

# Oldham Borough Council



**Council Meeting  
Wednesday 18 May 2016**



## OLDHAM BOROUGH COUNCIL

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

Tuesday, 10 May 2016

**You are hereby summoned to attend a meeting of the Council which will be held on Wednesday 18 May 2016 at 12 noon in the Council Chamber, Civic Centre, for the following purposes:**

- 1 To receive apologies for absence
- 2 To elect the Mayor for the 2016/17 Municipal Year
- 3 To elect the Deputy Mayor for the 2016/17 Municipal Year  
  
(At this juncture the Mayor will adjourn the meeting for lunch. It is anticipated that the meeting will reconvene at 3.30pm)
- 4 To order that the Minutes of the meeting of the Council held on 23rd March 2016 be signed as a correct record (Pages 1 - 38)
- 5 To receive declarations of interest in any matter to be determined at the meeting
- 6 To deal with matters which the Mayor considers to be urgent business
- 7 To receive communications relating to the business of the Council
- 8 To note the report of the Returning Officer on the results of the Local Elections on the 5th May 2016 (Pages 39 - 40)
- 9 Leader of the Council - To note the Appointment Agreed by Council January 2016 (Pages 41 - 44)
- 10 Appointment of the Deputy Leader, Cabinet Members and Deputy Cabinet Members and allocation of Portfolios and Delegation of Executive Functions  
  
Report to Follow.
- 11 Communication from the Leader of the Council on the Administration's Priorities for the 2016/17 Municipal Year
- 12 Opposition Nominations to the Shadow Cabinet  
  
Report to Follow.
- 13 Appointment of Committees and Composition of Political Groups 2016/17  
  
Report to Follow.

14 Appointment to Outside Bodies 2016/17

Report to Follow.

15 Council Meetings and Municipal Calendar (Pages 45 - 62)

- a) To confirm that the meetings of the Council will be held at the undermentioned dates in 2016/17 Municipal Year, commencing at 6.00pm unless otherwise shown.

13<sup>th</sup> July 2016  
7<sup>th</sup> September 2016  
9<sup>th</sup> November 2016  
14<sup>th</sup> December 2016  
1<sup>st</sup> March 2017  
22<sup>nd</sup> March 2017  
17<sup>th</sup> May 2017

- b) To approve the Calendar of meetings for the 2016/17 Municipal Year.

16 Notice of Administration Business

*(time limit 30 minutes)*

None Received.

17 Notice of Opposition Business

*(time limit 30 minutes)*

None Received.

18 Constitutional Amendments (Pages 63 - 66)

19 Members Allowance Scheme 2016/17 (Pages 67 - 70)

20 Land and Property Protocol Review (Pages 71 - 90)

21 Cities and Local Government Devolution Act 2016 (Pages 91 - 94)



**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



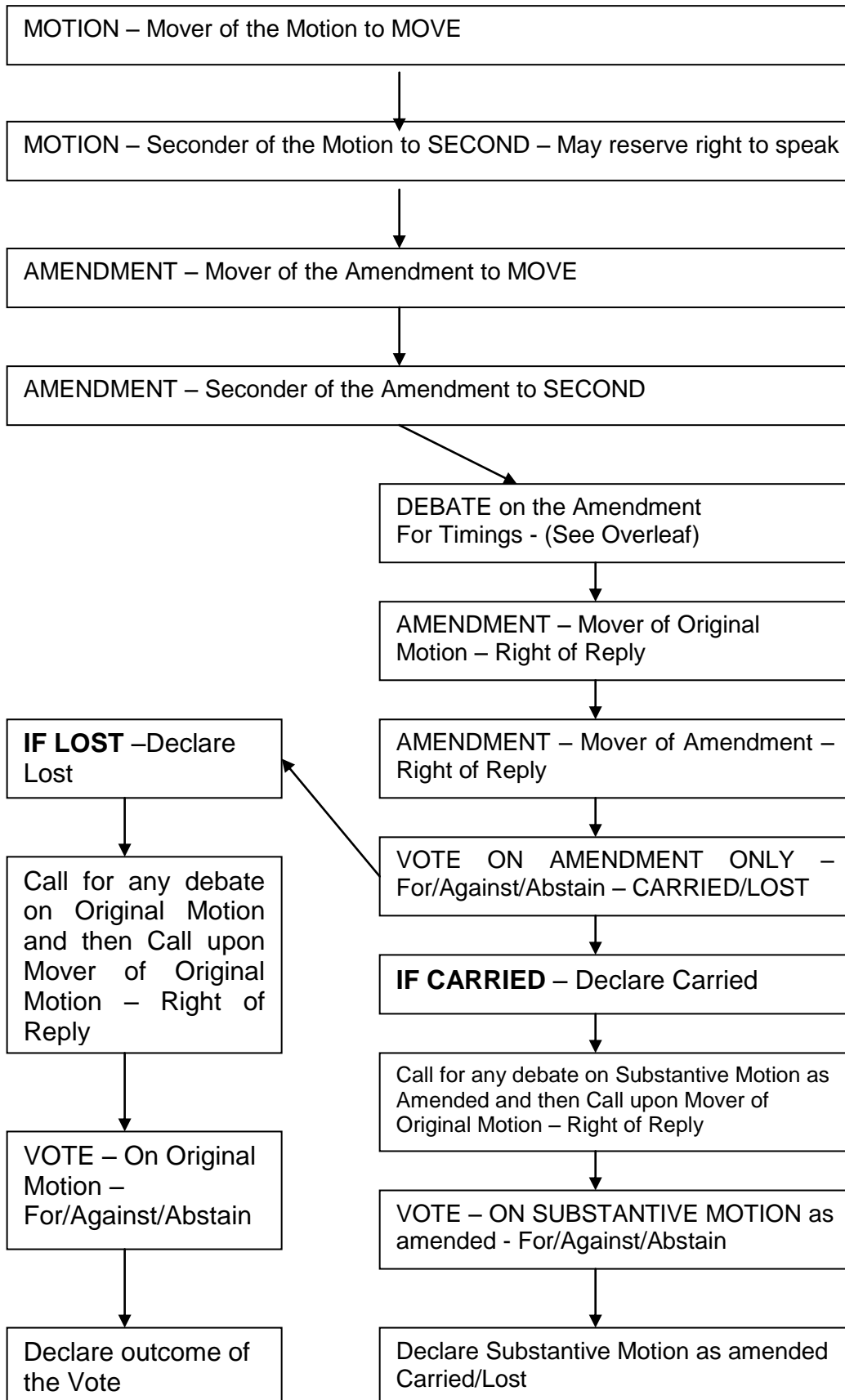
Declare outcome of the VOTE

**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





**COUNCIL**  
**23/03/2016 at 6.00 pm**

**Present:** The Mayor – Councillor Ur-Rehman (Chair)

Councillors Ahmad, Akhtar, A. Alexander, G. Alexander, Ali, Azad, Ball, M Bashforth, S Bashforth, Bates, Blyth, Brownridge, A Chadderton, Chauhan, Cosgrove, Dean, Dearden, Fielding, Garry, Gloster, Haque, Harkness, Harrison, Heffernan, Hibbert, Hudson, Hussain, Iqbal, Jabbar, Judge, Kirkham, Klonowski, Malik, McCann, McLaren, McMahon, Moores, Murphy, Mushtaq, Price, Qumer, Rehman, Roberts, Salamat, Sedgwick, Shah, Sheldon, Shuttleworth, Stretton, Sykes, Toor, Turner, Williamson, Williams and Wigglesworth

**1            CIVIC APPRECIATION AWARD**

The Mayor made reference to those who had lost their lives or were injured in the Brussels attacks.

Council held a Minutes Silence.

A presentation took place for Mrs. Freda Millett in recognition of her outstanding service and dedication to Oldham.

Councillors Stretton and Heffernan gave congratulatory speeches to Mrs. Millett.

Mrs. Millett was then presented with her award and made a short acceptance speech to Council.

**2            QUESTIONS TO CABINET MEMBERS FROM THE PUBLIC AND COUNCILLORS ON WARD OR DISTRICT ISSUES**

The Mayor advised the meeting that the next item on the agenda in Open Council was Public Question Time. The questions had been received from members of the public and would be taken in the order in which they had been received. Council was advised that if the questioner was not present then the question would appear on the screen in the Council Chamber.

The following questions had been submitted:

1. Question received from Jiten Patel via email:

“At a very recent council meeting I raised an issue of fly tipping behind the properties on Langham Road Coppice (OL8 1AX) and was assured that the council would help. I have approached my ward Councillor Kaiser Rehman who we only every see him when he knocks on doors at election time and have been ignored. Before the cabinet member reads out another scripted response I would ask her to view the pictures I have sent her via email and agree with me that this is not acceptable and is unfair to local residents.

To end... The reason I'm sending this email now is because I've seen stories in the Oldham chronicle over the last couple of weeks about other areas being blighted by the same thing and they've been sorted out. So why can't we get ours cleaned up as well together with a long term solution?"

Councillor Brownridge, Cabinet Member for Neighbourhoods and Cooperatives responded and agreed that this was a disgraceful situation, however this was not entirely the Council's responsibility. Everyone had a role to play and report those who were flytipping so we can prosecute them. Some sites were privately owned. In respect of the incident, officers were in the process of gathering evidence and being investigated. Legal notices had been issued and the owner given seven days to clean it up. Residents would also be informed of the responsibilities.

2. Question received from Metrolink Meerkat via Twitter:

"Why are Oldham Councillors allowance + expenses £941k compared to Rochdale £712k (I expect a weak evasive answer as usual).

Councillor Shah, Cabinet Member for Policy and Governance responded that the Council in fact paid less when compared to some other Greater Manchester authorities. Although members voted on the allowances, the allowances were recommended by a panel of independent people who were members of the public. The allowance system gave consideration to out of pocket expenses and time taken to carry out council business. Transparency was important and it was right that residents get to see how much their local councillors were paid in allowances and expenses and allowances were published annually.

3. Question received from Ian Leech via Twitter:

"With the cuts will OMBC look to get rid of the outdated Parish Council's and save over 200k for precept payers?"

Councillor Shah, Cabinet Member for Policy and Governance responded that the work which parish councillors did was valued and they had an important role to play. However, they were to be encouraged to think about what more they can do and take more responsibility such as bidding for services. All areas of council expenditure were constantly reviewed. A review would be welcomed if agreed and that is what the public wanted but that would need be supported across the Chamber by all political parties. Ultimately it would be for local residents. Parish Councils serve residents direct and they know if they remain fit for purpose.

4. Question received from Treguard via Twitter

"Do we know what's happening with the land opposite the Millgate pub Failsworth and when construction will start/finish?"



Councillor Hibbert, Cabinet Member for Housing, Planning and Transport responded that the site in question was privately owned and an outline planning consent for residential development of the cleared site was approved by the Council in January 2016. A further detailed application for the construction of 32 houses had been submitted and was due for consideration over the coming weeks. In the event that the last application be approved, it was anticipated that the owner would be keen to see development commence at the earliest opportunity.

5. Question received from Dave@mercurycarz via Twitter

“Can we have traffic measures on Sholver Lane to reduce excessive speed and can we have enforced 3 ton weight limit please?”

Councillor Hibbert, Cabinet Member for Housing, Planning and Transport responded that the issue of speeding on the highway was primarily a police matter and they managed and operated a system of enforcement on the roads as part of their role in the Greater Manchester Casualty Reduction Partnership. Where funding permitted it might be possible for the Council to consider physical highway measures in the form of traffic calming for the reduction of speed of traffic. In this scenario, sites with the worst injury accident records would be given highest priority in any future programme. The traffic speed data that the Council had suggested that Sholver Lane would not qualify as a Greater Manchester Casualty Reduction Partnership Community Concern site. Community concern sites were location which were of a concern to the local community. These sites might not have an accident history, but have a significant speeding problem to warrant enforcement before accidents happen. The ‘3T lorry’ signs at the top of Sholver Lane indicated the boundary of a parking ban that applies to goods vehicles over 3 tons in weight which covered the whole Sholver area. It was not a weight limit preventing vehicles weighing more than 3 tonnes travelling along Sholver Lane because all properties in the area need services provided by goods vehicles, not least of which is the refuse service.

6. Question received from Woody@steven0270979 via Twitter

“In the light of the ONS stating Oldham is at the bottom of the table, what is the council going to do about it?”

Councillor Stretton, Cabinet Member for Economy and Enterprise responded that the ONS Survey had caused a huge amount of public debate. A Leader’s Blog had been published and the response and support for it had been overwhelming. People felt angry about that story. It was vital to get the facts straight. There was deprivation in the borough and the Council was working to address that. The ONS only focussed on the centrally-located wards near Oldham Town Centre. Districts to the North, South, East and West such as Royton, Shaw, Failsworth, Hollinwood, Chadderton and Saddleworth had not

been included. The parts of Oldham surveyed were those who are known to have socio-economic problems. Like many conurbations, these areas were suffering from the decline in manufacturing. The survey was based on data from 2011 and had failed to take into account the regeneration work and the metrolink extension. Programmes such as Get Oldham Working and Warm Homes were in place. A range of partners had committed to working together for the improvement of school results through the Oldham and Education Skills Commission. This was lazy journalism from researchers interrogating spreadsheets. The report did not recognise any of the work done since 2011. Since 2009 £192 million of funding had been cut, £90m out from welfare reform as well as other cuts to funding. Mr. Osborne had said that Oldham was part of the 'Northern Powerhouse' but the necessary funding was yet to be realised. The message to Government was to help us and to stop knocking Oldham and help us turn it around.

7. Question received from Barry Locke via email

“Does the council support Oldham East & Saddleworth MP Debbie Abraham’s campaign to amend the 2011 Localism Act preventing convicted Sex Offenders, including Saddleworth Councillor Mike Buckley, from serving on a Parish Council?”

Councillor Shah, Cabinet Member for Policy and Governance responded that this particular case had received media coverage and public interest. As it stood under the Localism Act 2011 the Parish Council hands were tied, there was limited legal recourse to remove him at present and he could continue to hold office. Greg Clark, Secretary of State, was backing a change in the rules. On the exact question on whether the Council supported the campaign, she was not able to answer as the Council had not considered the issue and come to a vote. She shared her own view, which was shared by others, in that the law should be changed and she did not believe anyone convicted of a child sex offence should be allowed to hold office.

8. Question received from Syed Maruf Ali via email

“Education and skills levels in Werneth are low. At Foundation Stage, 45.2% of children reach a good level of development (compared to 51.3% in Oldham). For GCSEs, results are broadly in line with the Oldham average. Despite this, NEET rates are the 3<sup>rd</sup> highest in Oldham (6.1%). Can we please discuss about the NEET figure in Werneth Ward and what intervention and strategies are in place to reduce the NEET figure?”

Councillor Akhtar, Cabinet Member for Education and Skills responded that improving educational attainment and progression from education into employment were fundamentally important features of the Council’s policy. The Council had supported improvement in primary schools in the ward as follows.

The Council had supported St. Patricks through coaching for teachers brokered by the council from SS Aidan & Oswald, leading to increased progress in all subjects and a 15% increase in the proportion of children reaching the government expected standard. As an OFSTED Good, St. Thomas had required just quality assurance of the school's own improvement plan through a council funded School Improvement Partner and there had been an increase here as well. Werneth and Freehold were academies whose sponsors were responsible for managing standards, both have had recent small declines in attainment. The Council had reviewed its contract with Positive Steps to ensure NEETs were more targeted, and the latest NEET rate for Werneth is 4.1% not 6.1%. This was now below average (4.1% compared to 4.5% borough average). In the latest comparative data for statistical neighbours (4.5%) and the England average (4.2%). Positive Steps state the rate within Werneth was very positive considering the levels of deprivation within the area, and therefore there were no additional specific interventions planned, other than what was already happening across the NEET agenda overall, which obviously included activity within the Werneth area.

At this point in the meeting, the Mayor advised that the time limit for this item had expired.

The Mayor reminded Members that the Council had previously agreed that, questions would be taken in an order which reflected the political balance of the Council. The following questions were submitted by Councillors on Ward or District matters:

1. Councillor Roberts to Councillor Jabbar:

“Tandle View Court is an excellent home in Royton North for older people and those needing extra care – can the relevant Cabinet Member comment on the potential implications for residents of the Government’s proposals (now under review) to restrict Housing Benefit? A survey by Inside Housing found that 95% of supported housing providers through that they would be forced to close supported housing schemes for vulnerable and older people if a Housing Benefit cap announced in the chancellor’s spending review is implemented. This is because the extra care people need is funded by charging higher rents. Can the relevant Cabinet Member also assure me that the Council will be making the strongest possible case for continued Housing Benefit payments during the current review of this proposed change?”

Councillor Jabbar, Cabinet Member for Finance and Human Resources responded that the Council’s extra care housing schemes were all managed within the Council’s Housing Revenue Account. There were a number of potential issues regarding how Council housing was funded based on the Government’s radical proposals. These issues had been reported previously to the Council and officers continued to keep a close eye on the Government’s welfare reform and housing bill

proposals both to highlight any key risks and identify how they might be managed. Concern was expressed that this Government seemed focussed on dismantling the ability of the Council and its social housing partners to deliver much needed affordable and specialist supported housing in the borough. Councillor Jabbar was proud of the Extra Care Housing service at Tandle View Court in Royton and agreed with Councillor Roberts that this provided excellent and much-needed supported accommodation. He offered assurances that Councillor Hibbert and the Chief Executive had written to the Government expressing concerns in the strongest possible terms to these potential changes as early as November 2015. He was please to inform members that intensive lobbying with partners had made the Government reconsider implementation of their proposals until at least April 2017. The impact of the effects on the introduction of any changes to how specialist supported accommodation like Extra Care was funding would be looked into.

