

Minutes of: COUNCIL

Date of Meeting: 7 December 2022

Present: The Worshipful the Mayor (Councillor , in the Chair)
Councillors A Arif, S Arif, N Bayley, R Bernstein, D Berry, C Birchmore, C Boles, A Booth, N Boroda, R Brown, L Dean, S Donnelly, D Duncalfe, E FitzGerald, N Frith, I Gartside, R Gold, D Green, J Grimshaw, S Haroon, J Harris, M Hayes, K Hussain, N Jones, J Lancaster, G Marsden, L McBriar, G McGill, C Morris, E Moss, E O'Brien, T Pilkington, A Quinn, D Quinn, T Rafiq, J Rydeheard, M Smith, T Tariq, C Tegolo, S Thorpe, D Vernon, S Walmsley, M Walsh, M Whitby and Y Wright

Apologies for Absence C Cummins, U Farooq, J Mason, K Peel, I Rizvi and L Smith

Public Attendance: 12 members of the public attended the meeting.

C. 27 DECLARATIONS OF INTEREST

1. Councillors S. Arif, Hussain and Walsh declared personal interests in all matters under consideration as governors at Schools in the Borough.
2. Councillor Tariq declared a personal interest in all matters under consideration as a manager at Healthwatch, Oldham.
3. Councillor Morris declared a personal interest in all matters under consideration in relation to Prestwich regeneration as her partner works for Font Comms.
4. Councillor Tegolo declared a pecuniary and prejudicial interest in the Conservative Notice of Motion and left the meeting during consideration of that item.

C. 28 MINUTES

The minutes of the meeting held on the 21st September be approved as a correct record.

C. 29 MAYORAL COMMUNICATIONS AND ANNOUNCEMENTS

The Mayor thanked all those across the Borough, involved in organising events for Remembrance Sunday and wished all a Merry Christmas, Happy New Year and Happy Hanukah.

C. 30 PUBLIC QUESTION TIME

Notice had been received of 7 questions. 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.

Questioner	Topic	Responding
Andy Hay	Prestwich regeneration	Cllr O'Brien
Andrew Luxton	Weeds in Elton Ward	Cllr Quinn
Alistair Scott (not present)	Bin Collection	Cllr Quinn
Samia Farid	Skateboard Facility Clarence park	Cllr Quinn
John Southworth	Island Lodge, Tottington	Cllr Quinn
Steven Devine	Prestwich Regeneration	Cllr O'Brien
Andrea Turner	Prestwich Regeneration	Cllr O'Brien

C. 31 RECOMMENDATIONS OF CABINET AND COUNCIL COMMITTEES

Meeting of Youth Cabinet – Changes to the Terms of reference

It was moved by Councillor D Quinn and seconded by Councillor Thorpe and it was agreed that:

Council approves the Youth Cabinet revised Terms of Reference.

Meeting of Democratic Arrangements Forum – Amendment to the Constitution

It was moved by Councillor O'Brien and seconded by Councillor Bernstein and it was agreed that:

Section 4.1.34.1 of the constitution be amended to:

Amendments will be considered in the order in which they are received. An amendment to a Notice of Motion must be delivered to the Monitoring Officer by midday on the day prior to the meeting. Following consideration by the Monitoring Officer the content of the amendment will be shared, other than amendments made in advance of Budget Council; unless the Group Leader or their representative provides express permission to do so.

Meeting of Cabinet – Freedom of the Borough nominations

It was moved by Councillor O'Brien and seconded by Councillor Bernstein and it was agreed that:

All five nominations be progressed and an expediated ceremony be arranged for former Councillor, Roy Walker in December 2022 and a further ceremony for the remaining nominees, including Kieran Trippier, in January 2023

Meeting of Audit – Contract Procedure Rules

It was moved by Councillor Whitby and seconded by Councillor Gold and it was agreed that:

The revised Contract Procedure Rules be approved and implemented from 1 February 2023.

Meeting of Employment Panel – Appointment of the Chief Executive

It was moved by Councillor O'Brien and seconded by Councillor Bernstein and supported by Councillor M Smith and it was agreed that:

Lynne Ridsdale be appointed the Chief Executive and Place Based Lead for Bury Council.

