggs, R Cathcart, A Cummings, M Connolly, E FitzGerald, J Grimshaw, S Haroon, T Holt, M James, D Jones, J Kelly, S Kerrison, J Lewis, A Mckay, J Mallon, A Matthews, E O'Brien, N Parnell, C Preston, A Quinn, R Shori, R Skillen, S Smith, Sarah Southworth, Susan Southworth, T Tariq, J Walker, S Walmsley and M Whitby.

It was moved by Councillor Mckay and seconded by Councillor Cathcart that :-

This Council notes:

- That alcohol can be enjoyed in a responsible way by adults.
- That alcohol can cause serious and fatal diseases, including several types of cancers; that the UK Chief Medical Officers' Alcohol Guidelines advise both men and women that it is safest not to drink regularly more than 14 units per week, to keep health risks from drinking alcohol to a low level
- The UK Chief Medical Officer advises not to drink on consecutive days and to have at least THREE Alcohol Free days in a week
- The UK Chief Medical Officer Advises that no child under the age of 15 should consume alcohol
- That there are 4,120 alcohol-related hospital admissions every year in Bury.
- That alcohol can only be legally purchased by adults over 18 years old.
- That the advertising of alcohol is designed to make products more appealing and in turn can appeal to children and young people.
- That the Science Committee of the European Alcohol and Health Forum concluded in 2009 that "alcohol marketing increases the likelihood that adolescents will start to use alcohol, and to drink more if they are already using alcohol".
- That underage drinkers are more likely to be a victim of crime and those who get drunk at least once a month are twice as likely to commit a criminal offence as those who don't.ⁱ
- That the recent Healthier Futures/Alcohol Health Alliance public opinion survey found 73% support in Greater Manchester for a 9pm watershed for alcohol adverts on TV.ⁱⁱ
- That the recent public engagement campaign 'See What Sam Sees' by Healthier Futures, talked with over 200 people across Greater Manchester and received overwhelming support for a 9pm watershed from the Greater Manchester public.

Council, 30 November 2016

This Council believes:

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

This Council resolves:

- To request the Leader of the Council to write the Secretary of State for Culture, Media and Sport, expressing these views and asking her to bring forward legislation to introduce a 9pm watershed for the advertising of alcohol products on TV to protect children and young people from the influence of alcohol advertising.
- To continue to promote good health in our borough, to support the UK Chief Medical Officers' Alcohol Guidelines, and to protect children and adults from alcohol-related harm.

It was moved by Councillor Gartside and seconded by Councillor Daly as an amendment to:-

Add:-

- The Government is committed to working with industry to address concerns over any irresponsible promotions, advertising and marketing relating to alcohol, particularly to ensure that children and young people are suitably protected.
- Material in the Committee of Advertising Practice and Broadcast Committee of Advertising Practice Codes relating to the advertising and marketing of alcohol products is exceptionally robust, recognising the social imperative of ensuring that alcohol advertising is responsible and in particular that children and young people are suitably protected.
- If new evidence emerges that clearly highlights major problems with the existing Codes, then the Advertising Standards Authority has a duty to revisit the Codes and take appropriate action.

Retain:-

This Council believes:

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

Remove:-

This Council resolves:

- To request the Leader of the Council to write the Secretary of State for Culture, Media and Sport, expressing these views and asking her to bring forward legislation to introduce a 9pm watershed for the advertising of alcohol products on TV to protect children and young people from the influence of alcohol advertising.

Replace with:-

This Council resolves:

Council, 30 November 2016

- To request the Leader of the Council writes to the Committee of Advertising Practice and Broadcast Committee with the survey evidence noted in this Notice

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of Motion to ask them to open a wider investigation and consultation into the possibility of introducing a 9pm watershed for the advertising of alcohol products on TV to protect children and young people from the influence of alcohol advertising.

Retain:-

To continue to promote good health in our borough, to support the UK Chief Medical Officers' Alcohol Guidelines, and to protect children and adults from alcohol-related harm.

On being put, with 16 voting for and 33 voting against, the Mayor declared the amendment lost.

On being put, with 33 voting for, 0 voting against, and with 16 abstentions the Mayor declared the motion carried.

(iii) Domestic Violence

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, J Harris, R Hodkinson, K Hussain, G Keeley, O Kersh, I Schofield, D Silbiger, S Nuttall, R Walker, and Y Wright

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

This Council notes that a £20 million fund to support domestic abuse victims is being launched by the Government. The money will help to provide accommodation, employment and skills training for women fleeing violence.

Local authorities will be able to bid for a share of the money, which is the first part of an overall £40 million investment package. Communities Secretary Sajid Javid said the boost will mean "no victim is turned away" from essential support.

This Council requests that officers should immediately place a bid that will help us give more support to victims of domestic violence in Bury.

It was moved by Councillor Tariq and seconded by Councillor Preston as an amendment to:-

Replace: the word "women" with "all victims" (para 1)

Replace: Last paragraph wording with:

"This council recognises the good partnership work that is going on in the Borough to support victims of Domestic Abuse at a terrible time in their lives.

Council, 30 November 2016

This council requests that the Cabinet Member for Communities and Safer Neighbourhoods reports back to full council on the progress of partnership working in relation to Domestic Abuse.

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In order to build on the good work to date, the council requests that the Community Safety Team work to develop a submission for national funds that is available to support Domestic Abuse victims."

On being put, with 49 voting for, 0 against and the Mayor abstaining the Mayor declared the amendment carried.

On being put, with 49 voting for, 0 voting against, and with the Mayor abstaining, the Mayor declared the substantive motion carried.

The Mayor called upon the Leader to move the Closure Motion in accordance with Council Procedure Rule 9, and with 49 voting for, 0 against and 1 abstention it was:-

RESOLVED:

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

THE WORSHIPFUL THE MAYOR

NOTE: The meeting started at 7.00 pm and ended at 10.30 pm

NOTE: - The Joint Authority report was duly noted.
- There were no scrutiny review reports or specific items called in by the Overview and Scrutiny Committee.
- There were no questions on the work of Outside Bodies or Questions on the Delegated Decisions of the Council.

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REPORT FOR DECISION

DECISION OF:	CABINET OVERVIEW & SCRUTINY COMMITTEE COUNCIL
DATE:	14 DECEMBER 2016 11 JANUARY 2017 1 FEBRUARY 2017
SUBJECT:	TREASURY MANAGEMENT STRATEGY – MID YEAR REVIEW 2016/17
REPORT FROM:	DEPUTY LEADER OF THE COUNCIL & CABINET MEMBER FOR FINANCE & HUMAN RESOURCES
CONTACT OFFICER:	STEPHEN KENYON, INTERIM EXECUTIVE DIRECTOR OF RESOURCES AND REGULATION
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	The report is within the public domain
SUMMARY:	<p>This mid year report has been prepared in compliance with CIPFA's Code of Practice, and covers the following:</p> <ul style="list-style-type: none"> • An economic update for the 2016/17 financial year to 30 September 2016 • A review of the Treasury Management Strategy Statement and Annual Investment Strategy • The Council's capital expenditure (prudential indicators) • A review of the Council's investment portfolio for 2016/17 • A review of the Council's borrowing strategy for 2016/17 • A review of any debt rescheduling undertaken during 2016/17 • A review of compliance with Treasury and Prudential Limits for 2016/17
OPTIONS &	It is recommended that, in accordance with CIPFA's Code of Practice on Treasury Management, the report be

That the addition of Greater Manchester bodies to the Counterparty investment list be approved.

IMPLICATIONS:

Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Treasury Management is an integral part of the Council's financial framework and it is essential that the correct strategy is adopted in order to ensure that best value is obtained from the Council's resources and that assets are safeguarded.
Statement by Interim Executive Director of Resources and Regulation:	Treasury management activities so far have produced a projected underspending for the year of £1.0m. This will help to support other areas of the Council's budget that are under pressure from user demand or economic conditions. Addition of Greater Manchester bodies as investment counterparties will give greater flexibility under the devolution agenda.
Equality/Diversity implications:	No
Considered by Monitoring Officer:	Yes
Wards Affected:	All
Scrutiny Interest:	Overview & Scrutiny Committee

TRACKING/PROCESS**DIRECTOR: STEVE KENYON**

Chief Executive/ Strategic Leadership Team	Cabinet Member/Chair	Ward Members	Partners
Yes	Yes	N/a	N/a
Scrutiny		Committee	Council
14 December			1 February

- 1.1 The Council operates a balanced budget, which broadly means that cash raised during the year will meet cash expenditure. Part of the treasury management operations ensure this cash flow is adequately planned, with surplus monies being invested in low risk counterparties, providing adequate liquidity initially before considering optimising investment return.

The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure that the Council can meet its capital spending obligations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses, and on occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.

As a consequence treasury management is defined as:

"The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks".

- 1.2 The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised 2011) was adopted by this Council on 24 February 2010.

The primary requirements of the Code are as follows:

1. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
2. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
3. Receipt by the full council of an annual Treasury Management Strategy Statement - including the Annual Investment Strategy and Minimum Revenue Provision Policy - for the year ahead, a **Mid-year Review Report** and an Annual Report (stewardship report) covering activities during the previous year.
4. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
5. Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. For this Council the delegated body is: Overview & Scrutiny Committee.

- 1.3 This report fulfils the requirement to produce a mid-year review.

2.0 ECONOMIC UP-DATE (from Treasury Advisors)

2.1 Economic Performance to date

- 2.1.1 UK GDP growth rates were 2.2% and 2.9% in 2013 and 2014 respectively; falling to 1.8% for 2015. Growth fell back to +0.4% in quarter 1 of 2016, recovering to +0.7% (2.1% y/y) in quarter 2. The referendum vote for Brexit in June this year delivered an immediate fall in confidence indicators and business surveys, pointing to an impending slowdown in the economy. Subsequent surveys have shown it is

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generally expected that growth will be weak through the second half of 2016 and in 2017.

