

Minutes of: AN ORDINARY MEETING OF THE COUNCIL

Date of Meeting: 11 September 2019

Present: The Worshipful the Mayor (Councillor T Holt), in the Chair; Councillors J Black, K S Briggs, A J Cummings, R A Caserta, P Cropper, C Cummins, J Daly, I Gartside, R Gold, J Grimshaw, D L Gunther, S Haroon, J Harris, M Hayes, S Hurst, K Hussain, D Jones, N Jones, G Keeley, G McGill, A McKay, J Mason, C Morris, B Mortenson, E O'Brien, T D Pickstone, M Powell, A Quinn, T Rafiq, I Schofield, R Shori, D Silbiger, A Simpson, Sarah Southworth, Susan Southworth, L Smith, S Smith, T Tariq, C Tegolo, K Thomas, R E Walker, S Walmsley, C Walsh, M Whitby, S Wright

Apologies from: Councillors R Cathcart, K Leach, O Kersh and Y Wright.

Public attendance: 70 members of the public attended the meeting

C.144 DECLARATIONS OF INTEREST

1. Councillor S Wright declared a personal interest in any matter relating to staffing as his wife is employed in a Bury School.
2. Councillors Harris declared a personal interest in relation to Item 6, Leader's Question Time, as a Member of the campaign group Bury Folk.
3. Councillor Roy Walker declared a pecuniary interest in respect of Item 8, Notice of Motion relating to Bury FC, as a shareholder of the Club and took no part in the vote on this matter.
4. Councillor Simpson declared a personal interest in Item 6, Leaders Question Time, as she is employed by the NHS.
5. Councillors Walsh and Walmsley declared a personal interest in respect of Item 8, Notice of Motion relating to Bury FC, as members of Forever Bury
6. Councillor Morris declared a personal interest in relation to Item 7 Joint Authorities Report, as her partner is employed by Transport for Greater Manchester.

C.145 MINUTES

RESOLVED:

That the Minutes of the Meeting of Council held on 10 July 2019 be signed by the Mayor as a true and correct record.

C.146 MAYORAL COMMUNICATIONS

Members stood in silent tribute to ex Councillor Diana Ashworth and serving Church Ward Councillor, Susan Nuttall who had recently passed away.

C.147 PUBLIC QUESTION TIME

Notice had been received of the following 2 questions:

No.	Issue	Questioner	Answered By
1.	GMSF	Ms C Birchmore	Councillor D Jones
2.	Adult Education in Radcliffe	Ms N Haydock	Councillor D Jones

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

No.	Issue	Questioner	Answered By
1.	GMSF	Mr S Cluer	Councillor D Jones
2.	FOI Complaints GMSF	Mr C Russell	Councillor D Jones
3.	Independent Mot Station	Member Of Public	Councillor D Jones
4.	Clean Air Policy	Member Of Public	Councillor D Jones
5.	Bury Market Rents	Mr N Smith	Councillor D Jones
6.	Climate Emergency – Building Of Petrol Station In The Borough	Member Of Public	Councillor D Jones
7.	Private Hire Trade	Member Of Public	Councillor D Jones
8.	Taxi Driver Safety	Member Of Public	Councillor D Jones

C.148 RECOMMENDATIONS OF CABINET AND COUNCIL COMMITTEES

Meeting of the Human Resources and Appeals Panel held on 16 July 2019 – Approval of Applications for Voluntary Early Retirement

It was moved by Councillor Black and seconded by Councillor D Jones and it was:-

RESOLVED:

That, in accordance with Council's Pay Policy, the 2 applications set out in the report be approved.

C.149 NOTICES OF MOTION

The Mayor reported that the motion published in the summons from the Labour Group concerning Bury FC has now been withdrawn and had been replaced by an Urgent motion from the Conservative Group relating to the same subject. Due to the large number of interested public in the gallery the Mayor agreed to re-order the business to allow Motions to be dealt with as a priority.

(i) Conductors on Trams

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

Councillors T Pickstone, M Powell, C Tegolo and S Wright

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

This Council Notes:

(a) High levels of fare evasion on the Metrolink network – reported to this Council as an estimate that 1 in 8 journeys are not paid for.

(b) Anti-social behaviour occurring on the tram network, contributing to some member of the local community feeling unsafe using Metrolink, particularly in the evenings.

