PRESENT  Councillors: Akhtar, Alcock, Ball, Bashforth, Battye, Beeley, Blyth, Brownridge, Buckley, Butterworth, Chadderton, B Dawson, L Dawson, J Dillon, P Dillon, Dinoff, Harrison, Hefferman, Hibbert, Hindle, Holley, Hudson, E Hulme, J Hulme, Hussain, Iqbal, Jabbar, Judge, Knowles, Knox, Larkin, Lord, Malik, Masud, Martin, McArdle, McCann, McLaren, McDonald, McMahon, Miah, Pendlebury, Quinn, Qumer, Roughley, Salamat, Sedgwick, Stanton, Stretton, Sykes, Thompson, Toor, Ur Rehman, Wheeler, Williamson, Wingate and Wrigglesworth

Apologies received from Councillors Barker and Shaw

Item 2  URGENT BUSINESS
There was no Urgent Business.

Item 3  DECLARATIONS OF INTEREST
Councillors McMahon declared an interest in Item 21 by virtue of his position as Chair of Failsworth Volunteer Centre
Councillor B Dawson declared a personal interest in Item 21 by virtue of her position as Treasurer of Failsworth Volunteer Centre
Councillor Judge declared a personal interest in Item 23 by virtue of his position as Board Member of the Oldham Coliseum Theatre.
Councillor Butterworth declared a personal interest in Item 21 by virtue of her position as Secretary of Failsworth Volunteer Centre.

Item 4  COUNCIL SUMMONS 21ST JULY 2010
This was noted.

Item 5  MINUTES OF THE COUNCIL MEETING HELD ON THE 26TH MAY 2010
The Minutes of the Council meeting held on the 26th May 2010 were approved as a correct record.

Item 6  TO RECEIVE COMMUNICATIONS RELATING TO THE BUSINESS OF THE COUNCIL
1. The Mayor advised and Council noted in accordance with the time limits set for Council meetings, the guillotine would take effect at 3 hours and 30 minutes at the start of meeting unless otherwise agreed by Council
2. The Mayor announced with sadness the recent
death of former Leader of Tameside MBC Councillor Roy Oldham who, sadly passed away recently. Councillors Battye and Sykes also took the opportunity to speak. A minutes silence was observed.

Item 7 TO NOTE PETITIONS RECEIVED RELATING TO BUSINESS OF THE COUNCIL
There were no petitions to note.

Item 8 TO DEAL WITH ANY TOPICAL ISSUES AGREED BY THE MAYOR
There were no topical issues.

Item 9 TO RECEIVE AND CONSIDER QUESTIONS AND RELATED COMMENTS FROM RESIDENTS OF THE BOROUGH ABOUT ANY MATTERS RELEVANT TO THE FUNCTIONS OF THE COUNCIL
The following public questions were raised.

From Mr. J Fitzpatrick
1. Does Councillor Sykes use any OMBC staff to write up his IDEA reports?
2. Does Councillor Sykes repay OMBC an equivalent proportion of his special responsibility Allowance as Council Leader for the days he is contracted to work for IDEA?

Mr. Fitzpatrick did not attend the meeting. The Mayor therefore advised Council that the question would be taken as printed in the Council summons and a written response to the question would be sent to Mr. Fitzpatrick within 5 working days of the meeting.

From Parish Councillor Ken Hulme
1. “Following the severe winter we experienced last winter will the Council be replacing the 300 grit bins that were removed under the previous Liberal Democrat administration if a decision has not yet been made when can we expect one?”
   “In previous harsh winters the council employed local farmers and contractors to clear the country lanes to farms and remote houses. Some of these contractors still have the necessary machinery and are employed for this work by neighbouring councils. Several of these local contractors, who are properly insured, were used by Oldham Council towards the end of the harsh weather in this borough. Will the council use these local contractors at an earlier stage should the severe weather hit us again next winter?”

   “In the past Oldham Council maintained a grit depot in Saddleworth. This was one of two depots in the Delph area, the other being privately owned. While the
Council owned grit depot was sold off for housing the other depot site may still be available. Is the Council prepared to establish a temporary grit depot in Saddleworth if this or other site(s) are available in Saddleworth?" 

“It must be clear from last winter that having just one grit depot in the centre of Oldham creates even more difficulties for our hard pressed gritting lorry drivers as they strive to keep Standedge and other cross Pennine routes open some six or more miles away.”

2. “In 2003 the then Council Leader Richard Knowles banned all councillors and officers from travelling by plane to UK mainland meetings. When did this policy change? “

“How many times a year does the Council Leader, other councillors and officers fly to meetings in the UK?”

“Does the apparent failure of Councillors Sykes and Hulme to stay to meet the Schools Secretary recently in Bournemouth as reported in the Oldham Chronicle 12/7/2010, to discuss cuts in the school rebuilding programme in Oldham because they might miss their plane run the risk of signalling to the Government that they are not really serious about reinstating any part of the borough's BSF programme.”

Councillor McMahon spoke in relation to question 1 of Parish Councillor Hulme’s questions.

Councillor McCann responded to question 1 as Cabinet Member for Regeneration and Environment.

“I am surprised Parish Councillor Hulme that after a full response to your question at cabinet on 30th June 2010 you basically are putting the same question to me at council indifferent I assume to the cost and time taken which is in consequence denied to others.”

“We are in the process of reviewing the number and placement of our grit bins however in 2007/8 the authority had 530 grit bins and now after 2 hard winters we have 590 bins, a significant investment. Cost is a factor, one which is exacerbated by the practice of certain people emptying the grit bins to use exclusively on their own private land or indeed sell on.”

“There are no plans to generally use local farmers and contractors to clear country lanes. This is because only those contractors who have public liability insurance in place are in a position to support the Council’s activity
to clear roads and especially our priority routes. However, if in reviewing the service we seek to purchase additional support this would be through an open procurement exercise with full checks to ensure that appropriate insurance for public liability is in place.”

“I can also advise that we have recently purchased an additional gritting vehicle and now have two vehicles within the fleet that can operate on narrow lanes. This will assist in gritting many areas provided the residents do not block the roads with abandoned or inconsiderately parked vehicles preventing not only gritters but emergency vehicles getting through.”

“In answer to the request for a temporary grit store in Saddleworth this does not appear to be feasible in the short term.”

“A grit storage facility has the potential to cause serious environmental damage and therefore would require the full permission of the Environment Agency. Leaching is now recognised as a serious risk to sensitive areas including local water supplies and the cost to remediate land polluted by salt storage would be prohibitive.”

“In addition the cost of servicing such a facility to meet current standards, and mitigate against the risk of contaminating land and water supplies, would be considerable. The revenue costs of operating a second depot would also require additional plant, equipment and operators, again this would not be efficient use of resources.”

“Of course the depot in Saddleworth was closed by a previous Labour administration if Parish Cllr. Hulme insists on scoring political points.”

“So I note Parish Cllr Hulme’s request that should we face the prospect of a harsh winter we establish a temporary grit depot in Saddleworth. I accept that at face value this is an attractive idea but given the previous comments I fear this is not possible in our over regulated society which would make such a thing very expensive especially as we have no idea if we will be back to our usual mild winters.”

“However, I would also like to add my appreciation for our professional gritting teams for their commitment and hard work last winter when they used 7500 tonnes of grit over 12,000 miles of roads, along with the teams who (many from our parks services) using snow blowers and at times up to 16 JCB’s kept clearing the many roads and pavements across the borough of
Oldham, not to mention the dozens of men working in freezing weather shovelling snow from many areas and pavements.”

Councillor Sykes, Leader of the Council responded to question 2.

“In 2000, Councillor Knowles, the then Leader of the Council, made a policy decision to ban members and officers from travelling first class via rail and all air travel to meetings in the UK.”