- 2.1.2 The Bank of England meeting on August 4th addressed this expected slowdown in growth by a package of measures including a cut in Bank Rate from 0.50% to 0.25%. The Inflation Report included an unchanged forecast for growth for 2016 of 2.0% but cut the forecast for 2017 from 2.3% to just 0.8%. The new Chancellor Phillip Hammond announced after the referendum result, that the target of achieving a budget surplus in 2020 will be eased in the Autumn Statement on November 23.
- 2.1.3 The Inflation Report also included a rise in the forecast for inflation to around 2.4% in 2018 and 2019

2.2 Interest rate Forecasts and Outlook

- 2.2.1 The Council's treasury advisor, Capita Asset Services, has provided the following forecast:

	Dec-16	Mar-17	Jun-17	Sep-17	Dec-17	Mar-18	Jun-18	Sep-18	Dec-18	Mar-19	Jun-19
Bank rate	0.10%	0.10%	0.10%	0.10%	0.10%	0.10%	0.25%	0.25%	0.25%	0.25%	0.50%
5yr PWLB rate	1.00%	1.00%	1.10%	1.10%	1.10%	1.10%	1.20%	1.20%	1.20%	1.20%	1.30%
10yr PWLB rate	1.50%	1.50%	1.60%	1.60%	1.60%	1.60%	1.70%	1.70%	1.70%	1.70%	1.80%
25yr PWLB rate	2.30%	2.30%	2.40%	2.40%	2.40%	2.40%	2.50%	2.50%	2.50%	2.50%	2.60%
50yr PWLB rate	2.10%	2.10%	2.20%	2.20%	2.20%	2.20%	2.30%	2.30%	2.30%	2.30%	2.40%

Capita Asset Services undertook a quarterly review of its interest rate forecasts after the MPC meeting of 4th August cut Bank Rate to 0.25% and gave forward guidance that it expected to cut Bank Rate again to near zero before the year end. The above forecast therefore includes a further cut to 0.10% in November this year and a first increase in May 2018, to 0.25%, but no further increase to 0.50% until a year later.

- 2.2.2 The overall longer run trend is for gilt yields and PWLB rates to rise, albeit gradually. Our PWLB rate forecasts are based on the Certainty Rate (minus 20 bps) which has been accessible to most authorities since 1st November 2012.
- 2.2.3 The overall balance of risks to economic recovery in the UK remains on the downside.

3.0 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY UP-DATE

- 3.1 The Treasury Management Strategy Statement (TMSS) for 2016/17 was approved by the Council on 24 February 2016.

3.2 The underlying TMS5 approved previously requires revision in the light of proposals to add additional counterparties. The proposed additional counterparties are set out below:

- Greater Manchester Combined Authority (GMCA)
- Transport for Greater Manchester (TfGM)
- Greater Manchester Waste Disposal Authority (GMWDA)

4.0 THE COUNCIL'S CAPITAL POSITION (PRUDENTIAL INDICATORS)

This part of the report is structured to update:

- The Council's capital expenditure plans;
- How these plans are being financed;
- The impact of the changes in the capital expenditure plans on the prudential indicators and the underlying need to borrow; and
- Compliance with the limits in place for borrowing activity.

4.1 Prudential Indicator for Capital Expenditure

This table shows the revised estimates for capital expenditure and the changes since the capital programme was agreed at the Budget

Capital Expenditure	2016/17 Original Estimate £m	2016/17 Revised Estimate £m
Non-HRA	12.616	16.359
HRA	12.576	15.610
Total	25.192	31.969

The increase of the revised estimate over the original estimate is due to slippage from 2015/16 of £17.015m offset by estimated project reprofiling to 2017/18 of £12.606m

4.2 Changes to the Prudential Indicators for the Capital Financing Requirement, External Debt and the Operational Boundary

The table shows the Capital Financing Requirement, which is the underlying external need to incur borrowing for a capital purpose. It also shows the expected debt position over the period. This is termed the Operational Boundary.

	2016/17 Original Estimate £m	2016/17 Revised Estimate £m
Prudential Indicator - Capital Financing Requirement		
CFR – non HRA	113.371	112.009
CFR – HRA existing	40.530	40.531
Housing Reform Settlement	78.253	78.253
Total CFR	232.154	230.793
Prudential Indicator - External Debt / the Operational Boundary		
Borrowing	232.200	230.800
Other long term liabilities	6.700	5.000
Total	238.900	235.800

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4.3 Limits to Borrowing Activity

- 4.3.1 The first key control over the treasury activity is a prudential indicator to ensure that over the medium term, net borrowing (borrowings less investments) will only be for a capital purpose. Gross external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2016/17 and next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need which will be adhered to if this proves prudent.
- 4.3.2 The Interim Executive Director of Resources reports that no difficulties are envisaged for the current or future years in complying with this prudential indicator.
- 4.3.3 A further prudential indicator controls the overall level of borrowing. This is the Authorised Limit which represents the limit beyond which borrowing is prohibited, and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

Authorised Limit for External Debt	2016/17 Original Indicator £m	2016/17 Revised Indicator £m
Borrowing	267.200	265.800
Other long term liabilities	6.700	5.000
Total	273.900	270.800

5.0 INVESTMENT PORTFOLIO 2016/17

- 5.1 In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite. As set out in Section 2, it is a very difficult investment market in terms of earning the level of interest rates commonly seen in previous decades as rates are very low and in line with the 0.25% Bank Rate. The continuing potential for a re-emergence of a Eurozone sovereign debt crisis, together with other risks which could impact on the creditworthiness of banks, prompts a low risk strategy. Given this risk environment, investment returns are likely to remain low.
- 5.2 The Council held £28.5m of investments as at 30 September 2016 (£22.6m at 31 March 2016) and the investment portfolio yield for the first six months of the year is 0.83% against Capita's suggested investment earnings rate for returns on investments placed, for periods up to three months in 2016/17, of 0.38%.
- 5.3 The investments held as at 30 September were:-

Type of Investment	£ Million
Call Investments (Cash equivalents)	18.8
Fixed Investments (Short term investments)	10.0
Total	28.8

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- 5.4 The Interim Executive Director of Resources & Regulation confirms that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2016/17.
- 5.5 The Council's budgeted investment return for 2016/17 is £0.5m, and performance for the year to date is in line with the budget.
- 5.6 There may be options to invest monies with Greater Manchester bodies, and approval is therefore required to add these bodies to the current investment counterparty list approved in the TMSS. These bodies are:-
- Greater Manchester Combined Authority (GMCA)
 - Transport for Greater Manchester (TfGM)
 - Greater Manchester Waste Disposal Authority (GMWDA)
- 5.7 The Cabinet have approved a "Property Investment Strategy" which aims to increase investment income by investing in property rather than investing with financial institutions where returns are low at present. Additional borrowing may need to be undertaken to finance property acquisitions; each investment will be subject to a robust business case and also non-financial factors (e.g. ethical stance) will be considered.

6.0 BORROWING

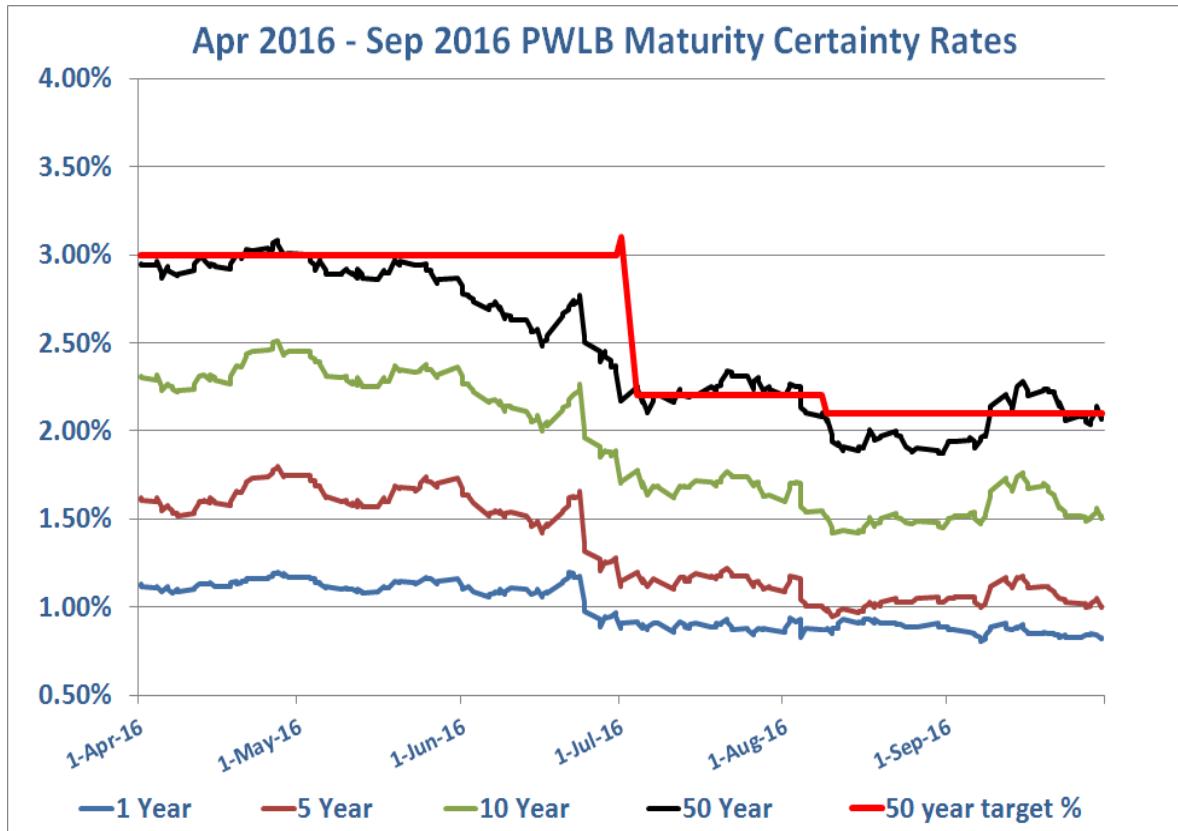
- 6.1 The Council's capital financing requirement (CFR) for 2016/17 is £230.8m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. The table below shows the Council has borrowings of £196.5m and has utilised £34m of cash flow funds in lieu of borrowing. This is a prudent and cost effective approach in the current economic climate but will require ongoing monitoring in the event that upside risk to gilt yields prevail.

