

**Geoff Little OBE**  
**Chief Executive**

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*Your Ref* OSC/LW  
*Date* 4 September 2018  
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Legal & Democratic Services  
Division

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**TO: All Members of Council**

**Councillors :** N Bayley, J Black, S Briggs, R Caserta, R.Cathcart, P Cropper, T Cummings, M D'Albert, J Daly, I Gartside, J Grimshaw, D Gunther, M Hankey, S Haroon, J Harris, M Hayes, R Hodgkinson, T Holt, K Hussain, M James, D Jones, N Jones, G Keeley, J Kelly, O Kersh, K Leach, A McKay, S Nuttall, E O'Brien, T Pickstone, C Preston, A Quinn, T Rafiq, I Schofield, R Shori, D Silbiger, A Simpson, R Skillen, S Smith, Sarah Southworth, Susan Southworth, T Tariq, K Thomas, J Walker, R Walker, S Walmsley, M 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:-

<b>Date:</b>	Wednesday, 12 September 2018
<b>Place:</b>	Council Chamber - Town Hall
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	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.
<b>Notes:</b>	

**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](http://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 blue ink that reads "G P Little." The signature is written in a cursive style with a period at the end.

**Geoff Little**  
**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 - 8)

Minutes of the last meeting, held on 12 July 2018, are attached.

### **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**

### **6 LEADER' STATEMENT AND CABINET QUESTION TIME** (Pages 9 - 28)

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 REVIEW OF COUNCIL CONSTITUTION - OFFICER DELEGATIONS** (Pages 29 - 48)

Report from the Monitoring Officer attached.

### **8 TFGM GOVERNANCE AND APPOINTMENTS UPDATE** (Pages 49 - 60)

### **9 JOINT AUTHORITIES - REPORT BY THE COUNCIL'S REPRESENTATIVE AND QUESTIONS** (Pages 61 - 64)

(A) A report from the Council's representative on the work of GM Police and Crime Panel, Councillor Tariq

(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

## 10 **NOTICES OF MOTION**

The following Notices of Motion have been received:-

### **(i) School Uniform Costs**

The Council Notes:

- 1 Increasing costs, in many schools, of school uniforms, sports kits and other 'voluntary' extra costs, which place an unnecessary extra burden on many families.
- 2 The practice in some schools of single suppliers of key items of uniform and/or sports kit, meaning parents cannot take advantage of lower price uniforms and sports kit items.
- 3 The Report by the Children's Society in 2014 which identified that the total spend in Bury on school 'extras' by parents was £19,545,547.
- 4 The same report concluded that 3 million families in the UK are struggling to pay for school uniforms and school 'extras', an estimated 13,374 in Bury.
- 5 That 30% of children in the UK are living in poverty.

This Council supports the Children's Society in its recommendations:

- 1 That, as a first step, Government, should reissue existing school uniform guidance to all schools to ensure all schools are aware of the guidance and remind them of their responsibilities in relation to the affordability and availability of school uniforms.
- 2 That the government should make the guidance on school uniforms statutory so schools have a legally binding commitment to comply with this and make uniform cost a top priority.
- 3 Finally, that the government should explore capping the cost of school uniforms to ensure that parents are not paying unreasonable costs.

This Council resolves:

- 1 To work with the Bury family of schools to address the issue of school uniform and 'extras' costs to minimise their impact on Bury families, and make sure schools are aware of existing guidance on this issue.
- 2 To consult, during the 2018-19 school year, with Governing Bodies on a new 'Bury Guidance' on school uniform pricing and 'extra costs'
- 3 To publish, in time for the start of the 2019-20 school year, Bury policy guidance on school uniform pricing and extra charges made by schools.
- 4 To publish annually on the Council's website (from the start of the 2019-20 school year), which schools in the borough are meeting the guidance on charging and which are not.

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

### **(ii) Academisation**

This Council Notes:-

1. Bury schools have demonstrated a good track record of delivering education within the local authority and have not chosen or moved to the Academy model or alternative forms of governance at the rate of other Local Authority areas.
2. An increasingly high volume of schools in Bury previously judged by Ofsted as good or outstanding several years go under a different inspection framework are now being downgraded in their new inspection. There are a high proportion of such 'legacy' schools, and a number at significant risk of being judged as inadequate.
3. The findings for the SEND inspection in June 2017 have put Bury schools under additional focus from Ofsted
4. Ofsted's annual risk assessment of school performance and standards data and specifically in relation to pupils' achievement, exclusions and attendance, groups of pupils particularly those with SEND, the most able, and disadvantaged groups, places a high number of Bury schools at risk of inspection quicker than might normally be expected.
5. School leaders and governors are now expected to source their own school improvement services and solutions. Schools and council school improvement services are currently under financial pressure due to cuts from central government.
6. Government policy on forced academisation has recently changed – schools that are judged to be requiring improvement by Ofsted will no longer be given an academy order. This will now only apply to schools rated as inadequate.
7. Academisation is an irreversible process. Once a school becomes an Academy, there is currently no mechanism to return the school to local authority control.
8. There is a legal obligation to consult with appropriate stakeholders in the case of voluntary conversions. DfE guidance states *"Your governing body must consult formally about your school's plans to become an academy with anyone who has an interest in your school. This will include staff members and parents, but you should also involve pupils and the wider community."*
9. Bury Council recognises a number of trade unions as representatives of staff in education sector.

This Council Believes:-

1. The Council should focus on strengthening the governance of all schools in Bury.
2. The Council will approach schools before "they fail" to try and determine the best form of governance going forward, through annual risk assessment processes conducted by Council officers.