Council recognises that other tram networks in the UK, such as those in Nottingham and in Wolverhampton-Birmingham, operate with on-board conductors, and that the merits of having these staff include:

(a) Increased revenue collection as conductors are able to check tickets and passes, and collect outstanding fares from passengers on-board the tram

(b) Improved passenger safety as the conductor represents a visible on-board presence to deter criminal and anti-social behaviour and can ensure that passengers are able to board or alight safely

(c) Better customer service as the conductor can respond in person to passenger queries and to requests for assistance, such as aiding passengers with disabilities or push-chairs

Council notes that these are the same reasons that the RMT trades union cites in seeking the retention of guards on trains in its ongoing dispute with Northern Rail.

Given the reasons outlined above, and in light of the estimate that £9 million in revenue is lost across the Metrolink network in fare evasion, Council believes that there is merit in introducing conductors on the Bury – Manchester line for an evaluation to be conducted after a trial period of 12 months of its impact, with a view to making conductors permanent and across the network should the results prove favourable.

Council therefore resolves:

To ask the Chief Executive to write to the Chief Executives of Transport for Greater Manchester and Metrolink outlining its position and requesting the introduction of conductors on the Bury Manchester line as a pilot.

On being put, with 46 voting for including the Mayor, 0 voting against and with 0 abstaining, the Mayor declared the substantive motion carried.

(ii) Bury FC

An urgent motion had been submitted in the names of:

Councillors R Caserta, P Cropper, J Daly, I Gartside, D Gunther, J Harris, S Hurst, K Hussain, N Jones, G Keeley, O Kersh, I Schofield, D Silbiger, R Walker, and Y Wright

It was moved by Councillor Daly and seconded by Councillor N Jones that:-

THIS COUNCIL wishes to place on record it's disgust at the financial demise of Bury Football Club and disappointment at the decision of the English Football League to expel the Club from League 1.

Council notes the continuing importance of Bury Football Club and there Gigg Lane home to the cultural, social and economic life of our Borough, and to the lives of many Bury residents as it has been for the last 134 years.

Council wishes to do everything it can to assist all those fighting to ensure Bury FC rejoin the Football League either this season or in League 2 for the 2020 / 21 season.

Council notes that the EFL in a recent statement indicated that it was consulting with other league clubs on the future of Bury Football Club and have stressed that clear evidence would be needed of the club's financial viability going forward by September the 21st.

Council notes the unsuccessful efforts of numerous potential buyers for the club and Gigg Lane and is disappointed that no credible party has managed to purchase the club with time now running out.

THIS COUNCIL therefore resolves to:

1. Instruct the Chief Executive and Chief Financial Officer of Bury MBC within 24 hours of this Motion to contact those parties who represent the interests of Bury Football Club Limited to express the wish of this Council to enter into negotiations for the purchase of Bury Football Club Limited in totality or of the Gigg Lane site in isolation.
2. Within 7 days of this Motion for the Chief Executive and Chief Financial Officer of this Council to take what steps necessary to enter into negotiations for the purchase of Bury Football Club Limited or the Gigg Lane site in isolation and by the close of business on Wednesday 18th September to have secured a figure for the purchase of the aforementioned.
3. By the close of business on Thursday 19th September the Chief Executive and Chief Financial Officer of the Council will inform all councillors of the outcome of negotiations and produce a business plan regarding the potential purchase for all councillors to consider.
4. To instruct the Chief Executive within 24 hours of this Motion to contact the Chair of the English Football League to inform the aforementioned of this Motion and the timeframe Council has put on officers to bring back to Council a credible plan for the purchase of Bury Football Club Limited and request that the 21st September deadline be extended to allow the proper due diligence to take place and allow for the proper conclusion of negotiations between the parties.
5. That an extraordinary meeting of Council be held at the earliest appropriate date for Council to vote on any proposed purchase of Bury Football Club and / or its assets including Gigg Lane and to confirm prior to the aforementioned vote with the EFL that Bury Football Club would be readmitted to the Football League if Council approved the purchase.
6. Instruct the Chief Executive and members of the Senior Management Team to approach Forever Bury, other supporter groups, local business people and interested parties over the next 7 days to discuss the potential for the Council to work in partnership and if possible produce a joint financial bid for the club.