	30 September 2016		
	Principal		Avg. Rate
	£000	£000	
Fixed rate funding			
PWLB Bury	131,453		
PWLB Airport	2,555		
Market Bury	62,500	196,508	
Variable rate funding			
PWLB Bury	0		
Market Bury	0	0	
Temporary Loans / Bonds	3	3	
Total Debt		196,511	3.95%
Total Investments		28,750	0.83%

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6.2 Due to the overall financial position and the underlying need to borrow for capital purposes (the capital financing requirement – CFR), new temporary external borrowing of £17m was undertaken from the market. Of this, £16.5m was used to refinance loans repaid in the period. It is anticipated that new temporary external borrowing may be undertaken during the remainder of this financial year, dependent upon cash flow.

6.3 The graph below shows the movement in PWLB certainty rates for the first six months of the year to 30.09.16:



7.0 DEBT RESCHEDULING

7.1 Debt rescheduling opportunities have been limited in the current economic climate and consequent structure of interest rates. No debt rescheduling was undertaken during the first six months of 2016/17.

Councillor Jane Lewis
Deputy Leader and Cabinet Member for Finance and Human Resources

List of Background Papers:-

None

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LEADERS QUESTION TIME

Q1. Given the proposals to retain 3 or 4 libraries across the Borough as a means to enhance the service and ensure its financial sustainability, could the leader advise us what the Council will be doing to work with community groups to ensure other local services continue?

A. The Library Service has a considerable history of working with community groups to provide services that are both relevant to people's needs and which encourage groups and individuals to get involved. This partnership has expanded the traditional role of the library service to include providing and facilitating a wide range of community services including advice, access to health related services, social activities and environmental projects as well as supporting community groups with training and resources. We recognise that these are important services which need to continue.

As part of the third round of public consultation we will be meeting with community groups and other interested parties to discuss the continuation and indeed the development of community services. Together we will explore options for community management of facilities, potential sources of funding and sources of support. Alternative methods of provision such as charitable trusts and mutuals will also be looked at. We would also like to encourage community groups to look at working together to support each other, the model the library service used to develop the four BLF funded Community Centres and Libraries which proved so successful. There is a continuing role for the Library Service in working with community groups, this is expressed in the service's core offer, specifically, Community Support and Development which includes: resources for community groups; the volunteer programme and community libraries. The cabinet report also shows that the service wide team will be working with community groups across the borough.

Q2. Can the Leader tell us if there is any extra Government money to deal with potholes?

A. Bury Council has been allocated an additional £105,000 per annum for pothole repairs from the Department for Transport's 'Pothole Action Fund'. This funding ends in 2020/21.

Q3. Could the Council tell us what is the cost of the cycle lane element as part of the redevelopment of the A56 and how many daily cycle journeys were logged during the planning process?

A. Extensive consultation was carried during scheme development with the public, also with TfGM's cycling officer and with members of the Greater Manchester Cycling Campaign.

Cost for implementing the southbound cycle lane will be minimal as it is incorporated within the carriageway limits and equates to approximately £2,000 for signs, road markings and green highway surface colouring at strategic locations along its length.

During the planning stage traffic count information available showed less than 300 cycle journeys in a 24 hour period, this was during the summer and we would expect this to reduce during the winter period.

Q4. It is now over 12 months since the Boxing Day floods. Can the Leader confirm whether or not Bury has the full amount needed to build the flood defences needed?

A. The short answer is that we don't yet have detailed proposals and costs. However, I suspect the question refers to the general approach to funding such schemes. In brief, the Environment Agency is required to use a formula to determine what funding it can make available to individual flood defence schemes. This can leave a

shortfall which has to be found by partners if the scheme is to go ahead. Whilst the Council has committed £2m to the scheme, this may not cover the cost shortfall. Sometimes Central Government will provide additional funding to plug a partnership funding gap but this has not yet happened in the case of the Radcliffe and Redvales scheme. In March 2015 the Chancellor earmarked an additional £700m for new flood defence schemes. It is understood that about half of this has so far been allocated to individual schemes. The Environment Agency and Bury Council will therefore continue to lobby central government to make a small part of the remaining £350m available for the Radcliffe and Redvales scheme.

Q5. Could the Leader provide an update in relation to the new extra care scheme development at Haworth Close, Bury?

A. I am pleased to inform you that the construction of the new 60 unit extra care scheme at the former Haworth Close site, off St Peters Road, Bury will commence in March this year and it is anticipated that the scheme will be complete by late 2018.

The scheme, which is being built on Council owned land, will be delivered and owned by ourselves and is supported by £1.850m of funding from the Homes and Communities Agency. It is intended that once operational, it will be managed in the same way as most of the Council's other housing assets.

This scheme will be similar in nature to the very successful 40 unit extra care scheme at Redbank in Radcliffe. The units will be made available to people requiring this type of accommodation, in accordance with criteria, at affordable rent levels. Providing such high quality, affordable extra care accommodation will make a significant contribution to meeting housing needs in the borough associated with a growing and ageing population.

Q6. Could the Leader of the Council please bring Councillors up to date with exactly where we are up to with completing the demolition of the former Bury Police station which has for months taken on the appearance of a bomb site in the middle of the town centre of our Metropolitan Borough?

A. **As Members will be aware, Forshaws Ltd, the contractor appointed to demolish the former GM Police headquarters has been placed into administration. The Council, in seeking to procure the remainder of the demolition as quickly as possible, entered into negotiations with the administrator and Forshaws' parent company to determine whether the latter could complete the contract. Regrettably this proved unsuccessful.**

The Council is now in the process of re-tendering for a replacement contractor using a shortlist of established demolition companies who have been pre-procured using a framework administered by another GM local authority. Local residents will be advised this week of the timescales associated with the procurement of another contractor and the recommencement of the demolition.

Q7. Can the Leader confirm whether or not the Parklife Concerts will be taking place this year?

A. The Parklife Concert will take place at Heaton Park on 10 and 11 June 2017.

Q8. Could the Council be updated on what work we are doing to tackle hate crime and how we are raising awareness amongst victims of what help was available?

A. I am pleased to advise Council that tackling Hate Crime is one of my priorities over the next few months.

We have been working with partners such a police to try and understand the issue.

The number of Hate Crime incidents in Bury has risen, however this may be due to underreporting in previous years and we have been working recently to raise awareness to encourage reporting. No form of Hate Crime is acceptable and we have a duty to keep the members of our communities safe.

I would now like to tell Council about the work we have been doing: We have been working in schools with young people and teachers, we have held events with year 7/8 pupils with a specific focus on hate crime.

Members will be aware of the successful Be Safe Be Cool campaign with all Year 9 children in all schools in Bury which has a specific hate crime element to it. I am pleased to advise that we have established an Interschool Youth Hate Crime forum which brings together pupils from across the Borough and focuses on hate Crime.

We are also working hard with partners and our third party reporting centres to raise the awareness of Hate Crime in communities. We have undertaken training with various groups e.g. Disability, transgender and new refugees. We are seeing more centres opening

I am pleased to advise Council that Hate Crime Awareness Week begins on 6th February and there will be a number of events across the Borough. We have commissioned five community based projects run by the voluntary sector and these will be launched during this week and we will touring the Borough with a van displaying messages about hate crime visiting schools and other sites.

Bury college are holding diversity day and school assemblies will focus on hate crime

We are also working with the police and they will interact with the public in the Town Centre

Hate crime is unacceptable in any form and I am sure that Council will agree that the measures I have outlined will help keep our communities safe. The work continues beyond Hate Crime Week and I will keep Council updated on the progress of this work

Q9. Could the Leader inform members on the numbers of permanent and temporary exclusions from Bury schools in this and the previous three years? How does this level of exclusion compare to other authorities in the region?

A. **In 2013/14 the number of permanent exclusions was 26, with 1371.5 days lost to fixed exclusion. In 2014/15 the number of permanent exclusions rose to 54 as did the number of fixed term exclusions where 1811.5 days were lost. Whilst the number of permanent exclusions fell slightly to 51 in 2015/2016 the worrying upward trend in fixed term exclusions continued when a total of 2173 days were lost. In 2016/17 to date there have been 40 permanent exclusions and 1249 days lost to fixed term exclusion. These figures suggest that previous totals will be surpassed by the end of the academic year.**

Data from other local authorities in the region is not available however anecdotal feedback from the North West Exclusion Network indicates that similar spikes in both primary and secondary level exclusions are being experienced elsewhere. It should be noted that direct comparisons between local authority areas are difficult given the different ways that each authority handles exclusions e.g. use of a “managed move” approach to reduce the reported number of exclusions in some areas.

Q10. Have the Labour Group decided to close Radcliffe's library despite public opposition?

A **No decision about whether Radcliffe Library will close or not has yet been taken. The third round of public consultation for the Library Review begins tomorrow (Thursday February 2nd); this will take 2 options to the public. The first option retains 3 libraries – Bury, Prestwich and Ramsbottom and a service wide team of staff to work across the borough. The second option reduces the service wide team but adds Radcliffe Library.**

This second option recognises not only the high level of need in Radcliffe but also the potential of the library to deliver services which make a real difference, including:

increasing digital literacy; providing access to council and other services: encouraging reading and literacy for all ages and providing a centre for social and community activity.

Of course the outcome of the public consultation will be a factor in the final decision about whether option 1 or option 2 is recommended.

Q11. What progress has been made on our work with the Armed Forces Covenant?