“In September 2003, it was agreed by Cabinet that Council policy would be that all travel would be standard class unless the member or officer could show good reason to use first class travel which would be authorised by the relevant chief officers and Cabinet member, applicable to both members and officers. There is no mention of restriction on air travel.”

“Since 2003, air travel has become more economical with new budget airlines. Price comparison between air and rail travel is very much in favour of air as far as economy of scale and also in use of time.”

“The price of the tickets to Bournemouth was £199 per person including all relevant taxes and surcharges. The equivalent rail ticket would have been £369 per person thereby producing a saving of £850 or £170 per person.”

“Travel to Bournemouth took approximately three hours including check-in at the airport compared to five hours on train journey alone, which does not include travel to the train station as well as delays which have recently been a common feature on the rail network.”

“Therefore on two counts to make this journey this way made sense – for council tax payers and for effective use of time. The suggestion that these would not be paramount in our considerations beggars belief!”

“The value of attending the conference also cannot be underestimated. This allowed delegates to meet with ministers and others from Government to discuss very topical issues not least of which is BSF and the Budget.”

“For the record I was never planning to meet with the Secretary of State for Education Michael Gove at the LGA conference therefore I did not miss any meetings in order to catch my plane as Parish Councillor Ken Hulme attempts to suggest. Once again with his questions he seeks to apply his standards to others.”
“To provide absolute clarity I did have a meeting with Eric Pickles and Andrew Stunell as planned and as you would expect forcibly made Oldham’s case I can assure you!”

“Also for the record I actually met with Mr Gove in Mid June, some two weeks prior to the conference, about BSF and other Education matters and have also corresponded with him as a result of that meeting.

So far be it from not doing what we can about the BSF programme I would argue we have done all we can and continue to do so and the suggestion that we would do anything less is again another application of others standards which the facts once again firmly reject this!”

Councillor Hulme, Cabinet Member for Children and Young People also responded to question 2.

“It is disingenuous of Mr Hulme to suggest that we are not really serious about the Borough’s BSF programme.

“Councillor Sykes has already outlined the contact we have previously had with Mr Gove. At Bournemouth, we both had discussions with other senior members of Government on the issue.

“Mr Hulme should note that the Secretary of State for Education was delayed in arriving at Bournemouth, and to try to meet with him would have necessitated a further nights stay in hotel accommodation, and the additional expense of rearranging airline tickets.

“In view of Mr Hulme’s keenness to ensure council monies are spent efficiently, I’m sure he will appreciate the reason why the decision to return to Oldham was taken. “

Item 10

OUTSTANDING BUSINESS FROM THE LAST MEETING

There was none.

Item 11

MOTIONS OF OPPOSITION BUSINESS

1. Councillor Butterworth MOVED and Councillor McDonald SECONDED the following notice of motion:

“In view of the Coalition Government’s announcement to drastically curtail the national Building Schools for the Future programme they have condemned our children to a school life of learning in sub-standard accommodation. A government’s duty and moral responsibility – especially in a democracy – is to care
for its populace. Oldham’s young people, from infancy to early adulthood, will now sadly fall victims to this swingeing ideological manoeuvre.

In past years Oldham Council has had a proven track record of investment in Education, building 20 new schools and a Sixth Form College, which is nationally acclaimed as a symbol of excellence.

To build on this foundation our programme was well on its way, with proposals already agreed and contracts negotiated. Knock on effects will hit the construction and supply industries, the local economy and local apprenticeships promised, in a much needed area for economic revival and renewal.

This Council therefore resolves

1. That the Leader of the Council and the Chief Executive write to the Minister in the strongest terms expressing the Council’s extreme dismay at the severity and impact that this decision will have on Oldham’s future generations

2. That the Council lobbies the Government to reinstate Oldham Council’s entire school improvement programme including BSF and the three Academies.

3. That the Council urge the Government not to place any undue delay in arriving at the decision.

An amendment to this motion was submitted and ruled out of order by the Mayor under Council Procedure Rule 10.8 and therefore no debate took place on the amendment submitted. The Mayor suggested that clarification on the Council Procedure Rules for amendments to motions be submitted to the next Council meeting of the 15th September 2010.

The Leader of the Council sought the advice of the Monitoring Officer in relation to validation and acceptance of the amendment.

Councillors Battye spoke in support of the motion.

Councillors Thompson commented on the motion.

Councillor Hudson commented on the motion.

Councillor Stanton commented on the motion.

Councillor UR- Rehman spoke in support of the motion

Councillor Butterworth responded.

In accordance with Council Procedure rule 12.3 at least five Members requested a recorded vote on this motion. The Vote was recorded as follows.

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<th>Knowles R</th>
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<tr>
<td>Akhtar S</td>
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On a recorded vote being taken, the motion was CARRIED unanimously by 58 votes.

RESOLVED

In view of the Coalition Government’s announcement to drastically curtail the national Building Schools for the Future programme they have condemned our children to a school life of learning in sub-standard accommodation. A government’s duty and moral
responsibility – especially in a democracy – is to care for its populace. Oldham’s young people, from infancy to early adulthood, will now sadly fall victims to this swingeing ideological manoeuvre. In past years Oldham Council has had a proven track record of investment in Education, building 20 new schools and a Sixth Form College, which is nationally acclaimed as a symbol of excellence. To build on this foundation our programme was well on its way, with proposals already agreed and contracts negotiated. Knock on effects will hit the construction and supply industries, the local economy and local apprenticeships promised, in a much needed area for economic revival and renewal.

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2. That the Council lobbies the Government to reinstate Oldham Council’s entire school improvement programme including BSF and the three Academies.

3. That the Council urge the Government not to place any undue delay in arriving at the decision.

2. Councillor Wrigglesworth MOVED and Councillor Jabbar SECONDED the following motion:

The Future Jobs Fund Programme was working. It was creating job opportunities for long term unemployed young people between the ages of 18 and 24. These young people were gaining experience in employment provided by councils, the voluntary sector and private sector organisations.

In the Manchester region already 1,882 young people have benefited from the scheme; 185 have been in the Oldham Borough.

The Future Jobs Fund Programme has been axed by the coalition government and as a result the young people in Oldham will, after March 2011, be unable to gain this valuable experience which can make the difference between a life in employment and a life of worklessness.

We call upon this council to:

- Denounce the coalition government for scrapping the Future Jobs Fund Programme.
• Write to the Secretary of State to ask him to reconsider his decision to stop the Future Jobs Fund Programme.
• Call on the Government to continue to invest the money that is available for job creation in locally managed unemployment schemes.

AMENDMENT

Councillor Alcock MOVED and Councillor McCann SECONDED the following amendment:

Para 1 delete all and substitute with the following:-

‘The future jobs fund programme was about work experience opportunities for long term unemployed young people between the ages of 18 and 24. These young people were gaining six months experience in employment provided by Councils, the voluntary sector and private sector organisations.’

Para 3 – line one

Delete the words ‘has been axed by the coalition government and’ and substitute with ‘programme funding, which would not impact on those currently on the scheme, has been withdrawn by the Government from March 2011’

Para 3 – line four

Delete the word ‘can’ and add the word ‘could’ and, after ‘a’ add the word ‘significant’

Resolution 1 – delete all and substitute with the following:-

‘express its regret at the Government withdrawing funding for the Future Jobs Fund programme’

Resolution 2- delete all words after the word ‘decision’

Resolution 3 line one - delete the words ‘… that is available for job creation’

Motion to read:-

The future jobs fund programme was about work experience opportunities for long term unemployed young people between the ages of 18 and 24. These young people were gaining six months experience in employment provided by Councils, the voluntary sector and private sector organisations.
In the Manchester region already 1,882 young people have benefited from the scheme; 185 have been in the Oldham Borough.

The Future Jobs Fund programme funding, which would not impact on those currently on the scheme, has been withdrawn by the Government from March 2011, as a result the young people in Oldham will, after March 2011, be unable to gain this valuable experience which could make a significant difference between the prospects of a life in employment and a life of worklessness.