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

Delete:

"THIS COUNCIL wishes to place on record it's disgust at the financial demise of Bury Football Club and disappointment at the decision of the English Football League to expel the Club from League 1."

Replace with:

"This Council notes the ongoing crisis at Bury Football Club and the expulsion of the club from the English Football League."

Council notes the continuing importance of Bury Football Club and their Gigg Lane home to the cultural, social and economic life of our Borough, and to the lives of many Bury residents as it has been for the last 134 years.

Delete:

"Council wishes to do everything it can to assist all those fighting to ensure Bury FC rejoin the Football League either this season or in League 2 for the 2020 / 21 season."

Replace with:

"The Council wishes to do everything it can to assist all those fighting to ensure Bury FC rejoin the Football League for the 2020/21 season. To this end, Council notes the efforts of the Rescue Board pulled together by James Frith MP including the Forever Bury Supporters Trust, Mayor Andy Burnham, Ivan Lewis MP, Greater Manchester Combined Authority and Bury Council."

Council notes that the EFL in a recent statement indicated that it was consulting with other league clubs on the future of Bury Football Club and have stressed that clear evidence would be needed of the club's financial viability going forward by September the 21st.

Add:

Council further notes the joint statement agreed by the Rescue Board on 2nd September which established a working group to develop a proposal to the English Football League, by 20th September, which would allow Bury FC to be admitted to League Two for the start of the 2020/21 season, subject to the submission of a credible plan to rebuild Bury FC before the end of this year."

Delete:

Council notes the unsuccessful efforts of numerous potential buyers for the club and Gigg Lane and is disappointed that no credible party has managed to purchase the club with time now running out.

Replace with:

"Council notes the ongoing efforts to identify a suitable new owner for the club and the commitment given by Bury Council and GMCA to provide the necessary external challenge to ensure any proposal is financially viable and can deliver stability for both the club and the league in the long term."

Add:

"Council notes the broader concerns that this situation has exposed about football governance, ownership and finance."

THIS COUNCIL therefore resolves to:

Delete points 1 – 6:

Replace with:

- 1) This Council fully endorses the joint statement made by the Rescue Board on 2nd September.
- 2) The Council continues its support for the working group and development of a proposal to put to the English Football League by 20th September.
- 3) The Council works with Forever Bury, GMCA, Mayor Andy Burnham, local MPs and other stakeholders on the development of a credible plan to rebuild Bury FC by the end of the year.
- 4) The Council provides due diligence for any new ownership proposal and support all efforts through the Rescue Board to save Bury FC as a trading entity and secure its readmittance to the English Football League next season.
- 5) The Council invites the House of Commons Digital, Culture, Media and Sport Select Committee to Bury to hold a hearing as part of the inquiry it is holding into football governance and Bury FC to hear directly from local stakeholders and supporters.

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

On being put, with 45 voting for including the Mayor, 0 voting against and with the 0 abstaining, the Mayor declared the substantive 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 to allow Council to express its views in advance of an imminent meeting of the English Football League).

(iii) Support for Taxi Drivers

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, J Harris, S Hurst, K Hussain, N Jones, G Keeley, O Kersh, I Schofield, D Silbiger, R Walker, and Y Wright

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

THIS COUNCIL acknowledges:

The vital contribution that Bury's taxi drivers make to providing safe and accessible transport, including for many of the Borough's elderly, disabled and younger residents.

That as the Licensing Authority Bury MBC, must do all it can to support the Borough's hard working taxi drivers and play it's part in ensuring the trade provides a sustainable income for local drivers and their families.

THIS COUNCIL therefore resolves:

1: To instruct the Chief Executive to ensure plans are in place to open an MOT station for taxi's within Bury by the end of this year. Bury drivers have to travel to a single MOT station in Bolton for their vehicles and this monopoly has eliminated all market competition and created conditions for the unfair treatment of drivers.

2: That the Chief Executive carry out a review of the treatment of taxi drivers at the Bolton MOT station and meet with representatives of the trade within Bury to discuss these issues. That a joint plan be produced by the 31st October 2019 to ensure the concerns of local taxi drivers are taken seriously and acted upon.

3: To end the "them and us " culture that currently exists between Bury MBC and local taxi drivers by improving communication and informing taxi drivers directly of any increase in fees or other issue that will impact upon their livelihoods.