- A. The last six months has seen a great relationship being built between the council and Armed Forces (including veterans) in Bury. Supported by Engagement Officer Kathy Hoyle and wider Social Development Team, great links have been made with members of the Covenant group and the Fusiliers in Bury.**

The Armed Forces Covenant meetings have been re-established and are now being held quarterly. A workplan with key outcomes for this area of work has been developed which includes plans to refresh and re-sign the Covenant document. The membership of the meetings has been expanded to include all veteran and serving personnel from the RAF and Navy as well as the Army in Bury.

Cllr Tariq as the Cabinet member for Communities and Safer neighbourhoods and his deputy Cllr McKay are the named Elected Member Champions for this area of work and have been actively involved in the Covenant meetings and sub groups to date.

At the first Armed Forces Covenant meeting in October 16, 3 sub groups were established that meet every 6 weeks to ensure that work continues between meetings.

These sub groups are:

- Bury Directory and social media sub group
- Re-signing of covenant sub group
- Funding sub group

Significant progress has been made from the sub groups:

- An Armed Forces section on the Bury Directory has been created by members of the group with support from the Bury Directory Development officer Katie Wood.

- a Veterans wife has been identified as a Bury Directory Champion who will support anyone needing help with how to access the directory from the forces community.

-The Covenant document has been updated by the group and there has been agreement to re-sign it on Gallipoli Day (23rd April 17) after the official Gallipoli day march and formalities at the Minden Room at the Fusiliers museum.

-The funding sub group is currently looking at what funding streams are available to the group and have been briefed on the Township Forum Community Grants and how to apply for them.

- A veterans breakfast club has been set up by Steve Butterworth a outreach support worker that covers Bury, Rochdale and Oldham at the Mosses Centre that meets every Friday 9:30 - 11am. The Breakfast Club is being supported by officer and Councillor attendance when possible. Through the Covenant meetings the club has been promoted to other public services in Bury and they have also attended the group (Police and GM Fire Service) The Breakfast Club is going from strength to strength.

Q12. In 2016 Bury Council signed the Local Authority Mental Health Pledge. Could the Leader outline what progress has been made to improve the mental health and emotional well-being of our local community since the pledge was signed?

A. Since signing up to the Mental Health Challenge , Bury Council has been playing its part in breaking the silence that often surrounds mental health, to show that talking about it doesn't need to be difficult.
Mental health problems affect 1 in 4 people every year, yet too often people are afraid to talk about their experiences.

Last October, we ran a week long social media campaign for World Mental Health Day. We sent out positive messages on twitter and facebook – with information about how to access local services that can help; and providing information about how to look after our own mental health, stay well and improve our emotional wellbeing and resilience to prevent problems from starting. We were pleased to see our partners, in the public and private sector, sharing these messages and amplifying the campaign.

We're going to build on this momentum for Mental Health Week in May this year [8-14 May 2017]. The theme for the campaign is to help people move from battling to get by day-to-day, to having a healthy, fulfilling life and good sense of wellbeing – to move from "survive to thrive".

Our Mental Health Champion, Cllr Holt, is asking partners to design the social media campaign with us, so we can get local organisations involved in a week of activity. We'll be using twitter and facebook to get messages out to the community, and to staff, every day of the campaign.

We know this is a very challenging agenda. The actions Bury Council is taking will not solve all the issues around stigma and misunderstanding – this is an on-going piece of work and the authority will continue to link into national campaigns to raise awareness, promote positive mental health and challenge stigma.

Q13. Will the Leader confirm when the letters will be despatched to the residents of the Borough informing them of the second and final round of the GMSF consultation?

- A. Council will meet its commitments at the next stage of the process and will ensure that all households in the Borough will be informed of the consultation on the next round of the Greater Manchester Spatial Framework. This will be done when a firm consultation timetable is provided.**

Q14. Could the Council give an update on the extent to which lack of funding from Central Government has impacted on social care provision in the Borough?

- A. The Association of Directors of Adult Social Services publishes an annual report in respect of budgets for social care for adults, which outlines the risks to the sector in terms of funding. The headlines of the 2016 report include:**
- **There are ever greater numbers of older and disabled people needing essential care and support, their needs are increasingly complex and the costs of care have increased;**
 - **Nationally, to maintain care at the same level as last year would require more than an extra £1.1bn; the new social care precept (used by 93% of councils) raised a total of £380m, a significant shortfall compared to the £1.1bn needed;**
 - **Financial risks , therefore, are rapidly increasing for local authorities;**
 - **The continuity of the care market is under threat – though the National Living Wage is welcome, in many areas providers will continue to struggle to recruit staff, especially in home care and where employment is high;**
 - **Maintaining a caring, compassionate and trained workforce in a sustainable provider market is an urgent concern;**
 - **Investment in prevention is being squeezed with an average of 4% less being spent on prevention than last year.**

Many of these challenges outlined also exist for Bury. For example, the National Living Wage is expected to cost significantly more than the precept allows the Council to raise, similar to last year.

The pressures in the wider care system, in respect of hospital discharges for example, and the role social care plays in supporting this work, are widely understood.

But within the context of GM Devolution the opportunity to reshape and redefine services alongside the NHS and other colleagues, to ensure they become sustainable in the long term, is welcomed. The opportunity to make changes system wide, and recognise the role of social care as part of the solution to wellbeing in our borough is an opportunity the Council is embracing.

Q15. Would the Leader summarise to what extent Social Care pressures were recognised in the recent Draft Finance Settlement?

A. I think we need to look a bit further back first, and consider the Chancellor's Autumn Statement.

Astonishingly, this totally failed to even mention the words "SOCIAL CARE".

This is at a time when we see daily news footage of patients on trolleys in hospital corridors, and queues of ambulances and paramedics.

When will the Government realise that investment in Adult Social Care will help to ease pressures in the NHS ?

As for the settlement; well we had the usual smoke & mirrors;

- **There was NO additional funding for Adult Social Care**
- **The new Adult Social Care Support Grant is funded from reductions elsewhere in the New Homes Bonus**
- **Additional Better Care Funds for future years are also funded from reductions in the New Homes Bonus**
- **The Social Care Precept is minor compared to the scale of the gap (each 1% raises about £700k); and critically it is paid by our residents – it is not Government Funding.**

So to summarise, Social Care pressures were not recognised; in fact they were ignored.

Q16. Is it too late to consider the viability of operating Tottington Library with Volunteers?

- A. The Library Service has worked with volunteers since the late 90s and together, staff and volunteers have been able to provide a wider range of services than they would working alone. To date, apart from a short lived experiment at Ainsworth, volunteers have not run libraries without staff support.**

As part of the third round of public consultation officers will be meeting with community and other groups to discuss options for library buildings including the viability of community management and the use of volunteers. We will explore financial, legal, safety and social aspects together; this will help community groups decide whether or not they feel they could take on a library building. Any options must be cost neutral to the council.

A volunteer group considering running Tottington Library will have to be aware that this is a listed building that requires a significant amount of upkeep and that even the basic running costs of the building will be a significant annual undertaking. (£21K approx).

However, we also recognise that this is an important and attractive building with considerable potential including shared use with other organisations.

Q17. Would the Leader of the Council join me in congratulating the Council on its recent Stonewall Workplace Equality Index result?

- A. Yes, we are very proud of the work we do in terms of our LGBT employees. Bury Council have come 51st in the**

2017 Workplace Equality Index. This is an improvement on 60th place last year.

We are particularly proud to be the 4th placed Council in England, Scotland and Wales.

This is a fantastic result given the challenging times that we are operating in, and also as the standard of submissions to Stonewall have increased across the board.

Q18. Could the Leader inform members on the number of 'rough sleepers' in Bury, according to most recent figures? How do these figures compare to previous years, and how accurate does the leader believe these figures to be?

A. I am pleased to advise Council that we take a very proactive approach to supporting rough sleepers.

In November, officers and Cllr Tariq worked through the night covering all hot spots in the Bury and found three rough sleepers working in partnership with the Freedom Church, the rough sleepers were offered accommodation. This represents a slight increase on previous years actual count figures which were zero or 1. Estimates by agencies in the Borough indicate a slightly higher figure *(13 but this is from 12 months ago). In reality rough sleepers can be a hidden population bedding down during the day and walking at night.

The Council has commissioned the freedom church to provide overnight accommodation during freezing temperatures to provide shelter and support. The Council also commissions Calico to provide support and they have an officer dedicated to working with rough sleepers.

The team have been very successful in supporting entrenched rough sleepers into settled tenancies and I am pleased to announce that AGMA have been successful in securing Government monies . I will give Council further information when the details are confirmed.

The Homeless service has been transformed in recent years and this new approach of prevent and early intervention is supporting those at a most vulnerable time in their lives. They are very proactive and if notified of rough sleepers they will engage with the person if needed. It should be noted that not all perceived rough sleepers who beg are homeless some have tenancies

The new Hub for Bury east has been working as Team bury with those that were begging in the Town centre and you will note the numbers have decreased this has seen people going into treatment and accommodation.

Q19. As the income from the Bus Lane on Bolton Road is no longer separated from the fine income from other bus lanes generally (as it used to be), how do officers know whether the bus lane operation is worthwhile financially and who took the decision to merge the income streams from the different bus lanes and when?

A. The bus lane fines have always gone to a single holding account. When Cllr Walker has previously requested information specifically in connection with the Bolton Road bus lane, officers have accommodated his requests as best they can by attempting to separate out the penalty charge notices (PCNs) raised for that bus lane alone. This can only give an approximate total as some PCNs may be cancelled (e.g. zero charge) and some may be 'progressed' (e.g. charges increased for non-payment). As such, only an estimate can ever be arrived at using an average PCN charge.

All bus lanes in the Borough are managed as one entity and, providing the cost of the enforcement does not exceed the charge income, then the whole bus lane enforcement operation is financially viable.

I would stress however that bus lanes are operated primarily to manage traffic flows, and ensure safety of road users.