We call upon this Council to

(i) express its regret at the Government withdrawing funding for the Future Jobs Fund programme

(ii) Write to the Secretary of State to ask him to reconsider his decision.

(iii) Call on the government to continue to invest money in locally managed unemployment schemes

Without the necessity for a vote, the amendment was CARRIED.

Councillors Wrigglesworth and Jabbar spoke in support of the substantive motion.

On a vote being taken, the substantive motion was CARRIED unanimously.

**RESOLVED**

The future jobs fund programme was about work experience opportunities for long term unemployed young people between the ages of 18 and 24. These young people were gaining six months experience in employment provided by Councils, the voluntary sector and private sector organisations.

In the Manchester region already 1,882 young people have benefited from the scheme; 185 have been in the Oldham Borough.

The Future Jobs Fund programme funding, which would not impact on those currently on the scheme, has been withdrawn by the Government from March 2011, as a result the young people in Oldham will, after March 2011, be unable to gain this valuable experience which could make a significant difference between the
prospects of a life in employment and a life of worklessness.

We call upon this Council to

(i) express its regret at the Government withdrawing funding for the Future Jobs Fund programme

(ii) Write to the Secretary of State to ask him to reconsider his decision.

(iii) Call on the government to continue to invest money in locally managed unemployment schemes

Item 12 TO NOTE THE MINUTES OF THE JOINT AUTHORITY MEETINGS

Minutes of the Joint Authorities were submitted as follows:

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<thead>
<tr>
<th>Authority</th>
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<tbody>
<tr>
<td>Greater Manchester Waste Disposal Authority</td>
<td>9th April 2010</td>
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<td>National Park Authority</td>
<td>26th March 2010</td>
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<td></td>
<td>28th May 2010</td>
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<td>Unity Partnership Board</td>
<td>11th March 2010</td>
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<tr>
<td>Greater Manchester Fire &amp; Rescue Authority</td>
<td>15th April 2010</td>
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<tr>
<td>Greater Manchester Integrated Transport Authority</td>
<td>12th February 2010</td>
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<td>22nd February 2010</td>
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<td>23rd April 2010</td>
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<td>Association of Greater Manchester Authorities Executive</td>
<td>26th March 2010</td>
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<td>28th May 2010</td>
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<td>Greater Manchester Police Authority</td>
<td>19th February 2010</td>
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<td>5th March 2010</td>
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<td>23rd April 2010</td>
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The following questions were asked in relation to the Joint Authority Minutes at the meeting:

Councillor Wingate spoke in respect of Minute ITA/9/107 of the Integrated Transport Authority Minutes 23rd April 2010 and asked if Councillor J Dillon could provide an update to Council on Metrolink 3B.

Councillor McMahon spoke in respect of Minute 189/109 of the Association of Greater Manchester Authorities of the 28th May 2010 and asked if Councillor Sykes could confirm how much of the £27 million ring fenced funds would be coming to Oldham and how much grant had been allocated in the past.
Councillor Holley spoke in respect of Minute 70 of Greater Manchester Police Authority Minutes of the 19th February 2010 and asked could Councillor Pendlebury comment on the reasons a number of women are leaving the force.

Councillor Williamson spoke in respect of Minute 92 of Greater Manchester Waste Authority Minutes of the 9th April 2010 and asked could Councillor P Dillon provide further information about the closures of the United Utility Education Centres.

Councillor UR Rehman spoke in respect of Minute 70 of the Greater Manchester Police Authority Minutes of the 19th February 2010 and expressed concern about the Diversity Monitoring data publication 2008/09 and asked Councillor Pendlebury what would be done about this.

The relevant spokespersons responded as follows:-

Councillor J Dillon spoke in response to the question raised in relation to Minute ITA/9/107 of the Integrated Transport Authority Minutes 23rd April 2010 he stated that a special meeting would be taking place on Friday the 23rd July 2010 of which the ITA would be asked to give authority to sign a contract to take Metrolink through Oldham Town Centre. The viaduct at Mumps would be demolished in October in order to tie in 3A and 3B. A level crossing would be installed at Mumps to facilitate 3A and 3B and new Metrolink stops would be created at King Street, Oldham central and Oldham Mumps.

Councillor Sykes responded to the question on Minute 189/109 of the Association of Greater Manchester Authorities of the 28th May 2010 advising Councillor McMahon that a response and the figures requested would be sent within 5 working days.

Councillor P Dillon responded to the question asked on Minute 92 of Greater Manchester Waste Authority Minutes of the 9th April 2010 advising Councillor Williamson that a report was requested by Members to be submitted to the next meeting of the Greater Manchester Waste Disposal Authority in June on educational facilities which provided further information and the minutes would be available at the next Council meeting.

Councillor Pendlebury responded to both questions asked on Minute 70 of the Greater Manchester Police Authority Minutes of the 19th February 2010. In relation to the number of women leaving the force, he advised Council that the figures could be misinterpreted, the
actual number of women within the force was down slightly on the previous year. In relation to Councillor Ur-Rehman’s question, Councillor Pendlebury agreed to gather further information and reply within 5 working days of the Council meeting and electronically to all Councillors.

The following observations on the Joint Authority Minutes were made by Members:

Councillor Butterworth regarding Minute 178/09, AGMA Executive Board minutes of the 30th April 2010 - North West Urban Fund (JESSICA) - advised Council that she was pleased to see that AGMA were pushing forward on this proposed funding investment and thanked the AGMA representatives for pursuing the matter.

Councillor Knowles regarding Minute ITA/9/107 Integrated Transport Minutes of the 23rd April 2010 - Metrolink Phase 3B Accelerated Package. He advised Council that Metrolink was good news for Greater Manchester and the Borough, investors and retailers. By working together and despite many set backs, there would be a signed contract in place for the works.

Councillor Thompson regarding Minute 178/09, AGMA Executive Board minutes of the 30th April 2010 - North West Urban Fund (JESSICA), agreed with Councillor Butterworth that the fund would be a tremendous opportunity for Oldham. JESSICA was dependant on match funding and the proposed match funding was detailed in Item 23 of the Council summons within the updated Capital Investment Programme. This would enable the Council to take advantage of the potential investment.

Councillor McMahon regarding Minute ITA/9/107 Integrated Transport Minutes of the 23rd April 2010 - Metrolink Phase 3B Accelerated Package thanked the Members who had been involved in the detail of the proposed Metrolink package including Councillors D Jones, Knowles and J Dillon adding that this was a good result for the Borough.

RESOLVED
That the Minutes and comments and observations be noted.

**Item 13**

**CABINET QUESTION TIME**

**Question One**

From Councillor Butterworth to Councillor McCann

The Report to Cabinet on 14th July 2010, regarding Land to the North of the Lancaster Club in Failsworth,
raised certain questions which need to be addressed to allay fears and consternation of local residents, and indeed all residents of the Borough.

1. Is Council aware that the Council did not acquire this land in 1924 for recreational purposes. The land was vested in Failsworth Urban District Council and transferred to Oldham on 1st April 1974 when Failsworth became part of Oldham under Local Government re-organisation.

2. As this land was held in trust for the populace it would appear that it is held in trust by Oldham Council, similar to the Clayton Trust, where all Councillors are charged with acting in the best interests of the Trust with all decisions and reports coming before them.

3. Why is Cabinet appointing a Sub-Committee, surely this should be a decision of the whole Council as Trustees.

4. Why is this sub-committee to be named “The Failsworth Trust Committee”. Surely application needs to be made to break the original Trust (the Council) prior to this being established or that a formal Trust be constituted.

5. Is it in fact a Sub-Committee of the Cabinet or a formally constituted Trust.

6. Is there not a lack of transparency in that the Cabinet proposes to appoint three of its members to form this Sub-Committee.

7. Can we have an assurance that the independent chartered surveyor who will advise on the value of the land will not have provided other similar services to the Council.