3. There will be a focus on finding a local solution for schools that need additional support that will take in to account what is best for the young people of Bury.
4. Academisation is one option but not the only option to the many challenges faced by Bury schools leaders. The LA will be proactive in working with governors to explore what the best solutions might be for individual schools, and particularly those 'at risk' where standards have declined or in decline.
5. Any change in the governance of schools needs to be done in full consultation with parents, pupils and staff.
6. To that end, there should be full and meaningful consultation that fully engages parents, staff and their recognised trade unions, pupils, feeder schools, the local authority and other members of the community and allows them the opportunity to hear both sides of the argument and express their views.
7. That other options such as a local federation with other Bury schools should be actively considered by governors before academisation with an external academy chain.
8. Trade unions that are recognised by the local authority as representatives of staff should be involved at every stage of any consultation process.
9. The Council will co-produce with schools a policy that sets out what good consultation should involve when a change of governance is being explored.

This Council Resolves:-

1. To publish a Bury Council Policy for voluntary conversions including but not limited to:-
  - Discussions must take place with both the local authority and union representatives at the earliest possible moment in the governors' considerations.
  - Where a governing body does decide it would like to formally consider alternative governance arrangements, a timetable for consultation and a consultation document with a clear rationale and evidence for how the preferred option will result in school improvement and higher educational attainment should be provided before the consultation can begin.
  - Where the governors have identified that they would like to join an existing academy trust the consultation document should include the criteria and assessment applied by the governing body to measure their preferred academy trust against other academy trusts considered, to ensure a rigorous due diligence exercise is completed. Comparison should be made in similar terms to local

authority control.

- During consultation, Governors should remain impartial when sending written materials to parents or posting information on the school website about an academy conversion; they should ensure the case against academy status should be given equal prominence and the same weight as any arguments in favour.
  - The school should organise stakeholder consultation meetings where speakers both for and against conversion can make their case and where parents, staff and others can ask questions and receive answers and full feedback.
  - The timing of consultation meetings should facilitate attendance by the widest possible number of interested parties. This could also mean taking into account days of religious worship.
  - Parents who do not speak English as a first language should be provided a version of the consultation document in their first language.
  - The school should also consider holding a ballot of key stakeholders before taking any decision on academy conversion.
  - Where the local authority is not satisfied with the consultation, it will organise such a ballot. It will actively consider this option if concerns are raised by recognised trade unions or any notable number of staff or parents.
2. To communicate this Policy to all headteachers, school governors, academy chains that already have a presence in Bury, and any academy chain that expresses an interest in Bury schools.

**In the names of Councillors N Bayley, J Black, S Briggs, R Cathcart, A Cummings, J Grimshaw, M Hayes, S Haroon, T Holt, M James, D Jones, J Kelly, K Leach, G McGill, E O'Brien, C Preston, A Quinn, T Rafiq, R Shori, A Simpson, R Skillen, L Smith, S Smith, Sarah Southworth, Susan Southworth, T Tariq, K Thomas, J Walker, S Walmsley and M Whitby.**

**(iii) Tackling Obesity**

In Bury 64.3% of the adult population are living with excess weight. High levels of excess weight are also prevalent amongst the children of Bury with 24% of Bury reception children are overweight or obese and 36.2% of year 6 children. These worrying trends are increasing and the prevalence of overweight children is correlated to areas of higher deprivation

Obesity is a complex issue and requires a multifaceted approach. One element of the approach is working together to limit the over proliferation of hot food takeaways but other action must also be considered.

Between 2010 and 2018 Bury saw a significant increase in the numbers of fast food outlets, rising from 90 to 215 with a greater concentration in more deprived areas.

Whilst acknowledging the work already done by the Public Health Team and Planners within the authority, Bury must consider the development of policies and planning guidance to be included within the Bury Local Plan and Greater Manchester Spatial Framework:

THIS COUNCIL therefore resolves:

1. To include within the emerging Bury Local Plan a 400m restriction zone for new hot food takeaways surrounding secondary schools - limiting children's access to unhealthy food and recommend this measure be included in the GMSF
2. To include within the emerging Bury Local Plan a requirement that applications for new hot food takeaways within wards where more than 15 % of year 6 pupils and 10 % of reception pupils are classed as obese be refused and recommend this measure be included within the GMSF.
3. To include within the emerging Bury Local Plan a duty that Bury planners must prevent the clustering of hot food takeaways in deprived neighbourhoods and recommend such a duty be included in the GMSF.
4. To support the GM Moving Strategy by instructing the Chief Executive to write to all Headteachers and Chair of Governors within the Borough asking all schools that have not signed up already to the Daily Mile to do so by December 31st 2018.
5. To request the appropriate cabinet member and officers work with schools and voluntary organisations to ensure all children within the Borough have access to high class sporting facilities, coaching and equipment to encourage an active lifestyle.
6. To encourage residents no matter their age or background to start walking as part of active lifestyle and as part of this strategy each councillor will publicise and lead at least one Health Walk in their respective wards before the end of the municipal year.
7. To build upon the success of the Bury East Healthy Eating Project and Healthy Voucher Scheme, instructing the Leader to report back to the next Full Meeting of Council with proposals to extend the scheme to other areas within the Borough.

**In the names of Councillors R Caserta, P Cropper, J Daly, I Gartside, D Gunther, M Hankey, J Harris, R Hodgkinson, K Hussain, N Jones, G Keeley, O Kersh, S Nuttall, I Schofield, D Silbiger, R Walker, and Y Wright**

**11 SCRUTINY REVIEW REPORTS AND SPECIFIC ITEMS "CALLED IN" BY SCRUTINY COMMITTEES**

**12 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).



**13 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 2 published since the last ordinary meeting of the Council, providing four clear working days' notices has been given of the question.

**14 URGENT BUSINESS**

Any item, which by reason of special circumstance, the Mayor agrees may be considered as a matter of urgency.