Q20. Following the recent articles on the failing Universal Credit roll out, which refers to increasing numbers of Council tenants being in rent arrears, and the announcement that Great

Yarmouth Council are looking to the Government to suspend the roll out, please can the leader advise us of the current position in Bury?

A. Bury Council and Six Town Housing have adopted a robust response to the Government's programme of welfare reforms and have successfully mitigated against the risks associated with the changes introduced so far. The Welfare Reform Board has been central to this.

Whilst overall rent arrears have steadily increased over the last few years, rent collection levels remain high at 99.98% and Bury is performing better than other Councils. This is evident from a national benchmarking exercise carried out by the National Federation of ALMOs in September 2016 on the impact of Universal Credit. This research showed the average rent arrears for Universal Credit cases is lower in Bury at £513, compared to the national average of £615. Similarly, the % of tenants in receipt of Universal Credit who are in arrears was lower in Bury at 83%, compared to a national average of 86%. The position in Bury has improved further since September 2016 with the figure now standing at 76%.

Despite all the hard work being done in Bury, we anticipate rent arrears will continue to increase given the ongoing rollout of Universal Credit and the introduction of further reforms. An impact assessment carried out by Six Town Housing in September 2016 highlighted that rent arrears due to Universal Credit could increase by £598,000 based on current rent collection and recovery rates. At worst, this figure could rise to £2.4m if Approved Management Payments are not agreed by the Department of Work and Pensions, tenants fail to pay their housing costs or decide to abandon their property.

Bury Council and Six Town Housing will continue to work closely through the Welfare Reform Board to address the challenges brought on by Universal Credit and the introduction of other welfare reforms. A borough wide impact assessment has now being completed and a new action plan will be developed with partner agencies to help mitigate against the identified risks

Q21. Can the Leader provide an update on the consultation on the draft Greater Manchester Spatial Framework, what the next stage in the process will be and whether there will be further public consultation as the plan progresses?

A. **As you will no doubt be aware, the consultation on the first draft of the Greater Manchester Spatial Framework ended on the 16th January. Around 80 consultation events took place across the conurbation with around a dozen of these taking place across the Borough. The consultation website received 48,000 hits, clearly showing the level of interest that the Spatial Framework has generated. Figures emerging from the Combined Authority indicate that there has been over 9,000 letters, 8,000 emails and 2,500 responses made via the consultation portal. A number of petitions have also been received.**

Clearly there is a lot of responses to wade through over the coming weeks and months and each of the issues raised will be considered in full as the Framework moves forward. The timetable is that a revised draft Framework that will provide much more detail will be consulted on later in the year – around the Autumn. It is too early to say what the content of this draft will look like and how it will change from the initial draft but clearly it will need to take on board the responses that have been made in this initial round of consultation. It will also need to factor in the new Mayor's views and also any changes to national planning policy that are due to be announced soon.

Q22. What does the Leader / relevant Cabinet member think is a realistic projection of the average number of persons per dwelling in newly developed houses in our Borough?

A. **This is a bit of an academic question, which seems to relate to the objections around the Greater Manchester Spatial Framework and the 'objectively assessed need' within this. Unfortunately, given the statutory development plan process, I am not in a position to give**

a view on this. This is something that will be examined in detail at the Public Examination on the GMSF later in the process and I would not want to prejudice the outcome of that.

What I can say is that the household projections that have determined the draft objectively assessed needs for Greater Manchester and Bury have come directly from the Government – the Department of Communities and Local Government to be exact. National Planning guidance makes it explicitly clear that it is the Government's household projections that should be used to determine local objectively assessed needs. It is the Government's projections of the average number of persons per dwelling that we are bound by.

Q23. It is now over 12 months since the Boxing Day floods. Can the Leader tell us if Bury has received the money promised by the UK Government?

A. The Council has so far received three payments from central government: £1.5m at the outset, £111k to cover the clean-up and £750k for repair of infrastructure. A claim is currently being prepared to reimburse the Council for resilience grants and business recovery grants it has paid out.

The funding for infrastructure losses / repairs represents the most significant risk as £750k has been received against total estimated losses of nearly £3 million.

Officers are continuing to work closely with the DCLG to try and resolve this situation.

Q24. Following recent reports that 10,000 'medically fit' patients were unable to be discharged from Greater Manchester hospitals, could the Leader please inform members on how many Bury residents are affected in these recent figures and what we are doing as an authority to address this issue?

A. **In order to ensure that up to date information is provided to all partners supporting people to be discharged from hospital, a combined data set has been developed across agencies to identify all Medically Optimised patients each day and this is used as the key document to progress discharges. At the end of each day the reportable number of delays attributed to social care are agreed for each site.**

The number of reportable delays attributable to Bury for Fairfield for the month of December was 7 patients out of 114 referrals dealt with. I hope this provides some scale and context. Of these 7 – two were awaiting nursing homes, 5 were awaiting care packages.

The Hospital social work team work in partnership with their colleagues at the hospital to support discharge processes. There is now an integrated discharge team on site at Fairfield where a multi disciplinary team of workers focus is on ensuring people are discharged home in a timely way.

Each day there are two bed meetings on site where all delays are identified and a plan of action agreed. A member of the discharge team attends these meetings and then communicates back to the team on discharge priorities. On the North Manchester we also have 3 Bury social workers and a social care officer on site who work as part of their integrated discharge team.

Analysis has also been undertaken to understand the pressure points across the system and it is acknowledged that there is a lack of capacity in community services such as Reablement and the Domiciliary Care sector to meet the demand. The Domiciliary Care Contract is in the process of being re tendered currently so that providers will be zoned and it is anticipated that this will improve service availability in key areas where we struggle currently.

Also this year funding has been allocated from the System Resilience Grant to provide additional community services such as an extra Reablement team, 19 Discharge to Assess beds, 2 Extra Care flats to support discharge of people with housing issues and 10

Transition beds in Residential Care homes that people can access when they are waiting for a Care Home of Choice or a Care Package.

Q25. Would the Leader like to comment on the recently published GCSE results?

A. **2016 has been a positive year for our secondary schools. The way in which school performance is measured changed in 2016 and it is therefore difficult to make a direct comparison with previous years. However, by the traditional measure of pupils achieving 5 or more GCSEs at Grade C or above, including English and Mathematics, performance across our schools improved, and places Bury schools above the national average.**
By newly introduced measures, whilst the Progress 8 measure was just below the national average, Bury was still placed 7th out of the 23 North West local authorities, and for the English Baccalaureate, performance placed Bury above the national average.
I congratulate our schools on their excellent performance.....

Q26. What recent changes have there been in charges for the collection of bulky waste items. What differences have there been in take-up of this service since any price increases?

A. On 10 April 2016 the cost of a bulky waste collection increased from £15 for up to 3 items, with up to 2 additional items for £5 each, to £30 for up to 5 items.
Number of collections requested:

	2015	2016
May	431	465
June	518	358
July	483	387
August	405	471
September	519	427
October	509	386
November	512	402

The total number of collections has reduced between 2015 and 2016 but the average number of items per collection has increased, as residents tend to 'find' more items to derive maximum 'value for money' from their collections

Q27. Could the Leader please inform members how the authority will monitor, and mitigate against displaced traffic from the A56 in Prestwich using nearby residential areas as a 'rat-run' during the forthcoming works and after the works are complete?

A. Inevitably when undertaking works of this nature, some inconvenience is unavoidable; however, Bury Council will endeavour to always keep this to a minimum.

Pedestrian and vehicular access will be maintained at all times. Some minor disruption is inevitable whilst the works progress; however this work will be co-ordinated with the affected parties.

The works will be monitored by officers on site to ensure that any disruption is kept to a minimum. There will be a scheme signboard displaying a contact telephone number for raising issues whilst the works are in progress.

It is expected that the scheme will be implemented with as little impact as possible on surrounding areas and traffic modelling shows no significant impact on traffic flows but we cannot anticipate public perception, modal shift, or drivers re-routing to avoid the area.

Some discussions have taken place with the local safety group about potential safety schemes for Heywood Road between Bury Old Road and Rectory Lane and it was explained to the group that there is currently no funding available for the introduction of road safety schemes. Two schemes have been designed which the group has evaluated; a 20mph Zone scheme featuring speed cushions and a scheme where the speed limit stays the same featuring a VAS (Vehicle Activated Sign), central hatching and other general signing and lining.

These designs will be put in our scheme 'reserve list' for consideration should funding become available in the future and also if post construction monitoring dictates that measures need to be taken.

Q28. Could the Leader inform members on the number of home care episodes that were 15 minutes or less, and those 5 minutes or less in the current year and in the previous three years?

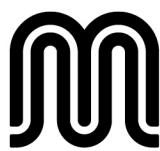
- A. **Bury Council commission's domiciliary care services for Adults which are based on the individually assessed needs of each customer.**
Officers of Communities & Wellbeing Assessment and Care Management Team (ACM) meet with each customer to understand and assess their specific needs and also identify and commission the most appropriate service to deliver the care and support that is required to enable the customer to remain as independent as possible.
The services to be commissioned are agreed jointly between the ACM Officer and each customer before commencement. Customers also receive an initial review at 6 weeks and then at least an annual review thereafter to ensure that the services they are receiving continue to meet their needs.
Some customers wish to ensure that the time that carers are in their own home is as short as possible; equally, significant numbers of people make financial contributions for their care, and would not want visits to be unreasonably extended as they would have to pay more for the same outcome delivered in a longer visit.
Currently, the Council commission's external providers to deliver domiciliary care services in 15 minute blocks. The ACM Officer translates the required needs of the customer into an allocated time and duration for each visit the customer receives. As the visits are based on the assessed needs of the customer the duration of each visit

should enable the customer to receive the service they require.