2. Councillor Chadderton to Councillor Akhtar:

“Following the announcement in February 2015 that Royton and Crompton School would be a beneficiary of funding for a new build, through the Priority School Building Programme, can the cabinet member provide us with an update as to the current position surrounding this.”

Councillor Akhtar, Cabinet Member for Education and Skills, responded that in July 2014 an application was made for funding to rebuild Royton and Crompton School under central governments Priority Schools Building Programme Phase 2. Since the initial application the Council had been made aware of our ‘partial success’ but had yet to be informed of the actual content by the Education Funding Agency. A further meeting had been proposed by the EFA for April 2016 to commence the project scoping. Whilst Oldham Council and the school had aspirations for a total new build, it was noted that the EFA had only specifically referred to addressing condition issues in two of the school blocks neither a partial or total rebuild. The Capital and Works Manager was keeping in regular verbal contact with his opposite number at the EFA and had received verbal reassurances that the feasibility and design activity would commence in April 2016. Whilst the Council would like to see this project happen immediately, the Council would need to acknowledge and work within the boundaries of the centrally funded programme of works and do all that could be done to work with the EFA to get the maximum benefit for the current and future students at Royton and Crompton.

3. Councillor McLaren to Councillor Hibbert / Councillor Brownridge:

“The Rochdale Canal runs through Chadderton Central Ward, in the 1980’s a regeneration scheme replaced the former Drummer Hill swing bridge with a fixed wooden bridge. This bridge forms part of a thoroughfare between the Firwood Park estate and

Joshua Lane, and it allows residents to access vital transport links. The bridge is now in a poor state of repair and several temporary repairs have been carried out, could the relevant Cabinet Member please advise us what steps are being taken to ensure that this important community asset is maintained to a level that will allow continued use?"



Councillor Brownridge, Cabinet Member for Neighbourhoods and Cooperatives, responded that the footbridge had been built as part of the canal regeneration project. British Waterways and the Council worked together to undertake the works but no agreement had been made as to the responsibility for future maintenance. Whilst this was not a Council asset, emergency repairs had been undertaken on safety grounds and quotations for long term repairs were being obtained. Discussions were ongoing with the Canal and River Trust for an agreement to be reached on bridge ownership and future maintenance.

4. Councillor Williamson to Councillor Hibbert:

"Like every Councillor, I often report issues relating to Highways, such as potholes, when these are brought to my attention by constituents or when I spot them in the course of my ward work. As a Councillor I provide a professional and prompt service to my constituents, including regular updates on progress with an issue. So why is it that I cannot receive a prompt service from this department to help me carry out my duties?"

Over the last six months, a number of incidents where I have reported issues, asked for site visits, chased up early contact, and got nowhere. These issues appear to have 'fallen on deaf ears' or 'been forgotten'. Not just for a day or two, but for a number of weeks. This should not be a standard of service that any Councillor should be required to accept.

At present when I report an issue I receive an automated email to acknowledge receipt, and then another 'personally addressed' to say that it has been passed to 'our Highways Section'. Then nothing!

I have to keep chasing officers for an answer and it doesn't help that the email have no reference number on them. This is slapdash. As there is no feedback, I've often had to go round to the areas several times to check for myself if a repair has been done.

I know that I am not the only one that has been experiencing problems with current practice. Can I therefore ask the Cabinet Member responsible to investigate the way members enquiries are dealt with through the [highways@oldham.gov.uk](mailto:highways@oldham.gov.uk) and to make the necessary changes so members enquiries are in future dealt with professionally and promptly, that they get regular progress reports?

Councillor Hibbert, Cabinet Member for Housing, Planning and Transport rejected the negative remarks. The Highways Department received around 8,000 requests for service each year and it had been recognised that there was a clear need to automate the allocation and investigation process with an investment in a new highways asset management system. The

project to deliver a new system was underway and this would improve the responsiveness of the service with a clear risk based approach to delivering an efficient service. It was understood that officers had apologised and met with Councillor Williamson on site to respond to the issues raised and going forward improvements would be key in the improving clear and appropriate communications with all Council stakeholders. Councillor Hibbert stated that he received far more compliments than complaints regarding staff.

#### 5. Councillor Fielding to Councillor Hibbert

“The frequency of trams from Failsworth has increased to every 6 minutes in both directions at most times of the day. Manchester bound, alternate trams currently terminate at Exchange Square in the city centre. Can the cabinet member responsible please update on how soon these trams will be able to continue across the city so that Failsworth residents can access South Manchester destinations directly?”

Councillor Hibbert, Cabinet Member for Housing, Planning and Transport, responded that from September this year when the St. Peter’s stop fully reopens, a 12 minute service will resume to South Manchester (Rochdale to East Didsbury). The additional service from Shaw and Crompton to Exchange Square would remain as it is until the opening of Second City Crossing, which was forecast for completion in Summer 2017. The routing of Oldham trams following completion of Second City Crossing had not yet been confirmed. Councillor Hibbert gave assurances that concerns had been pressed with Transport for Greater Manchester.

#### 6. Councillor Ball to Councillor Harrison

“In St. James’ we have come across many housing associations tenants who are not being allowed the correct bathroom facilities for their needs. Despite it being advised that they need a shower cubicle. This is because shower cubicles are not being put in above the ground floor, because future tenants may wish to turn it back into a bath. Many of these tenants are elderly or disabled, and in order for them to remain in their home, amongst support from family and friends they need a safe way to bathe. It is council policy that people remain in their homes within their communities as long as possible, and our partners have agreed to this. Why is it not happening?”

Councillor Harrison, Cabinet Member for Social Care and Safeguarding responded that the Council worked closely with housing provider partners to make best use of social housing stock and look for the best housing solutions for residents. This may include making adaptations or changes to an existing home or discussing with residents re-housing options which might work better in the long-term.

Housing provider partners in Oldham Housing Investment Partnership had agreed an adaptations policy which covered what adaptations would normally be agreed, including issues

such as shower cubicles and level access showers. This policy had been developed in partnership with the Council, Oldham Care and Support and the Community Occupational Therapy Team. One of the purposes of the policy was to ensure the maximisation of the Disabled Facilities Grant and, as such, all the partners supported an approach to rehousing as an option in the first instance. A housing provider would normally only consider installing a shower cubicle or level access shower in the case where a bathroom is on the ground floor or there is lift access to the upper floor. If a resident requires a shower cubicle or level access shower and they have to walk upstairs, a better longer-term solution was re-housing. This policy also clarified that adaptations would not normally be removed when a tenant left the property. Any properties with major adaptations which became available were offered to people who had a medical need for those adaptations. Councillor Ball was requested to send through details of specific cases so that could be investigated.

7. Councillor Harkness to Councillor Hibbert

“As part of the Greater Manchester Spatial Framework, a number of green field sites in Dobcross, Delph, Diggle and Denshaw that are within my ward in Saddleworth are up for consideration to build houses and some are inappropriate. Will the Cabinet Member join me in opposing housing development on green field sites and instead work with me in looking first as the suitability of brown field sites, such as Baileys Mill and Birks Quarry?”

Councillor Hibbert, Cabinet Member for Housing, Planning and Transport responded that Oldham’s Monitoring Report for 2014/15 showed that we had sufficient land to meet current new housing need, with a 7 year supply of deliverable housing land. However, if through the work ongoing the Combined Authority, identified a need to delivery greater housing growth, additional development opportunities would need to be identified. Sites had been put forward by interested parties as part of the work to develop the Greater Manchester Spatial Framework and these were now being assessed. At this stage these sites had no status or endorsement as sites for future development by either Greater Manchester or ourselves. Councillor Hibbert reemphasised that these sites were just “twinkles” in developers’ eyes and would go no further. Obviously the suitability of brownfield sites would form part of this work with the next formal consultation being in the Autumn when the draft GMSF would be published for comment.

8. Councillor Marie Bashforth to Councillor Hibbert

“I have noticed what seems to be an increase in the failure of individual street lighting columns in my ward. Can the relevant Cabinet Member provide us with a contact where we can report failures, and be confident that the message will get through and a repair will follow in a reasonable time?”

Councillor Hibbert, Cabinet Member for Housing, Planning and Transport responded that to report a street lighting outage the number to contact was 03003038881 or alternatively by email to 'O&RPFI@sustainable.eon-uk.com, however, if the fault was an immediate risk to health and safety Eon could be contacted on 0800 015 0452. Councillor Hibbert requested that this contract information be provided to all councillors.

9. Councillor Qumer to Councillor Hibbert

“When is the road surface on Waterloo Street being repaired?”

Councillor Hibbert, Cabinet Member for Housing, Planning and Transport responded that a recent site inspection by the highways officers had shown a number of defects which required attention. Councillor Hibbert confirmed that the officers were working to ensure the repairs needed were undertaken at the earliest opportunity.

10. Councillor Price to Councillor Brownridge

“A major issue in parts of Waterhead is litter and fly tipping. A very successful initiative was a neighbourhood caretaker that myself and ward colleagues funded. Would the cabinet member consider a more localised approach in areas where litter and fly tipping are an issue; such as a neighbourhood caretaker?”

Councillor Brownridge, Cabinet Member for Neighbourhoods and Cooperatives responded that the Council had a targeted approach and the investment made last year reflected this with the dandy men focused on key routes and a dedicated team working closely with enforcement officers not only to clean the areas but as importantly hold those responsible to account. It was to be stressed that evidence showed that as long as the Council picked it up people would put it back down. Changing behaviours was the way to tackle those who blight an area. There was an opportunity for individual wards to take up a targeted programme and employment of a caretaker was one way to get actively involved.

11. Councillor Sheldon to Councillor Hibbert

“Please can I ask a question to Councillor Dave Hibbert re highways. I have noticed over the past weeks several footpaths being resurfaced, this includes Chew Valley Road Greenfield, Oldham Road Grasscroft and Huddersfield Road from the former Star Inn at Scouthead all the way to Lees. I have been disappointed that these footpaths have been given a higher priority for repair to the footpath on High Street Uppermill. I requested the resurfacing before the carriageway was resurfaced in September 2015. High Street Uppermill is a very popular tourist destination by day and has a very lively night scene, without exaggeration there are thousands of footsteps through Uppermill each week. The state of the footpaths are a disgrace and with the slightest amount of rainfall the footpath turns into a series of large puddles. Please can I have an



assurance from Councillor Hibbert that the footpaths on High Street Uppermill will be repaired/resurfaced as a matter of urgency?”

“Please can I also ask Councillor Hibbert for an update on the progress of work to reopen the Riverside path from Spring Street to Bridge Street, Uppermill?”

Councillor Hibbert, Cabinet Member for Housing, Planning and Transport responded that the remainder of the High Street, Uppermill footways would continue to be inspected and monitored on a monthly basis for deterioration and drainage.

Councillor Hibbert, Cabinet Member for Housing, Planning and Transport also responded that the footpath had been closed for safety reasons as the whole of the embankment in this location was eroding and moving towards the river. Unfortunately, the land had not registered owner to carry out works to stabilise the embankment. Currently, any money spent on clearing the footpath could cause the embankment to collapse further. The footpath closure was extended until December this year and between now and then officers would be working to bring the current situation to a conclusion.

At this point in the meeting, the Mayor advised that that time limit for this item had expired.

**RESOLVED** that the questions and the responses provided be noted.

3 **TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Ames, Briggs, Dawson and Larkin.

4 **TO ORDER THAT THE MINUTES OF THE MEETING OF THE COUNCIL MEETINGS HELD ON 16TH DECEMBER 2015, 27TH JANUARY 2016 AND 24TH FEBRUARY 2016 BE SIGNED AS A CORRECT RECORD**

**RESOLVED** that the minutes of the Council meetings held on 16<sup>th</sup> December 2015, 27<sup>th</sup> January 2016 and 24<sup>th</sup> February 2016 be approved as a correct record.

5 **TO RECEIVE DECLARATIONS OF INTEREST IN ANY MATTER TO BE DETERMINED AT THE MEETING**

In accordance with the Code of Conduct, elected members declared the following interests:

Councillor McCann declared a personal interest at Item 15 by virtue of his appointment to the Unity Partnership Board, Unity Joint Venture Board and the MioCare Board.

Councillor Jabbar declared a personal interest at Item 15 by virtue of his appointment to the Unity Partnership Board and at Item 13 by virtue of his appointment as a Governor at Oldham College.

Councillor Stretton declared a personal interest at Item 13 by virtue of her appointment to Oasis Academy and Item 15 by virtue of her appointment to the Unity Partnership Board.

Councillor Harrison declared a personal interest at Item 15 by virtue of her appointment to the MioCare Board.

Councillor Ginny Alexander declared a personal interest at Item 15 by virtue of her appointment to the MioCare Board.

Councillor Dean declared a personal interest at Item 15 by virtue of his appointment to the Unity Partnership Board and the Unity Joint Venture Board.

Councillor Steven Bashforth declared a pecuniary interest at Item 13 by virtue of his employment by the Governors at Radclyffe School.

Councillor Chauhan declared a personal interest at Item 14 by virtue of his appointment to the MioCare Board.

Councillor Judge declared a personal interest at Item 13 by virtue of his appointment as a school governor at Royton and Crompton School.

Councillor Gloster declared a personal interest at Item 13 by virtue of his appointment as a Governor at Crompton House and a pecuniary interest in Item 15 by virtue of his employment with Greater Manchester Police.

Councillor Sheldon declared a pecuniary interest at Item 13 by virtue of any business with Saddleworth School.

Councillor McMahon declared a personal interest at Item 13 by virtue of his being elected as a Member of Parliament.

Councillor Marie Bashforth declared a pecuniary interest at Item 13 by virtue of her employment by a Foundation School and School Governors.

Councillor Shuttleworth declared a personal interest at Item 13 by virtue of his appointment as a Governor at Limehurst Primary School.

Councillor Garry declared a pecuniary interest at Item 15 by virtue of her husband's employment with Greater Manchester Police.

Councillor Ahmad declared a personal interest at Item 13 by virtue of his appointment as a Governor at Waterhead Academy, Harmony Trust, Greenhill Primary School and Oldham College.

Councillor Hussain declared a personal interest at Item 13 by virtue of his appointment as a Governor at Kingfisher School.

Councillor Mushtaq declared a personal interest at Item 13 by virtue of his appointment as a Governor at Oldham Academy.

Councillor Akhtar declared a personal interest at Item 13 by virtue of his appointment as a Governor at Werneth Primary School.

Councillor Williams declared a personal interest at Item 13 by virtue of his appointment as a Governor at New Bridge School and Oasis Academy.

Councillor Moores declared a personal interest at Item 13 by virtue of his appointment as Chair of Governors at Blue Coat School and his appointment as Director, Cranmer Educational Trust.

Councillor Ur-Rehman declared a personal interest at Item 13 by virtue of his appointment as Chair of Governors, Hathershaw School.

**NOTE:** Councillor Williams entered the meeting during this item.

6 **TO DEAL WITH MATTERS WHICH THE MAYOR CONSIDERS TO BE URGENT BUSINESS**

There were no items of urgent business.

7 **TO RECEIVE COMMUNICATIONS RELATING TO THE BUSINESS OF THE COUNCIL**

The Mayor advised that three Councillors would be retiring at the end of the current Municipal Year, namely Councillors David Hibbert, David Dawson, and Valerie Sedgwick.

Councillors Stretton, McCann and Hudson paid tribute to the work of Councillor Hibbert.

Councillor McMahon paid tribute to the work of Councillor David Dawson.

Councillors Sykes, Stretton, Blyth and Hudson paid tribute to the work of Councillor Valerie Sedgwick.

Councillor David Hibbert exercised his right of reply.  
Councillor Valerie Sedgwick exercised her right of reply.

The Mayor advised that this would be the last meeting for Elaine McLean, Executive Director – Economy and Skills, who would be retiring from the authority.

Councillors Stretton and Sykes paid tribute to the work of Elaine McLean.

8 **TO RECEIVE AND NOTE PETITIONS RECEIVED RELATING TO THE BUSINESS OF THE COUNCIL**

The Mayor advised that four petitions had been received for noting by Council:

Neighbourhoods and Cooperatives

Petition to Save the Front of the Old Royton Swimming Baths (received 10 December 2015) (357 signatures) (Ref 2015-24)

Petition Against an Alcohol License (received 21 December 2015) (192 signatures) (Ref 2015-26)

Economy and Skills

Petition to Rebuild Clarksfield School (received 4 January 2016) (340 signatures) (Ref 2016-01)

Petition for Road Improvements at Greenfield Primary School (received 28 January 2015) (365 signatures) (Ref 2016-02)

**RESOLVED** that the petitions received since the last meeting of the Council be noted.

## OUTSTANDING BUSINESS FROM THE PREVIOUS MEETING

The Mayor informed the meeting that there was one item of outstanding business from the previous meeting.



### Motion 1

Councillor Hibbert MOVED and Councillor Fielding SECONDED the following motion:

“This council notes that:

- That the Housing and Planning Bill has been consulted on and will be debated in Parliament and, if passed, it would threaten the provision of affordable homes for rent and purchase by:
  - Forcing ‘high-value’ council homes to be sold on the open market;
  - Extending the right-to-buy to housing association tenants;
  - Undermining section 106 requirements on private developers to provide affordable homes.
- There is no commitment in the Bill that affordable homes will be replaced like-for-like in the local area.
- That whilst measures to help first-time buyers are welcome, the ‘starter homes’ proposals in the Bill will be unaffordable to families and young people on ordinary incomes in most parts of the country; will not preserve the taxpayer investment; and will be built at the expense of genuinely-affordable homes to rent and buy.
- That the Bill undermines localism by taking 32 new wide and open-ended powers for the Secretary over councils and local communities, including the ability to over-ride local plans; to mandate rents for social tenants; and to impose a levy on stock-holding councils, violating the terms of the housing revenue account self-financing deal.
- That the Bill, whilst introducing some welcome measures to address issues relating to rogue landlords, does not help with the high rents, poor conditions and insecurity affecting many of England’s 11m private renters, including one in four families with children, and does nothing to help to arrest the recent rise in homelessness.