4: To instruct the Chief Executive to write to the Mayor of Greater Manchester informing him that this Council cannot agree with the current Clean Air Zone proposals and their disproportionate impact upon taxi drivers. To request the Mayor re-draft the current plan allowing GM Authorities to achieve clean air objectives without causing unnecessary damage to the livelihoods of taxi drivers. It must be made clear that Bury MBC will veto any Clean Air zone proposals put forward by GM that impose a financial penalty upon Bury's taxi drivers for simply carrying out their lawful business following the example of London, where taxis are exempted from the UltraLow Emission Zone.

5: The Chief Executive report to this Council at the Meeting to be held on the 27th November 2019 outlining a scheme of financial support for Bury taxi drivers. This would allow drivers to apply for funding to cover the installation of CCTV cameras in their vehicles and to support those drivers who require financial assistance to convert older vehicles to meet clean air objectives. Council further instructs the Chief Executive to carry out a review the current fee structure and assess the positive impact upon local taxi drivers and their families of a 20% reduction in all fees which would also support the trade locally.

6: The Chief Executive review the current process within Bury MBC for the revocation of licenses and inform Council on the 27th November 2019 together with members of the Licensing Committee of the criteria that must be taken into consideration when such applications are heard. Council is concerned as to the numbers of licenses revoked regarding the state of vehicles and the impact this is having on local families with the cessation of a taxi driver's livelihood.

It was moved by Councillor Rafiq and seconded by Councillor Black as an amendment to:-

Retain:

THIS COUNCIL acknowledges:

The vital contribution that Bury's taxi drivers make to providing safe and accessible transport, including for many of the Borough's elderly, disabled and younger residents.

That as the Licensing Authority Bury MBC, must do all it can to support the Borough's hard working taxi drivers and play it's part in ensuring the trade provides a sustainable income for local drivers and their families.

THIS COUNCIL therefore resolves:

Replace 1-6 with the following:

1: Following serious fire damage at Bradley Fold Testing Station in February 2019 AND following repairs thereof the Council aims and plans for a new state of the art Bradley Fold workshop to be completed in November 2019. Acknowledging inconvenience for drivers travelling to Bolton for their vehicles to be tested at the moment;, To instruct the Chief Executive to ensure these plans complete accordingly.

2: That the Chief Executive asks the Heads of Service for Licensing and Bradley Fold Workshop to meet with the trade to discuss any current dissatisfaction levels. There is such a meeting scheduled for 19 September 2019 and all parties are requested to attend.

3: That Bury MBC continue to improve communications and update local taxi drivers on taxi issues affecting their livelihoods including changes to fees through appropriate channels and in accordance with the relevant legislation.

4: That the Chief Executive use his best endeavours to obtain, from the Government and other relevant bodies, as much financial support and funding for Bury taxi drivers as possible to meet clean air objectives.

5: That the Chief Executive keep under regular review the current process within Bury MBC for the revocation of licences and ensure that it is in accordance with the relevant legislation.

On being put, with 46 voting for, 0 voting against and with the Mayor abstaining, the Mayor declared the amendment carried.

On being put, with 46 voting for, 0 voting against and with the Mayor abstaining, the Mayor declared the substantive motion carried.

C.150 LEADER'S STATEMENT AND CABINET QUESTION TIME

(a) Written question (Notice given)

The Leader of the Council, Councillor D Jones, 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.	Bury FC	Councillor Daly	Councillor D Jones
2.	Brexit Preparations	Councillor Walmsley	Councillor D Jones

3.	Budget Shortfall Council and CCG	Councillor Walsh	Councillor Simpson
4.	Land at Gigg Lane	Councillor N Jones	Councillor D Jones
5.	Education Outcomes	Councillor Susan Southworth	Councillor Tariq
6.	Insurance Claims	Councillor Mortenson	Councillor Black
7.	Child Protection	Councillor Hussain	Councillor Tariq
8.	Gigg Lane	Councillor S Wright	Councillor O'Brien
9.	Local Government Finance	Councillor Morris	Councillor O'Brien

Due to the lack of time to answer questions 10 to 33 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.

THE WORSHIPFUL THE MAYOR

NOTE: The meeting started at 7.00 pm and ended at 10.35pm

- 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.