

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

**Date of Meeting:** 12 September 2018

**Present:** The Worshipful the Mayor (Councillor J Black), in the Chair; Councillors N Bayley, R A Caserta, R Cathcart, P Cropper, A J Cummings, M D'Albert, J Daly, I Gartside, J Grimshaw, D L Gunther, S Haroon, J Harris, M Hayes, R Hodgkinson, T Holt, K Hussain, M A James, D Jones, N Jones, G Keeley, J Kelly, O Kersh, G McGill, A McKay, S Nuttall, E O'Brien, T D Pickstone, C Preston, A Quinn, T Rafiq, I Schofield, R Shori, D Silbiger, R Skillen, Sarah Southworth, Susan Southworth, L Smith, S Smith, T Tariq, J Walker, R E Walker, S Walmsley, M Whitby, S Wright and Y Wright.

**Apologies from:** Councillors K S Briggs, K Leach, M Hankey, A Simpson and K Thomas.

**Public attendance:** 17 members of the public attended the meeting

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#### **C.154 DECLARATIONS OF INTEREST**

1. Councillor D Jones and Councillor S Wright declared personal interests in any matter relating to staffing as their wives are employed in Bury Schools. Councillor D Jones further declared a personal interest in the Notice of Motion relating to Academisation as the Chair of a Multi Academy Trust.
2. Councillors Shori declared a personal interest in relation to Item 6, Leader's Question Time as his partner works for the NHS.
3. Councillors I Gartside and S Smith declared a personal interests in relation to the Notice of Motion concerning Academisation as Governors at Academy Schools.
4. Councillor N Jones declared a personal interests in relation to the Notice of Motion concerning Academisation as a Governor at a school considering applying for Academy status.
5. Councillor Rafiq declared a personal interest in the Notice of Motion relating to Academisation as a Member of a Multi Academy Trust.
6. Councillor L Smith declared a personal interest in Item 6, Leader's Question Time, as her husband is employed in the NHS.
7. Councillor Hodgkinson declared a personal and prejudicial interest in the Notice of Motion relating to School Uniform Costs as the owner of a School Wear shop and left the meeting during consideration of this item.

## **C.155 MINUTES**

### **RESOLVED:**

That the Minutes of the Meeting of Council held on 12 July 2018 be signed by the Mayor as a true and correct record.

## **C.156 MAYORAL COMMUNICATIONS**

The Mayor reported to Council on the recent election of Councillor Lucy Smith (Besses Ward) and Councillor Gavin McGill (East Ward) at by-elections held since the last meeting of Council.

The Mayor congratulated Re-Build; the Joshua Wilson Brain Tumour Charity; Annabelles's Challenge; and the New Springs Community Project who had all been awarded the Queens Award for Voluntary Service.

The Mayor made reference to recent celebrations in respect of Pakistani Independence Day and the Jewish New Year

The Mayor reported on the recent death of ex-Councillor Keith Rothwell. Members stood in silence as a mark of respect to Mr Rothwell.

The Mayor informed the meeting that she had agreed to the consideration of an Urgent item of business relating to Fracking.

## **C.157 ORDER OF BUSINESS**

Under Standing Order 13.7, it was moved by Councillor Shori and seconded by Councillor Kelly and it was:-

### **Resolved:**

That the order of business be changed to consider the Fracking Notice of Motion as the first agenda item.

## **C.158 NOTICE OF MOTION (URGENT)**

### **FRACKING**

An Urgent Notice of Motion had been received 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.**

It was moved by Councillor Shori and seconded by Councillor Kelly that:-

## This Council Notes:

The continuing and growing public concern that shale gas extraction – commonly known as fracking – poses significant risks to the environment and to the health and wellbeing of our communities. These concerns include earth tremors, potential air pollution, pollution of water resources and increased industrialisation of the countryside, not to mention the detrimental impact on house prices and local businesses.

There is already insufficient regulation and scrutiny of fracking operations in the UK. Alarming, the Government is now proposing **to further reduce regulation and control over fracking with their proposals to:**

- 1.) Treat the initial exploratory drilling for shale gas as permitted development, which would mean that no planning permission would be required for the engineering work that investigates the presence of shale gas and whether it is commercially viable to extract it; and
- 2.) That proposals for the commercial extraction of shale gas should be determined by the Nationally Significant Infrastructure Projects Regime (NSIP), which would mean that planning applications would be submitted to this body for consideration rather than the Council (as the Local Planning Authority).