Oldham Council is already working with partners to use its land and skills to bring forward new housing in the Borough. The Government’s ‘one size fits all’ approach to Planning and Housing doesn’t work for areas like Oldham and Greater Manchester.

This council resolves to contact Cllr. Sue Derbyshire, Chair of Greater Manchester Planning and Housing Commission, suggesting that GM should contact the Housing Minister to request a discussion with the Government on the challenges we face and how they can assist us in bringing forward more difficult housing sites.

AMENDMENT

Councillor McCann MOVED and Councillor Murphy  
SECONDED the following amendment:



“Remove the word ‘that’ in line one.  
Insert the word ‘tenants’ in line six, three additional lines as follows:

‘Reducing social rents by 1 percent per annum;  
Imposing market rents on households earning £30,000 a year or more making it less likely than such households will be able to afford to sustain a successful tenancy’

Bullet point lines five to (now) ten as follows:

- Forcing ‘high-value’ council homes to be sold on the open market;
- Extending the right-to-buy to housing association tenants;
- Reducing social rents by 1 percent per annum;
- Imposing market rents on households earning £30,000 a year or more making it less likely than such households will be able to afford to sustain a successful tenancy;
- Undermining section 106 requirements on private developers to provide affordable homes.

Replace the word ‘taking’ with ‘transferring’ in (now) line 17

Replace the word ‘for’ with ‘to’ in (now) line 18

Insert the word ‘Secretary’ in (now) line 18 of “State”

Insert after ‘Oldham and Greater Manchester’ the following new paragraph:

‘Council further notes with grave concern the recent announcement by Chancellor George Osborne that he plans to cap housing benefit for specialist social rented properties at the same rate as private rented accommodation from April. This will put the provision of specialist housing for around 50,000 vulnerable adults, such as dementia patients, disabled people and women fleeing domestic violence under threat of closure.’

Insert as a final bullet point at the end of the original motion the following wording:

‘Ask the Council’s Housing Strategy team to carry out, in conjunction with the Oldham Investment Housing Partnership, an analysis of the likely impact within the borough of Oldham of the forced sale of council homes, the extension of right-to-buy, the diminution of the ‘starter homes’ requirement on developers, the imposition of market rents on households with a £30,000 income occupying social housing, and the imposition of a cap on housing benefit payments made to vulnerable tenants occupying social-rented accommodation, and to identify any measures that may mitigate this impact, for circulation to elected members.’



Amended motion to read:

“This council notes:

- That the Housing and Planning Bill has been consulted on and will be debated in Parliament and, if passed, it would threaten the provision of affordable homes for rent and purchase by:
  - Forcing ‘high-value’ council homes to be sold on the open market;
  - Extending the right-to-buy to housing association tenants;
  - Reducing social rents by 1 percent per annum;
  - Imposing market rents on households earning £30,000 a year or more making it less likely than such households will be able to afford to sustain a successful tenancy;
  - Undermining section 106 requirements on private developers to provide affordable homes
  - There is no commitment in the Bill that affordable homes will be replaced like-for-like in the local area.
- That whilst measures to help first-time buyers are welcome, the ‘starter homes’ proposals in the Bill will be unaffordable to families and young people on ordinary incomes in most parts of the country; will not preserve the taxpayer investment; and will be built at the expense of genuinely-affordable homes to rent and buy.
- That the Bill undermines localism by transferring 32 new wide and open-ended powers to the Secretary of State from councils and local communities, including the ability to override local plans; to mandate rents for social tenants; and to impose a levy on stock-holding councils, violating the terms of the housing revenue account self-financing deal.
- That the Bill, whilst introducing some welcome measures to address issues relating to rogue landlords, does not help with high rents, poor conditions and insecurity affecting many of England’s 11m private renters, including one in four families with children, and does nothing to help to arrest the recent rise in homelessness.

Oldham Council is already working with partners to use its land and skills to bring forward new housing in the Borough. The Government’s ‘one size fits all’ approach to Planning and Housing doesn’t work for areas like Oldham and Greater Manchester.

Council further notes with grave concern the recent announcement by Chancellor George Osborne that he plans to cap housing benefit for specialist social rented properties at the same rate as private rented accommodation from April. This will put the provision of specialist housing for around 50,000 vulnerable tenants, such as dementia patients, disabled people and women fleeing domestic violence, under threat of closure.

This council resolves to:

- Contact Cllr. Sue Derbyshire, Chair of Greater Manchester Planning and Housing Commission, suggesting that GM should contact the Housing Minister to request a discussion with the Government on the challenges we face and how

they can assist us in bringing forward more difficult housing sites.

- Ask the Council's Housing Strategy team to carry out, in conjunction with the Oldham Investment Housing Partnership, an analysis of the likely impact within the borough of Oldham of the forced sale of council homes, the extension of right-to-buy, the diminution of the 'starter homes' requirement on developers, the imposition of market rents on households with a £30,000 income occupying social housing, and the imposition of a cap on housing benefit payments made to vulnerable tenants occupying specialist social-rented accommodation, and to identify any measures that may mitigate this impact, for circulation to elected members."

Without debate the Council moved to the vote on the AMENDMENT.

On being put to the vote FIFTY FIVE VOTES were cast in FAVOUR of the AMENDMENT with ONE ABSTENTION. The AMENDMENT was therefore CARRIED.

A vote was then taken on the SUBSTANTIVE MOTION.

On being put to the vote FIFTY FIVE VOTES were cast in FAVOUR of the SUBSTANTIVE MOTION with ONE ABSTENTION. The Motion was therefore CARRIED.

**RESOLVED that:**

- Councillor Sue Derbyshire, Chair of Greater Manchester Planning and Housing Commission, be contacted suggesting that GM should contact the Housing Minister to request a discussion with the Government on the challenges we face and how they can assist us in bringing forward more difficult housing sites.
- the Council's Housing Strategy team be asked to carry out, in conjunction with the Oldham Investment Housing Partnership, an analysis of the likely impact within the borough of Oldham of the forced sale of council homes, the extension of right-to-buy, the diminution of the 'starter homes' requirement on developers, the imposition of market rents on households with a £30,000 income occupying social housing, and the imposition of a cap on housing benefit payments made to vulnerable tenants occupying specialist social-rented accommodation, and to identify any measures that may mitigate this impact, for circulation to elected members.

10

**YOUTH COUNCIL**

There were no items submitted by the Youth Council.

11

**LEADER AND CABINET QUESTION TIME**

The Leader of the Main Opposition, Councillor Sykes, raised the following two questions:



**Oldham**  
Council

Question 1: Oldham Deprived and Unhappy

“My first question tonight concerns a disturbing recent report published by the Office of National Statistics (ONS) which has identified Oldham as the most deprived town in England. In the study conducted by the ONS factors such as income, employment, health, education, skills and training, and crime were considered.

The study found that Oldham was the most deprived overall, with over 60% of our areas ranked in the most deprived 20% of all the areas of England.

This is an astonishing fact when you think it includes areas in the North East, Midlands, Yorkshire and elsewhere in the North West all of which are better than us!

I and my colleagues take no pride in topping this league table!

This time last year there was another survey published by the Rightmove estate agency chain; the Happy at Home survey asked UK homeowners questions about twelve factors relating to their experiences living in their area.

Oldham was placed 106<sup>th</sup> of 130 local authorities. And this was the aggregate score – we scored even worse on contentment and community safety at 123<sup>rd</sup> out of 130.

So, Oldham has once again been identified as bot the most deprived Borough in England, and one of the least happy towns to live in the UK.

These are hardly accolades that we as elected local leaders aspire to; and they are hardly a great advertisement that will attract new business and new residents to our Borough as their location of choice.

No we all know – because we live here – that all is not doom and gloom in our Borough. We have great people, with our famed Northern humour, a ‘can do’ attitude and a proud history of industry and diversity. We have great countryside and culture, but these national headlines do us no favour.

There has been much talk in this chamber of the significant physical regeneration that is being undertaken in the Borough, regeneration paid for ultimately by our hard-pressed Council Tax payers. But if this physical regeneration does not lead to a real improvement in the economic fortunes and the physical and mental well-being of our most deprived and unhappy citizens it will have failed in what I see as one of its key objectives.

So my question to the Leader tonight. What are we going to do to get ourselves not only off the top of this league table of most deprived but actually into another league altogether.”

Councillor Stretton, Leader of the Council, responded that she was as disappointed as every member was but there had been a massive response of support on social media and email. The study was a bizarre piece of research, picked up by a lazy journalist and having read the whole report was even more appalled. The report did not talk about the Borough of Oldham, only built up urban areas. Oldham had gotten into the list of 200 towns but Tameside didn’t and there was not a lot of difference.



Tameside had not qualified to be looked at in this way. The study identified areas which included St. Mary's, Werneth, Hollinwood and Coldhurst which have indices of deprivation, the study did not include areas such as Shaw, Royton, Chadderton and Saddleworth. It was interesting that in the Sunday Times Saddleworth was named as one of the top ten places to live. The study had been based on the 2011 census when we did not have the Metrolink or started the journey of regeneration of the Old Town Hall, Odeon cinema and other businesses. Councillor Stretton accepted that there was still more to do. It was still true that there was deprivation in those wards. Councillor Stretton accepted Councillor Sykes' offer. The Council needed to challenge at Greater Manchester and national level that if there was a problem here, they should not be knocking us but giving us the money to invest in those places and in the recommendations of the Oldham Education and Skills Commission. She said the MP's would assist. It needed to be a collective response on the attack made on the Borough which was grossly unfair.

#### Question 2: Teenage Pregnancy

"My second question to the Leader tonight also references a recent publication by the Office of National Statistics (ONS) that equally makes disturbing news.

According to the ONS, Oldham's teenage pregnancy rate is now the highest in Greater Manchester. In 2014, 156 girls aged fifteen to seventeen became pregnant – this is a rate of 34.7 per 1,000 girls in this age bracket.

This is clearly concerning.

In October 2014, I rose to ask the then Leader a question about our Borough's appalling record of tooth decay amongst children, but at that time I was also pleased to congratulate the Oldham Teenage Pregnancy Partnership on their work in reducing the teenage pregnancy rate by almost two thirds since 1998.

These latest figures demonstrate that there is still a lot of work to be done.

I am sure that in some instances the pregnancy is planned and the news is received with great joy, but in others this can be a very troubling occasion.

Frequently these teenagers begin motherhood at a great disadvantage, without the maturity, skills, financial and emotional support necessary to be most successful in that role. Dependent often upon welfare benefits and socially isolated, they can begin their parenting role on the back-foot. And despite their best efforts, they can also be subjected to disapproval and vilification by family members, by their peers and by the press, being dubbed 'gym slip mothers'. Sadly there have also been documented instances where medical professionals also share this prejudice.

So for my second question tonight, I would like to ask the Leader what is being done to ensure that the rates of unwanted teenage pregnancy in this Borough continue to decline and also to ensure that teenage mothers receive the support that they deserve in taking on the challenging responsibilities of parenthood at such a young age."

Councillor Stretton, Leader of the Council, responded that this was a worrying statistic. Some will have made a conscious choice, but for many it was not and it was the most vulnerable who found themselves in the position, and who would have least support from family to help them navigate that time in their life. It was true to say that teenage pregnancy occurs in relatively small numbers but a few pregnancies can skew statistics but this was still not acceptable. The Leader agreed to task officers to find out why the increase as this should be the first step, and look to address all of the factors that were discovered during the investigation. Councillor Stretton assured members that the Council would pull together whatever resources were needed to prevent this happening in the numbers at present.

The Leader of the UKIP Group, Councillor Peter Klonowski, asked the following question to the Leader of the Council:

With the changes to legislation on ethical approach to businesses and the proposed changes to procurement, does the Council consider it appropriate to have representation on the board and dealing with Oldham Property Partnership, the company was owned by Brookhouse Group, part of an aggregate group with a tax haven in Luxembourg. Also, would the Council consider setting up a scrutiny procedure about future Council developments so they do not involve companies based in tax havens?

Councillor McMahon raised a point of order as this claim had arisen during the Parliamentary by-election and UKIP through their solicitors had withdrawn their complaint and said it would not be repeated again.

Councillor Stretton did not respond to the question.

The Mayor reminded the meeting that Council had agreed that, following the Leaders' allocated questions, questions would be taken in an order which reflected the political balance of the Council.

1. Councillor Roberts to Councillor Akhtar

“Can the relevant Cabinet Member comment on the potential effect on Oldham Schools' budgets of the new Government consultation on a new national school funding formula which has recently been announced. Reports suggest that inner city schools will be adversely affected with money being redistributed to shire counties. There is also the implication that local authorities will receive less money to help, for example, with raising school standards and carrying out statutory duties as more money may go directly to schools.”

Councillor Akhtar, Cabinet Member for Education and Skills, responded that the consultation on school funding was published on 7<sup>th</sup> March and runs until 17<sup>th</sup> April 2016. As the first of two planned consultations, this consultation focused on

the proposed principles of a new national funding formula and the factors that should be included in it.

It was proposed that the national funding formula be based on four factors: an age-weighted per-pupil sum, an amount based on additional pupil need such as low prior attainment, deprivation, English being an additional language, a lump sum for each school (greater for small schools in more sparsely populated areas) and a geographical factor. This consultation covered whether or not these were the right factors to be included, but did not suggest any weightings that might be given to them. Until suggested weightings were known it was not possible to model what the impact of the formula might be on any particular school or local authority area. The council was well aware, however, of the significant pressures on school budgets that already existed and were likely to remain once a national formula was in place.

It was noted that local authorities would receive less funding for their work with schools but it was not possible to accurately forecast the decrease until the second phase of the government consultation.

## 2. Councillor Fielding to Councillor Jabbar

“Tesco Failsworth Store along with other Tesco Branches had recently reduced it’s Monday – Saturday opening hours from 24 hours to 6am – 11pm. Can I ask the relevant Cabinet Member does this affect the rateable value of the store and the amount that we collect from this and other branches of Tesco in business rates?”

Councillor Jabbar, Cabinet Member for Finance and Human Resources, responded that a change in business’s opening hours did not affect the Rateable Value of a property for the purposes of business rates and as such this would not impact the Council’s collection of business rates from Tesco. The rateable value of a property was determined by the Valuation Office Agency (VOA) and was based on property rental values at 1<sup>st</sup> April 2008. It was possible that a material change to a property, the environment or a change in use could affect the rateable value. However, a change in opening hours was not a consideration for the VOA in determining the Rateable Value.

## 3. Councillor Haque to Councillor Jabbar

“What has the Council done or achieved in reducing sickness absence and associated costs since Labour took control in 2011 and do we have any information how well or otherwise our managers comply with the Council’s policy?”

Councillor Jabbar, Cabinet Member for Finance and Human Resources, responded that at the last Council meeting Councillor Blyth had attacked the Administration on this issue and criticised managers for not enforcing policy. This provided an opportunity to set the record straight. The outgoing Liberal Democrats had left the Council with a year-end absence figure of almost 11½ days per employee on average. The

administration reduced this year on year to 8 days in March 2014. In 2010/11 only 35% had nil absence in the year. Under Labour control this had almost doubled to more than 60%. Over 60% did not take a single day of sick leave. The costs of staff sickness absence in 2010/11 to the present time had almost halved and agency engagement because of sickness had reduced by 13% in the 2 years 2013 - 15. Sickness absence was being scrutinised by the Performance and Value for Money Select Committee on a regular basis where the Deputy Cabinet Member had given an update to a recent meeting of the Committee. At a time when staff were managing the organisation through a difficult situation, staff were doing a fantastic job. There were no attendance targets under the Liberal Democrats, the Labour Administration introduced targets four years ago which were first set at 10 days, then 8 and not 6 as performance had improved over time.

#### 4. Councillor Williamson to Councillor Brownridge

“Yesterday was UN World Water Day (Tuesday 22<sup>nd</sup> March). In July last year a motion I was proud to co-sponsor was passed in this Chamber regarding water poverty. This called on the Government to end ‘water poverty’ within the lifetime of this Parliament and committed this Council to carry out some specific actions to “promote (the) awareness of, and access to, the support schemes available to customers facing ‘water poverty’.”

I think the likelihood of this Government ending ‘water poverty’ anytime soon is nil, but I would like to ask the Cabinet member for an update on what has been done regarding the actions agreed by this Council?

These were to:

- Promote the availability of these support schemes on-line, in our publications, in our public buildings, and at public events, as part of the ‘Make the Most of Your Money’ and ‘Warm Homes’ campaigns.
- Work with United Utilities and the United Utilities Trust to offer training to elected members and front-line staff so they can actively promote them.
- Offer this training to staff and volunteers from social landlords and other partners.
- Support the research being undertaken by United Utilities to establish greater public acceptance for the social tariff and to identify the most effective ways to engage and support ‘harder-to-reach’ customers.
- Support an application to the United Utilities Trust for funding to deliver, through partner agencies, money advice and financial literacy services targeted at ‘water poor’ customers.

Councillor Brownridge, Cabinet Member for Neighbourhoods and Cooperatives, summarised activity that was ongoing which

included initiatives under the warm homes scheme, poverty pledges and the partnership approach taken across all sectors. The complete response would be circulated to all elected members.

5. Councillor Malik to Councillor Jabbar

“Is the relevant Cabinet member able to explain the implications of the recent announcement of changes to Business Rates for the future finances of Oldham Council and our ability to pay for essential council services for our local community?”