The majority of visits commissioned by the Council are scheduled for 30 minutes or over. However, approximately 4% of visits are 5 minutes duration and 38% 15 minutes duration. None of these shorter visits, however, are delivered in isolation and form part of a larger schedule of visits within a care packages; personal care is not delivered in 15 minute slots but there are also a number of situations where short visits have their place in supporting people to maintain their independence, for example:

- purely as an oversight visit, or**
- to check that a customer has taken their medication, or**
- eaten appropriately.**

If identified that the duration of the visit does not meet the customer's needs then a reassessment will take place and support will be increased to ensure the customer's needs are met.



Title **Transport in Bury MBC**

Date **27 January 2017**

Contact **Danny Parr
0161 244 1385
Daniel.Parr@tfgm.com**

Purpose

- 1.1 The purpose of this briefing note is to provide a response to the specific question as requested by TfGMC representatives, and to provide an overview of transport in Bury over previous months.

Specific Questions

Question

Following the appointment of a partnership which includes the rail operator Keolis to run Metrolink, what assurances have members have that the problems experienced by Southern Rail customers will not be repeated in Greater Manchester?

Response

- 2.1 A joint venture partnership of UK public transport operator, Keolis, and infrastructure asset management specialist, Amey, has been named as the new operator of Greater Manchester's Metrolink light rail network from 15 July 2017.
- 2.2 Together, they successfully operate London's Docklands Light Railway (DLR), which caters for more than 117 million journeys a year and has a performance and dependability record that is among the best in mainland UK (approximately 99% of trains depart on schedule).
- 2.3 Keolis is also the operator of Nottingham's NET (Nottingham Express Transit) tram network, which has achieved the highest passenger

satisfaction rating of all light rail networks in the country (98%), and runs the world's largest tramway, Yarra Trams, in Melbourne, Australia.

- 2.4 TfGM led the competitive specification process, including three other shortlisted bidders, which included a robust governance arrangement for the duration of the operation.
- 2.5 Key features of the new contract, signed this week, include:
 - The creation of more than 300 jobs including drivers, apprenticeships and traineeships, and a commitment to upskill, enhance training and qualifications for staff.
 - A major focus on improving operational reliability, and customer service and security with an increased staff presence on the network – particularly in the evening and at weekends.
 - A commitment to source a minimum of 40% of supplier contracts within 25 miles of Greater Manchester, and customer and community engagement, including 'Meet the Manager' and 'Tweet the Manager' sessions.

Question

- 2.6 *Could the Lead member for Transport for Greater Manchester provide an update to the council on the Bury bus depot?*

Response

- 2.7 First Manchester are currently consulting with their staff on the closure of the bus depots at Bury and Ashton. First were questioned about this at Bus Network Committee on Friday 20 January 2017 by Members of the TfGMC Sub Committee.
- 2.8 First reassured Members that this proposal to close bus depots would have no negative impact on services and that there would be no driver job losses as a result of this.
- 2.9 It is likely that any change will come into effect in April 2017.
- 2.10 The TfGMC Bus Network Committee will continue a close watch on the proposals and any impact they may have.

Transport Updates

Metrolink

- 3.1 On 27 January 2017, a report titled Metrolink Service Patterns was presented to the GMCA. The report detailed the proposed service pattern for the opening of the Metrolink Second City Crossing.
- 3.2 The new service pattern will mean passengers travelling on the Bury line will keep a direct link to Piccadilly Rail Station, and will have direct access to Altrincham via Market Street and St Peters Square during daytime services.
- 3.3 A full operating timetable can be seen below.

From	To	Via
Core Services		
Altrincham	Etihad Campus	
Bury	Piccadilly Rail Station	
Eccles	Ashton-under-Lyne	
East Didsbury	Rochdale Town Centre	2CC
Manchester Airport	Deansgate-Castlefield / Victoria	1CC
Additional Daytime Services		
Altrincham	Bury	1CC
East Didsbury	Shaw and Crompton	2CC
MediaCityUK	Piccadilly Rail Station	

- 3.4 On 15 July 2017, transport operator Keolis and infrastructure asset management specialist Amey will take over as the operator and maintainer of the Metrolink franchise.

Bus

- 3.5 The following forthcoming changes to the bus network were presented at the TfGMC Bus and Networks Committee on 20 January 2017.

Service / Route	Operator	Proposed Change	Effective From	Alternative Services
494 Bury – Fishpool - Ferngrove	Rossendale Transport	Mon-Sat hourly daytime commercial service withdrawn with the exception of Mon-Fri 08:43 journey from Ferngrove	28/01/2017	None

3.6 The Sunday hourly daytime service for the 494 is already subsidised. Members were asked to approve the recommendation to replace all journeys with the exception of the following Monday to Friday journeys:

- 1803 from Ferngrove average of 3 unique passengers per trip
- 1750 from Bury average of 4 unique passengers per trip

Active Travel

- 3.7 TfGM have been working in Bury over the winter period to support the uptake of cycling. Activity includes attending the I Love Bury Neighbourhood Roadshow, supporting winter ready events at Leisure Lakes bike shop and monthly cycle maintenance classes in various locations to look after bikes during winter.
- 3.8 Radcliffe town centre cycle accessibility plans are being developed, in line with plans for Radcliffe to become a cycle friendly district centre through the Cycle City Ambition Grant funding. This involves a package of site-specific measures building on improvements to existing routes such as the Manchester-Bury Canal towpath. The design includes innovative interventions including the first low level cycle signals in Bury, and is due for completion in early 2018.

REPORT FOR DECISION

Agenda Item	
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DECISION OF:	COUNCIL
DATE:	1 February 2017
SUBJECT:	CONSTITUTIONAL CHANGES –CONTRACT PROCEDURE RULES
REPORT FROM:	THE LEADER
CONTACT OFFICER:	Jayne Hammond Council Solicitor/Assistant Director –Legal and Democratic Services
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain.
SUMMARY:	This report seeks approval to amendments to the Constitution in order to bring into operation changes to the Contract Procedure Rules which deal with procurement and contracts.
OPTIONS & RECOMMENDED OPTION	<p>Members are asked to:-</p> <ol style="list-style-type: none"> 1. Approve changes to the Council Constitution, relating to the Council Procedure Rules. 2. Delegate authority to the Monitoring Officer, in consultation with the Leader, to make any consequential amendments to the Constitution as a result of this decision.
IMPLICATIONS:	None as a direct result of this report.
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 and Regulation:	There are no financial implications arising from this report.

Equality/Diversity implications:	None	
Considered by Monitoring Officer:	Yes. In accordance with Article 15.02, changes to the Council Constitution will only be approved by the full Council.	JH
Wards Affected:	All	
Scrutiny Interest:	None	

TRACKING/PROCESS

DIRECTOR: Interim Executive Director of Resources and Regulation

Senior Leadership Team	Leader	Ward Members	Partners
Scrutiny Committee	Committee	Council	
		Yes	

1.0 BACKGROUND

1.1 The purpose of this report is to seek constitutional changes in order to update the Contract Procedure Rules. This is due to the advent of new legislation and the use of the Council's electronic procurement system, "The Chest."

2.0 ISSUES

2.1 The amendments are to incorporate changes made by legislation (Public Services (Social Value) Act 2012 and the Public Contracts Regulations 2015. A preface to the Rules has also been included, setting out governance requirements for procurement and contracts.

2.3 The amendments are largely to Parts 2 and 4 of the updated Constitution.

3.0 CONCLUSION

- 3.1 Council is asked to approve changes to the Council Procedure Rules as set out in Appendix 1.
- 3.2 Council is asked to give the Council Solicitor delegated authority, in consultation with the Leader, to make any other the necessary amendments to the Council Constitution, in order to incorporate the proposed changes in Paragraph 3.1 above.

List of Background Papers:-

Council Procedure Rules as contained in the Council Constitution.

Contact Details:-

Jayne Hammond
Assistant Director - Legal and Democratic Services.

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CONTRACT PROCEDURE RULES

A BRIEF GUIDE TO CONTRACT PROCEDURE RULES

These Contract Procedure Rules (CPR), issued in accordance with Section 135 of the 1972 Local Government Act, are intended to promote good procurement practice and public accountability and deter corruption.

Officers responsible for procurement must comply with these CPR. They lay down minimum requirements and a more thorough procedure may be appropriate for a particular contract.

For the purposes of these rules, where there is a requirement for communication to be in writing, this shall be deemed to include email and messaging through The Chest as well as hard copy.

Key considerations for officers engaged in procuring works, goods and services include:

- Follow the rules if you procure goods or services or arrange building work.
- Seek advice from internal legal, financial and procurement professionals whenever necessary
- Declare any personal financial interest in a contract (corruption is a criminal offence).
- Check whether there is an existing corporate contract or AGMA (Association of Greater Manchester Authorities), YPO (Yorkshire Purchasing Organisation), CCS (Crown Commercial Services) or other joint procurement framework you can make use of before undertaking a bespoke competitive process. Check with Strategic Procurement if you are unsure.
- Conduct procurement processes via The Chest, the Council's e-tendering portal.
- Normally allow at least three weeks for submission of bids unless subject to an EU procedure which requires otherwise.
- Keep bids confidential.
- Complete a written contract or Council purchase order before the supply or works begin.
- Agree who will act as contract manager with responsibility for ensuring the contract delivers as intended.
- Keep records of dealings with suppliers.
- Assess each contract afterwards to see how well it met the purchasing need and value for money requirements.

SCOPE OF CONTRACT PROCEDURE RULES

1. BASIC PRINCIPLES

All procurement and disposal procedures must:

- Achieve Best Value for public money spent
- Be consistent with the highest standards of integrity

- Ensure fairness in allocating public contracts
- Comply with all legal requirements
- Ensure that non-commercial considerations do not influence any contracting decision
- Support the Council's corporate and departmental aims and policies
- Comply with the Council's Corporate Procurement Strategy and other relevant policies

2. OFFICER RESPONSIBILITIES

2.1 Officers

2.1.1 Officers responsible for procurement or disposal must comply with these Contract Procedure Rules, Financial Regulations, the Code of Conduct and with all UK and EU binding legal requirements.