8. Can we be advised what qualifications the independent members of the Standards Committee and Audit Committee hold which enable them to advise the Trust.

9. Why and how has the Failsworth Trust Committee (a sub-committee) gained the legal capacity to make and implement decisions in its own right without the need for ratification by the Council; such decisions being binding on the said Committee and Oldham Borough Council.

10. Council on 24th February last, agreed an Asset Management Plan wherein it was stated that “Consultation about Disposal of Assets would be undertaken with the appropriate District Partnerships”. Does this current proposal negate that decision.

11. Has the decision to formulate this Sub-Committee been influenced by the erstwhile Oldham Athletic saga, whose fate now seems to hang in the balance. All these issues need to be addressed in the interests of transparency and democracy and I would welcome a response in the chamber on each point.
Question Two

From Councillor McMahon to Councillor Sykes

In November 2009 this Council unanimously agreed to support a resolution to bring to end the use of external bailiffs for council debts. The resolution not only sought to establish a pilot but to ensure ethical standards.

Despite this resolution formally setting council policy there has been little, if any progress on this matter. Worse still is that despite the council being clear on its intentions the Cabinet then allow a new contract to be entered into for parking fines which if ended will result in a cost of tens of thousands of pounds to the taxpayer of Oldham.

Whilst the council may claim to be ensuring bailiffs currently used act within an ethical framework the reality is that few are doing so. Ward Councillors receive representations on a regular basis following contact with bailiffs working in the council name and acting against the ethical framework and natural justice.

Some recent examples which the council has been made aware of are;

1. bailiffs undertaking house visits are leaving demands for payment without detailing the amount owed or giving a breakdown of costs incurred.
2. bailiffs are charging the very maximum allowed in law for most, if not all, fees and charges and not the actual cost of administering the process. For instance van hire charges are being applied at the maximum level of £150 per visit when it clearly costs nowhere near this amount of money to hire a van for a day, even more so when you consider that a bailiff may make 4-6 visits a day with the same vehicle.
3. Bailiffs are still sending distress notices out with threats that a bailiff will call "anytime day or night" despite being against the code to make visits outside 8am - 9pm

Will the Leader of the Council therefore;

1. give his personal commitment to ensuring the policy of this council is delivered and an end is brought to the use of the external bailiffs?
2. give assurances to the people of Oldham that
with immediate effect any bailiff found acting outside the ethical framework has their contract withdrawn with immediate effect?

3. give assurances to this chamber that in future officers of the council take seriously resolutions of this council and ensure decisions of this council are acted upon within a reasonable timescale?

**Question 3**

**From Councillor McMahon to Councillor Sykes**

Much has been made of the decision to move the court service from Oldham to Manchester. The Leader of the Council has highlighted the injustice of residents in Oldham being forced to 'slog down to Manchester'.

Whilst any representation to make the court service more accessible for the people of borough is welcomed it does raise serious questions about the hypocrisy of this council.

He will be aware that in the past three years Oldham Council has itself requested summons for 264 cases to be heard in Oldham or Manchester but a staggering 15,000 to the bulk processing centre at Northampton County Court - more than a 'slog' at 150 miles away.

Can the Leader of the Council inform the chamber as to the councils representations to get ALL summons issued by Oldham County Court since forming the administration two years ago?

Can the Leader of the Council let members of the council have sight of any representations to end the use of the bulk processing centre and allow the council to submit to a local court which would allow residents to make representations on their case - in all cases?

**CABINET MEMBER RESPONSES**

**Question 1**

Councillor McCann responded to Councillor Butterworth’s question:

“1. The Council is aware that the land was bought, for recreational use, by the former Failsworth UDC in 1924, using money raised by public subscription by Failsworth War Memorial Committee. The Council is also aware that the title to the land transferred to Oldham Council on 1 April 1974 as successor to Failsworth UDC, which ceased to exist after 31 March
1974, as a result of the Local Government reorganisation brought about by the Local Government Act 1972.

2. The Council have commissioned specialist advice on charity law from Senior Counsel. The advice is that the function of the Council as trustee is an executive function under local government legislation and therefore, the function needs to be discharged through executive arrangements. In the light of this recent advice, it will be necessary to review the arrangements for the discharge of the Clayton Trust functions which have previously been undertaken by all elected members.

3. This function is an executive function and, therefore, can be carried out by the Cabinet, a Sub-Committee of the Cabinet or by an officer under delegated powers. Counsel recommended that the appointment of a Sub-Committee of Cabinet was appropriate given the importance of managing any potential conflict of interest.

4. The name of the Sub-Committee will be the “Failsworth Trust Committee” to highlight its functions and the Terms of Reference have been established by Cabinet. The administrative arrangements of The Trust will be kept under review in the light of any proposals which may or may not be made to the Charity Commission.

5. The Sub-Committee will be the Trust Committee with delegated powers.

6. Counsel has advised on the most appropriate mechanism for managing any potential conflict of interest and has advised on the structure of the Sub-Committee given previous Cabinet resolutions.

7. The Council have procured a valuation in accordance with S.36 of the Charities Act 1993 which advises that the Trustees would obtain a written report on the proposed disposition from a qualified surveyor. For the purposes of the Act, a 'qualified surveyor' is defined as a fellow or professional associate of the Royal Institution of Chartered Surveyors and have ability in, and experience of, the valuation of land of the particular kind and in the particular area in question. I can confirm that the valuation was not prepared by either the Unity Partnership or District Valuation Services. This is wholly in keeping with the good practice advice received by the Council.
8. Counsel has advised that an advisory group be established to consider best interests of the Trust. The independent persons on the Standards and Audit Committee were selected after a thorough process and have a range of skills and experiences to assist in their duties.

9. The function of the Council as a Trustee is an executive function and, therefore, legal capacity is created through executive arrangements without the requirement for ratification by Full Council.

10. With respect, I am unsure as to the accuracy of your question. Council records suggest that the Asset Management Plan was not reported to the Council Meeting held on 24 February 2010. However, I would be happy for you to contact me further on this point.

11. The decision to form a Sub-Committee is on the basis of expert advice received by the Council in order to consider any steps regarding the trust land.”

At this point in the proceedings Councillor Sykes moved and Councillor McMahon seconded a suspension of the time limit for length of speeches, Council Procedure Rule 10.7. On a vote being taken the motion was carried and an extension of 5 minutes was agreed.

**Question 2**

**Councillor Thompson responded to Councillor McMahon’s question**

“Before Cllr Sykes makes comment on this matter, I propose to clarify the facts, which Cllr McMahon has muddled in his question.

“First, the resolution he refers to was passed at the council meeting of 16th September 2009. The only pertinent resolution on 4th November was to note a report of the action taken since September. In referring to this, Cllr McMahon answers his own question as to whether resolutions of the council are taken seriously and acted upon within a reasonable timescale.

“Second, the council did not pass a resolution in September to bring to an end the use of external bailiffs. The motion stated that (I quote) ‘This council welcomes the move to an in-house debt collection service… ’. This was not a proposal to change things but a recognition that a project had already been
launched to trial bailiff services by the Unity Partnership, the trial being limited to parking fines only.

“The actual action the council resolved to take was to:
- produce an ethical standards policy
- to keep fees within the guidelines of the legislation and FSA
- to allow time to access debt advice
- to keep costs to those incurred in collection
- to monitor the pilot for 12 months and then bring forward proposals to extend it to other types of debt
- and to involve Overview and Scrutiny in the monitoring.

“The motion was passed unanimously, the administration supporting it because it was already its policy. As evidence of that, the November report documents consideration of proposals at the Unity Partnership Board just two weeks later on 1st October.

“At the November board meeting, however, it was reported that the project was stalled because bailiff services were not in the OJEU notice leading to the Unity contract. In-house services would therefore be open to challenge by those who already held the contracts for parking fees and fine recovery. Cllr McMahon knows that; he was there.