Councillor Jabbar, Cabinet Member for Finance and Human Resources responded that the Council, along with other Councils in Greater Manchester, would be piloting the introduction of 100% Business Rates Retention from April 2017, which was three years ahead of schedule. The Council welcomed the opportunity to be able to shape the new system and make a positive contribution to the new Local Government Finance regime. As with all new initiatives, the devil would be in the detail and the Council would work to safeguard the position for Oldham as far as possible. However, it would be important to continue to maximise Council income from business rates and council tax to enable the funding of essential services in Oldham. The Chancellor had also announced other changes which included permanently doubling Small Business Rates Relief and increasing the threshold for this relief from April 2017. Changes to Small Business Rate Relief were obviously going to be welcomed by the businesses that would benefit from this and the Government had promised to compensate Council from the loss of rating income in the form of a grant. This would extend the grant funding that was currently received from the current rating relief scheme. It was hoped that this would encourage small business set up and support our local economy. It was too early for detailed figures but this would be reported to Council as soon as possible. The Council was investing in the regeneration of the borough. This would boost business rate income and the Council would also actively support business initiatives and invest in the borough with the aim of boosting business rate income.

At this point in the meeting, the Mayor advised that the time limit for this item had expired.

**RESOLVED** that the questions asked and the responses provided be noted.

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

The minutes of the Cabinet meetings held on 14<sup>th</sup> December 2015, 15<sup>th</sup> January 2016 and 25<sup>th</sup> January 2016 were submitted.



Members raised the following questions:

1. Councillor McMahon – Cabinet Meeting – 25<sup>th</sup> January 2016, pages 69 and 70, Agenda Item 8 – Oldham Education and Skills Commission Final Report and Future Implementation – He has asked for a copy of the implementation plan but to date he had not received a copy. He noted that the implementation was not in place and concerned if this went one another year would be missed and children were being let down. He asked if the implementation plan could be brought forward and be adopted as soon as possible?

Councillor Akhtar, Cabinet Member for Education and Skills, responded that the Commission was launched on 15 January. The Commissioners had met regularly and progress had been made on several recommendations. Proposals in the report aimed to raise standards across the spectrum by strengthening strategic leadership. Key partners were being brought together in an Educational Partnership. Key recommendations were led by the education sector and the Council had been supporting commissioners. There was a new board, to save time and money existing members had resigned and new members recruited. The operational practitioner group sat beneath the group for implementation of the 19 recommendations which was being led by a new post which was in the process of being recruited. The Board would get on with the implementation plan prior to the recruitment of the post and this would be shared with all members.

2. Councillor McCann, Cabinet Meeting – 14 December 2015, pages 63 and 64, Item 10 – Project Delivery for Greenfield Primary School Expansion – he was delighted that the Administration had seen fit to fund building a two-form entry school on Shaw Street, Greenfield. Could the Cabinet Member confirm that the project was still on track for opening in September 2017 followed by demolition of the old school and creation of sports facilities?

Councillor Akhtar, Cabinet Member for Education and Skills, responded that he had met with residents at Greenfield School a couple of weeks ago and the issue of draft design was raised. In the next 4 – 6 weeks a planning application would be submitted and local members and residents had seen the draft plans. The plans would be made public and residents given the opportunity to raise views on those plans.

3. Councillor Murphy, Cabinet Meeting – 14 December 2015, pages 60 and 61, Item 7 – Treasury Management Half Year Review 2015/16 – as the Council was watching every penny he asked about street lighting columns which were on during the daylight hours had an impact on expenditure?

Councillor Jabbar, Cabinet Member for Finance and Human Resources, responded that energy used was part of revenue expenditure but this did not mean allowing street lights on during daylight hours and this was against good management of assets or energy. There was a new IT system in place which would address the issue.

4. Councillor Harkness, Cabinet meeting, 25 January 2016, pages 69 and 70, Item 8 – Oldham Education and Skills Commission Final Report and Future Implementation – The Mobility Commission which looked at families and individuals ability to move from one social group to another had been rated poor. Ofsted ratings had declined in the Borough with a trend downward. A large investment had been made in education. He asked what safeguards were in place to ensure that there was genuine collaboration for best value for money and better social mobility?

Councillor Akhtar, Cabinet Member for Education and Skills, responded that in terms of measures in place, the Commission was asked to set up new partnerships with school led partners and the Council and in coming together saying education was everyone's business. An allocation of £1m over four years had been made available for the improvement of the quality of education across the borough. Since the launch a number of schools had seen improved Ofsted ratings and hoped the journey would continue. The local authority and relevant parties were looking at performance and needed to address the 19 recommendations. The Council wanted leaders were in place to lead on education and curriculum offer – markers were in place which ensured improvement took place.

There were no observations made on the minutes.

**RESOLVED that:**

1. The minutes of the Cabinet meetings held on 14<sup>th</sup> December 2015, 15<sup>th</sup> January 2016 and 25<sup>th</sup> January 2016 be noted.
2. The questions and responses on the Cabinet minutes be noted.

13

**NOTICE OF ADMINISTRATION BUSINESS**

Motion 1

Councillor Garry MOVED and Councillor McMahon SECONDED the following motion:

“That in the month of International Women’s Day this council reflects on the leading role women have played in fighting for equality and fairness for all.

The Council notes the importance of promoting women in public life and celebrates the fact that two of the three borough Members of Parliament are women as are the Leader, Chief

Executive and the Borough Treasurer in addition to the majority of the senior management team.

The Council also reflects on the remarkable life of Annie Kenney, the Springhead born millworker who went on to be a pioneering suffragette. With others she secured the right for women to vote.

This council also looks forward to 2019 when the borough will mark the 200<sup>th</sup> anniversary of the Peterloo Massacre where four of the fifteen killed were women. The council notes that while progress has been made much more is needed to realise full equality.

This council commits to:

- 1). Supporting the idea of and investigating funding sources for a permanent memorial to Annie Kenney in the town centre.
- 2). Supporting the idea of and investigating funding sources for a permanent memorial to those killed and injured at Peterloo at Cheapside (outside the civic centre tower) near where the Oldham contingent gathered before marching to Manchester, and that the proposed memorial ideally be in place to mark the 200<sup>th</sup> anniversary of the massacre.
- 3). Placing on record its thanks and appreciation to the organisers and events across the Borough which were held to mark International Women's Day."

#### AMENDMENT

Councillor Williamson MOVED and Councillor Sedgwick SECONDED the following amendment:

"Remove the wording in Lines 7 to 9 and replace this with the following wording:

'This Council reflects on the remarkable lives of:

- Lydia Becker, born in Chadderton, who founded the most popular publication relating to women's suffrage in 19<sup>th</sup>-century Britain, the Women's Suffrage Journal, and who fought successfully to secure votes for women in the Isle of Man in March 1881.
- Annie Kenney, the Springhead born millworker, who went on to be a pioneering suffragette and the first female delegated to the Oldham Trades Union Council. With others she secured the right for women to vote in mainland Britain.'

Insert in Line 15 after 'funding sources' the following grammar and words:

' , primarily private donations and / or a public subscription, '

Insert in Line 16 after 'to' the following words 'Lydia Becker and'

Insert in Line 17 after 'funding sources' the following grammar and words:

' , primarily private donations and/or a public subscription, ."

Amended motion to read:

"That in the month of International Women's Day this council reflects on the leading role women have played in fighting for equality and fairness for all.



The council notes the importance of promoting women in public life and celebrates the fact that two of the three borough Members of Parliament are women as are the Leader, Chief Executive and the Borough Treasurer of the Council in addition to the majority of the senior management team.

The Council also reflects on the remarkable lives of:

- Lydia Becker, born in Chadderton, who founded the most popular publication relating to women's suffrage in 19<sup>th</sup>-century Britain, the women's Suffrage Journal, and who fought successfully to secure votes for women in the Isle of Man in March 1881
- Annie Kenney, the Springhead born millworker who went on to be a pioneering suffragette and the first female delegate to the Oldham Trades Union Council. With others she secured the right for women to vote in mainland Britain

The council also looks forward to 2019 when the borough will mark the 200<sup>th</sup> anniversary of the Peterloo Massacre where four of the fifteen killed were women.

The council notes that while progress has been made much more is needed to realise full equality.

This council commits to:

- 1). Supporting the idea of and investigating funding sources, primarily private donations and / or a public subscription, for a permanent memorial to Lydia Becker and Annie Kenney in the town centre.
- 2). Supporting the idea of and investigating funding sources, primarily private donations and / or a public subscription, for a permanent memorial to those killed and injured at Peterloo at Cheapside (outside the civic centre tower) near where the Oldham contingent gathered before marching to Manchester, and that the proposed memorial ideally be in place to mark the 200<sup>th</sup> anniversary of the massacre.
- 3.) Placing on record thanks and appreciation to the organisers of events across the Borough which were held to mark International Women's Day.

Councillor McMahon spoke against the amendment.

Councillor Bates spoke in support of the amendment.

Councillor Garry exercised her right of reply.

Councillor Williamson exercised her right of reply.

A vote was then taken on the AMENDMENT.

On being put to the vote FIFTEEN VOTES were cast in FAVOUR of the AMENDMENT with FORTY-ONE VOTES cast AGAINST and NO ABSTENTIONS. The AMENDMENT was therefore LOST.

Councillor Mushtaq spoke in support of the motion.

Councillor Dearden spoke in support of the motion.

Councillor Stretton spoke in support of the motion.

Councillor Roberts spoke in support of the motion.

Councillor Garry exercised her right of reply.

A vote was then taken on the MOTION. On being put to the vote FIFTY-FIVE VOTES were cast in FAVOUR of the MOTION with NO VOTES AGAINST and ONE ABSTENTION. The MOTION was therefore CARRIED.

**RESOLVED that:**

This council committed to:

- 1). the idea of and investigating funding sources for a permanent memorial to Annie Kenney in the town centre being supported.
- 2). the idea of and investigating funding sources for a permanent memorial to those killed and injured at Peterloo at Cheapside (outside the civic centre tower) near where the Oldham contingent gathered before marching to Manchester, and that the proposed memorial ideally be in place to mark the 200<sup>th</sup> anniversary of the massacre being supported.
- 3). its thanks and appreciation to the organisers and events across the Borough which were held to mark International Women's Day being placed on record.

Motion 2

The Mayor informed the meeting that the time limit for this item had expired and Councillor Dearden, as Mover of the Motion, and Councillor Moores, as Secunder of the Motion, requested that Council permit the following Motion to be rolled over for discussion at the next Council meeting:

“This Council notes with alarm, the recent statement from the Department for Communities and Local Government (DCLG) confirming that new guidelines are to be introduced which will curb councils’ powers to divest from or stop trading with organisations or countries they regard as unethical. Council further notes that the new guidelines, which will amend Pensions and Procurement, follow on from the government’s announcement made at the beginning of October 2015 that it was planning to introduce new rules to stop “politically motivated boycott and divestment campaigns” (Greg Clarke, Secretary of State for the Department of Communities and Local Government).

Oldham Council is proud of its commitment to human rights and to putting this into practice through such measures as an ethical approach to its relationship with business. Council believes that the proposed measures now being outlined by the DCLG will seriously undermine the Council’s ability to implement its commitment to ethical procurement and pensions investments. Council also notes that the new guidelines represent a further, serious attack on local democracy and decision-making through a further restriction on councils’ powers. This is directly contrary to the government’s own stated commitment to the principle of localism, given a statutory basis by the Localism Act of 2011, which holds that local authorities are best able to do their job when they have genuine freedom to respond to what local people want, not what they are told to do by government.

This Council resolves to:

- 1). Instruct the Chief Executive to write to Greg Clarke, Secretary of State for Communities and Local Government to express Council's unequivocal opposition to the proposed changes.
- 2). Write to Debbie Abrahams MP, Angela Rayner MP and Jim McMahon MP to ask them to use any parliamentary means available to oppose these proposals."

**RESOLVED** that the Motion be rolled over to the next Council meeting.

### Motion 3

Councillor Roberts MOVED and Councillor Dearden SECONDED the following motion:

"This Council notes the significant increase in demand for school places in Oldham and welcomes the necessary actions already taken including:

1. Setting up a better forecasting method looking at all available data on births, housing and new arrivals to enable forward planning.
2. Implementing an expansion programme to provide extra capacity. That includes plans to boost primary school places with a new three-form entry school on the former Grange School site, plus the expansion of places in Failsworth, Hollinwood and Lees. A proposed new Saddleworth School will increase pupil numbers from 1,350 to 1,500 – and plans are also about to go out to statutory consultation to double the capacity at Greenfield primary with a new build two-form entry school.

Oldham Council will continue to work with the whole of the school sector including academies and free schools, however the range of providers makes planning school places much more challenging. Under the Government's rules, all new schools to help cope with this demand must be "free schools", created outside of local authority control.

There are now fewer and fewer schools under the direct control of councils. This council believes that local authorities are well placed to act to ensure school places can be created on time – and in the right places.

This Council supports the LGA's call for councils themselves to be able to open new schools, and to require academies to expand to meet local demand, where necessary. Council also resolves to instruct the Chief Executive to:

- 1). Write to the Secretary of State for Education to urge her to change the rules to allow Local Authorities to open new schools and to require academies to expand to meet local demand
- 2). Write to the three borough MPs to inform them of the council's position and request that they use whatever parliamentary means available to raise this matter with government

Without debate the Council moved to the vote on the MOTION.

On being put to the vote FIFTY ONE VOTES were cast in FAVOUR of the MOTION with FIVE ABSTENTIONS. The Motion was therefore CARRIED.

**RESOLVED that:**

1. The Council support the LGA's call for councils themselves to be able to open new schools, and to require academies to expand to meet local demand, where necessary.
2. The Chief Executive be instructed to write to the Secretary of State for Education to urge her to change the rules to allow Local Authorities to open new schools and to require academies to expand to meet local demand.
3. The Chief Executive be instructed to write to the three borough MPs to inform them of the council's position and request that they use whatever parliamentary means available to raise this matter with government.

14

**NOTICE OF OPPOSITION BUSINESS**

Motion 1

Councillor Harkness MOVED and Councillor Williamson SECONDED the following motion:

“Council notes that:

- Trees are a natural resource that are greatly treasured by the people of our borough
- Many residents would wish to do what they can to ensure that the trees around them – especially those in our public parks – are properly look after to preserve their beauty and majesty for future generations
- Other local authorities have established tree warden schemes
- In Oldham we already have members of Friends of Parks, Moors and green spaces groups who meet as a network hosted by Voluntary Action Oldham; these dedicated individuals represent a potential source of volunteers.

Council believes that establishing a tree warden scheme would:

- Represent an embodiment of the Co-operative Oldham principal in action;
- Compliment the delivery of the Get Oldham Growing Strategy, particularly in supporting the work of the newly-appointed Tree Planting project officer;
- Provide useful, interesting and accessible voluntary work activity to a wide range of people, including young people and individuals with learning disabilities, physical disabilities and mental health conditions;
- Be an educational resource for our schools when linked to the Forest Schools initiative;
- Supplement the resources of staff at a time of dwindling public finances

Council therefore resolves to ask the relevant Cabinet Member(s) to establish such a scheme for the borough of Oldham.

The Mayor advised the meeting that the time limit for this item had expired and without debate Council MOVED to the VOTE on this MOTION.

Without debate the Council moved to the vote on the MOTION.

On being put to the VOTE, the MOTION was CARRIED UNANIMOUSLY.

**RESOLVED that** Council the relevant Cabinet Member be asked to establish a tree warden scheme for the borough of Oldham.

The Mayor advised the meeting that the time limit for this item had expired.

### Motion 2

Councillor Sykes MOVED and Councillor Williamson SECONDED the following motion to the VOTE:

“Council notes that the Living Wage Foundation:

- Exists to recognise and celebrate the leadership shown by living wage employers in raising the living standards of workers.
- Establishes two Living Wage rates every year for employees outside and inside London.
- Has over 1,800 employers accredited with them, with over 1,000 having registered as payers of the National Living Wage in the past year.
- Permits accredited employers to proudly display the Living Wage Employer Mark.

Council further notes that:

- Oldham Council first resolved to become a National Living Wage employer as a result of a Motion brought to full Council in December 2013
- The National Living Wage was introduced as the minimum pay scale for all staff in April 2015.
- As a result five hundred and forty staff had a pay increase.
- In his annual statement to September Council the Leader of the Council rightly highlighted the fact that this was a commendable achievement.

However, despite this achievement, Oldham Council is not currently Living Wage accredited and therefore has not yet received the Living Wage Employer Mark.

Council therefore resolves to ask the Chief Executive to:

- Seek accreditation with the Living Wage Foundation and
- Ensure that the Living Wage Employer Mark is proudly displayed on appropriate pages within the Council’s website and in appropriate printed materials.”

A vote was then taken on the MOTION.

On being put to the VOTE, the MOTION was CARRIED UNANIMOUSLY.

**RESOLVED** that the Chief Executive:

1. Seek accreditation with the Living Wage Foundation and
2. Ensure that the Living Wage Employer Mark is proudly displayed on appropriate pages within the Council's website and in appropriate printed materials."

### Motion 3

Councillor Heffernan MOVED and Councillor Blyth SECONDED the following motion to the VOTE:

"Oldham Council currently requires companies bidding for council contracts to have ethical and social policies. Council believes that it should also require these bidders to account for their past tax record.

Council notes

- That the UK Government has taken steps to tackle the issue of tax avoidance and evasion by requiring bidders to account for their past tax record in accordance with Procurement Policy Note 03/14 (PPN 03/14). This applies to all central government contracts worth more than £5m.
- In early 2015 new regulations required public bodies, including councils, to ask procurement qualification questions of all companies for tenders over £173,000 for service contracts and £4m for works contracts. However, these questions are not as detailed as the PPN 03/14.

Council believes that it should require bidders for council contracts to account for their past tax record, using the standards in PPN 03/14, rather than the lower standards in the recent regulations.

Council therefore calls upon the relevant Cabinet Member to:

- Instruct officers to revise our procurement procedures to require all companies bidding for council service contracts worth more than £173,000 and works contracts worth more than £4 million to self-certify that they are fully tax-compliant in line with central government practice using the standards in PPN 03/14.
- Ensure that the Council publicises this policy and reports on its implementation on an annual basis.