2.1.2 Officers must:

- Have regard to the procurement guidance (Code of Practice) which can be found on the Council's [intranet](#)
- Check whether a suitable corporate contract or framework exists before seeking to let another contract; where a suitable corporate contract or framework exists, this must be used unless there is an auditable reason not to do so
- Keep the records required by these Rules
- Take all necessary legal, financial and professional procurement advice.

2.1.3 when any employee either of the Council or of a service provider may be affected by any transfer arrangement, Officers must ensure that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) issues are considered and obtain legal and personnel advice **before** proceeding with inviting Tenders or Quotations.

2.2 Chief Officers

2.2.1 Chief Officers must:

- Ensure that their staff comply with these Rules
- Keep registers of:
 - Contracts completed by signature, rather than by the Council's seal and arrange their safekeeping on Council premises. This may include contracts stored electronically on The Chest.

2.3 The Officer must comply with the Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Officer to prove that anything received was not

received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the Bribery Act 2010.

- 2.4 Officers shall comply with Section 117 of the Local Government Act 1972 in relation to the declaration of interest in contracts.

3. COLLABORATIVE ARRANGEMENTS

- 3.1 In order to secure value for money, the Council may enter into collaborative procurement arrangements with other local authorities, government departments, public bodies or public service purchasing consortia and may use framework agreements let by other local authorities, government departments, public bodies or public service purchasing consortia.
- 3.2 All purchases made via a local authority purchasing consortium are deemed to comply with these Contract Procedure Rules and no exemption is required. However, purchases subject to the EU Procedure must be let under the EU Procedure, unless the consortium has satisfied this requirement already by letting their contract in accordance with the EU Procedure on behalf of the Council and other consortium members.
- 3.3 Advice must be sought from the Strategic Procurement Service regarding any contracts entered into through collaboration with other local authorities or other public bodies to ensure compliance with the procurement rules.

4. RELEVANT CONTRACTS

- 4.1 All relevant contracts and framework agreements must comply with these Contract Procedure Rules. A relevant contract is any arrangement made by the Council for the carrying out of works or for the supply of goods, materials or services. Schools governing bodies are also recommended to follow these Rules as a model of good practice.
- 4.1 These include arrangements for:
- The carrying out of construction and engineering works
 - The supply or disposal of goods
 - The hire, rental or lease of goods or equipment, and
 - The delivery of services.
- 4.2 Relevant contracts do not include:
- Contracts of employment which make an individual a direct employee of the Council, or
 - Agreements regarding the acquisition, disposal or transfer of land which do not form part of a wider transaction under which the Council procures works, goods or services

COMMON REQUIREMENTS

5. STEPS PRIOR TO PROCUREMENT

- 5.1 The Officer must appraise the requirement in a manner commensurate with its complexity and value, and taking into account any guidance in the Procurement Code of Practice, by:
 - Satisfying themselves that they have the necessary authority to deal with the procurement and that there is appropriate budget provision in place
 - Taking into account the requirements from any relevant service review appraising the need for the expenditure and its priority in defining the objectives of the procurement
 - Assessing the risks associated with the procurement and determining how to manage them
 - Considering what procurement method is most likely to achieve the objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium
 - Consulting users as appropriate about the proposed procurement method, contract standards and performance and user satisfaction monitoring and drafting the terms and conditions that are to apply to the proposed contract
- 5.2 and by confirming that:
 - There is a member or delegated approval for the expenditure and the purchase accords with the approved policy framework and scheme of delegation as set out in the Constitution
 - If the purchase is a Key Decision, all appropriate steps have been taken
 - That the Council's Pre-procurement Checklist has been completed



CONTRACT PROCEDURE RULES

2016

CONTRACT PROCEDURE RULES 2016

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1. Introduction

- 1.1 These are the Council's procedure rules for buying supplies, services and works from outside the Council. They apply to any contract that results in a payment being made by the Council (in cash or kind); as well as to some types of contracts where a service is being provided for the Council which results in some income being generated for the Council.
- 1.2 The purpose of these Rules is to ensure that the Council's procurement procedures comply with current UK and EU procurement legislature, EC Treaty principles of fair competition, transparency and equality and have regard to Public Services (Social Value) Act 2012
- 1.3 The Rules are part of the Council's Constitution.
- 1.4 All purchases from outside the Council, disposal of surplus goods and concession contracts must comply with the Rules unless exempted under Rule 3.
- 1.5 No contract shall be made unless the appropriate Chief Officer is satisfied there is adequate budget provision and the consents to the expenditure have been obtained.
- 1.6 All Council employees and third parties employed by the Council to supervise procurement of its contracts shall conform to these Rules and to the Council's Financial Procedure Rules.
- 1.7 Schools governing bodies are recommended to follow these Rules as a model of good practice.
- 1.8 These Rules do not apply to:
 - 1.8.1 the purchase of land and buildings,
 - 1.8.2 the purchase of supplies, services and works by the Council from Six Town Housing Limited,
 - 1.8.3 the purchase of services from Persona Care and Support

Limited,

- 1.8.4 grants which the Council may receive or make (unless the Council apply the grant to buy supplies, services or works from outside the Council).
- 1.9 Guidance to these Rules will be issued by the Council. The Procurement Guidance shall be reviewed and varied from time to time. Although the Procurement Guidance is not part of these Rules it does represent good procurement practice and should therefore be followed.
- 1.10 Officers have responsibility to demonstrate best value in all procurement activities and failure to comply with these Rules and to cause the Council to enter into a contract could be a disciplinary offence.
- 1.11 In these Rules any reference to any enactment, order, regulation or other similar instrument shall be construed as a reference to the enactment, order, regulation or instrument as amended, replaced, consolidated or re-enacted.

Definitions

Best Value

the Council's duty under Part 1 of the Local Government Act 1999 to secure continuous improvement in the way in which functions are carried out, having regard to economy, efficiency and effectiveness;

Call-off Contracts

a purchase order with a supplier under a framework arrangement;

Chief Officer

those officers designated by the Council as such (currently the Chief Executive and Executive Directors of Communities and Well Being; Children, Young People and Culture and Resources and Regulation)

Conflict of Interests

an actual conflict, or a potential conflict, between the pecuniary or personal

interests of an officer and the duties that the officer owes to the Council;

Consortium Arrangement	a framework arrangement set up by a consortium which is available to the Council;
Contract Value	the total estimated value of a contract for the full contract period (not annual value) including any possible extended period and in case of a Rolling Contract, the period of 48 months;
Dynamic Purchasing System	a wholly electronic system set up to procure works, services and goods commonly available on the market which provides for a mechanism for new suppliers to join
EC Treaty	the treaty establishing the European Union signed at Rome on 25 March 1957;
EU Tender Procedure	procedures for the procurement of contracts in accordance with the Public Contracts Regulations 2015;
EU Thresholds	the contract values at which the Public Contracts Regulations 2015 apply – see the Procurement Guidance for current EU Threshold values;
Framework Arrangement	agreements with suppliers on agreed terms for a specific period for estimated quantities against which orders may be placed if and when required during the contract period;

Most Economically Advantageous Tender or MEAT	the evaluation and scoring of tenders using objective criteria where the resulting contract is awarded to the tender that achieves the highest score in that assessment;
OJEU	the Supplement to the Official Journal of the European Union;
Procurement Guidance	guidance to these Rule and good procurement practice issued from time to time by the Council and published on the Council's intranet system;
Public Contracts Regulations 2015	regulations that govern public procurement procedures for contracts with a value over the current EU Thresholds;
Rolling Contract	a contract that continues until an agreed period of notice is issued to bring it to an end;
Services Contract	the engagement of a person to provide services;
Social Value	the concept of seeking to maximize the additional benefit that can be created by procuring or commissioning goods and services, above and beyond the benefit of merely the goods and services themselves;
Supplies Contract	the purchase or hire of goods or materials;
The Chest	the Council's electronic procurement portal for the advertisement, receipt of tenders and conducting the Council's procurement process;

2. Exemptions from the Rules

- 2.1 The procurement of every contract shall comply with these Rules except:
 - 2.2 2.2.1 by direction of the Chief Executive.
 - 2.2.2 contracts for emergency construction works at Council premises in accordance with procedures contained in Annex 1 to these Rules.

Grounds for an exemption by the Chief Executive

- 2.3 An exemption may be agreed by the Chief Executive if he/she is satisfied after considering a written report by the Head of Strategic Procurement that the exemption is justified because the nature of the market for the works to be carried out or the goods or services to be supplied has been investigated and is demonstrated to be such that:
 - 2.3.1 there is only one person who is available or capable of carrying out the works or providing the goods or services, or
 - 2.3.2 there are other circumstances which are so genuinely exceptional that the EC Treaty principles of fair competition, transparency and equality are not applicable.

Reporting an exemption

- 2.4 A record of the decision by the Chief Executive to approve an exemption and the reasons for it must be kept by the Head of Strategic Procurement.

EU Procedure

- 2.5 No exemption can be used for a contract where the EU Procedure applies.

3. Consortium and Framework Arrangements

- 3.1 The Council may be a party to a consortium purchasing arrangement or a framework agreement established by another local authority or a public sector purchasing organisation may be available to the Council.

- 3.2 Such a consortium or framework arrangement may be used where:
- 3.2.1 they provide Best Value for the Council compared with other available options.
 - 3.2.2 if there is an option to hold a "Mini-competition" with suppliers on the framework the Council has investigated whether a mini - competition may provide better value for the Council.
 - 3.2.3 the consortium or framework provider has its own contract procurement rules or standing orders which do not contravene EC Treaty principles and has procured the framework in accordance with those rules or orders.
 - 3.2.4 the Council has verified that the framework documentation and terms for Call-off contracts are appropriate for use by the Council.
- 3.3 These Rules will not apply to contracts that comply with Rule 4.2 above.
- 3.4 If there is no suitable consortium or framework available to use the Council may set up a framework if it would provide better value. Such a framework must be procured in accordance with these Rules and where appropriate in accordance with the Public Contracts Regulations 2015.