C. 32 LEADER' STATEMENT AND CABINET QUESTION TIME

(a) Written question (Notice given)

The Leader of the Council, Councillor E O'Brien, 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:

	Questioner	Cabinet Member	Topic
1	Cllr Berry	Cllr O'Brien	Housing tenants
2	Cllr Hayes	Cllr Morris	Economic Development Strategy
3	Cllr A Arif	Cllr Morris	Gigg Lane
4	Cllr Lancaster	Cllr Quinn	Street Lighting
5	Cllr Moss	Cllr O'Brien	Six Town Housing
6	Cllr D Quinn	Cllr O'Brien	Housing for residents with additional needs
7	Cllr S Arif	Cllr A Quinn	Muslim Burial Policy
8	Cllr Whitby	Cllr D Quinn	Ofsted
9	Cllr Thorpe	Cllr Pilkington	SEND
10	Cllr McBriar	Cllr A Quinn	Road crossing in Tottington
11	Cllr McGill	Cllr Gold	Council Financial Position
12	Cllr Hussain	Cllr O'Brien	Social Housing

Due to the lack of time to answer questions 13 to 17 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) Verbal Questions

Questioner	Cabinet Member	Topic
Cllr Bernstein	Cllr O'Brien	Permanent memorial to the

		Queen
Cllr M Smith	Cllr O'Brien	Radcliffe Regeneration
Cllr Morris	Cllr Quinn	Road Safety in Brandlesholme
Cllr Gartside	Cllr Quinn	Road Safety in Tottington
Cllr McGill	Cllr Quinn	3G pitch Radcliffe
Cllr Vernon	Cllr Quinn	Caddy liners
Cllr Tegolo	Cllr Quinn	Heaton Park Active Neighbourhood Scheme
Cllr Boles	Cllr Gold	Budget cuts
Cllr Birchmore	Cllr Quinn	Heating arrangements warm hubs

**C. 33 COMBINED AUTHORITY REPORT AND QUESTIONS TO THE COUNCIL'S
COMBINED AUTHORITY REPRESENTATIVES**

- (a) The Council received a report on the work of the Combined Authorities.
(b) The following questions had been received in accordance with Council Procedure Rules:

Questioner	Combined Authority Member	Topic
Cllr Whitby	Cllr Grimshaw	Gm Pension Fund
Cllr Boles	Cllr Gold	GMP
Cllr Vernon	Cllr Gold	GMP
Cllr Bayley	Cllr A Quinn	Buses
Cllr Dean	Cllr Gold	Water safety
Cllr Harris	Cllr O'Brien	Mcr airport

C. 34 ***SHORT ADJOURNMENT*****
C. 35 NOTICES OF MOTION**

(i) School Meals in the Borough

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

Councillors; Birchmore, Berry, Booth, Duncalfe, Marsden, Mason, Cllr Mike Smith and Cllr Mary Walsh

This Council Notes:

All schools in the Borough have policies around school meals regarding nutritional balance, variation and dietary requirements as per the legislative requirements.

It is noticeable that what is missing from these policies is the balance between the number of students attending cafeteria facilities and the time available to them to queue, choose, purchase and consume their meals. What is not clear from these policies is the available choice readily available to the students who are at the back of that queue.

Analysis has shown that Bury MBC does not have a specific policy for the management of the school meals, such as a Mealtime Management Plan for the distribution and consumption of the meals. From the all the non-feeing paying High schools within the Borough of Bury, only one of those schools does in fact, have a policy for the management of school meals.

We believe there is a need for such an overarching policy for Bury MBC to review the management of lunches and produce a Policy, that can be recommended for adoption and implementation to each High School, as either a separate policy to suit their own students and school circumstances or as part of the Whole School Food Policy.

We call upon the Council to recognise that as part of the healthy eating aspect of school meals, that there should be time to purchase and consume such a meal. We believe this action is required to avert potential issues of hunger, ineffective learning and digestive ill-health issues that may emanate from consuming lunches in a fast-paced and hurrying manner.

The Council resolves to -

Commission an internal review of meal management at Bury Schools and that the findings of the review inform a policy which can be commended to all Schools.