### AMENDMENT

Councillor Jabbar MOVED and Councillor Wrigglesworth SECONDED the following amendment to the VOTE:

"Delete:

'rather than the lower standards in the recent regulations.

Council therefore calls upon the relevant Cabinet Member to:

- Instruct officers to revise our procurement procedures to require all companies bidding for council service contracts

worth more than £173,000 and works contracts worth more than £4 million to self-certify that they are fully tax-compliant in line with central government practice using the standards in PPN 03/14.'

Insert:

'Council therefore;

- Commends the action of the relevant Cabinet Member who has already introduced the standards in PPN 03/14 for all council contracts in excess of £5 million, despite this is only being a mandatory requirement for central government contracts and;'

Delete: 'revise'

Insert: 'to assess the implications of revising'

Delete:

- 'Ensure that the Council publicises this policy and reports on its implementation on an annual basis'

Insert:

- 'Requests a report back to council on the findings from the review.'

Motion 3 to then read:

"Oldham Council currently requires companies bidding for council contracts to have ethical and social policies. Council believes that it should also require these bidders to account for their past tax record.

Council notes

- That the UK Government has taken steps to tackle the issue of tax avoidance and evasion by requiring bidders to account for their past tax record in accordance with Procurement Policy Note 03/14 (PPN 03/14). This applies to all central government contracts worth more than £5m.
- In early 2015 new regulations required public bodies, including councils, to ask procurement qualification questions of all companies for tenders over £173,000 for service contracts and £4m for works contracts. However, these questions are not as detailed as the PPN 03/14.

Council believes that it should require bidders for council contracts to account for their past tax record, using the standards in PPN 03/14,

Council therefore;

- Commends the action of the relevant Cabinet Member who has already introduced the standards in PPN 03/14 for all council contracts in excess of £5 million, despite this is only being a mandatory requirement for central government contracts and:
- Instruct officers to assess the implications of revising revise our procurement procedures to require all companies bidding for council service contracts worth more than £173,000 and works contracts worth more than £4 million to self-certify that they are full tax-compliant in line with central government practice using the standards in PPN 03/14.
- Requests a report back to council on the findings from the review.

Councillor Heffernan accepted the AMENDMENT.

A vote was then taken on the SUBSTANTIVE MOTION.

On being put to the VOTE, the SUBSTANTIVE MOTION was CARRIED UNANIMOUSLY.

**RESOLVED that:**

- The action of the relevant Cabinet Member who has already introduced the standards in PPN 03/14 for all council contracts in excess of £5 million, despite this is only being a mandatory requirement for central government contracts be commended.
- Officers be instructed to assess the implications of revising revise our procurement procedures to require all companies bidding for council service contracts worth more than £173,000 and works contracts worth more than £4 million to self-certify that they are full tax-compliant in line with central government practice using the standards in PPN 03/14.
- A report be brought back to council on the findings from the review.

15a To note the Minutes of the following Joint Authority meetings and the relevant spokespersons to respond to questions from Members

To note the minutes of the following Joint Authority meetings and the relevant spokespersons to respond to questions from Members.

The minutes of the Joint Authorities were submitted as follows:

Greater Manchester Fire and Rescue Authority	3 <sup>rd</sup> December 2015
Police and Crime Panel	30 <sup>th</sup> October 2015
Greater Manchester Combined Authority	27 <sup>th</sup> November 2015 18 <sup>th</sup> December 2015 29 <sup>th</sup> January 2016
Joint GMCA / AGMA Executive	27 <sup>th</sup> November 2015 18 <sup>th</sup> December 2015 29 <sup>th</sup> January 2016
National Park Authority	4 <sup>th</sup> December 2015
Transport for Greater Manchester	13 <sup>th</sup> November 2015
Greater Manchester Waste Disposal Authority	18 <sup>th</sup> September 2015

A question related to the National Park Authority would be provided to the Council representative for a response.

**RESOLVED** that the minutes as detailed in the report be noted.



15b To note the Minutes of the following Partnership meetings and the relevant spokespersons to respond to questions from Members

To note the minutes of the following Partnership meetings and the relevant spokespersons to respond to questions from Members.

Minutes of the Partnerships were submitted as follows:

Oldham Leadership Board	10 <sup>th</sup> December 2015
Health and Wellbeing Board	10 <sup>th</sup> November 2015
	19 <sup>th</sup> January 2016
Oldham Care and Support	7 <sup>th</sup> December 2015
	18 <sup>th</sup> January 2016
Unity Partnership Board	5 <sup>th</sup> November 2015

There were no questions or observations.

**RESOLVED** that the minutes of the Partnerships as detailed in the report be noted.

16

**APPROVAL OF OLDHAM COUNCIL'S PAY POLICY STATEMENT FOR 2016/17**

Consideration was given to a report which presented the Pay Policy Statement for full Council's consideration and approval in line with Chapter 8 of the Localism Act 2011 and the Local Authorities (Data Transparency) Code 2014. There was a requirement for the production of an annual policy statement that covered a number of matters concerning the pay of the Council's employees including Chief Officers. To comply with legislation, the Pay Policy Statement set out the Council's policy related to:

- Chief Officer remuneration (at recruitment, salary, bonus / performance related pay, charges / fees / allowances, benefits in kind and enhancement at pension at termination);
- Remuneration of its lowest paid employees, the definition for this group and the reason for adopting this definition; and
- The relationship between chief officer remuneration and that of other employees – referred to as the 'pay multiple'.

**RESOLVED** that the proposed Pay Policy Statement for the financial year 2016/17 be adopted.



17

## **REVISIONS TO THE CODE OF CONDUCT FOR EMPLOYEES**

Consideration was given to a report which provided an update of the constitutionally agreed Code of Conduct for all non-teaching staff who do not fall within the purview of a governing body.

The revisions to the Code of Conduct for Employees had been made in light of:

- A review of the Council's procedures related to safeguarding to further protect vulnerable groups and included in this the Council's obligations to the Modern Slavery Act.
- A review of the Council's Whistleblowing Policy which had been undertaken to increase policy accessibility and simplify interpretation of the process in accordance with the Council's obligations under the Public Interest Disclosure Act 1998.
- The opportunity to improve the alignment to the corporate values and behaviours of the Council.

**RESOLVED** that the revisions to the Code of Conduct for Employees as outlined in the report be endorsed.

18

## **AMENDMENT TO THE CONSTITUTION - PETITIONS PROTOCOL**

Consideration was given to a report of the Director of Legal Services which detailed a constitutional amendment related to the Petitions Protocol.

**RESOLVED** that the recommendation as set out in paragraph 2 of the report be approved and the current Constitution be amended.

19

## **ADOPTION OF STATEMENT OF COMMUNITY INVOLVEMENT - UPDATE**

Consideration was given to a report for the adoption of the Statement of Community Involvement (SCI) as Council policy. The SCI set out how the Council would involve the community in the preparation and the revision of the Local Plan documentation and the consideration of planning applications. The Planning and Compulsory Purchase Act 2004 required local planning authorities prepare an SCI. The SCI also formed part of the Local Plan.

Oldham Council first adopted its SCI in April 2007. It was then reviewed in 2010 which took account of changes to the national planning guidance published in the Planning Policy Statement 12 in 2008. Since then there had been further changes to national planning guidance and it was appropriate that the SCI be reviewed to reflect those changes. In addition, the ten Greater Manchester authorities had agreed to produce a joint Greater Manchester Spatial Framework Plan Document (GMSF). The SCI sets out how the community and other stakeholders would be involved in the preparation of the GMSF

and provided an update to the SCI approved by Council on 16<sup>th</sup> December 2015.

**RESOLVED** that the Statement of Community Involvement be adopted and published as Council Policy.

20

**REVISION OF BYELAWS MADE UNDER SECTION 19 OF THE PUBLIC LIBRARIES & MUSEUMS**

Consideration was given to a report of the Executive Director, Cooperatives and Neighbourhoods regarding the Byelaws made under Section 19 of the Public Libraries and Museums Act 1964 related to the public use of facilities. The Byelaws were intended to help libraries deliver services in a safe and comfortable environment, safeguard property and make libraries pleasant places for everyone. A new model byelaw had been developed by the Society of Chief Librarians and approved by the Secretary of State.

The current byelaws had not been updated since 1985. The proposed revisions were in with the revised model and outlined in the report. An amendment was proposed to include: 17. 'A person shall not spit in the library, Museum or Art Gallery'. All further numbering was to be amended in line with the amendment.

**RESOLVED that:**

1. the byelaws made under Section 19 of the Public Libraries & Museums Act, 1964 be amended and updated as detailed in the report.
2. the byelaws detailed at Appendix B of the report be amended to include: 17. 'A person shall not spit in the library, Museum or Art Gallery' and all further numbering to be amended in line with the amendment.

21

**WELFARE REFORM - THEMATIC ANALYSIS: YOUNG PEOPLE**

Consideration was given to a report on the Government's Welfare Reforms which continued to have a significant impact on the borough both in terms of place (e.g. economy) and its people (e.g. financial resilience). The report was part of a series which was looking at the impact of welfare reform on the borough and was part of the Council's commitment to publishing data related to equality and demonstrated how it was informing the type of services the Council provided.

This report focussed on those aged 18 – 24 years old. The report identified seven reforms which were adversely impacting on the group disproportionately or had the potential to do so. The report also identified potential impacts on the age group and identified a number of services that were currently available to help mitigate some of the impacts and looked at current access levels of these services in terms of those aged 18 -24.

**RESOLVED** that the Welfare Reform Thematic Analysis related to young people be noted.

22

**UPDATE ON ACTIONS FROM COUNCIL**

Consideration was given to the report of the Director of Legal Services which informed members of actions that had been taken following previous Council meetings and provided feedback on other issues raised at the meeting.

**RESOLVED** that the report be noted.

The meeting started at 6.00 pm and ended at 9.36 pm





## Report to COUNCIL

# Results of the Local Elections held on 5<sup>th</sup> May 2016

## Report of the Returning Officer

**Officer Contact:** Paul Entwistle, Director of Legal Services

**Report Author:** Liz Drogan  
Ext. 4705

**18<sup>th</sup> May 2016**

### Reason for Decision

- Local Elections took place on the 5<sup>th</sup> May 2015 and the following were elected to serve as members of the Council as shown:

Ward	Turnout	Councillor
Alexandra	39.56%	Zahid Chauhan
Chadderton Central	33.58%	Susan Dearden
Chadderton North	36.50%	Fazlul Haque
Chadderton South	31.38%	Chris Goodwin
Coldhurst	44.33%	Abdul Jabbar
Crompton	36.59%	Diane Williamson
Failsworth East	28.13%	Cherryl Brock
Failsworth West	33.73%	Sean Fielding
Hollinwood	27.68%	Brian Ames
Medlock Vale	34.45%	Ateeque Ur-Rehman
Royton North	32.96%	James Larkin
Royton South	29.18%	Amanda Chadderton
Saddleworth North	39.05%	Garth Harkness
Saddleworth South	40.00%	John Hudson
Saddleworth West and Lees	35.10%	Stephen Hewitt
Shaw	33.14%	Howard Sykes

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St James	26.83%	Cath Ball
St Mary's	52.72%	Hussain Aftab
Waterhead	34.08%	Vita Price
Werneth	49.69%	Fida Hussain

## Recommendations

2. Council is asked to note the results of the Local Elections.



**Report to COUNCIL**

## **Leader of the Council – To note the Appointment Agreed by Council January 2016**

**Officer Contact:** Paul Entwistle, Director of Legal Services

**Report Author:** Liz Drogan, Head of Constitutional Services  
**Ext. 4705**

**18<sup>th</sup> May 2016**

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### **Reason for Decision**

The appointment of the Leader of the Council is a Council function in accordance with provisions of the Local Government Act 2000 as amended.

### **Recommendations**

1. That Council note the appointment of Councillor Jean Stretton as the Leader of the Council from the 27<sup>th</sup> January 2016 and ending on the day when the Council holds its first annual meeting of the Leader's normal day of retirement as Councillor as outlined at paragraph 1.2 of the report.

## **Leader of the Council – To note the Appointment Made in January 2016**

### **1 Background**

- 1.1 The Council on the 16<sup>th</sup> December 2009 agreed to adopt the Leader and Cabinet model of governance.
- 1.2 The Leader's term of office will end on the day when the Council holds the first annual meeting after the Leader's normal day of retirement as a Councillor unless:
- a) he or she resigns from the office or
  - b) he or she is no longer a Councillor or
  - c) he or she is removed from office by the resolution of the Council.
  - d) the appointment of a successor at a subsequent Annual Meeting of the Council
- 1.3 Under the arrangements, it shall be the responsibility of the Leader to determine the size and membership of the Cabinet (provided the membership comprises between two and nine Members, not including the Leader). The Leader shall also determine the remit of each portfolio. The Council does not have any decision-making role in this regard. The Leader will circulate a report for Council to note.
- 1.4 Under the arrangements, all Executive functions are vested in the Leader and it is his/her responsibility to determine how such functions shall be delegated. This responsibility can be a simple re-affirmation of the existing delegation of executive functions to the Cabinet, and Officers. The Council does not have any decision-making role in this regard. The Leader will circulate a report for Council to note.

### **2 Current Position**

- 2.1 The Council appointed Councillor Jean Stretton as Leader of the Council from the 27<sup>th</sup> January 2016 and ending on the day when the Council holds its first annual meeting of the Leader's normal day of retirement as a Councillor

### **3 Options/Alternatives**

- 3.1 N/A

### **4 Appendices**

N/A

### **4 Background Papers**

- 4.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :

Local Government and Public Involvement in Health Act 2007 (published works available of the OPSI website)



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Localism Act 2011 (published works available of the OPSI website)  
Local Government Act 2000 (published works available of the OPSI website)

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**Report to COUNCIL**

## **Council Calendar 2016/17**

**Portfolio Holder:** Councillor Stretton, Leader of the Council,  
Cabinet Member for Economy and Enterprise

**Officer Contact:** Paul Entwistle, Director of Legal Services

**Report Author:** Liz Drogan  
**Ext.** 4705

**18<sup>th</sup> May 2016**

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### **Reason for Decision**

This report sets out the calendar of meetings for the 2016/17 municipal year.

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### **Recommendations**

It is recommended that:

1. The Council's calendar of meetings for 2016/17 be approved, as set out at Appendix 1.
2. Approval of any outstanding dates or changes to dates to be delegated to the Chief Executive in consultation with Group Leaders.

**Council Calendar 2016/17**

**1 Background**

- 1.1 This report sets out the Calendar for the 2016-17 Municipal Year. An earlier version of the Council was agreed at Council on 4<sup>th</sup> November 2015, however, there have been amendments to that version.

**2 Options/Alternatives**

- 2.1 The Council is entitled to amend any of the dates in the calendar, but should note it is required to approve a version of the calendar at its annual meeting. Approval of any outstanding dates or changes to dates are to be delegated to the Chief Executive in consultation with Group Leaders.

**3 Preferred Option**

- 3.1 To approve the calendar as set out in Appendix 1.

**4 Consultation**

- 4.1 Consultation has taken place with relevant officers and councillors.

**5 Financial Implications**

- 5.1 n/a

**6 Legal Services Comments**

- 6.1 There are no legal comments (Paul Entwistle).

**7 Human Resources Comments**

- 7.1 There are no human resources issues.

**8 Risk Assessments**

- 8.1 A risk assessment is not required.

**9 IT Implications**

- 9.1 There are no IT implications.

**10 Property Implications**

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10.1 There are no property implications.