The consultation on these proposals ends in October 2018.

Currently, both the exploratory drilling and the actual large scale extraction of shale gas both need planning permission, determined by Local Planning Authorities. It is considered that Local Planning Authorities are best placed to consider such developments against the effects on the local environment and economy, taking full account of the legitimate concerns of local residents. Given the lack of regulation around fracking elsewhere, the planning application process is one of the only opportunities that local residents and businesses can have their say.

Should the Government's proposals go ahead, this would mean that the initial drilling for shale gas would be treated in the same way as something as trivial as erecting a garden fence or a small house extension. Given the significant environmental and health concerns associated with this industry, this should be resisted by this Council.

**That this Council voted in favour of a Labour Group Motion to ban fracking on Council owned land in July 2016.**

## This Council Believes:

- Proposals to remove local democracy and accountability from the determination of large scale industrial development of shale gas extraction should also be resisted.
- The determination of such proposals should remain with Local Planning Authorities, who are able to take full account of the views of local communities and make decisions that impact on their local environments – not some unaccountable body that has no local knowledge of Bury or elsewhere for that matter.
- It is the duty of the Council to protect the health and wellbeing of residents and the integrity of our natural environment and to play its part in supporting sustainable energy for future generations.

Therefore, in accordance with this duty, this Council Resolves to:-

- Demand for the withdrawal of these proposals and work with the borough's Members of Parliament and Greater Manchester Mayor to lobby for a change in the Government's position.
- Request an urgent meeting between the Rt Hon. James Brokenshire MP as the relevant Secretary of State and representatives from Bury Council to detail the potential environmental, economic and health impacts on the residents of this borough.

**On being put, with 45 for voting for, 0 voting against, and with the Mayor abstaining, the Mayor declared the motion carried.**

**(Note: This item which did not appear on the Summons for the meeting was allowed by the Mayor to be considered as a matter of urgency in order to enable the Council to debate the issue within the consultation period).**

### **C.159 PUBLIC QUESTION TIME**

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

<b>No.</b>	<b>Issue</b>	<b>Questioner</b>	<b>Answered By</b>
1.	Fracking	Mr P Fillery	Councillor Shori
2.	Polling Station Intimidation	Ms A Hussain	Councillor Shori

### **C.160 RECOMMENDATIONS OF CABINET AND COUNCIL COMMITTEES**

There were no recommendations of Cabinet or Council Committees before Council.

### **C.161 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:

<b>No.</b>	<b>Issue</b>	<b>Questioner</b>	<b>Answered by</b>
1.	Bury Street Support Website	Councillor McGill	Councillor O'Brien
2.	Protection of Tenants	Councillor Hayes	Councillor O'Brien
3.	3G/4G Football Pitches	Councillor Gartside	Councillor Quinn

4.	Fuel Poverty	Councillor Skillen	Councillor O'Brien
5.	Medium Term Financial Strategy	Councillor L Smith	Councillor O'Brien
6.	Empty Properties	Councillor Gunther	Councillor O'Brien
7.	Fair Funding Review	Councillor Rafiq	Councillor O'Brien
8.	Greater Manchester Spatial Framework	Councillor Pickstone	Councillor O'Brien
9.	Traveller Sites	Councillor Harris	Councillor Quinn
10.	Debt Collection	Councillor Preston	Councillor O'Brien
11.	Safeguarding Inspection	Councillor Cummings	Councillor Cathcart
12.	Road Surface Condition	Councillor Kersh	Councillor Quinn
13.	Domestic Violence	Councillor Grimshaw	Councillor Tariq

Due to the lack of time to answer questions 14 to 25 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.	Events on High Holy Days	Councillor Kersh	Councillor Shori
2.	Investigation Costs	Councillor Caserta	Councillor Shori
3.	Cost of By-Elections	Councillor N Jones	Councillor Shori
4.	Use of Council Owned Fields by Sports Clubs	Councillor Daly	Councillor Quinn

**C.162 REVIEW OF COUNCIL CONSTITUTION – OFFICER DELEGATIONS**

It was moved by Councillor Shori and seconded by Councillor Kelly and it was:-

**Resolved:**

- 1) That the Officer Delegations set out in Part 3 of the Council's Constitution be amended in line with Appendix A attached to the report and be adopted with immediate effect.
- 2) That authority be delegated to the Chief Executive and Assistant Director – Legal and Democratic Services to make any future amendments to the scheme that are

consequential on the current allocation of service responsibilities being revised, new service responsibilities being introduced, or post titles changing.

