

# Oldham Borough Council



**Council Meeting**  
**Wednesday 9 September 2015**



## OLDHAM BOROUGH COUNCIL

To: ALL MEMBERS OF OLDHAM BOROUGH COUNCIL,  
CIVIC CENTRE, OLDHAM

Tuesday, 1 September 2015

You are hereby summoned to attend a meeting of the Council which will be held on Wednesday 9 September 2015 at 6.05 pm or at the rise of the Clayton Playing Fields Trust meeting, whichever is the later, in the Council Chamber, Civic Centre, for the following purposes:

### Open Council

- 1 Questions to Cabinet Members from the public and Councillors on ward or district issues

*(15 minutes for public questions and 25 minutes for Councillor questions)*

### Formal Council

- 2 To receive apologies for absence
- 3 To order that the Minutes of the meeting of the Council held on 15th July 2015 be signed as a correct record (Pages 1 - 26)
- 4 To receive declarations of interest in any matter to be determined at the meeting
- 5 To deal with matters which the Mayor considers to be urgent business
- 6 To receive communications relating to the business of the Council
- 7 To receive and note petitions received relating to the business of the Council (Pages 27 - 28)

*(time limit 20 minutes)*

- 8 Outstanding Business from the previous meeting

*(time limit 15 minutes).*

Councillor Moores to MOVE and Councillor Hibbert to SECOND:

This Council was dismayed to hear, that Transport Secretary Patrick McLoughlin had announced that electrification work on the Transpennine route between Leeds and Manchester was being "paused".

This Council is extremely concerned that any delay in progressing plans for electrification and the introduction of faster and more reliable trains linking Manchester and Leeds will hamper economic recovery. Transport connections and infrastructure are the foundation on which an economy is built; the north already loses out

substantially in terms of investment, now it will see this vital project fall even further back in the queue. This decision is bad for regional growth and jobs. How can the government expect to build a northern powerhouse if it is unwilling fund vital transport links and infrastructure? This decision is another example of the inequality that exists when it comes to regional investment, it will have a negative impact on the residents of Oldham.

This Council resolves to instruct the Chief Executive to write to Patrick McLoughlin, Transport Secretary and Hon George Osborne, Chancellor of the Exchequer, asking them to remove the “pause” that was placed on the electrification of the TransPennine route between Manchester and Leeds.

Also to write to Debbie Abrahams MP, Angela Rayner MP and Michael Meacher MP to ask them to support the motion and to use any other parliamentary means available to remove any further delay to the electrification of the TransPennine route between Manchester and Leeds.

9 Leader's Annual Statement

10 Youth Council

*(time limit 20 minutes)*

Inhumane, discriminatory and ineffective... The ‘Mosquito Device’ is an alarm that emits a high-frequency sound that can only be heard by people under the age of 25. We believe that the mosquito device should not be used against young people and believe that its use should be prohibited.

Mosquito alarms are strategically placed outside of buildings where anti-social gatherings are known to take place. The purpose of its presence is to disperse groups of young people and to prevent loitering around buildings.

It has come to our attention that there is a mosquito device in operation in the Shaw and Crompton ward. Its presence has been highlighted to the Youth Council directly from young people and has been an issue that has been raised on social media.

We believe these devices are unjust as they specifically target young people regardless of their behaviour. It therefore threatens the fundamental human rights of young people and in our opinion, alongside that of the Council of Europe, we believe the use of the device also breaches the *UN Convention on the Rights of a Child ‘Article 37’ (Inhumane Treatment and Detention)*<sup>1</sup>

The device is incapable of differentiating between those who are anti-social and those who are not, causing a breach of *‘Article 15’ of the UN Convention on the Rights of a Child (Freedom of Association)*<sup>2</sup>. The right entitles children and young people to assemble freely and without restriction if doing so peacefully, which the mosquito alarm prohibits without inflicting *“torture”*<sup>3</sup>.

We understand that anti-social behaviour is an issue that should always be challenged; we also know that young people are not the only demographic who are involved in anti-social behaviour. Using these devices is not a proportionate response to loitering as groups causing a nuisance can simply move somewhere else. The use of the device doesn’t effectively tackle the issue, it simply moves it elsewhere. There are other more effective interventions that can have a longer term impact.

We understand that Oldham Council already has a framework in place to control the use of these devices however we propose that this is reviewed and a policy agreed to

reduce the risk of discrimination of young people.

Appendix:

**1) Article 37:**

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

(Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age)

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age.