On being put with 8 Members voting for and 34 members voting against and the Mayor and Councillors Gartside and Tegolo abstaining

The Mayor declared the motion was lost.

(ii) Fair Tax

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

Councillors: A. Arif, N Bayley, C Boles, N Boroda, C Cummins, U Farooq, E FitzGerald, N Frith, R Gold, D Green, J Grimshaw, S Haroon, M Hayes, G McGill, C Morris, E Moss, E O'Brien, K Peel, T Pilkington, A Quinn, D Quinn, T Rafiq, I Rizvi, L Smith, T Tariq, S Thorpe, S Walmsley, and M Whitby.

This Council notes that:

1. The pressure on organisations to pay the right amount of tax in the right place at the right time has never been stronger.

2. Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
3. Almost two-thirds (63%) of the public agree that the Government and local councils should consider a company’s ethics and how they pay their tax as well as value for money and quality of service provided, when undertaking procurement.
4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £7bn per annum in lost corporation tax revenues.
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by organisations with a combined annual income of £50bn and more than 6,500 outlets and premises, including many social enterprises and co-operatives. ([Fair Tax Councils - Fair Tax Foundation \(fairtaxmark.net\)](http://fairtaxmark.net))

This Council believes that:

1. Paying tax is often presented as a burden, but it shouldn’t be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.
4. Where substantive stakes are held in private enterprises, then influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned - e.g., no use of marketed schemes requiring disclosure under DOTAS regulations (Disclosure Of Tax Avoidance Schemes) or arrangements that might fall foul of the General Anti-Abuse Rule.
5. More action is needed, however, current law significantly restricts councils’ ability to either penalise poor tax conduct or reward good tax conduct, when buying goods or services.
6. UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

This Council resolves to:

1. Approve the Councils for Fair Tax Declaration.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. Ensure contractors implement IR35 robustly and pay a fair share of employment taxes.
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately as an artificial device to reduce the payment of tax and business rates.
6. Demand clarity on the ultimate beneficial ownership of suppliers and their consolidated profit & loss position.
7. Promote Fair Tax Mark certification for any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses who say what they pay with pride.

9. Support calls for urgent reform of EU and UK law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

On being put with 32 Members voting for and 12 members voting against and the Mayor abstaining

The Mayor declared the motion was carried.

(iii) Human Trafficking and Illegal Migration

A motion had been received and set in the Summons in the names of: Councillors Arif, Bernstein, Brown, Dean, Gartside, Harris, Hussain, Jones, Lancaster, McBriar, Rydeheard, Vernon

The United Kingdom has long been a safe haven for those individuals, and groups of people, who have had to flee their countries of origin due to religious, political, and social persecution. People also migrate for economic reasons due to unemployment, conflict, war, famine, and other natural disasters.

We are proud of our Country's humanitarian legacy in accepting refugees, asylum seekers through fair and legal means such as through the United Nation's Vulnerable Person's Resettlement Scheme (VPRS).

However, this motion aims to deal head on with a new and dangerous phenomena that is putting the lives of innocent men, women and children in grave danger and is leading to loss of life.

Since the beginning of 2022, more than 40,000 illegal immigrants, many of whom are at the mercy of criminal human trafficking gangs, have crossed the English Channel in small boats. This is up from 28,526 in 2021.

It is the view of many people living within the Borough of Bury, that this is one of the most pressing issues which our country faces today.

The increasing number of illegal migrants are putting a great deal of pressure on local services throughout the country and the residents of Bury are rightly concerned that the situation seen elsewhere with local hotels being commandeered for large numbers of irregular migrants could happen here in Bury. This would of course put intolerable pressure on local services.

We are not against lawful and controlled migration. On the contrary, we are immensely grateful to those who have made the United Kingdom their home and have shaped our nation for the better. Whether this be through working within the NHS or in other public, private and charitable fields.

Overseas workers are an integral part of our nation's fabric and diversity.

However, what we cannot condone, under any circumstances, is the arrival upon our shores of those who have deployed illegal and criminal means to enter the United Kingdom.