“A way forward came as a by-product of resolving the marathon farce of the NCL (previously NCP) parking contract. Implemented in 2004 on a temporary basis and never sorted out by the previous administration, it had cost the council £400,000 a year in under-delivered income and desperately needed regularising. (Cllr McMahon’s acute sense of urgency, I note, was apparently less developed then.)

“As part of the new arrangements, NCL was able to offer parking-related bailiff services because its subsidiary, TASK, was already one of our bailiff providers. This arrangement offers improved value for money; is explicitly governed by a code of conduct; and contains an exit clause without penalty. Cabinet ratified it on 14th April, so this is hardly new.

“The council still sees advantages in developing an in-house Unity bailiff service, eventually covering all aspects of debt enforcement. It would provide Oldham jobs and give complete control of standards. Work is ongoing to produce a complete proposal, of which an ethical standards policy is part, by autumn 2010.
“However, it can only proceed within the law governing fair competition.

“Turning to bailiff work in general, the authority currently uses 6 firms of external bailiffs and all are members of one of the relevant professional associations, all of which require their members to abide by codes of conduct. The codes require bailiffs to do such things as detail in writing how the debt is made up and behave courteously at all times.

“To answer Cllr McMahon’s specific criticisms:

1. The notices left by bailiffs state the total amount including the charge and all fees. Bailiffs provide a breakdown of the amount when asked by the debtor.

2. The fees are all set within an agreed list of charges and the cost is designed to reflect on costs and administrative time, which are a direct consequence of default. They are in line with the service level agreement and are standard across bailiff firms and other local authorities. They will, however, form part of the review, to seek improved equity where practicable.

3. Regarding hours, the Association of Civil Enforcement Agents – the overall professional standards body – recommends avoiding times which are too late or too early, but defines as acceptable a window of “6.00am to 9.00pm or at any time during trading hours”, not 8.00am as referred to in Councillor McMahon’s example. It is necessary that notices should state that bailiffs may call at any time of the day or night, as visits outside of the “normal” hours may be necessary in cases where the debtor works unusual hours or is being evasive.

The council’s internal bailiffs visit between 7am to 9pm weekdays and 7am to 1pm on Saturdays.”

Councillor Sykes responded to Councillor McMahon’s question:

**Question 3**

Councillor Sykes responded to Councillor McMahon’s question:
"As Councillor McMahon should know only too well Northampton County Court is used by the authority in parking cases because it is required by law to do so.

"Because he clearly doesn’t know, I will explain it for him.

"Northampton County Court is a “Bulk Recovery Centre” and to a large extent operates on an automated basis and its use of IT and economies of scale are designed to make proceedings quicker and more cost effective.

"Northampton County Court is the location of the Traffic Enforcement Centre which is the only forum permitted for use by those authorities who opted to use powers to take over parking enforcement responsibilities from the Police.

"Oldham took such responsibilities from the Police exercising its powers to do so on 1st October 2001. The relevant legislation is now the Traffic Management Act 2004 and under that act councils who have taken these powers cannot use any other courts.

"The majority of councils in the country have exercised their right to take on enforcement powers and those that have not done so are increasingly deciding to do so.

"The use of Northampton County Court does not deny the defendant the chance to have the claim heard in a local court and this is made clear in the paperwork accompanying the claim form.

"If the claim is to be defended it will be referred to the defendant’s local county court.

"To assist Councillor McMahon, local courts are used for all other debts including sundry debt cases issued in Oldham County Court.

"Information about the court system and the claim procedure is available online and via the telephone.

"I can inform him that the actual number of Oldham County Court debt cases from June 2007 to June 2010 is 264.

"In the last 12 months the number issued is 150.

"I will now set out the details of the process to provide background and highlight that there are various options
available to make representations at all.

“After a penalty charge notice is issued, the motorist has the opportunity to make payment (payment within 14 days is at 50% discount) or make representations.

“If neither payment nor representations are made the authority sends a “Notice to Owner” to the registered keeper with details of the penalty charge notice and details of the rights of challenge.

“If there is a challenge to the penalty charge notice, the authority considers it against the council’s established policy approved by members in 2008. If the challenge is within the grounds specified within the policy, the charge is written off.

“Representations/Challenges are received are at various stages:-

a) (classed as information representations) within 28 days of the penalty charge notice being issued

b) (classed as formal challenges) these are received after the Notice to Owner has been sent out to the Registered Keeper of the vehicle

If at the stage of formal challenge the penalty charge notice is not written off, the authority issues a formal rejection of challenge and sends appeal papers to the motorist.

“These inform the motorist that they have a right to be heard at the Traffic Penalty Tribunal, based in Manchester. (This is the only stage of the enforcement when there is a right to be heard at the Tribunal.)

“The motorist may return forms to the Tribunal and can request to be heard either in person, in writing or via telephone. An Adjudicator considers the case and the decision is binding on the motorist and the Authority, save for any challenge on a point of law by way of judicial review proceedings.

“If nothing happens following the “Notice to Owner” and a further 28 days pass, the authority sends a Charge Certificate, which increases the amount payable by a mandatory 50%. There is no right of appeal at this stage but the authority sometimes will, in effect, allow a non-statutory appeal if there are exceptional circumstances.

“If nothing happens after the Charge Certificate phase,
the authority will register the debt at Northampton County Court and send a Notice that says that at that point the motorist may submit a statutory declaration dealing with various matters such as the fact that the motorist had not received previous papers or had sold the car.

“On receipt of a statutory declaration, the Traffic Enforcement Centre may approach the authority and ask whether the authority wishes to accept the motorist’s submission.

“If we oppose the request it is looked at by the judge in the absence of the appellant. If the judge subsequently agrees with the local authority, the Court will write to the motorist to confirm that the decision has been upheld.

“At that point the motorist can choose to have the case heard in person at a local court and details of how to refer the matter to a local court are included in the paperwork.

“Since these powers were taken on by the local authority in 2001, not one case has resulted in such a challenge.

And these Cllr McMahon are the facts!”

Item 14

TO NOTE THE MINUTES OF THE MEETINGS OF CABINET HELD ON THE UNDERMENTIONED DATES AND TO RECEIVE QUESTIONS ON ANY ITEMS WITHIN THE MINUTES FROM MEMBERS OF THE COUNCIL WHO ARE NOT MEMBERS OF THE CABINET

The following questions were submitted regarding the Cabinet Minutes in advance of the meeting:

Councillor Bashforth to Councillor Blyth Item 7 Intruder Alarm Monitoring Services- Request to Waive Contract Procedure Rules -16th June 2010.

Having read the report, I agree with the conclusion that there is no realistic option but to enter into the suggested contract with Stanley Security Solutions but feel the following questions need to be addressed.

4.3 Sonitrol Audio Detection systems installed in Council properties have dedicated monitoring equipment at the Alarm Receiving Centre to accept alarm calls and present them to a trained analyst. It is perhaps worthy of note that fire alarm systems installed into Sonitrol protected buildings also rely on the
Q1 "Fire alarm systems need to have a separate redcare connection from the intruder alarm system in order to comply with the requirements of the British Standard for Fire Alarms, BS 5839. Intruder alarms do not have battery back up times expected of a fire alarm system, and are rarely installed with fire rated cables. Also, a fire alarm system should be continuously monitored as a fire can occur at any time, and an intruder system may not be connected at certain times of the day. Best practice in the industry does not recommend that you dual monitor fire and security signals through one signalling channel.

If the Council continues to rely on the Sonitrol systems for fire alarm signalling, have our insurers been informed so as to avoid any potential problems should a claim for fire damage ever be required?"

4.3 Because of the rapid technological progress associated with this type of equipment, outright purchase of the required kit is less attractive than entering into an arrangement where all software and hardware upgrades are included in a quarterly fee. All maintenance costs would also be included.

Q2 Does the maintenance fee cover the alarm transmitting and receiving equipment only, if not, what is in place for the maintenance of the actual detection and alarm systems in the protected buildings?"