In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

(Reference: Unicef - <http://www.unicef.org.uk>)

**2) Article 15:**

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

(Reference: Unicef - <http://www.unicef.org.uk>)

**3) Torture:**

Definition:

*Noun. The action or practise of inflicting severe pain on someone as a punishment or in order to force them to do or say something.*

(Reference: Oxford English Dictionary - “

<http://www.oxforddictionaries.com/derfinition/english/torture>”)

11 Leader and Cabinet Question Time

*(time limit 30 minutes – maximum of 2 minutes per question and 2 minutes per response)*

12 To note the Minutes of the meetings of the Cabinet held on the undermentioned dates, including the attached list of urgent key decisions taken since the last meeting of the

Council, and to receive any questions or observations on any items within the Minutes from Members of the Council who are not Members of the Cabinet, and receive responses from Cabinet Members (Pages 29 - 40)

*(time limit 20 minutes):-*

a) 22<sup>nd</sup> June 2015

b) 20<sup>th</sup> July 2015

### 13 Notice of Administration Business

*(time limit 30 minutes)*

#### Motion 1

Councillor Mushtaq to MOVE and Councillor Ball to SECOND:

This Council notes with considerable concern that the Secretary of State for Justice has announced the closure of a number of courts in the country including Oldham County Court and Oldham Magistrates Court. The closures in a borough like Oldham will have a much more profound effect than other areas particularly when combined with other policies and 'tough decisions' taken by the government.

Access to justice is one of the fundamental freedoms we all enjoy but the impact of this decision will affect local residents in a number of ways including:

- Increased travel times and cost associated with accessing the courts and justice system.
- Residents potentially being denied justice given the out of touch guarantee that residents will be able to access a court in one hour, by car should their local court be closed.
- Potential relocation of law firms from Oldham due to the adverse impact on their business with the knock on effect on Oldham's provision and economy.

The list could go on but the underlying theme is an inaccessible justice system and an attack on the fundamental rights of everyone in the borough.

The Council resolves to:

Instruct the Chief Executive to write to Michael Gove MP, Secretary of State for Justice, to ask him to reconsider the decision to close the County Court and Magistrates Court in Oldham. To note the impact the cuts have already had on the regions ability to deliver justice for its residents and to refrain from targeting boroughs such as Oldham as an easy first option when making 'tough decisions'.

Also to write to Debbie Abrahams MP, Michael Meacher MP and Angela Rayner MP to ask them to support the motion and to use any other parliamentary means available to achieve the same outcomes.

#### Motion 2

Councillor Jabbar to MOVE and Councillor Fielding to SECOND:

This Council notes the passing of this Tory Government's Welfare Bill in the House of Commons.

The bill will cut away another £12 Billion from the welfare budget, hitting the most vulnerable in our society the hardest, the poor, the jobless, the sick to name a few.

This Tory Government seems to be hell bent on attacking towns like Oldham in its cuts to Local Government funding, and now it is taking aim at families who can't make ends

meet.

This bill moves to cut tax credits and housing benefit, measures which we believe will lead to increases in child poverty, this is despite the Conservatives pledging the opposite in their manifesto – a promise not kept.

Indeed, the House of Commons Library has put the average household loss at £1350 a year because of this regressive bill.

This Council resolves:

- To instruct the Chief Executive to write to the appropriate government minister, expressing this council's concern over measures in the Welfare Bill and that an assessment be made of its impact on Oldham should it become law.
- To ask our three Members of Parliament to campaign against the bill during its passage through both Houses of Parliament and to reasonably amend or vote against the bill, encouraging other parliamentary colleagues to do the same.

#### 14 Notice of Opposition Business

*(time limit 30 minutes)*

##### Motion 1

Councillor McCann to MOVE and Councillor Sedgwick to SECOND:

This Council notes that:

- Many people beyond the age of 50 are denied the opportunity to participate in employment on the grounds of age
- 10.2 million people in the UK are aged between 50 and the state pension age, yet 2.9 million (or 28%) are out of work
- People continue to lead full and productive lives well beyond state pension age, and this can include a desire to participate in paid employment
- Denying work on the grounds of age to people who wish to do so has a deleterious effect on their well-being and upon the economy
- Its responsibility, as a leading employer in the borough, to have a diverse workforce, including an age-diverse workforce, to reflect the community it serves

This Council further notes:

- The report 'A New Vision for Older Workers: Retain, Retrain and Recruit' published by Dr. Ros Altmann CBE, the Government's Business Champion for Older Workers, in which recommendations of good practice are made to employers, including:
  - Monitoring and promoting age diversity in the workforce
  - Carrying out audits to identify skill shortages when older workers leave
  - Ensuring training remains available to employees over 50
  - Offering mid-life career reviews to employees over 50
  - Retaining older employees as mentors, rather than forcing them to retire
  - An alumni programme for retired staff

- Making flexible working arrangements available so that older employees who care for others or who have a health condition can continue to work
- Providing Gap Breaks and Family Crisis leave, especially for carers, to help retain older staff
- Establishing 'age-blind' recruitment processes
- Valuing the experience of job applicants as much as the possession of a degree whenever possible in the selection process
- Creating Mature Apprenticeships and work experience opportunities for applicants over 50

This Council also notes the welcome expansion of the Council's Traineeship scheme to applicants of all ages.