Whilst we sympathise with some of those who try to enter the UK through crossings, many are doing so in order to commit heinous crimes in the United Kingdom.

We must also remember that many criminal gangs and prohibited organisations are profiting at the misfortune of those crossing in small boats and putting the lives of those who chose to cross in this manner at serious risk of danger.

It is incumbent on us all as elected officials to guarantee that the law of this country is upheld and respected.

Therefore, we must do all we can to prevent these illegal crossings and acts of illegal migration from occurring.

That is why we are asking this Council to do the following:-

* Condemn the criminal gangs and organisations that are putting the lives of men, women and children at risk by enforcing small boat crossings in the English Channel.

* Fully support the UK Government's plans to reduce these illegal crossings through a strategic partnership with our European neighbours.

* Instruct the Chief Executive to write to both the Bury North and Bury South Members of Parliament to ask that they support the Government's plans to tackle illegal immigration and support offshore processing of illegal immigrants.

An amendment was moved by Councillor O'Brien and Seconded by Councillor Whitby to:

Since the beginning of 2022, more than 40,000 ~~REMOVE [illegal immigrants]~~ **INSERT** [people], many of whom are at the mercy of criminal human trafficking gangs, have crossed the English Channel in small boats. This is up from 28,526 in 2021.

~~REMOVE [It is the view of many people living within the Borough of Bury, that this is one of the most pressing issues which our country faces today.~~

~~The increasing number of illegal migrants are putting a great deal of pressure on local services throughout the country and the residents of Bury are rightly concerned that the situation seen elsewhere with local hotels being commandeered for large numbers of irregular migrants could happen here in Bury. This would of course put intolerable pressure on local services.]~~

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Overseas workers are an integral part of our nation's fabric and diversity.

~~REMOVE [However, what we cannot condone, under any circumstances, is the arrival upon our shores of those who have deployed illegal and criminal means to enter the United Kingdom.~~

~~Whilst we sympathise with some of those who try to enter the UK through crossings, many are doing so in order to commit heinous crimes in the United Kingdom.]~~

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It is incumbent on us all as elected officials to guarantee that the law of this country is upheld and respected.

Therefore, we must do all we can to prevent these illegal crossings and acts of illegal migration from occurring.

That is why we are asking this Council to do the following:-

INSERT [* Fully support Labour's five-point plan to tackle Channel crossings, which includes:

- Redirecting spending on Rwanda to set up a new National Crime Agency cell to crack down on smuggling gangs
- Speeding up asylum decisions
- Reforming settlement schemes
- Replacing the Dublin Agreement to include safe returns and family reunion
- Working internationally to address why people flee their homes]

* Condemn the criminal gangs and organisations that are putting the lives of men, women and children at risk by enforcing small boat crossings in the English Channel.

~~**REMOVE** [* Fully support the UK Government's plans to reduce these illegal crossings through a strategic partnership with our European neighbours.]~~

* Instruct the Chief Executive to write to both the Bury North and Bury South Members of Parliament to ask that they support **REMOVE** ~~[the Government's plans to tackle illegal immigration and support offshore processing of illegal immigrants.]~~ **INSERT** [an ethical and effective immigration policy.]

The amendment on being put with 30 Members voting for and 11 members voting against and the Mayor abstaining

The Mayor declared the amendment was carried.

The amendment became the substantive motion and on being put with 30 Members voting for and 11 members voting against and the Mayor abstaining

The Mayor declared the motion was carried.

Councillors Donnelly and Gartside were not in the Chamber when the vote was taken.

Councillor Tegolo left the meeting during discussion of this item due to a prejudicial interest in the matter being discussed.

C. 36 COUNCIL MOTION TRACKER

For information

C. 37 SCRUTINY REVIEW REPORTS AND SPECIFIC ITEMS "CALLED IN" BY SCRUTINY COMMITTEES

There were no scrutiny reports or specific items called in.

C. 38 QUESTIONS ON THE WORK OF OUTSIDE BODIES OR PARTNERSHIPS

There were no questions on the work of the outside partnerships

THE WORSHIPFUL THE MAYOR

(Notes: The meeting started at 7pm and finished at 10.45pm.)