11 **Procurement Implications**

11.1 There are no procurement implications.

12 **Environmental and Health & Safety Implications**

12.1 There are no environmental or health and safety implications.

13 **Equality, community cohesion and crime implications**

13.1 There are no community cohesion implications.

14 **Equality Impact Assessment Completed?**

14.1 No

17 **Key Decision**

17.1 No

18 **Key Decision Reference**

18.1 n/a

19 **Background Papers**

19.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

Council's calendar of meetings 2016/17  
Liz Drohan tel:0161 770 4705  
Level 4 Civic Centre  
Oldham  
OL1 1 IL

20 **Appendices**

20.1 Appendix 1 – Council Calendar 2016/17

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# **CALENDAR OF MEETINGS**

**1 MAY 2016 - 1 JUNE 2017**

**MAY, 2016**

<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<b>2</b> Bank Holiday	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>9</b> 12.00 pm Appeals Committee (Home to School Transport)	<b>10</b>	<b>11</b>	<b>12</b> 5.30 pm Members Induction	<b>13</b>
<b>16</b> 3.30 pm Leadership 4.00 pm Audit Committee 5.30 pm Liberal Democrat Group 6.00 pm Labour Group	<b>17</b>	<b>18</b> 12.00 pm (Annual), Council	<b>19</b>	<b>20</b>
<b>23</b>	<b>24</b>	<b>25</b> 6.00 pm Planning Committee	<b>26</b> 2.00 pm Member Training 6.00 pm Member Training	<b>27</b> 10.30 am AGMA/GMCA
<b>30</b> School Holiday - Summer Half- Term Start Bank Holiday	<b>31</b>			



# JUNE, 2016

Monday	Tuesday	Wednesday	Thursday	Friday
		<b>1</b>	<b>2</b>	<b>3</b> School Holiday - Summer Half-Term End
<b>6</b> 6.00 pm Cabinet 6.00 pm Royton District Executive	<b>7</b> (Ramadan Begins) 9.30 am Licensing Committee	<b>8</b> 6.00 pm Oldham District Executive 6.45 pm Chadderton District Executive	<b>9</b> 9.30 am PROVISIONAL - Appeals Committee 7.00 pm Failsworth & Hollinwood District Executive	<b>10</b>
<b>13</b> 3.30 pm Leadership 6.00 pm Overview and Scrutiny Board	<b>14</b> 9.30 am Licensing Driver Panel 6.00 pm Shaw & Crompton Community Forum 7.00 pm Shaw and Crompton District Executive	<b>15</b> 6.00 pm Planning Committee	<b>16</b> 6.00 pm Devolution Briefing 7.00 pm Saddleworth & Lees District Executive	<b>17</b>
<b>20</b> 5.00 pm Traffic Regulation Order Panel	<b>21</b> 9.30 am Licensing Panel 2.00 pm Health and Well Being Board 4.00 pm Standards Committee	<b>22</b>	<b>23</b> European Union Referendum	<b>24</b>
<b>27</b> 3.30 pm Leadership 6.00 pm Cabinet	<b>28</b> 2.00 pm Local NJC Committee 5.30 pm Member Training 5.30 pm Unity Partnership Board	<b>29</b>	<b>30</b> 10.30 am AGMA/GMCA 6.00 pm Overview and Scrutiny Performance and Value for Money Select Committee	

# JULY, 2016

Monday	Tuesday	Wednesday	Thursday	Friday
				1
4	5 LGA Conference 9.30 am Licensing Driver Panel 6.00 pm Health Scrutiny	6 LGA Conference	7 (Eid Al Fitr) LGA Conference 9.30 am PROVISIONAL - Appeals Committee	8
11 3.30 pm Leadership 5.30 pm Liberal Democrat Group 6.00 pm Labour Group	12 6.00 pm Overview and Scrutiny Board	13 6.00 pm Council	14 2.00 pm Member Training 6.00 pm Audit Committee	15 School Holiday - Summer Break Start
18 6.00 pm Royton District Executive	19 9.30 am Licensing Panel 2.00 pm Development Session, Health and Well Being Board 6.00 pm Member Training	20 6.00 pm Planning Committee	21 2.00 pm Member Training 7.00 pm Failsworth & Hollinwood District Executive 7.00 pm Saddleworth & Lees District Executive	22
25 3.30 pm Leadership 6.00 pm Cabinet	26 6.00 pm Shaw & Crompton Community Forum 7.00 pm Shaw and Crompton District Executive	27 6.00 pm Oldham District Executive 6.45 pm Chadderton District Executive	28 5.00 pm Traffic Regulation Order Panel	29 10.30 am AGMA/GMCA

<b>AUGUST, 2016</b>				
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<b>1</b> Recess Begins	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b> Recess Ends
<b>22</b> 3.30 pm Leadership 6.00 pm Cabinet	<b>23</b>	<b>24</b> 6.00 pm Planning Committee	<b>25</b> 6.00 pm Overview and Scrutiny Performance and Value for Money Select Committee	<b>26</b> 10.30 am AGMA/GMCA
<b>29</b> Bank Holiday	<b>30</b>	<b>31</b>		

# SEPTEMBER, 2016

Monday	Tuesday	Wednesday	Thursday	Friday
			<b>1</b> 9.30 am PROVISIONAL - Appeals Committee	<b>2</b> School Holiday - Summer Break End
<b>5</b> 3.30 pm Leadership 5.30 pm Liberal Democrat Group 6.00 pm Labour Group	<b>6</b> 9.30 am Licensing Driver Panel 4.00 pm Standards Committee 6.00 pm Overview and Scrutiny Board	<b>7</b> 6.00 pm Council	<b>8</b> 6.00 pm Audit Committee	<b>9</b>
<b>12</b> 5.00 pm Traffic Regulation Order Panel 5.30 pm Unity Partnership Board	<b>13</b> Eid Al Adha	<b>14</b>	<b>15</b> 6.00 pm Member Training	<b>16</b>
<b>19</b> Liberal Democrat Party Conference 3.30 pm Leadership 6.00 pm Cabinet	<b>20</b> Liberal Democrat Party Conference 9.30 am Licensing Panel 2.00 pm Health and Well Being Board 6.00 pm Health Scrutiny	<b>21</b> Liberal Democrat Party Conference 6.00 pm Planning Committee	<b>22</b> Party Conference Season 6.00 pm Administration Budget - Tranche 1, Overview and Scrutiny Performance and Value for Money Select Committee	<b>23</b> Party Conference Season
<b>26</b> Labour Party Conference	<b>27</b> Labour Party Conference	<b>28</b> Labour Party Conference	<b>29</b> Party Conference Season	<b>30</b> Party Conference Season 10.30 am AGMA/GMCA

# OCTOBER, 2016

Monday	Tuesday	Wednesday	Thursday	Friday
<b>3</b> Conservative Party Conference 3.30 pm Leadership	<b>4</b> Conservative Party Conference 9.30 am Licensing Driver Panel 6.00 pm Opposition Budget - Tranche 1, Overview and Scrutiny Performance and Value for Money Select Committee	<b>5</b> Conservative Party Conference 6.00 pm Member Training	<b>6</b> Party Conference Season	<b>7</b> Party Conference Season
<b>10</b> 6.00 pm Royton District Executive	<b>11</b> 9.30 am Licensing Panel 6.00 pm Overview and Scrutiny Board	<b>12</b> 6.00 pm Oldham District Executive 6.45 pm Chadderton District Executive	<b>13</b> 2.00 pm Member Training 7.00 pm Failsworth & Hollinwood District Executive 7.00 pm Saddleworth & Lees District Executive	<b>14</b>
<b>17</b> 3.30 pm Leadership 6.00 pm Cabinet	<b>18</b> 2.00 pm Local NJC Committee 6.00 pm Shaw & Crompton Community Forum 7.00 pm Shaw and Crompton District Executive	<b>19</b> 6.00 pm Planning Committee	<b>20</b> 6.00 pm Overview and Scrutiny Performance and Value for Money Select Committee	<b>21</b>
<b>24</b> School Holiday Start	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b> School Holiday End 10.30 am AGMA/GMCA
<b>31</b>				

# NOVEMBER, 2016

Monday	Tuesday	Wednesday	Thursday	Friday
	<b>1</b> 9.30 am Licensing Driver Panel 2.00 pm Health and Well Being Board	<b>2</b>	<b>3</b>	<b>4</b>
<b>7</b> 3.30 pm Leadership 5.30 pm Liberal Democrat Group 6.00 pm Labour Group	<b>8</b> 9.30 am Licensing Panel 6.00 pm Health Scrutiny	<b>9</b> 6.00 pm Council	<b>10</b> 6.00 pm Administration Budget - Tranche 2, Overview and Scrutiny Performance and Value for Money Select Committee	<b>11</b>
<b>14</b> 5.00 pm Traffic Regulation Order Panel	<b>15</b> 9.30 am Licensing Committee	<b>16</b> 6.00 pm Planning Committee	<b>17</b>	<b>18</b>
<b>21</b> 3.30 pm Leadership 6.00 pm Cabinet	<b>22</b> 6.00 pm Opposition Budget - Tranche 2, Overview and Scrutiny Performance and Value for Money Select Committee	<b>23</b>	<b>24</b> 5.30 pm Unity Partnership Board	<b>25</b> 10.30 am AGMA/GMCA
<b>28</b> 6.00 pm Royton District Executive	<b>29</b> 4.00 pm Standards Committee 6.00 pm Overview and Scrutiny Board	<b>30</b> 6.45 pm Chadderton District Executive		

## DECEMBER, 2016

Monday	Tuesday	Wednesday	Thursday	Friday
			<b>1</b> 7.00 pm Failsworth & Hollinwood District Executive 7.00 pm Saddleworth & Lees District Executive	<b>2</b>
<b>5</b> 3.30 pm Leadership 6.00 pm (Budget), Cabinet	<b>6</b> 9.30 am Licensing Driver Panel 6.00 pm Shaw & Crompton Community Forum 7.00 pm Shaw and Crompton District Executive	<b>7</b> 6.00 pm Oldham District Executive	<b>8</b> 6.00 pm Overview and Scrutiny Performance and Value for Money Select Committee	<b>9</b>
<b>12</b> 5.30 pm Liberal Democrat Group 6.00 pm Labour Group	<b>13</b> 9.30 am Licensing Panel 2.00 pm Development Session, Health and Well Being Board	<b>14</b> 6.00 pm Council	<b>15</b> 6.00 pm Audit Committee	<b>16</b>
<b>19</b> School Holiday Start 3.30 pm Leadership 6.00 pm Cabinet	<b>20</b>	<b>21</b> 6.00 pm Planning Committee	<b>22</b>	<b>23</b> 10.30 am AGMA/GMCA
<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>

# JANUARY, 2017

Monday	Tuesday	Wednesday	Thursday	Friday
<b>2</b> Bank Holiday	<b>3</b> School Holiday End	<b>4</b>	<b>5</b>	<b>6</b>
<b>9</b> 3.30 pm Leadership	<b>10</b> 9.30 am Licensing Driver Panel 6.00 pm Health Scrutiny	<b>11</b>	<b>12</b>	<b>13</b>
<b>16</b> 6.00 pm Royton District Executive	<b>17</b> 9.30 am Licensing Panel 4.00 pm Standards Committee 6.00 pm Overview and Scrutiny Board	<b>18</b> 6.00 pm Planning Committee	<b>19</b> 7.00 pm Failsworth & Hollinwood District Executive 7.00 pm Saddleworth & Lees District Executive	<b>20</b>
<b>23</b> 3.30 pm Leadership 6.00 pm Cabinet	<b>24</b> 2.00 pm Local NJC Committee 6.00 pm Shaw & Crompton Community Forum 7.00 pm Shaw and Crompton District Executive	<b>25</b> 6.00 pm Oldham District Executive 6.45 pm Chadderton District Executive	<b>26</b> 6.00 pm Administration Budget - Tranche 3, Overview and Scrutiny Performance and Value for Money Select Committee	<b>27</b> 10.30 am AGMA/GMCA
<b>30</b> 5.00 pm Traffic Regulation Order Panel	<b>31</b> 2.00 pm Health and Well Being Board			



## FEBRUARY, 2017

Monday	Tuesday	Wednesday	Thursday	Friday
		1	2 6.00 pm Overview and Scrutiny Performance and Value for Money Select Committee	3
6 3.30 pm Leadership	7 9.30 am Licensing Driver Panel 6.00 pm Opposition Budget - Tranche 3, Overview and Scrutiny Performance and Value for Money Select Committee	8 6.00 pm Planning Committee	9	10
13 School Holiday Start 6.00 pm (Budget), Cabinet	14	15	16	17 School Holiday End
20 3.30 pm Leadership 5.30 pm Liberal Democrat Group 6.00 pm Cabinet 6.30 pm Labour Group	21 9.30 am Licensing Panel 6.00 pm Health Scrutiny	22	23	24 10.30 am AGMA/GMCA
27 5.30 pm Unity Partnership Board	28			

# MARCH, 2017

Monday	Tuesday	Wednesday	Thursday	Friday
		<b>1</b> 6.00 pm (Budget), Council	<b>2</b> 6.00 pm Audit Committee	<b>3</b>
<b>6</b> 3.30 pm Leadership 5.00 pm Traffic Regulation Order Panel	<b>7</b> 9.30 am Licensing Committee 4.00 pm Standards Committee 6.00 pm Shaw & Crompton Community Forum 7.00 pm Shaw and Crompton District Executive	<b>8</b> 6.00 pm Planning Committee	<b>9</b> 6.00 pm Overview and Scrutiny Performance and Value for Money Select Committee	<b>10</b>
<b>13</b> 6.00 pm Royton District Executive	<b>14</b> 9.30 am Licensing Driver Panel 2.00 pm Health and Well Being Board 6.00 pm Overview and Scrutiny Board	<b>15</b> 6.00 pm Oldham District Executive 6.45 pm Chadderton District Executive	<b>16</b> 7.00 pm Failsworth & Hollinwood District Executive 7.00 pm Saddleworth & Lees District Executive	<b>17</b>
<b>20</b> 3.30 pm Leadership 5.30 pm Liberal Democrat Group 6.00 pm Cabinet 6.30 pm Labour Group	<b>21</b> 9.30 am Licensing Panel	<b>22</b> 6.00 pm Council	<b>23</b>	<b>24</b>
<b>27</b>	<b>28</b> 2.00 pm Local NJC Committee 6.00 pm Health Scrutiny	<b>29</b>	<b>30</b>	<b>31</b> 10.30 am AGMA/GMCA

<b>APRIL, 2017</b>				
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<b>3</b> School Holiday Start 3.30 pm Leadership	<b>4</b> 9.30 am Licensing Driver Panel	<b>5</b>	<b>6</b>	<b>7</b>
<b>10</b>	<b>11</b> 9.30 am Licensing Panel	<b>12</b>	<b>13</b>	<b>14</b> Bank Holiday
<b>17</b> School Holiday End Bank Holiday	<b>18</b>	<b>19</b> 6.00 pm Planning Committee	<b>20</b>	<b>21</b>
<b>24</b> 6.00 pm Cabinet	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b> 10.30 am AGMA/GMCA

<b>MAY, 2017</b>				
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<b>1</b> Bank Holiday	<b>2</b>	<b>3</b>	<b>4</b> GM Mayoral Election (Subject to Statutory Confirmation)	<b>5</b>
<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
<b>15</b>	<b>16</b>	<b>17</b> 6.00 pm (Annual), Council	<b>18</b>	<b>19</b>
<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>
<b>29</b> Bank Holiday	<b>30</b>	<b>31</b>		



## Report to Council

# CONSTITUTIONAL AMENDMENTS

## Report of the Director of Legal Services

**Officer Contact:** Paul Entwistle, Director of Legal Services

Report Author: Liz Drogan, Head of Constitutional Services

**18 May 2016**

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### Reason for Decision

The Council is required to consider its constitution annually to determine whether any amendments are required.

To agree suggested Constitutional amendments as agreed by the Constitutional Working Group and Group Leaders.

### Recommendations

Council are asked to consider the recommendations made in paragraph 2 of the report and require current Constitution to be amended consequently if those recommendations are approved and also to confirm the unamended parts of the Constitution.

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## Council

### Constitutional Amendments

#### 1. Background

- 1.1 The Council has an obligation to review annually the Constitution to ensure it is fit for purpose and reflects changing practices or elected member requirements in the Council Procedure Rules.
- 1.2.1 In addition to issues raised by members and officers since the last review, the Constitutional Working Group has considered matters which they have submitted to Council for approval. The issues have also been considered by Group Leaders.

#### 2. Proposed Amendments

##### 2.1 The Council Budget Meeting – Rule 2.3.

The Council Budget meeting is a sole item agenda. The current position is that the Mayor does not announce communications at this meeting. It is recommended that for future Budget meetings a communications item is included in the order of business.

##### 2.2. Ordinary Meetings – Timings and Business – Rule 2.1

The current position is that during Ordinary Council meetings members are asked to consider significant tranches of the Council's Budget proposals. It is recommended that the guillotine is automatically extended by 30 minutes at those meetings when significant tranches of Budget proposals or major communications as agreed by the Group Leaders.

##### 2.3. Notice of Public Questions – Rule 6.1

The current Constitutional position is that questions are delivered no later than 5 p.m. on the day of the Council meeting and there is no requirement for a name or address to be submitted by the questioner. It is suggested that in order to submit a public question to Full Council, the questioner will be required to provide the Council with the name and address.

##### 2.4. Extraordinary Meetings – Rule 3

When an extraordinary meeting is called, the requisition presented must specify the reason for the calling of the meeting.

##### 2.5. Notices of Motion – Rule 8.2

In order to ensure Members may debate matters of which the Council has influence, it is proposed that the reference to "direct influence" is removed and replaced by "influence."

##### 2.6. Ordinary Meetings – Rule 2.1

It is proposed to rotate the order of business at ordinary Council meetings with reference to Joint Arrangements and Partnership Arrangements to that, for example, at one council meetings Joint Arrangements are dealt with at 2.1 (q) followed by Partnership Arrangements at 2.1 (r) but at the next Council meeting Partnership Arrangements are dealt with at 2.1 (q) with Joint Arrangements deal with at 2.1(r).

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2.7. Ordinary Meetings

It is proposed to introduce a constitutional rule to state that at the Final Council meeting of the municipal year the Mayor will indicate in the communications section which members have notified him that they are returning as members to give other members an opportunity to address the meeting on the retirement.

3 Members are requested to consider the proposed amendments to the Constitution.

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act.

- File ref: Constitutional File
- Records held in Legal Department, Room 327.
- Contact name: Paul Entwistle – Director of Legal Services
- Contact no: 0161 770 4822

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## Report to Council

# MEMBERS' ALLOWANCES SCHEME

## Report of the Director of Legal Services

**Officer Contact:** Paul Entwistle, Director of Legal Services

**18 May 2016**

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### 1. Background

- 1.1 Each year the Council is required to approve the Members' Allowances Scheme. An Independent Remuneration Panel is established to make recommendations on the level of Member allowances.
- 1.2 The Panel considered information from a number of councilors who undertake special responsibilities and also on the duties, responsibilities and workload undertaken by them in their Councillor role.
- 1.3 The Panel considered the information provided and also considered the Members' Allowances schemes within Greater Manchester and a neighbouring authority in West Yorkshire.
- 1.4 The Panel made the recommendation that the Members' allowances for 2016/17 should remain the same as in 2015/16.

### 2. Recommendation

- 2.1 Council are asked to consider the recommendations of the Independent Remuneration Panel.
- 2.2 Council are asked to agree a Members' Allowances Scheme for 2016/17. Appendix 1 to this report details the scheme.

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The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act.

