

# TRAFFORD BOROUGH COUNCIL

18 SEPTEMBER 2013

## PRESENT

The Worshipful the Mayor (Councillor Dylan Butt), in the Chair.

E.H. Malik	J. Coupe	K. Procter
D. Acton	Mrs. P. Dixon	D. Quayle
S. Adshead	A. Duffield	J.R. Reilly
S. Anstee	Mrs. L. Evans	Mrs. J. Reilly
Dr. K. Barclay	M. Freeman	B. Rigby
J. Baugh	P. Gratrix	B. Sharp
Miss L. Blackburn	J. Harding	B. Shaw
R. Bowker	D. Higgins	J. Smith
C. Boyes	J. Holden	E.W. Stennett
Mrs. A. Bruer-Morris	M. Hyman	N. Taylor
J. Brophy	C. Hynes	S. Taylor
B Brotherton	D. Jarman	L. Walsh
D. Bunting	P. Lally	A. Western
C. Candish	J. Lamb	D. Western
R Chilton	J. Lloyd	M. Whetton
M. Colledge	A. Mitchell	Mrs. J. Wilkinson
Mrs. L. Cooke	P. Myers	M. Young
M. Cordingley	D. O'Sullivan	Mrs. P. Young
M. Cornes	I. Platt	

## In attendance

Corporate Director Children and Young People's Service	Mrs. D. Brownlee
Corporate Director Economic Growth and Prosperity	Mrs. H. Jones
Corporate Director Environment Transport and Operations	Mr. P. Molyneux
Corporate Director Transformation and Resources	Mrs. W. Marston
Director of Legal and Democratic Services	Ms. J. Le Fevre
Director of Finance	Mr. I. Duncan
Democratic Services Manager	Mr. P. Forrester
Democratic Services Officer	Mr. I. Cockill

## APOLOGIES

Apologies for absence were received from Councillors J. Bennett, T. Fishwick, T. Ross, Mrs. V. Ward, K. Weston and A. Williams.

## 36. MINUTES

That the Minutes of the Meeting of the Council held on 10 July 2013 and the Minutes of the Extraordinary Meeting of the Council held on 31 July 2013, be approved as a correct record and signed by the Chairman.

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**37. ANNOUNCEMENTS**

(a) Former Mayoress Doris Delides

The Council stood in silence as a mark of respect to former Mayoress Doris Delides, who passed away on 7th August. Ms. Delides was Councillor Godwin's Mayoress in 1995/1996 until Councillor Godwin sadly passed away in January 1996.

(b) Former Leader of the Council Mrs. Susan Williams

Joining with the Leader of the Council, the Council congratulated former Councillor and Leader of the Council, Mrs. Susan Williams, on the recent announcement of her elevation to the House of Lords.

**38. QUESTIONS BY MEMBERS**

The Mayor reported that a question had been received under Procedure Rule 10.2.

Councillor Freeman asked the following question for which notice had been given:

*"Between 2007 and 2012 this Council pursued a policy of issuing Fixed Penalty Notices to the Registered Keepers of Motor Vehicles which were witnessed depositing litter onto the highway, resulting in some £342,000.00 being gathered in by way of fines and prosecutions.*

*This practice was abruptly ceased in 2012.*

*To what extent was the report from the Local Government Ombudsman in relation to complaint reference 11 016 909 responsible for this decision and why has this report never been shared or reported upon to this Council Meeting?*

*Further following criticism from the District Auditor, what steps have the Council taken to make public the flaws in the policy they pursued and reparation to those members of the public who under duress paid those Fixed Penalty Notices?"*

In response, the Leader of the Council advised that, with the full support of the public, the Council has taken a strong line on people who litter the borough and that in this particular case, the complainant took issue with the strength of the Council's letter. Prior to the Ombudsman's involvement, the Council conducted a review of procedures and the letters to registered keepers of vehicles where littering had been observed, to tell the Council who was driving, were toned down

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as they could have been considered to be misrepresenting the position and be seen as imposing a legal requirement on the registered keeper.

The Leader asserted that the Council had changed its previous practice and that it had not ceased, as the question stated. The change was operational only and was dealt with administratively by officers and was not referred to full Council, which would have been an unusual step for any council to undertake in view of the fact that the Ombudsman had decided not to issue an adverse report in relation to the complaint.

As the Ombudsman decided to take no further action, the complainant referred the matter to the District Auditor alleging that the income derived from the fixed penalty notices was unlawful. The District Auditor's report concluded that there was no evidence of deliberate wrongdoing which would justify any intervention in relation to the accounts.

The matter had been thoroughly investigated by both the Ombudsman and the District Auditor and neither had determined that the Council's procedures were unreasonable or unlawful.

The Leader drew attention to the fact that the Manchester Evening News story was incorrect as the original complainant had not paid the fixed penalty. He took up the questioner's assertion that people who had not committed the offence would have been 'under duress' to pay the penalty and stated that this was not supported by evidence or the findings of the District Auditor. As neither the Ombudsman nor District Auditor had made any suggestion that the Council should consider repaying any of the monies, the Leader stated that there was no basis on which the Council should consider making any reparation.