4.3 Son IP is designed for use across a Local Area Network/Internet; this has the advantage of being able to support the audio detection system without the use of conventional telephone lines, thus reducing the end user costs.

"The intruder and fire alarm systems will be relying on broadband connections which are not monitored and vulnerable to damage and breakdowns both accidental and malicious. The industry norm is to use dedicated monitored telephone and/or GSM signalling to ensure maximum signalling integrity. As in Question 1, have our insurers been informed so as to avoid any potential problems should a claim for fire/break in damage ever be required?"

I understand that there are only around 2000 such systems installed in the UK Oldham Council being one of the largest single users of the system. To protect Oldham Council’s long term interests it may prove wise not to install any new Sonitrol Systems in Council
buildings, rather have new intruder alarm systems installed in line with the requirements of EN50131 PD6662 and DD243 using industry standard signalling methods which could still be monitored at the VIP Centre. Likewise any new fire alarm system should use industry standard approved signalling methods.


In light of the coalition Government’s announcement of the cutting back of £50M from the Housing Market Renewal funding; the residents of Werneth and Derker are devastated as they have had to live through demolition and derelict streets. This is a sucker for the residents of Werneth and Derker as Oldham Council have already issued a compulsory purchase order and thus the affected properties cannot be sold in the open market.

How does the Council envisage saving Oldham’s contribution of £2.2m?

Does this mean that the demolition programme will be affected and the Council will not be able to purchase some of the properties?

Have the controlling group contacted our MP’s for their support?

The following questions regarding the Cabinet Minutes were submitted at the meeting.

Councillor Stretton spoke in respect of Item 9 – Trust Oldham: Developing Phase Three - Minutes of the 14th April 2010 and asked “ would the relevant Cabinet Member please advised the total cost of the Trust Oldham project since its inception and how much the next phase is going to cost.

“Will the Cabinet Member also say, in the light of swingeing salary cuts faced by many as a result of Job Evaluation whether the money would be better spent protecting salaries for longer and retraining or redeploying staff to help reduce the impact of salary losses?”

Councillor Wingate to Councillor Thompson on Item 6 Revenue Monitor 2009-2010 Month 10 (January 2010) – Minutes of the 14th April 2010 – At the end of Month 10 the full year forecast projected a potential
overspend of £63,000 could Councillor Thompson clarify what the final outturn was and when this will be reported?

Councillor Dinoff to Councillor Knox – on Item 16
Regional Science Centre-Minutes 14th April 2010 –
Could Councillor Knox provide an update on the opening of the Science Centre?

Councillor Akhtar to Councillor J Hulme – on Item 7
BSF Final Evaluation and Selection of Preferred Bidder – Minutes 18th June 2010 “Could the Cabinet Member confirm that discussions had taken place with Government Ministers on the BSF programme?"

Councillor Jabbar to Councillor Hulme – on Item 7 BSF Final Evaluation and Selection of Preferred Bidder – Minutes 18th June 2010 “As there was an enquiry into the Meridian Centre could the Cabinet Member confirm there will be an independent enquiry into BSF and the delays in the project?”

Councillor UR Rehman to Councillor McCann – Item 6
Hathershaw and Fitton Hill New Deal For Communities Delivery Plan 2010/11- Minutes 16th June 2010 “In light of the funding cuts to be made can the Cabinet Member give assurances that contracts are signed as soon as possible before ministers change their mind?” Councillor UR Rehman thanked the Cabinet Member and residents for the support of the project.

Councillor Heffernan to Councillor Thompson – Item 8
Investing in the Future A Budget Ready For Recovery – Capital Programme 2010-2011 to 2012-2013 including Housing Market Renewal Funding and Public Sector Housing -Minutes 14th April 2010. “In view of current capital spending problems in the Country will the Oldham Town Hall project still go ahead?”

Councillor Dawson to Councillor Blyth -Item 8 Schedule 3A Environmental Protection Act 1990 – Free Distribution of Printed Matter Delegation of powers to Greater Manchester Police “Will the increase of powers to the police make our Town Centre cleaner?”

Item 15
TO RECEIVE RESPONSES TO THE QUESTIONS RAISED FROM THE APPROPRIATE CABINET MEMBERS

The following responses were given to the question asked at Item 14.

Councillor Blyth to Councillor Bashforth:
“The requirements of BS 5839 do not demand the signalling path to be via a Redcare connection. The
standard is not straightforward; different signalling types are noted for different system types. The majority of systems installed to Oldham Council’s buildings were designed as manual bells only systems or Category L. In both cases the British Standard advises that a “manual summoning” of the fire service may suffice.

“All of Oldham’s intruder alarm systems are continuously monitored by the alarm receiving centre. Intruder alarm panels remain active at all times (to support, for example, “tamper” circuits).

“The Sonitrol alarm panel includes a multi-channel digital communicator and a number of years ago a strategy was agreed and implemented to utilise one of the free channels within the communicator to transmit fire signals to Oldham’s Alarm Receiving Centre. This strategy remains in place and is generally implemented in all new schools.

“The connection between the fire alarm panel and the intruder alarm panel is made in enhanced fire resistant cable.

“The provision of any type of signalling, particularly to older schools, may be considered a cost effective “bonus” that would not be available if the intruder alarm system wasn’t installed.

“Fires have been detected in buildings, by the Sonitrol system (Audio detection) before they have been picked up by the fire alarm system including in at least five schools where arson attacks were picked up whilst in progress, enabling fire crews to attend and put out the fire before the schools were seriously damaged.

“Insurers have been made aware of the types of signalling used and are generally supportive.

“The maintenance fee outlined in EDRS report 10060032 covers only the maintenance of the Alarm receiving Centre equipment. Separate agreements are in place, and have been for some time, for the maintenance and responsive repairs to all Sonitrol Intruder Alarm equipment installed remotely from the alarm receiving centre. (EDRS 9070092 Dated 10 July 2009 refers).

“Whilst the Son IP system is designed for use on a local area network and this would undoubtedly be a cost effective signalling solution, there do remain a number of questions regarding the integrity of the
infrastructure. It is clear that, until such difficulties are resolved, the existing signalling paths will remain. The Son IP panel does monitor its connection and warns of a break in continuity. Oldham Council’s Insurance and Risk team are involved in the discussions to implement such IP based systems and advice is taken from the underwriters as necessary and required.

There are some 3,800 active systems in the UK and the present owner of the Sonitrol brand, Stanley Security Systems, intends to aggressively market the brand over coming months. They have recently invested some £1million in the construction of a new Alarm Receiving Centre in Swindon. Any move away from the present audio detection system could be considered a retrograde step given the very high levels of reliability and detection. Sonitrol Intruder alarm systems are installed to BS EN50131 and BS 8243:2010 (DD 243 is no longer current having been adopted as the British Standard noted above). Published Document PD 6662 is an attempt to “harmonise” the UK and Continental intruder alarm industries. Whilst designers are cognisant of the requirements of this document it does not hold any authority until such time as it is published as a British Standard.

“The signalling methods currently in use are considered to be satisfactory and cost effective.

“In the event Councillor Bashforth would like to further information in respect of the alarm systems in use, then officers of the First Response service and Unity Partnership would be happy to assist.”

At this point in the proceedings, Councillor Sykes MOVED and Councillor Stanton SECONDED a suspension of the time limit of Council Procedure Rule 2.1 p). The motion was CARRIED.

Councillor McCann to Councillor Akhtar:
“As pointed out by Councillor Akhtar, part of the Government’s review of public spending involved a cut of £50 million to the national HMR (Housing Market Renewal) programme this financial year.

“It is likely that this will involve a cut of £2.2 million to the overall Oldham HMR programme, however officers are still awaiting confirmation from the Communities and Local Government Department.

“I would point out that both Cllr Dave Hibbert and I have been involved in briefings prior to the board meetings, have both attended these meetings and are
agreed on the broad priorities for the HMR programme.