- File ref: Constitutional File
- Records held in Legal Department, Room 327.
- Contact name: Paul Entwistle – Director of Legal Services
- Contact no: 0161 770 4822

**Appendix 1**

Position	Index	Explanatory Note	Amount
All Members of the Council		BASIC ALLOWANCE	£9,239
<b>All Positions set out below</b>		<b>SPECIAL RESPONSIBILITY ALLOWANCE (SRA)</b>	
Leader	100%	Fixed point for the SRAs where indicated, to be set at 3 times the basic members allowance.	£27,717
		Combined Authority Element	£5,543
Deputy Leader	70%		£19,402
Main Opposition Leader	50%		£13,859
Deputy Main Opposition Leader	20%		£5,543
Executive Members	60%		£16,630
Chairs of: Licensing Planning Overview & Scrutiny Board Performance and Value for Money Board Health and Well-being Board Oldham care and Support Company Unity	30%		£8,315
Deputy Executive Member	25%		£6,929
Assistant to Cabinet Member	8%		£2,217
District Executive Chairs:			
Oldham District			£6,652
Chadderton			£5,821
Saddleworth			£5,821
Failsworth & Hollinwood			£5,821
Royton			£4,989
Shaw & Crompton			£4,989
Vice-Chair of Oldham District			£2,494
Shadow Executive Members	10%		£2,771
Shadow Deputy Executive Member	5%		£1,386
Minority Opposition Leader (provided the group has 6 members)	15%		£4,158
Waste Disposal Authority Allowance			£2,168
Additional SRA: The Leader to notify the Chief Executive and the recipients of this allowance and the responsibilities undertaken. (Currently Labour 5, Lib Dem 2)	5%		£1,386
Transport for Greater Manchester			£3,949
Co-opted/Independent Members of Audit and Standards Committee	n/a		£377
Chair of Audit Committee	n/a		£2,044
Chair of Standards Committee	n/a		£646

**Appendix 1**

Refreshment Allowance		Subsistence when absent from normal place of residence	
		Breakfast	£7
		Lunch	£8
		Evening Meal	£14
Mileage			45p per mile for first 10,000 miles, outside the borough, per annum and a rate of 25p per mile over 10,000 miles
Mayoral Allowance	n/a		£14,497
Deputy Mayoral Allowance	n/a		£2,848

Council should note that while there is a normal rule of only one Special Responsibility Allowances per member given by the Council, there is an exception enabling a member to receive a SRA as a member of Transport for Greater Manchester, as Unity Chair and at the same time another SRA from the Council.



## Report to COUNCIL

# Land and Property Protocol Review

### **Portfolio Holder:**

Councillor Jean Stretton, Cabinet Member for Economy and Enterprise

**Officer Contact:** Executive Director of Economy Skills and Neighbourhoods

**Report Author:** Cath Conroy, Head of Asset Management and Estates

Ext. 4424

18<sup>th</sup> May 2016

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### **Reason for Decision**

To consider a recent review of the Land and Property Protocol to streamline and drive efficiencies in the process.

### **Executive Summary**

The Land and Property Protocol form part of the Council's Constitution, providing a strategic governance framework within which land and property transactions are undertaken and the corporate portfolio is managed in a consistent, transparent and appropriate manner.

The Protocol have been regularly reviewed and amended, most recently reflecting an aspiration for greater direct Political accountability in decision making.

In order to create a more efficient decision making process, the Protocol have been further reviewed, reflecting and supporting the Council's Co-operative ethos.

### **Recommendations**

It is recommended that the revised Land and Property Protocol attached at Appendix 1 is approved.

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## **Land and Property Protocol Review**

### **1 Background**

- 1.1 The Land and Property Protocols form part of the Council's Constitution, providing a strategic governance framework within which land and property transactions are undertaken and the corporate portfolio is managed in a consistent, transparent and appropriate manner.
- 1.2 The Protocols have been regularly reviewed and amended, most recently reflecting an aspiration for greater direct Political accountability in decision making.
- 1.3 In order to create a more efficient decision making process, the Protocols have been further reviewed, reflecting and supporting the Council's Co-operative ethos.

### **2 Current Position**

- 2.1 The document has been streamlined throughout, reducing duplication and superfluous wording.
- 2.2 The key substantive proposed changes are as follows;

#### Paragraph 3.2

Rather than an overriding presumption against freehold sales and public auction, we have introduced the explicit requirement for each case to be considered on its individual merits with regard to method and terms of sale, including tenure to be offered. Land and property assets are unique and one size rarely fits all, and it is recommended that professional advice will prevail on a case by case basis.

For clarity, when using an informal tender process, any bids received after the formal closing date will not be considered.

#### Paragraph 3.3

For clarity, in terms of specific financial delegated limits, it is proposed to revert to the previous level of delegation to the Director of Economic Development to approve disposals at less than best consideration up to £100k.

#### Paragraph 3.7 d)

It is proposed to include an additional level of delegation to the Head of Asset Management and Estates to approve disposals of assets to a value of less than £50k, in consultation with the relevant Cabinet member where the decision is a key decision.

#### Paragraph 3.7.1 Emergency Decisions

It is proposed to include a specific delegation to the Executive Director of Economy Skills and Neighbourhoods, in agreement with the Council Leader and in consultation with the Directors of

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Finance and Legal Services, to take actions relating to land and property where there are urgent strategic reasons to do so, such as bidding for property at public auction. An emergency action will be reported to Cabinet for information at the next available opportunity.

#### Paragraph 3.7.2 Member Notification

It is proposed to extend the requirement to consult the relevant Cabinet Member in addition to ward Members in respect of any proposed land and property transaction, with the exception of residential Right to Buy and Leasehold Enfranchisement transactions.

#### Delegated Decision Recording

In order to further streamline the process, it is proposed to adopt a short form template report for all delegated reports moving forward.

#### Paragraph 3.10

It is proposed that this section is streamlined to require independent valuations where it is considered prudent.

#### Paragraph 4.3.4 Disposal of Public Open Space

Advertising; 28 days should be allowed from the date of the *first* advert.

### 3 **Options/Alternatives**

3.1 If the protocols are not reviewed, the potential to drive efficiencies and further support the Council's Co-operative agenda is lost.

### 4 **Preferred Option**

4.1 The preferred option is to adopt the reviewed Protocols as attached at Appendix 1.

### 5 **Consultation**

5.1 Group Leaders have been consulted.

### 6 **Financial Implications**

6.1 There are no significant financial implications of this report with the amendments to the protocols, however as stated each individual land and property transaction must be subject to the decision making process and follow the levels of delegation. As each case will be different the specific financial implications will be discussed in each separate report.

6.2 Officers should work with Finance when carrying out any acquisitions to understand the current and future capital requirements for the Council, where the funding will be sourced and impacts to the Medium Term Financial Strategy (MTFS). These impacts will include impacts to the Collection Fund and Business Rate Retention.

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6.3 The levels of delegation to the Director of £100k and the Head of Service of £50k are aligned to Financial Regulations and Finance will provide technical and financial advice into the process of the disposing of such assets, including the accounting treatment within the Asset Register.

(Sam Smith, Senior Finance Manager)

7 **Legal Services Comments**

7.1 None.

8. **Co-operative Agenda**

8.1 The proposals support the Council's Co-operative agenda.

9 **Human Resources Comments**

9.1 None

10 **Risk Assessments**

10.1 N/A

11 **IT Implications**

11.1 None

12 **Property Implications**

12.1 The improved Protocols will improve efficiency in all land and property transactions.(Cath Conroy)

13 **Procurement Implications**

13.1 N/A

14 **Environmental and Health & Safety Implications**

14.1 Clear Protocols regarding the Council's management of its corporate estate ensures that all Health and Safety issues are properly addressed.

15 **Equality, community cohesion and crime implications**

15.1 None

16 **Equality Impact Assessment Completed?**

16.1 No

17 **Key Decision**

17.1 N/A



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18	<b>Key Decision Reference</b>
18.1	N/A
19	<b>Background Papers</b>
19.1	The Council Constitution Part 5
20	<b>Appendices</b>
20.1	Appendix 1 Land and Property Protocols

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## APPENDIX 1

### LAND AND PROPERTY PROTOCOL

#### GENERAL PROTOCOL

- **The Executive Director of Economy, Skills and Neighbourhoods will have overall responsibility/authority for the Council's Corporate Land and Property Portfolio.**
- **The Director of Economic Development will be responsible for the management of all Council owned land and property assets as part of the Corporate Landlord function, in addition to delivery of all strategic regeneration projects**
- **When considering future service delivery, Services must seek advice from the Corporate Property Team in order to ensure that property implications are thoroughly understood and potential for corporate efficiencies maximised**
- **This will enable Services to make informed decisions and focus on service delivery and for the potential for land and property assets to support regeneration objectives and aspirations to be maximised.**
- **When considering any proposals regarding the Council's Land & Property Portfolios, due regard will be had to the Council's Co-operative Approach to Use of Council Assets Policy and views of Ward Members.**

#### **1.0 GENERAL MANAGEMENT PRINCIPLES**

The Council has adopted the following key management objectives and principles with regard to its land and property portfolio, which are reflected in the Terms of Reference for the Corporate Property Board:

- I. All land and property will be treated as a corporate resource.
- II. Land and property occupation costs and property utilisation will be managed as part of the Corporate Landlord function and monitored strategically through the Corporate Property Board.

Any assets considered surplus to the Council's requirements will, in the first instance, be reported to the CPB.

- III. Capital Receipts (see definition)  
Capital Receipts come from the sale of the Council's assets.

In general capital receipts arising from the disposal of housing assets and for which account is made in the Housing Revenue Account (HRA) are governed by the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003. In summary the regulations require that:

- Receipts arising from Right to Buy (and similar) sales may be retained to cover the cost of transacting the sales and to cover the debt on the properties sold, but a proportion of the remainder must be surrendered to central Government;
- Receipts arising from all other disposals may be retained in full provided they are spent on affordable housing, regeneration or the paying of housing debt.

Where the sale of an asset leads to the requirement to repay grant, the capital receipt will be utilised for this purpose. Once these liabilities have been established and provided for, capital receipts will be available to support the capital programme as a corporate resource.

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- IV. Land and property running costs, including those relating to carbon emissions, will be optimised to ensure expenditure associated with occupation is minimised, in accordance with the Council's Energy Policy.
- V. Land and property users have an obligation to significantly reduce running costs.
- VI. The Council's investment estate will have an Asset Management Plan which is reviewed annually. It will consider the performance of the estate, including security of income, income growth and costs, and provide recommendations with respect to future capital investment and retention/disposal of assets.
- VII. Land and property will be held to support service delivery – this may include being held to generate income to support the Council's corporate revenue programme to deliver services subject to a business case being demonstrated or, for regeneration purposes, as part of a wider regeneration initiative such as education, adult social care, and economic development.
- VIII. The Council will maintain investment into its land and property assets, in accordance with the Building Maintenance Policy. The Corporate Landlord will report annually on investment required to maintain the portfolio/corporate estate to minimum standard of repair.
- IX. Partner organisations and particularly those in the public and voluntary sectors will be encouraged to adopt a joined up approach to service delivery and to share accommodation to reduce costs, in line with the Council's Co-operative Council aspirations/objectives, and aligned to the principles of One Public Estate.

- X. The Capital Investment Plan will take into account whole life costing. Capital and revenue programmes will make provision for investment into the Borough's property infrastructure. Provision will depend on the financial resources of the Council and will be determined through the capital and revenue budget planning processes. (See definition of Capital Expenditure)
- XI. New buildings will be sustainable, based on whole life cycle costing and not initial capital outlay. All new buildings and those subject to significant refurbishment works must have a Building Research Establishment Environmental Assessment Method (BREEAM) rating of not less than good, and/or in accordance with the Council's Energy Policy.
- XII. All reports and Business Cases should incorporate Finance, Legal and Property comments.
- XIII. Prior to disposal, due diligence will include checks to establish whether the potential purchaser owes the Council any money as a debt.

The Council is committed to the principle of being a Corporate Landlord.

**When considering the future of any property declared surplus to the Council's requirements, due regard will be had to the Council's Community Use of Assets Strategy.**

## **2.0 POWERS OF ACQUISITION, APPROPRIATION, HOLDING & DISPOSAL OF LAND**

The Council is empowered to acquire, hold, appropriate and dispose of land for its statutory purposes, by a variety of statutes. When preparing an acquisition, disposal or appropriation of land, officers must ensure that the transaction is undertaken using the appropriate powers of the Council for that land and having regard to all legal requirements, including statutory guidance.

Property comments will be required in respect of all reports which have land and property implications.

## **3.0 DETAILED LAND AND PROPERTY PROTOCOL**

### **3.1 Surplus Property**

All land and property, whether held for service use or as part of the investment portfolio, will be subject to regular review.

The Corporate Landlord will work with Directorates (via DMT's) to ensure earliest possible indications of potential change of direction in service delivery and implications for property needs.

### **3.2 Disposal of Land (Best Consideration)**

The Local Government Act 1972 Section 123 provides that the Council may dispose of land in any manner it sees fit subject to the constraint that a disposal must be for the best consideration reasonably obtainable unless the consent of the relevant Secretary of State is obtained. A disposal includes a lease of more than 7 years or an assignment of a lease which has more than 7 years to run.

Generally, best consideration will be achieved by offering the land for sale subject to open competition. Section 123 applies to land held for most of the Council's statutory functions subject to certain exceptions such as disposal of land held for housing purposes, which are governed by the Housing Acts and for planning purposes which are governed by planning legislation. In such cases, specific legal advice should be sought at the earliest opportunity.

The method and terms of sale will be subject to professional advice on a case by case basis.

The Council's Informal tender process will be subject to review as appropriate by the Head of Procurement and Internal Audit. For the avoidance of doubt, any bids received after the closing date will not be considered.

Members, **officers and those acting on behalf of the Council** bidding to purchase Council land and property in any capacity must explicitly declare their position within 5 working days of the closing date of receipt of offers to purchase. In such cases, the asset may be referred to public auction.

### **3.3 Disposals of land at less than Best Consideration**

The presumption is that land will be sold for the best consideration reasonably obtainable. However, it is recognised that there will be circumstances where the Council will consider it appropriate to dispose of land at less than best consideration; for example to support the Council in achieving its ambitions as a Co-operative Council.

In certain circumstances, the law provides that authorities may dispose of land at less than best consideration. This requires the consent of the relevant Secretary of State, unless a General Disposal Consent (issued by the relevant Secretary of State from time to time) may be relied on. Any decision to dispose of land at less than best consideration may only be made subject to seeking the consent of the relevant Secretary of State where required.

The General Disposal Consent (England) 2003 provides a general consent removing the requirement for the Council to seek specific approval from the Secretary of State for a wide range of disposals at less than best consideration.

**The Council have been granted consent in circumstances where:**

- (A) the difference between the unrestricted value of the land to be disposed of and the proposed disposal price does not exceed £2million; and**
- (B) the Council considers that the purpose for which the land in question is to be disposed is likely to contribute to the achievement of any one or more of the following objectives in respect of the whole or any part of its area or of all or any persons resident or present in its area:**
  - (i) the promotion or improvement of the economic well-being;**
  - (ii) the promotion or improvement of social well-being; and**
  - (iii) environmental well-being.**

It must be considered in each case whether a specific proposal to dispose of land at less than best consideration meets these criteria or continues to require specific consent under Section 123 of the Local Government Act 1972, or other legislation. Land held for specific Housing purposes is subject to additional regulation and early legal advice should be sought in such instances.

Any such proposed disposal of land at less than best consideration will need to consider the possibility that the proposed transaction may result in the giving of unlawful State Aid (European Union Treaty article 87(1)).

In determining whether or not to dispose of land for less than best consideration, the Council should obtain the view of a Chartered Surveyor (valuer) to determine the likely amount of the undervalue (i.e. the difference between unrestricted value of the land to be disposed of and the proposed disposal price). Legal advice should also be obtained on the question of whether the disposal is capable of falling within the terms of the specific consent. In certain cases, it may be prudent to consult the District Auditor in relation to any action that is proposed.

In considering the application of the well being criteria under the General Disposal Consent, the Council must have regard to the Council's Corporate Plan, the Oldham Plan and Co-operative Council ambition and reasonably consider, via the Director of Finance, the extent, if any, to which the proposed disposal supports the aims and objectives therein.

Any proposal to dispose of land at less than best consideration should in the first instance be referred to the Corporate Property Board for consideration. The Council must demonstrate that it has acted reasonably in approving undervalue transactions in order to be in a position to respond to any potential challenge. Regard must therefore be had to the Medium Term Property Strategy, the terms of the Council's Land and Property Protocols and the Council's fiduciary duty. Accordingly, all decisions will address the following issues:

- Confirmation that the disposal will contribute positively to the Council's priorities.
- A statement that the benefits that the Council will derive from the proposed disposal cannot be achieved unless the sale takes place at undervalue.
- Details of the proposed terms of the transaction which will ensure that the disposal will contribute to the achievement or improvement of the social, economic and environmental well being of the area.

Following review by the Corporate Property Board, any proposed transactions at less than best consideration shall be approved as follows:

- Where the undervalue is up to and including £100,000 by the Director of Economic Development.
- Where the undervalue is greater than £100,000 by Cabinet.

For the avoidance of doubt, the Academy Conversions process is excluded from this provision; as such disposals are within a statutory direction.

### **3.4 Freehold or Leasehold Disposal**

For all property disposals considerations will be given to the appropriate tenure of the disposal, whether freehold or long leasehold. The decision will have regard to the benefits of retaining any residual controlling interest against the implications of such action which may for example give rise to on-going estate management responsibilities, maintenance obligations or



result in continuing financial costs or charges for the Council either at the time of consideration or at some future date

### 3.5 Lettings

No lettings should be carried out by Service Departments. All proposed lettings should be directed to the Director of Economic Development in order to protect the Council's interests and Health & Safety obligations..