Referring to the Ombudsman's report and comments that the letter was 'misleading and inaccurate', Councillor Freeman asked as a supplementary question what this matter said about openness and transparency under the Leader's watch?

Councillor Colledge replied that the matter demonstrated that if people want to litter they will not get away with it nor would the Council stand by and let anyone spoil the Borough. The Leader also emphasised that the Council would continue to take action by lawful means and would ensure its practice was in accordance with the relevant guidance.

**39. OVERVIEW AND SCRUTINY ANNUAL IMPACT REPORT: 2012/13**

The Director of Legal Services submitted a report documenting the activities and achievements of the Overview and Scrutiny function during the 2012/13 municipal year.

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RESOLVED: That the Overview and Scrutiny Annual Impact Report 2012/13, be noted.

**40. ESTABLISHMENT OF A JOINT HEALTH SCRUTINY COMMITTEE WITH MANCHESTER CITY COUNCIL**

The Director of Legal and Democratic Services submitted a report, further to Minute No. 44 of the meeting held on 19 September 2012, recommending the establishment of a Joint Health Scrutiny Committee with Manchester City Council to oversee the implementation of the New Health Deal for Trafford.

RESOLVED –

- (1) That the report be noted.
- (2) That the Council agrees to the establishment of a statutory Joint Health Scrutiny Committee.
- (3) That the Council endorses the revised terms of reference to be proposed to the Joint Health Scrutiny Committee.
- (4) That political balance requirements be suspended in relation to the Joint Health Scrutiny Committee.

**41. MOTION SUBMITTED BY THE CONSERVATIVE GROUP**

It was moved and seconded that:

“This Council welcomes the recent developments in library services implemented by the ruling Conservative Group. These include:

- A new lending library in the Town Hall, increasing provision in the north of the Borough.
- A brand new library planned for Altrincham, in the heart of the market quarter, increasing accessibility.
- Improved library provision in Stretford envisaged in the new Masterplan.
- The introduction of e-readers for loan (the first Council in the country to do so).
- Opening up our libraries to volunteers with a huge response from local residents.
- The planned introduction of WiFi in all libraries (the first Council in AGMA to do so).
- Introduction of Teletalk to allow face to face communication via video with plans to increase this service further.

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This Council would like to thank our residents for their continuing support of our library service.”

It was moved and seconded as an amendment that:

“The Council notes the developments in library services implemented by the ruling Conservative Group. These include:

- Closing the Library at Stretford Sports Centre and replacing it with a more remote library in the Town Hall.
- Proposed Closure of Altrincham Library with a view to replace it with one in the Market Quarter.
- Overall reduction in Trafford Library opening hours?
- Discontinuation of the mobile library service.
- The planned introduction of Wi-Fi in Libraries.
- Introduction of e-readers on loan.
- Introduction of Teletalk.
- Introduced a Policy of replacing staff in all our Trafford libraries with unpaid volunteers.
- Cut the bookstart programme budget.
- Reduced the book fund budget.

Along with many Trafford residents this Council is disappointed the ruling Conservative Group has decided to replace valued paid library staff with unpaid volunteers. Nevertheless the Council would like to thank our residents in their continuing support of our library service.”

Following a debate on the matter, the amendment was put to the vote and declared lost.

Further speeches were made in respect of the substantive Motion before it was put to the vote and declared carried.

RESOLVED: That this Council welcomes the recent developments in library services implemented by the ruling Conservative Group. These include:

- A new lending library in the Town Hall, increasing provision in the north of the Borough.
- A brand new library planned for Altrincham, in the heart of the market quarter, increasing accessibility.
- Improved library provision in Stretford envisaged in the new Masterplan.
- The introduction of e-readers for loan (the first Council in the country to do so).
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- The planned introduction of WiFi in all libraries (the first Council in AGMA to do so).
- Introduction of Teletalk to allow face to face communication via video with plans to increase this service further.

This Council would like to thank our residents for their continuing support of our library service.

**42. MOTION SUBMITTED BY THE CONSERVATIVE GROUP**

It was moved and seconded that:

“This Council welcomes the Department for Transport’s announcement of £20 million of funding towards cycling infrastructure in Greater Manchester, and congratulates all those involved in securing this funding, including Transport for Greater Manchester (TfGM), Sustrans and the Association of Greater Manchester Authorities (AGMA).

The infrastructure improvements this brings will benefit existing cyclists and encourage new riders. In our Borough, the ‘Cycle and Ride’ facility at Flixton railway station and the completion of the Bridgewater Way route into Manchester will improve the experience for those cycling within Trafford and into Manchester.

In line with the All-Party Cycling Group’s report, ‘Get Britain Cycling’, which recently received cross-party support in the House of Commons, this Council calls on the Government to ensure that on-going funding and resource is made available to local transport authorities, to ensure that continuous improvement in cycling infrastructure is made possible.”