“The Council, in consultation with the pathfinder board, has therefore provisionally identified the following projects that will be affected by this reduction in budget this financial year.

“New commercial acquisitions, identified as part of the site assembly strategy, will now not be progressed this financial year.

“Proposed gap funding allocations for new build developments will now be spread over a number of years, rather than concentrated in one financial year.

“The demolition programme is unaffected by these proposals and as such the Council is continuing to clear empty blocks of properties to assemble future new housing sites. For example, in Derker we are clearing 91 properties this financial year with contractors already on site demolishing the first 36. This we regard as vital to avoid blight and all the problems associated with rows of tinned up houses.

“The Council is continuing to prioritise the acquisition of properties where there is a confirmed CPO (Compulsory Purchase Order).

“Officers from Economy, Place and Skills are in regular dialogue with the Homes and Communities Agency (HCA) regarding future investment priorities in the neighbourhoods.

“I can also confirm that this item has regularly been on the agenda at the regular meetings between leadership and our Members of Parliament as all are aware of its importance to the Borough.

“On an optimistic note I can advise the council that Bellway Homes is submitting its planning application hopefully in August for the site which stretches from Acre Lane to Afghan Street for 148 quality new family homes and that a remaining short terrace on Acre Lane will be cleared in the coming weeks to allow work to begin on the first phase in the Autumn.

Councillor Thompson to Councillor Wingate:
Assured Councillor Wingate that the outturn figure was in credit by approximately £135,000 and this would be confirmed by the Audit Committee on the 31st August 2010. This would hopefully put the Council in the top 5 Local Authorities in the Country.
Councillor Thompson advised Councillor Heffernan that the Council was still committed to spending money on the Town Hall.

Councillor Lord advised Councillor Stretton that a response would be circulated within 5 working days of the Council meeting.

Councillor J Hulme advised Councillors Akhtar and Jabbar that a written reply would be circulated.

Councillor Alcock advised Councillor UR Rehman that the CLG had now released funding for this project. Councillor Alcock thanked all those involved in the project.

Councillor Blyth advised Councillor Dawson that the powers would clean up the Town Centre.

Councillor Knox advised Councillor Dinoff that the contracts were now firmly in place and had been signed and approved. In the Spring of next year the first students would attend the Centre. It would add a colossal educational benefit to our Borough.


He advised Council that he was disappointed in the removal of funding by the Government in the BSF and HMR projects.

He offered his congratulations to Nick Brown, Principal of Oldham Sixth Form College, on his efforts for the Regional Science Centre and asked that a letter be sent to the Principal to recognise his efforts.

Councillor Akhtar regarding Item 7 BSF Final Evaluation and Selection of Preferred Bidder – Minutes 18th June 2010.

He expressed his disappointment in the lack of funding from the Government on the BSF project and asked that the Cabinet Member for Children and Families undertook further talks with the Government about the removal of funding.

Councillor Williamson regarding Item 6 Town Centre

She welcomed the action plan and the commitment that the Town Centre will see a number of improvements to the Town Centre, to ensure the Town would thrive even in the current economic climate.

Councillor Judge regarding Item 7 Capital Investment Programme 2009-10 Month 10 (January 210) Minutes 14th April 2010.

He expressed his disappointment at the possible suspension of the Fir Bank Primary, Royton Children’s Centre Capital Scheme due to a reduction of funding of £120,000 and questioned the reporting of objections received by local residents to the proposed site.

Councillor McMahon expressed disappointment at the removal of funding by the Government for rebuilding programmes within the Borough and that all Members needed to show their support for the programme. He asked Councillor J Hulme if he had met with Eric Pickles and what did they discuss.

Item 17

TO RECEIVE COMMENTS FROM APPROPRIATE CABINET MEMBERS TO OBSERVATIONS MADE UNDER THE PREVIOUS ITEM

In response to Councillor Hibbert Councillor McCann explained it was a pity that the funding has been withdrawn but that there was no Government money left for funding. The Council was fighting for as much investment/funding as it could for projects.

In response to Councillor Williamson, Councillor Stanton explained that the Town Centre Action plan had the support of all Members and it would create a major transformation of the Town Centre. The new Markets had opened and the Old Town Hall would be brought back into use.

In response to Councillor Judge, Councillor Thompson explained that the Month 10 Monitor Report provided Members with an update on the budget forecast as at the period ending 31st January 2010 and therefore did not relate to the question asked by Councillor Judge.

In response to Councillor McMahon, Councillor J Hulme explained that he had met with Eric Pickles to discuss the BSF programme to put forward Oldham’s case and had met with a Junior Minister to discuss the matter the following day.

Councillor Sykes thanked Councillor Judge for his comments and explained that no decision had been made place and he had asked the Chief Executive and Assistant Executive Director of Children’s Services to look into the matter.
In response to comments about the LGA Conference Councillor Sykes advised the meeting that he did not discuss the BSF project with Eric Pickles as a conversation had taken place two weeks before with Education Minister Michael Gove. He explained he had met with a number of ministers in relation to the matter.

In response to the issues on BSF Councillor Sykes explained that the Council needed to be honest in its approach, the environment of a school did make a difference but so did good teachers and heads of schools.

**NOTICES OF MOTION**

Councillor Butterworth MOVED and Councillor Hibbert SECONDED the following motion:

“That this council is justifiably proud of its achievements over the last twenty years in the transformation of Oldham in to a university town.

In our pursuit of further progress, we call upon the Conservative/Liberal Democrat Coalition government to;

1. reconsider their intention to cut £200m from the university budget;
2. not increase student fees;
   and
3. abandon their intention to cut 10,000 university places from the previous Labour government’s policy.

This Council resolves to:

1. write to the Secretary of State for Education outlining Oldham's achievements and stating our concern;
2. write to the Borough’s MP's seeking their support and requesting that they assist the Council by raising the matter in Parliament.”

**AMENDMENT**

Councillor Knox MOVED and Councillor Thompson SECONDED the following amendment:

Para one line 2

after ‘twenty years’ add the words ‘successive administrations’

Para three

delete the word ‘our’ delete the words ‘Conservative/Liberal Democrat Coalition’
Para 2
Delete No.1 and replace with the words ‘Reconsider their intention to save £200m from the University budget and to seek to minimise the impact of the proposal’

Para 2
Delete No.2 and replace with ‘review the proposals on student fees and’

Para 2
Delete No.3 and replace with ‘Reconsider their intention to save £200m from the University budget until further consideration can be given to the issue as part of the Comprehensive Spending Review’

Resolution No.1
Delete the words after ‘achievements’

The Motion to read
That this Council is justifiably proud of its achievements over the last twenty years, successive administrations, have played their part in the transformation of Oldham into a university town.

In pursuit of further progress, we call upon the Government to;

1. Reconsider their intention to save £200m from the University budget and to seek to minimise the impact of the proposal

2. review the proposals on student fees’ and

3. Reconsider their intention to save £200m from the University budget until further consideration can be given to the issue as part of the Comprehensive Spending Review

This Council resolves to:

1. Write to the Secretary of State for Education outlining Oldham’s achievements

2. Write to the Borough’s MP’s seeking their support and requesting that they assist the Council by raising the matter in Parliament

Without the necessity for a vote the amendment was
CARRIED.
Councillors Hibbert, Knox and Thompson spoke in support of the substantive motion.

CLOSURE MOTION
Councillor Hudson MOVED and Councillor Hibbert SECONDED that the matter now be put.

On a vote being taken the motion was LOST by the Mayor’s casting vote with 28 votes against, 28 votes in favour and 1 abstention.

Councillors Sykes and Akhtar spoke in support of the substantive motion.

Councillor Butterworth responded.

On a vote being taken the motion was CARRIED unanimously.

RESOLVED
(i) That this Council is justifiably proud of its achievements over the last twenty years, successive administrations, have played their part in the transformation of Oldham into a university town.