The taking of or the granting, renewal, assignment, transfer, surrender, taking of surrenders, review, variation or termination of any leases, licences, easements or wayleaves at considerations, delegated as follows:

- For transactions of an Estate Management nature up to a maximum value of £250,000 will be within the delegated authority of the Head of Asset Management and Estates, in consultation with the Director of Economic Development, Director of Finance and Director of Legal Services and in consultation with the relevant Cabinet Member where the decision is a key decision.
- For transactions up to a maximum of £500,000 per annum or in return for a premium of up to £500,000 will be within the delegated authority of the Director of Economic Development in consultation with the Executive Director Economy, Skills and Neighbourhoods, Director of Finance and Director of Legal Services and in consultation with the relevant Cabinet Member where the decision is a key decision.
- For all transactions over £500,000 per annum or in return for a premium of over £500,000 shall be referred to Cabinet for approval.

Leases of over 7 years and assignments of leases with over 7 years to run, are defined in law as disposals. This means that the general requirement to dispose at the best consideration reasonably obtainable will apply to them. Any proposal to dispose at less than best consideration should be dealt with as outlined in the section on Disposal (Best Consideration) above.

Under this protocol, the terms of any proposed letting will be considered by reference to the asset category;

- a) Investment Portfolio** (including all surplus assets, and land and property held for Development/ Regeneration purposes) – the lettings will be based on commercial open market terms, at full market value provided that the Director of Economic Development may in consultation the Director of Finance and the Director of Legal Services authorise a short term let at below-market value where this has commercial justification, for example, to cover running costs prior to redevelopment.

#### **b) Operational Assets:**

- Private sector tenant – commercial open market terms, full market value
- Public sector tenant/commissioning partner delivering public sector services – lettings will be at cost
- Community sector tenant – terms of letting may range from at cost to free (dependent on structure of organisation, and with reference to the Council's Social Value Framework)

Concessionary lettings within the Investment Portfolio are not permitted and should Directorates wish to support such an arrangement it will be required to 'sponsor'/ fund the concessionary rent through alternative funding to the level of full market rent. Flexibility will be provided in respect of schemes /initiatives specifically directed at supporting businesses, provided that a full business case is in place and the views of the Director of Economic Development are sought regarding such schemes.

With regard to commercial lettings, tenants should not commence occupation of premises in advance of either legal completion of lease or having sufficient legal measures in place to protect the Council's interest.

Rent collection and treatment of arrears should be in accordance with the Council's Protocol.

### **3.6 Application of the EU Public Procurement Regime**

Certain disposals of land may fall within the definition of "works" contained within the Public Contracts Regulations 2006, which give effect to European law on public procurement. This will need to be considered, for example, where the Council is providing land within a development scheme or is imposing obligations on a developer in order to meet its regeneration objectives, whether through the use of a Section 106 agreement or development agreement.

This remains a complex area of law and legal advice should be sought at an early stage to determine whether any proposed disposal to a developer should be advertised under the Public Contracts Regulations.

### **3.7 Decision Making**

The disposal, acquisition or appropriation of land, including open space, is an executive decision. The Council's Constitution provides for executive decisions relating to land to be made as set out in this document.

A disposal of land that will either generate a capital receipt over £250,000, or result in loss/generation of income over £250,000 p.a. will be a key decision and will need to be publicised on the Key Decision Document prior to being submitted to the decision maker. (Full definition of 'Key Decision' within Constitution).

All decisions may be referred to Cabinet if the Chief Executive or the Executive Director in consultation with the relevant Cabinet Member, consider that a delegated decision should be referred to Cabinet.

In order to improve transparency, all property acquisitions will be reported retrospectively to the Capital Investment Programme Board quarterly on a cumulative portfolio basis.

#### **a) Transactions Subject to Cabinet Approval**

1. All recommendations to dispose of land for less than the best consideration reasonably obtainable where the likely undervalue is greater than £100,000.
2. All recommendations to acquire individual plots of land, compulsorily or by agreement, or properties of any value that have not been approved within a scheme of development or regeneration project. -
3. All recommendations to acquire by agreement, appropriate or dispose of land or property valued in excess of £500,000.

#### **b) Transactions Delegated to the Executive Director, Economy and Skills, for Approval**

Subject to paragraph 4.7 a) the Executive Director, Economy and Skills, is authorised, (in consultation with the relevant Cabinet Member where the decision is a key decision), to approve property acquisitions, appropriations and disposals of land valued between £250,000 and £500,000.

#### **c) Transactions Delegated to the Director of Economic Development**

Subject to paragraph 4.7 a) the Director of Economic Development, is authorised (in consultation with the relevant Cabinet Member where the decision is a key decision) to approve property acquisitions, appropriations and disposals of land valued at less than £250,000.

#### **d) Transactions Delegated to the Head of Asset Management and Estates**

Subject to paragraph 4.7 a) the Head of Asset Management and Estates is authorised (in consultation with the relevant Cabinet Member where the decision is a key decision) to approve property acquisitions, appropriations and disposals of land valued at less than £50,000. Any action taken under this authority will be reported to the Director of Economic Development, for information.

### **3.7.1 Emergency Decisions**

In circumstances where actions are required urgently, e.g. bidding at auction to acquire land and property of strategic significance, where the value of the transaction is greater than £500,000, the Executive Director of Economy, Skills and Neighbourhoods in agreement with the Council Leader and in consultation with the Directors of Finance and Legal (or their duly authorised nominees) will have authority to take appropriate action. An Emergency Action will be reported to Cabinet for information at the next available opportunity.

### **3.7.2 Member Notification**

The appropriate Cabinet Member and Ward Members will be notified in advance of all property transactions, excluding Residential Right to Buy or Leasehold Enfranchisement, and their views will be recorded as part of the decision making process.

### **3.7.3 Delegated Decision Recording**

Delegated decisions will be recorded in a standard short form format, a draft template is available.

## **3.8 Compulsory Acquisition of Land**

Cabinet approval is required for any acquisition of land (or programme of acquisition) where it is proposed to use the Council's powers of compulsory acquisition. Any approval to acquire the same land by agreement should be sought from Cabinet at the same time as the approval to use compulsory powers.

## **3.9 Content of Reports**

Cabinet reports seeking consent to dispose of or acquire land should include details of the interest held, appropriate site plans and valuation information provided by an appropriately qualified source.

Reports seeking to dispose of land at less than best consideration should in addition, address those matters set out in paragraph 3.3.

Reports should demonstrate that all relevant legal issues have been considered and addressed and that there is no legal barrier to prevent a decision from being taken.

Where approval is sought for a development scheme or regeneration project, a plan showing the individual properties whose acquisition it is proposed to seek under the scheme or project must be included in the report which seeks approval for the scheme.

### **3.10 Independent Valuations of Land/Property**

With regard to those transactions for the disposal and acquisition of property that have not been exposed to the open market an independent valuation from a Chartered Surveyor (valuer) will be obtained, where it is considered prudent to do so.

### **3.11 Instructions to undertake property transactions**

- For the avoidance of doubt, Legal Services will not accept instructions relating to property transactions from service directorates.
- Only transactions correctly approved as set out in paragraph 3.7 will be accepted.
- All instructions to Legal Services will be via the Council's property and asset management system (currently Concerto)

### **3.12 Office Moves**

The Director of Economic Development will be responsible for all office accommodation as part of the wider Corporate Landlord function.

It should be noted that due to the significant long term investment involved, express written approval from the Director of Economic Development is required before considering the installation of IT Hubs in Council property.

### **3.13 Service Review**

The Corporate Landlord will work with Divisional Management Teams across Services to ensure that strategic and operational property requirements are addressed

## Definitions

### Capital Expenditure

Section 16 of the Local Government Act 2003 + Regulation 29A of the Capital Financing Regulations (England) 2003 define capital expenditure as;

1. Expenditure that results in the acquisition, construction, or enhancement of a Fixed Asset
2. Expenditure where the Secretary of State has made a direction that it can be treated as capital expenditure e.g. exceptional items which would otherwise place an unreasonable strain on revenue budgets.

### Capital Receipt

Section 9 (1) of the Local Government Act 2003

“a sum received by the authority in respect of the disposal by it of an interest in a capital asset”

Section 9 (2) defines a capital asset as:

“An asset is a capital asset if, at the time of the disposal, expenditure on the acquisition of the asset would be capital expenditure”

Capital receipts are restricted to use for

- Financing new capital investment
- Reducing borrowing under the Prudential Framework
- To pay a premium charged in relation to any amounts borrowed
- To meet any liability in respect of credit arrangements
- To meet disposal costs (not exceeding 4% of the receipt)

## **4.0 PROTOCOL ON DISPOSAL OF OPEN SPACE**

### **4.1 General Principles**

4.1.1 The key issue is to make sure that open space (sometimes referred to as public open space) is identified at the earliest possible stage of the disposal process.

4.1.2 Open space is not specifically dealt with in official copies on the Land Registry therefore, if there is uncertainty, a site visit is likely to be needed to determine conclusively whether or not the land should be dealt with as open space. The surveyor making the site visit to the land should consider whether the land falls within the definition of open space contained in the Town and Country Planning Act 1990 (TCPA).

## **4.2 Decision Making**

- 4.2.1 Decisions to dispose of open space must be made in two stages. The first stage report is to recommend disposal of the land in principle, subject to the advertising (in an appropriate publication) of the proposed disposal and allowing time for objections.
- 4.2.2 The second stage report will make recommendations for disposal or retention of the land having regard to any objections, which have been received to the proposed disposal. This report can be incorporated with the report seeking authority to dispose of the land and the terms recommended.
- 4.2.3 Consideration of the objections and the decision to dispose to be undertaken in accordance with the appropriate delegations set out in the Land and Property Protocol.
- 4.2.4 Sufficient time should be allowed for the completion of the open space disposal procedure, utilising the appropriate delegations and considering any objections. Instructing officers should allow at least 6 weeks between receipt of instructions by Legal Services and the end of the period for objections.

## **4.3 Legal Procedures**

- 4.3.1 Instructions to advertise a disposal of open space should be sent by the surveyor (via Concerto) to Legal Services (fao. Group Lawyer, - Corporate Group ) giving the following information:
- cost code and purchase order number
  - plans of the land
  - measurements of the land
  - a copy of the decision to advertise the land
  - name of the person/directorate to receive objections. This should be the instructing officer or other person in the instructing directorate.
  - any other relevant information.
  - (if applicable) confirmation of whether the purpose of the disposal is to be specified in the notice (and, if it is, the description of the purpose to be included in the notice). The default position will be that the purpose of the disposal will not be specified (as this is not required by law) unless Legal Services are instructed to the contrary.
- 4.3.2 The instructions will be allocated to an officer in Legal Services who will draft the notice and arrange for it to be placed in a local newspaper for two (2) consecutive weeks.

4.3.3 Notices will follow standard format, the use of the word 'disposal' will be fully explained and (only if the purpose is to be specified in the notice – see above) the purpose of the 'disposal' will be clarified.

4.3.4 Twenty Eight (28) days will be allowed from the date of the first advertisement for objections to be made to the relevant Executive Director. 28 days is generally considered to be a reasonable minimum length of time for objections.

#### **4.4 Communication with Potential Purchasers**

4.4.1 In communicating with potential purchasers of open space, care must be taken to ensure that officers and/or members do not give the impression, either deliberately or inadvertently, that the need to advertise open space and consider objections is merely an administrative process which will be "rubber stamped".

4.4.2 The decision is a public law decision and must be made in accordance with the principles of public law. In particular it must be reasonable to dispose of the land having considered objections and there must be no pre-determination of the decision.

4.4.3 Potential purchasers should understand that the Council is not able to make any commitment to enter into a contract for sale unless and until a proper decision to dispose of the land has been taken.

#### **4.5 Acquisition and Appropriation of Open Space**

4.5.1 Acquisitions (including compulsory acquisitions) and appropriations of open space to other purposes must apply the appropriate legal powers and duties for the purposes for which the open space is being acquired.

**Legal advice should be sought before any proposed departure from this protocol.**





**Report to COUNCIL**

## **Cities and Local Government Devolution Act 2016**

**Portfolio Holder: Councillor Jean Stretton, Leader of the Council**

**Officer Contact:** Carolyn Wilkins, Chief Executive

**Report Author:** Elizabeth Drogan, Head of Constitutional Services

**Ext. 4705**

**18<sup>th</sup> May 2016**

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### **Reason for Decision**

To update Members on the status of the Cities and Devolution Act 2016 and the next steps to implementation.

### **Recommendations**

1. That the Council notes the progress of the Cities and Local Government Devolution Act 2016 and next steps required for implementation.
2. That the Council delegates authority to the Chief Executive in consultation with the Leader of the Council to consent to the terms of any Order required to confirm the functions to be undertaken by the Greater Manchester Combined Authority (GMCA) and the elected Mayor.

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**Update on the Cities and Local Government Devolution Act 2016****1 Background**

- 1.1 The Cities and Local Government Devolution Act 2016 (the Act) received Royal Assent on 28<sup>th</sup> January 2016 and the provisions of the Act came into force on 28<sup>th</sup> March 2016. An initial Order under the Act to establish the office of Mayor with Police and Crime Commissioner (PCC) functions, to remove the requirement for the 2016 election of the Greater Manchester (GM) PCC, and to make arrangements for the election of a GM Mayor in May 2017, which was the subject of a report to the meetings of the Council and the Cabinet in January 2016, has been passed.
- 1.2 The January report noted the detailed work commencing on the precise requirements of GMCA in relation to those orders which cover financial functions, including borrowing powers; PCC and Fire authority functions; functions to enable the implementation of the GM Spatial Development Strategy; and Housing and development functions, and indicated that further reports would be brought forward, as appropriate.

**2 Current Position**

- 2.1 Work is now underway to progress the Parliamentary process to ensure that all such Orders and regulatory amendments are in place to ensure that the GM devolution settlement (consisting of the Devolution Agreements signed in November 2014, July 2015 and November 2015, along with the Health and Social Care Memorandum of Understanding signed in February 2015) can be implemented in full. It should be noted that the introduction of franchised bus services will be introduced by a separate Buses Bill, which Government has committed to introduce within this parliament.
- 2.2 As the Act is enabling legislation, conferring the specific Greater Manchester Combined Authority (GMCA) and Mayoral powers will be subject to Orders, all of which will require the consent of all ten constituent Councils and the GMCA. The Act also provides the legislative framework to address other issues, particularly in relation to the detail of governance. Whilst such issues have not been an explicit part of the various devolution agreements, the GMCA Orders will address such issues to ensure the efficient and effective operation of Greater Manchester governance arrangements.
- 2.3 Orders and regulatory amendments relating to constitutional or electoral issues will, as noted in the report submitted in January 2016, have to be in place by November 2016. Whilst it would be preferable to have all other Orders and regulatory changes in place at the same time, they will need to be in place by February 2017 at the latest to allow sufficient time for Mayoral candidates to be fully aware of the powers of the elected Mayor and to prepare a manifesto.
- 2.4 It has been proposed to deal with most of the changes in two phases. Phase 1 would deal with most issues other than those relating to Fire and Rescue services: Order(s) will need to be laid by June 2016 and implemented by November 2016. Phase 2 would address issues relating to Fire and Rescue services. This will enable GMCA members to give further consideration to the requirements arising from the transfer of GM Fire and Rescue Authority responsibilities to the elected Mayor. As part of Phase 2, GMCA members would also need to consider whether they wish to pursue the transfer of GM Waste Disposal Authority responsibilities to the GMCA and review Overview and Scrutiny arrangements in relation to GMCA and mayoral functions. Order(s) would need to be laid by September 2016 and implemented by February 2017.

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2.5 Powers to be conferred on the GMCA/Mayor now that the Act has been passed were agreed by the GMCA at a meeting held on 18<sup>th</sup> March 2016, together with a summary as to how those powers would improve the ability of the GMCA to exercise its statutory functions. It is a legal requirement that a public consultation exercise be undertaken in most cases where additional functions are to be conferred on the GMCA. This consultation launched on 21<sup>st</sup> March, and will conclude on 18<sup>th</sup> May 2016, the process being aligned to the order-making process.

### 3 **Options/Alternatives**

3.1 None applicable

### 4 **Financial Implications**

4.1 N/A

### 5 **Legal Services Comments**

5.1 Section 113 of the Local Democracy, Economic Development and Construction Act 2009, as amended by the Cities and Local Government Devolution Act 2016, enables the Secretary of State by order to make changes in relation to the functions of an existing combined authority (CA). Such changes can be made where the authority has prepared and published a scheme which, in turn, can be done after the authority has carried a governance review and concluded that conferring on the CA the additional functions set out in the scheme would be likely to improve the exercise of statutory functions in the CA's area. Such a review had been undertaken and considered by the GMCA at a meeting held on 18<sup>th</sup> March 2016 and was now subject to a period of statutory public consultation.

5.2 Once the consultation period has expired, the GMCA is required to provide the Secretary of State with a summary of the consultation responses. The law requires that the Secretary of State must then be satisfied that no further consultation is required. There is no requirement for such responses to go back to the GMCA before being submitted to the Secretary of State. However, it should be noted that the GMCA and the ten constituent councils will need to consent to any draft order before it is laid before Parliament.

### 6 **Co-operative Agenda**

6.1 N/A

### 7 **Human Resources Comments**

7.1 N/A

### 8 **Risk Assessments**

8.1 There are no specific risk issues for Members to consider arising from this report.

### 9 **IT Implications**

9.1 None

### 10 **Property Implications**

10.1 None

### 11 **Procurement Implications**

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- 11.1 N/A
- 12 **Environmental and Health & Safety Implications**
- 12.1 None
- 13 **Equality, community cohesion and crime implications**
- 13.1 There are no significant equality, community or crime issues arising from this report.
- 14 **Equality Impact Assessment Completed?**
- 14.1 No
- 15 **Key Decision**
- 15.1 No
- 16 **Background Papers**
- 16.1 Agenda and Minutes of the Greater Manchester Combined Authority 18<sup>th</sup> March 2016
- 17 **Appendices**
- 17.1 None