4. Tendering Procedures

- 4.1 The table below sets out, for different contract values, the procurement procedure that must be followed to procure contracts, the minimum number of tenders that must be invited and how invitations to tender must be publicised.

Contract Value		Competition Procedure	Procurement Procedure
From	To		
£0	£999	An agreed price	The Chest if appropriate or as described in the Procurement Guidance. No publication of contract notice required.
£1,000	£4,999	Minimum of three prices	The Chest if appropriate or as described in the Procurement Guidance. Price to be obtained may be oral, written or via suppliers website. No publication of contract notice required.

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£5,000	£49,999	Competitive written quotations based upon a request to quote. Minimum of three quotations. At least one Bury supplier to be included in the RFQ	The Chest. No publication of contract notice or required.
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Contract Value		Procurement Procedure	Tender Publication
From	To		
£ 50,000	Up to EU Threshold	Procedure that is proportionate, appropriate and compliant with these Rules and the Public Contracts Regulations 2015	Publication of contract notice on The Chest, Contract Finder and Specialist publication if appropriate
EU Threshold	above	Appropriate EU Tender Procedure	Publication of contract notice on The Chest, Contract Finder, OJEU , and Specialist publication if appropriate

5. Dynamic Purchasing System

- 5.1 A Dynamic Purchasing System may be set up using appropriate competition procedure.

6. Minimum number of tenders

- 6.1 The minimum number of quotations/tenders that should be invited is shown in the table at Rule 4.1. The number may be reduced where fewer contractors than the minimum have applied and are considered suitable, then all shall be invited to tender.

7. Tender and Contract Documentation

- 7.1 The tender and contract documents that must be issued to each contractor and the documents to be maintained to record the terms of the contract must be in the form set out in the Procurement Guidance.

8. Framework Call-off orders

- 8.1 Call-off contracts must comply with the procedure set out in the Framework Agreement and where appropriate the Public Contracts Regulations 2015.

9. Tendering Procedures above EU Thresholds

Where a contract or a framework that is to be procured by the Council has a value above an EU Threshold the contract and framework must be procured in accordance with the Public Contracts Regulations 2015.

10. Submission, Receipt and Opening of tenders

- 10.1. Tenders or quotations must be procured electronically via the Chest and must be opened by the appropriate Chief Officer where tenders have an estimated value under £75,000 and over that amount by the Assistant Director - Legal and Democratic Services or in each case by their nominated representative with details of each tender received being recorded on the portal.
- 10.2 Where the circumstances so warrant, the relevant procurement officer in consultation with the Head of Strategic Procurement may postpone for a reasonable period of time the closing date for the receipt of tenders, provided that all persons from whom tenders have been invited are notified by the same method and that no tenders have been opened.

11. Evaluating tenders

- 11.1. Evaluation criteria must be determined prior to commencing the procurement process and these criteria must form the basis for award of contract. Weighting of criteria to indicate relative importance should also be identified at this stage and made known to the bidders.
- 11.2 Where the only discerning factor between products or solutions will be that of price (e.g. buying standard items) then price will be the most important criteria to award a contract.
- 11.3 In all other cases contracts must be awarded on the basis of the Most Economically Advantageous Tender, which balances price and quality considerations.

12. Alteration to tenders

- 12.1 There must be no alterations to a tender received after the specified time and closing date for tenders except:
 - 12.1.1 if arithmetical errors are found in an otherwise successful tender, the tenderer should be notified that the error exists and should be requested to confirm or withdraw their tender in writing.
 - 12.1.2 if the rates in the tender, rather than the overall price, were stated within the tender invitation as being dominant, an amended tender price may be requested to

accord with the rates given by the tenderer.

12.1.3 Post-tender clarifications and negotiations must comply with the Public Contracts Regulations 2015..

13. Awarding contracts

13.1 Provided that the appropriate Chief Officer is satisfied there is adequate budget provision and consents to expenditure have been obtained for a contract:

13.1.2 the Chief Officer concerned may accept quotations and tenders up to a value of £74,999. The acceptance must be recorded on an Operational Decision form, sent to the Head of Strategic Procurement and Democratic Services (for uploading onto the website);

13.1.3 tenders with a value above £75,000 shall only be accepted by the Assistant Director- Legal and Democratic Services or their nominated representative;

13.1.4 before any contract is awarded, an Operational Decision form must be completed and signed by the relevant Chief Officer and a copy sent to Legal and Democratic Services. On notification of the award of contract, the procuring officer shall ensure the publication of such award on Contract Finder in accordance with Public Contracts Regulations 2015;

13.1.5 the acceptance of quotations and tenders must be in writing;

13.1.6 for contracts above £25,000 each tenderer must be notified in writing of the outcome of the tender process

13.1.7 proper records of all procurement activity and sufficient documentation to justify decisions made at all stages of the procurement process are to be retained in electronic or hard copy format;

13.1.8 where the award of a contract is based upon MEAT the retained records and Operational Decision form must include details of the evaluation criteria used and the scoring of each tender in the objective assessment.

14. Conditions of contract

14.1 All written quotations and tenders with an estimated value over £5,000 shall use an appropriate model form of contract determined by the Assistant Director – Legal and Democratic Services;

- 14.2 Contracts with a value above £75,000 must be entered into formally in writing and shall either be sealed by the Council and attested by the Assistant Director - Legal and Democratic Services or their nominated representative or shall be signed as a deed by two officers nominated by the Assistant Director- Legal and Democratic Services;
- 14.3 The Assistant Director – Legal and Democratic Services shall keep a record of all model sets of conditions of contract to be used under these Rules with a copy on the Council’s intranet.

15. Variations and extensions

- 15.1 Where the contract terms specifically allow for a variation or an extension a contract may only be varied or extended in accordance with the contract terms;
- 15.2 In any other circumstances a Chief Officer may vary or extend a contract after consulting the Head of Strategic Procurement and complying with the provisions of the Council’s Financial Regulations;
- 15.3 A contract procured under the Public Contracts Regulations 2015 shall not be extended or varied without consulting the Head of Strategic Procurement.

16. Sale of land

- 16.1 Where land or premises are to be disposed of by competitive tender the procedure for receipt and opening tenders shall be in accordance with these Contract Procedure Rules.
- 16.2 Tenders must contain a declaration as to whether the person submitting the tender is a Member or Officer of the Council or whether so related.
- 16.3 A tender may be accepted by the appropriate Chief Officer after consulting with the appropriate Cabinet Member subject to the following conditions being met:
 - 16.3.1 highest tender to be accepted except where the evaluation criteria are based upon MEAT in which case the tender that achieves the highest score in the assessment must be accepted;
 - 16.3.2 where the evaluation criteria is based upon the highest tender the price represents the best price that could be reasonably obtained;
 - 16.3.3 the tender accords with the “particulars/conditions of sale”; and

- 16.3.4 where the evaluation criteria are not based upon MEAT the tender does not include any non-financial considerations.
- 16.3.5 If any of the conditions in Rule 13.3 are not met or if the tender to be accepted is from a Member or Officer or a relative of such person the sale shall be determined by the Cabinet.

17. Sale of surplus goods

- 17.1 Surplus goods should be disposed of on a competitive basis as follows;
- 17.2 A minimum of 3 competitive bids must be invited if the goods have an estimated value greater than £5,000 and up to £25,000;
- 17.3 A minimum of 4 sealed bids must be invited if the goods have an estimated value greater than £25,000 or a sale by auction should be considered after consultation with the Head of Strategic Procurement;
- 17.4 The highest value unconditional bid received should be accepted unless in the view of the Head of Strategic Procurement a conditional bid offers better value to the Council.

18. Conflict of Interests

- 18.1 Every officer entitled to take part in the procurement of supplies, services or works who has a conflict of interest with any such procurement shall before the commencement of that procurement process make a written declaration of interests to the Head of Strategic Procurement.
- 18.2 The Head of Strategic Procurement may certify that such interests are acceptable otherwise the officer must not take any part in the procurement process and award of contract.

19. Concession contracts

Any procurement of a concession contract should be carried out in accordance with these Rules.

20. Consultants

- 20.1 Contracts for consultancy services shall be procured in accordance with these Rules;
- 20.2 Where the consultancy services require a consultant to supervise the procurement of a contract on behalf of the Council the consultant shall be required to comply with these Rules as though they were the appropriate Chief Officer concerned with the matter.

Annex 1

**PROCEDURE FOR ARRANGING CONSTRUCTION WORK OF AN
EMERGENCY NATURE AT COUNCIL PREMISES**

All procurement works are to be implemented in accordance with the Council's Contracts Procedure Rules and Financial Regulations.

Work of an emergency nature at a site up to the value of £2,000 may be awarded directly to a contractor at the discretion of the responsible officer (Surveyor/Engineer or their Line Manager).

Work of an emergency nature at a site, that after investigation, is deemed to be of a value or between £2,000 and £3,000 can also be awarded directly to a contractor at the discretion of the responsible officer (Surveyor/Engineer or their Line Manager) but only following consultation with the Service Manager or equivalent.

Works of an emergency nature include the following:

Works which if not done pose an immediate risk to Health and Safety
Work required to keep the building operational

Urgent maintenance works (ie where further deterioration resulting in additional repair costs would occur if immediate action is not taken)
Work required immediately following an act of vandalism or arson to make the premises secure

For works with an estimated value between £3,000 and £25,000 written quotations from a minimum of three contractors will be required. In situations where this will result in disruption and further delay, formal approval to award directly to a contractor will be obtained from the appropriate Chief Officer.

Works with an estimated value which exceeds £25,000 will require formal tenders.

All procedures relating to the placing of orders and subsequent payment of works will be in accordance with standard procedures.

All other works requiring formal tenders are to be carried out in accordance with the Contracts Procedure Rules and in accordance with standard procedures.

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