Following speeches of support, the Motion was unanimously agreed by the Council.

**RESOLVED:** That this Council welcomes the Department for Transport’s announcement of £20 million of funding towards cycling infrastructure in Greater Manchester, and congratulates all those involved in securing this funding, including Transport for Greater Manchester (TfGM), Sustrans and the Association of Greater Manchester Authorities (AGMA).

The infrastructure improvements this brings will benefit existing cyclists and encourage new riders. In our Borough, the ‘Cycle and Ride’ facility at Flixton railway station and the completion of the Bridgewater Way route into Manchester will improve the experience for those cycling within Trafford and into Manchester.

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**43. MOTION SUBMITTED BY THE LABOUR GROUP**

It was moved and seconded that:

"Trafford Council resolves to:

Continue to support its music service to ensure that every child in Trafford has the opportunity to learn a musical instrument regardless of their family's economic circumstances;

and that it continues to financially support the running of our three music centres at:

- Partington - Partington Primary School
- Old Trafford Community Centre
- Flixton - Acre Hall Primary School

and continues to support youth orchestras, so that all Trafford children who wish to, can take up instrumental lessons and play in high quality ensembles."

It was moved and seconded as an amendment that:

By the deletion of the word "financially", the second paragraph of the motion be amended to read "and that it continues to support the running of our three music centres at: ..."

Following a debate on the matter, the amendment was put to the vote and declared carried.

Further speeches were made in respect of the substantive Motion before it was put to the vote and declared carried.

RESOLVED: That Trafford Council continues to support its music service to ensure that every child in Trafford has the opportunity to learn a musical instrument regardless of their family's economic circumstances;

and that it continues to support the running of our three music centres at:

- Partington - Partington Primary School

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- Old Trafford Community Centre
- Flixton - Acre Hall Primary School

and continues to support youth orchestras, so that all Trafford children who wish to, can take up instrumental lessons and play in high quality ensembles.

#### **44. MOTION SUBMITTED BY THE LABOUR GROUP**

(Note: Councillor Myers declared a personal interest in relation to his retail business in Stretford Mall and remained in the meeting.)

It was moved and seconded that:

Trafford Council notes the request from 'Local Works' to consider submitting the following proposal to the government under the Sustainable Communities Act:

‘That the Secretary of State gives Local Authorities the power to introduce a local levy of 8.5% of the rate on large retail outlets in their area with a rateable annual value not less than £500,000 and requires that the revenue from this levy be retained by the Local Authority in order to be used to improve local communities in their areas by promoting local economic activity, local services and facilities, social and community wellbeing and environmental protection.’

The Council notes that if this power was acquired it would present the opportunity to raise further revenue if the Council wished to use it at any point in the future.

The Council resolves to submit the proposal to the government under the Sustainable Communities Act and to work together with Local Works in order to gain support for the proposal from other councils in the region and across the country.

[Note: During the debate on the Motion, the time being 8.48 p.m., the Mayor indicated that speeches would now be restricted to a maximum of three minutes each.]

Following the debate, the Motion was put to the vote and declared lost.

#### **45. EXCLUSION RESOLUTION**

RESOLVED: That the public be excluded from this meeting during consideration of the following item of business because of the likelihood of disclosure of “exempt information” which falls within Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.



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**46. NEW HEALTH DEAL FOR TRAFFORD**

(Note: The Mayor allowed consideration of this matter as an item of urgent business so that Members of the Council could be briefed at the earliest opportunity regarding the New Health Deal for Trafford proposals.)

[Note: Councillor Adshead declared a personal interest in this item insofar as it related to his employment at Trafford General Hospital and remained in the meeting.]

Further to Minute No. 34 of the previous meeting held on 31<sup>st</sup> July 2013, the Director of Legal Services submitted a report advising the Council of Counsel's advice with regard to the merits of a challenge to the Secretary of State's decision not to review the New Health Deal for Trafford.

It was moved and seconded that:

“The advice of Counsel received in this regard and the content of the report be noted.”

It was moved and seconded as an amendment that:

“This Council notes the legal advice with disappointment which clearly states that any legal challenge through the courts would be costly and “bound to fail”.

In light of the above the Council agrees to write to the Secretary of State asking that he reconsiders his appalling decision to ignore this Council and that of local people to close A&E and other services at Trafford General Hospital.”

Following a debate on the matter, the Council signalled unanimous consent for the amendment and consequently, the substantive Motion was declared carried.

RESOLVED: That this Council notes the legal advice with disappointment which clearly states that any legal challenge through the courts would be costly and “bound to fail”.

In light of the above the Council agrees to write to the Secretary of State asking that he reconsiders his appalling decision to ignore this Council and that of local people to close A&E and other services at Trafford General Hospital.

The meeting commenced at 7.03 p.m. and finished at 9.16 p.m.