In pursuit of further progress, we call upon the Government to;

1. Reconsider their intention to save £200m from the University budget and to seek to minimise the impact of the proposal

2. review the proposals on student fees’ and

3. Reconsider their intention to save £200m from the University budget until further consideration can be given to the issue as part of the Comprehensive Spending Review

This Council resolves to:

1. Write to the Secretary of State for Education outlining Oldham’s achievements

2. Write to the Borough’s MPs seeking their support and requesting that they assist the Council by raising the matter in Parliament

(ii) That the notices of motion in relation to:
The Freedom Bill
VAT increase and;
The proposed cut to the Police Budget
be deferred until the next meeting of Council.
REVIEW OF MEMBERS ALLOWANCES

AMENDMENT

Councillor McMahon MOVED and Councillor Akhtar SECONDED the following amendment:

Insert after existing bullet points under 2.3;

"That, with immediate effect, all members of Council will be subject to a 10% reduction in allowances.

The resultant amount of allowance to be frozen for two years, after which a review will be held.

That review will take into account all relevant factors such as economic growth and council budget pressures."

Councillors J Hulme and E Hulme spoke against the amendment.
Councillor Butterworth spoke in support of the amendment.
Councillor Sykes spoke against the amendment.
Councillor McCann spoke against the amendment.
Councillor Heffernan spoke against the amendment.
Councillor Hudson spoke in support of the amendment.
Councillor Hibbert spoke in support of the amendment.
Councillor Wrigglesworth spoke in support of the amendment.
Councillor McMahon replied.

In accordance with Council Procedure rule 12.3 at least five Members requested a recorded vote on this motion. The Vote was recorded as follows.

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Hulme E  Against  Thompson L  Against  
Hulme J  Against  Toor Y  For  
Hussain F  For  Ur-Rehman A  For  
Iqbal J  For  Wheeler C  Against  
Jabbar A  For  Williamson D  Against  
Jones D  For  Wingate A  Against  
Judge B  For  Wrigglesworth J  For  

On a recorded vote being taken, the amendment to the motion was LOST, 28 votes for and 30 against.

On a vote being taken the, the report’s recommendation was CARRIED by 32 votes in favour and 26 against.

RESOLVED
The following changes to the Members allowance scheme, as recommended by the Independent Remuneration Panel be approved.

1. The basic allowance remains unaltered.

2. There should be a further review in 2011 in order to reassess the Scheme in view of public expenditure restraints.

3. The percentage index for the Leader, Deputy Leader, Main Opposition Leader, Deputy Main Opposition Leader and Executive Members with portfolio remains unaltered.

4. The Community Champion percentage of
Leader Allowance should be reduced from 15% to 12%. The Panel considered representations that the Community Champions undertake significant work, with the likelihood of increasing responsibility. Equally, representations were made that the percentage figure was high compared to other categories of Allowances. The panel concluded that the percentage figure should be reduced.

5. Shadow Executive Members should be increased from 5% to 10% to reflect the responsibilities of the Shadow Executive Members.

6. The Minority Opposition Party Leader should be increased from 10% to 15% and should only be payable provided the Group has 4 or more Members.

7. The Vice Chairs of the Overview and Scrutiny Management Board, Performance and Value for Money Board and the Overview and Scrutiny Select Groups should be reduced from 6.5% to 5%, having regard to representations made to the Panel to consider comparative indexes.

8. The Additional Responsibility Allowance Payments should be defined as being in the Group Leaders discretion provided that the activity in relation to the discharge of the function requires equal or greater effort than other Special Responsibility Allowances duties. The Leaders are required to notify the Chief Executive of the Members who receive such allowances and the duties undertaken.

9. Carer’s Allowances – a) the capped number of hours should be 10 hours per week rather than 7 ½ hours, b) the hourly rate should be set at the minimum wage hourly rate. This was agreed by Council on 26 May 2010.

10. Any Member who is suspended under the Members Code of Conduct will not be entitled to claim any allowance during the period of suspension.

Item 20

**ASSET MANAGEMENT PLAN 2010-2013**

Councillor McCann MOVED and Councillor Thompson SECONDED the Asset Management Plan 2010-2013 which sought approval of the plan.

On a vote being taken the recommendation within the
report was CARRIED unanimously.

**RESOLVED**
That the Asset Management Plan 2010-2013 be approved.

**REVIEW OF PROPERTY PROTOCOLS**
Councillor McCann MOVED and Councillor Thompson SECONDED the report with proposed amendment which sought approval of the revised property protocols.

Proposed addendum to Agenda Item 21:
Prior to the consideration of the future of any Council owned assets, a review of the heritage value and provenance of that asset will be made.

The amendment was AGREED unanimously.

In accordance with Council Procedure rule 12.3 at least five Members requested a recorded vote on this amended report. The Vote was recorded as follows.

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On a recorded vote being taken, the motion was CARRIED by 32 votes for and 26 votes against.

RESOLVED
That the Council’s revised Property Protocols be approved.

Item 22 CORPORATE PLAN
Councillor Sykes MOVED and Councillor Stanton SECONDED the Corporate Plan which sought approval of the refreshed Corporate Plan 2010-2014.

On a vote being taken, the recommendation was CARRIED unanimously.

RESOLVED
That the refreshed Corporate Plan 2010-2014 be approved.

Item 23 LOCAL DEVELOPMENT FRAMEWORK REVIEW STATEMENT OF COMMUNITY INVOLVEMENT
Councillor McCann MOVED and Councillor Alcock SECONDED the report which sought approval of the Review Statement of Community Involvement (SCI) as part of the Local Development Framework (LDF).

On a vote being taken, the recommendation was CARRIED unanimously.

RESOLVED
That the schedule of responses to the comments received from the consultation be approved and the SCI be adopted as council policy.

Item 24 UPDATED CAPITAL INVESTMENT PROGRAMME INCLUDING INVESTMENT FUND
Councillor Sykes MOVED and Councillor Thompson SECONDED the report which set out the proposed updated 2010-11 to 2013-14 capital investment
On a vote being taken, the recommendation was CARRIED unanimously.

RESOLVED
That Council approved:

1. The capital projects for 2010-11 to 2013-14, phased as shown in the table in paragraph 5.6.1 of the report and subject to recommendations 2) and 3) below.

2. The programmes of work would be if necessary adjusted as advised by the Borough Treasurer in light of the changing economic and financial climate before any commitments for future financial years were made.

3. The programmes that would generate efficiencies/budget savings were only progressed after the Executive Director Economy, Place and Skills and the Borough Treasurer were satisfied that the return on investment had been determined and verified. Those were the investments set out for Highways (savings on trips/slips), ICT/website/HR/Corvu (staffing savings), Asset Management (recurrent revenue building costs and capital receipts), Green Energy Improvements (income) and markets (income).

Item 25

AMENDMENTS TO COMMITTEE MEMBERSHIP

Councillor Sykes MOVED and Councillor McMahon SECONDED the report which sought approval of amendments to the Licensing and Planning Committees for the Municipal Year 2010/11.

On a vote being taken, the recommendation was CARRIED unanimously.

RESOLVED

1. Councillor Bashforth to replace Councillor Butterworth on the Licensing Committee.

2. Councillor Toor to replace Councillor Hussain on the Planning Committee and Councillor Hussain is named as a third substitute on the Planning Committee.

3. That any further amendments to Committee Membership for the Municipal year 2010/11 be delegated to the Mayor, Chief Executive and the three Group Leaders.
REVIEW OF DECISIONS TAKEN BY COUNCIL REQUIRING ACTION ARISING OUT OF NOTICES OF MOTION AT THE MEETINGS OF COUNCIL ON 21ST APRIL 2010 AND THE 26TH MAY 2010

RESOLVED
That the report be noted.

The meeting commenced at 6.10pm and closed at 9.50pm