This Council:

- Requests the relevant Cabinet Member carry out an audit of the Council's current practices to ensure that these follow best practice as identified by Dr Altmann in her report, and bring a report back to Council on this issue.
- Requests the relevant Cabinet Member actively promotes the Traineeship scheme to applicants who are 50 or over
- Requests the relevant Cabinet Member give consideration to creating Mature Apprenticeships and work experience opportunities for older applicants within the Council as part of the 'Get Oldham Working' offer and that he urges other progressive employers within the borough to also do so.

#### Motion 2

Councillor Heffernan to MOVE and Councillor Sykes to SECOND:

Council notes that:

- Today (September 9<sup>th</sup> 2015) marks the date upon which Her Majesty Queen Elizabeth the Second has become Britain's longest serving Monarch. Her Majesty has so far reigned for 23,226 days.
- A role model for her subjects and a steadfast rock for our country, our Queen has unfailingly honoured the promise she made at her Coronation to serve this Nation and the Commonwealth well, and, despite being 89 years of age, she still faithfully fulfils a very heavy diary of Royal commitments.
- Her Majesty's reign has been momentous in many ways – she has moved from being leader of an Empire to head of the Commonwealth; there have been tremendous advances in science and technology; our nation has become much more diverse and inclusive; and her reign has been increasingly illuminated by the media with her every move, every expression and every action flashed around the world in milliseconds.

This Council, wishing to mark this momentous occasion, requests that the Chief Executive write to Buckingham Palace offering our congratulations to Her Majesty and our best wishes that she may continue her long and remarkable reign for many years to come.



### Motion 3

Councillor Williamson to MOVE and Councillor Harkness to SECOND:

This Council notes that:

- Approximately 100,000 people a year die after having a sudden cardiac arrest
- The current survival rate for out of hospital cardiac arrest is less than 10%
- Research has shown that, while awaiting the arrival of paramedics, using a defibrillator in conjunction with CPR can increase the survival rate to over 70%

This Council, recognising its public health duties, acknowledges the value of installing more defibrillators in public buildings and large private-sector developments across the borough.

This Council resolves to:

- Work to increase the number of defibrillators in existing and new Council buildings, such as the Civic Centre and the two new leisure centres
- Ensure that the locations of all defibrillators in Council buildings are promptly registered with the North West Ambulance Service
- Ensure that defibrillators in Council buildings are properly maintained and that training in their use is provided to the appropriate staff
- Engage with the Council's commercial partners to ensure that the new Princes Gate, Old Town Hall and Hotel Futures developments have sufficient functional defibrillators

- 15 To note the Minutes of the following Joint Authority meetings and the relevant a spokespersons to respond to questions from Members (Pages 41 - 90)

*(time limit 8 minutes):-*

Transport for Greater Manchester	12 <sup>th</sup> June 2015 (AGM and Ordinary)
Association of Greater Manchester Authorities Executive	26 <sup>th</sup> June 2015 (AGM)
Greater Manchester Combined Authority	26 <sup>th</sup> June 2015 (AGM) 26 <sup>th</sup> June 2015 31 <sup>st</sup> July 2015
Joint GMCA/AGMA Executive	26 <sup>th</sup> June (AGM)

- 15 To note the Minutes of the following Partnership meetings and the relevant b spokespersons to respond to questions from Members (Pages 91 - 98)

*(time limit 7 minutes)*

Oldham Care and Support Company	25 <sup>th</sup> March 2015
Oldham Leadership Board	25 <sup>th</sup> June 2015

- 16 2014/15 Statement of Accounts (Pages 99 - 106)

A hard copy of the appendices to the report will be available to view at Access Oldham,

Civic Centre Oldham, the Civic Entrance, Civic Centre Oldham and the Groups rooms.

- 17 Treasury Management Review 2014/15 (Pages 107 - 124)
- 18 Interim Greater Manchester Mayor - Voting rights and Membership of AGMA (Pages 125 - 126)
- 19 Oldham Distress Fund Final Accounts 2014/15 (Pages 127 - 134)
- 20 Update on Actions from Council (Pages 135 - 160)

**NOTE: The meeting of the Council will conclude 3 hours and 30 minutes after the commencement of the meeting.**

A handwritten signature in black ink that reads "Carolyn Wilkins". The signature is written in a cursive, flowing style.

**Carolyn Wilkins  
Chief Executive**

**PROCEDURE FOR NOTICE OF MOTIONS**  
**NO AMENDMENT**

MOTION – Mover of the Motion to MOVE



MOTION – Secunder of the Motion to SECOND – May reserve right to speak



DEBATE ON THE MOTION: Include Timings



MOVER of Motion – Right of Reply



VOTE – For/Against/Abstain



Declare outcome of the VOTE

**RULE ON TIMINGS**

(a) No Member shall speak longer than four minutes on any **Motion or Amendment**, or by way of question, observation or reply, unless by consent of the Members of the Council present, he/she is allowed an extension, in which case only one extension of 30 seconds shall be allowed.

(b) A Member replying to more than question will have up to six minutes to reply to each question with an extension of 30 seconds

## WITH AMENDMENT