### **C.163 TRANSPORT FOR GREATER MANCHESTER COMMITTEE GOVERNANCE AND APPOINTMENTS UPDATE**

It was moved by Councillor Shori and seconded by Councillor Kelly and it was:-

#### **Resolved:**

- 1) That the size of TfGMC as 23 members be approved.
- 2) That it be noted that each Authority is required to appoint 1 member to TfGMC, save for MCC to appoint 2 members and nominate 1 member to be appointed by GMCA to ensure political balance.
- 3) That it be noted that the remaining 2 appointments are 1 member appointed by GMCA and 1 member appointed by the Mayor.
- 4) That Councillor Shori be appointed to TfGMC.
- 5) That Councillor Bayley be nominated to be appointed to TfGMC by the Combined Authority
- 6) That the nomination of Councillor Roy Walker to TfGMC by the Greater Manchester Conservatives be noted.
- 7) Council agree to the amendment of the Operating Agreement to reflect these changes
- 8) That it be noted that the Terms of Reference will be reviewed to ensure that they reflect the Mayor's current transport powers with a further review in 2019/20 to reflect proposed powers.
- 9) That Council confirms and notes the appointments and amendments to appointments made since the Annual meeting of Council as set out in paragraph 2.2.

### **C.164 JOINT AUTHORITIES – REPORTS BY THE COUNCIL'S REPRESENTATIVE AND QUESTIONS**

- (a) Councillor Tariq, the Council's representative on the Greater Manchester Police and Crime Panel reported on the work of the Panel to all Members of the Council.
- (b) The following questions had been received in accordance with Council Procedure Rule 11.2.

<b>No.</b>	<b>Issue</b>	<b>Questioner</b>	<b>Answered by</b>
1.	Rosso 91 Bus Service	Councillor Cropper	Councillor Bayley (Representative on Transport for Greater Manchester)
2.	Bury Interchange	Councillor Gunther	Written Response

### **C.165 NOTICES OF MOTION**

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

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

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

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

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.

It was moved by Councillor Cathcart and seconded by Councillor J Walker as an amendment to:-

**Delete point 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."

**Add:**

*"To monitor the implementation of schools that are meeting the guidance through the School inclusion clusters so that schools take responsibility for themselves for becoming inclusive. Subject to this being reviewed after 12 months. This would help with relations with the LA as they transition into their clusters."*

**On being put, with 39 voting for, 4 against and with the Mayor abstaining, the Mayor declared the amendment carried.**

**On being put, with 43 voting for, 0 against and with the Mayor abstaining, the Mayor declared the substantive motion carried.**

**(ii) Tackling Obesity**

A motion had been received and set out in the Summons 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**

It was moved by Councillor Daly and seconded by Councillor R E Walker that:

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.

**On being put, with 43 for voting for, 0 voting against, and with the Mayor abstaining, the Mayor declared the motion carried.**

### **(iii) Academisation**

A motion had been received and set out in the Summons 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.**

It was moved by Councillor L Smith and seconded by Councillor Cathcart that:-

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 ago 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.

**On being put, with 28 voting for, 0 voting against, and with 17 abstentions, including the Mayor, the Mayor declared the motion carried.**

#### **C.166 SCRUTINY REPORTS AND SPECIFIC ITEMS “CALLED IN” BY SCRUTINY COMMITTEES**

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

#### **C.167 QUESTIONS ON THE WORK OF OUTSIDE BODIES OR PARTNERSHIPS**

There were no questions received in accordance with Council Procedure Rule 11.2.

**C.168 DELEGATED DECISIONS OF COUNCIL COMMITTEES**

There were no written questions asked on the delegated decisions of the Committees or Scrutiny Committee contained in the Digest of Decision 2 (2018/19).

**THE WORSHIPFUL THE MAYOR**

**NOTE:** The meeting started at 7.00 pm and ended at 10.20pm