

## **Minutes of the Council meeting held on 9 October 2013**

Present: The Right Worshipful, The Lord Mayor Councillor Hassan – in the Chair

Adams, Ahmed, Akbar, A. Ali, N. Ali, Sameen Ali, Shaukat Ali, Amesbury, Andrews, Austin, R. Battle, Boyes, Chamberlain, Chohan, Clayton, Cooley, Cowell, Cox, Craig, Curley, Davies, Di Mauro, Ellison, Evans, Fairweather, Fender, W. Fisher, Flanagan, Fletcher-Hackwood, Gillard, Green, Grimshaw, Hackett, Hassan, Hennigan, Hewitson, Hitchen, Hughes, Hyde, Judge, Kamal, Karney, Keegan, Keller, Khan, Kirkpatrick, Lanchbury, Leese, Lewis, Longsdon, Loughman, Lone, Midgley, M. Murphy, N. Murphy, P. Murphy, S. Murphy, E. Newman, S. Newman, Ollerhead, Barbara O'Neil, Brian O'Neil, Paul, Priest, Pritchard, Rahman, Raikes, Rawlins, Razaq, Reeves, Reid, Richards, Royle, Siddiqi, Simcock, Shone, Smith, Smitheman, Stone, Strong, Swannick, Tavernor, Taylor, Trotman, Walters, Watson and Wheale

### **Honorary Aldermen of the City of Manchester-**

William Egerton JP, Peter Morrison, Keith Whitmore

### **CC/13/62 Filming of the Proceedings**

In accordance with Procedural Rule 28, the Council agreed to the proceedings being filmed and photographs being taken during the meeting.

### **CC/13/63 Urgent Business**

The Lord Mayor informed the Council that he had consented to the minutes of the Constitutional and Nomination Committee on 9 October 2013 submitted for consideration as urgent business. The Lord Mayor also agreed to consideration of the date of the Annual General Meeting being submitted for consideration as urgent business.

### **CC13/64 Date of the Annual General Meeting**

The date for local elections in 2014 has been set for 22 May 2014. The Lord Mayor proposed that the new date for the Annual General Meeting of the Council was Wednesday 4 June 2013. The Council agreed.

### **Decision**

To hold the Annual General Meeting of the Council on Wednesday 4 June 2014.

### **CC/13/65 Councillor Mike Carmody**

The Lord Mayor reported the death of Councillor Mike Carmody. Council recalled that Mike Carmody was elected to represent the Ward of Beswick and Clayton in 1999 which became Ancoats and Clayton Ward in 2004. He gave distinguished service to the city and the Council since then. He served on many committees throughout his term of office including Planning and Highways, Chair of Licensing and Appeals, Chair of Licensing, Chair of Licensing Policy, Chair of Young People and Children Scrutiny Committee and also served as a member of the AGMA Joint Scrutiny Pool.

The Council and those present at its meeting then observed a period of silence in his memory.

**CC/13/66 Harpurhey and North Manchester Handmade Film Festival**

The Council watched a short film to promote the Harpurhey and North Manchester Film Festival, which was taking place between 10 – 13 October 2013.

**CC/13/67 Presentation on High Speed Rail 2**

The Council received a presentation from Dave Newton, Transport for Greater Manchester and Laura Webster, High Speed Rail 2 on the case for High Speed Rail 2. After the presentation, Mr Newton and Ms Webster answered questions from Council members.

**CC/13/68 Minutes**

**Decision**

1. To approve the part proceedings of the Council meeting on 15 May (adjourned and continued on 10 July 2013) as a correct record.
2. To approve the minutes of the meeting on 10 July 2013 as a correct record.

**CC/13/69 Proceedings of the Executive**

The proceedings of the Executive on 24 July and 11 September 2013 were submitted. The Council considered the following recommendations:

**Exe/13/114 The Ideas Project: An investment proposition into Ideas Inc Ltd**

To recommend to Council to increase the capital budget by £0.65m in 2013/14 funded from the Capital Fund, with delegated authority to the City Treasurer to finalise the detailed terms for the loan and equity investment.

**Exe/13/125 Clean and Green Places Initiative**

To recommend to Council that a reserve is established for the Additional Airport Dividend of £14.5m due to be received in 2013/14, with the ability to commit up to the full £14.5m in this financial year, to draw down any remaining balance in subsequent years and that it is used as set out in the report.

**Decision**

1. To receive the minutes of the meetings.
2. The Ideas Project: An investment proposition into Ideas Inc Ltd:  
To increase the capital budget by £0.65m in 2013/14 funded from the Capital Fund, with delegated authority to the City Treasurer to finalise the detailed terms for the loan and equity investment.
3. Clean and Green Places Initiative

To establish a reserve for the Additional Airport Dividend of £14.5m due to be received in 2013/14, with the ability to commit up to the full £14.5m in this financial year, to draw down any remaining balance in subsequent years and that it is used as set out in the report to the Executive on 11 September 2013.

### **CC/13/70 Scrutiny Committees**

The minutes of the following meetings were submitted:

**Young People and Children** – 16 July and 3 September 2013

**Communities** – 17 July and 4 September 2013

**Neighbourhoods** – 16 July and 3 September 2013

**Economy** – 17 July and 4 September 2013

**Health** – 18 July and 5 September 2013

**Joint Health Scrutiny Committee** – 1 August 2013

**Finance** – 18 July and 5 September 2013

The Council also noted the conclusions of the Finance Scrutiny Committee review of the MTV Evaluation (minute reference FSC/13/41 - MTV Evaluation) following a referral of a motion on the Alicia Keys MTV concert (minute reference CC/12/91 Motion - MTV Alicia Keys' Concert Expenditure from public funds) by the Council in October 2012.

### **Decision**

1. To receive the minutes.
2. To note the conclusions of the Finance Scrutiny Committee review of the MTV Evaluation (minute reference FSC/13/41 - MTV Evaluation) following a referral of a motion on the Alicia Keys MTV concert (minute reference CC/12/91 Motion - MTV Alicia Keys' Concert Expenditure from public funds) by the Council in October 2012.

### **CC/13/71 Committee Minutes**

#### **Proceedings of Committees**

The minutes of the following meeting were submitted:

#### **Constitutional and Nomination Committee – 10 July 2013**

The Committee made recommendations to amend the scheme of delegation to officers, to delegate non-executive functions to the Head of Neighbourhood Delivery, to establish a joint health scrutiny committee, to change the composition of the Employee Appeals Committee and changes to the membership of committees.

### **Decision**

To receive those minutes.

1. Juvenile Employment

To amend the Scheme of Delegation to Officers in Part 3, Section F of the Council's Constitution to transfer the responsibility for licensing the employment of children (Part II of the Children and Young Persons Act 1933 byelaws made under that Part, and Part II of the Children and Young Persons Act 1963) from the Director for Children and Commissioning Services to the Head of Planning, Building Control and Licensing. The transfer of responsibility will be formally made from 1 January 2014 to allow for the new process to be finalised and formally established.

2. Delegation of non-executive functions to the Head of Neighbourhood Delivery
  - a. To delegate to the post of the Head of Neighbourhood Delivery the discharge of those of the Council's functions that are designated as "Non-Executive Functions" in Annex 1 to the Council minutes.
  - b. To delegate to the post of the Head of Neighbourhood Delivery the discharge of those of the Council's functions that are designated as "General Functions" in Annex 1 to the Council minutes, insofar as these are non-executive functions.
3. Revision of a Joint Health Overview and Scrutiny Committee with Trafford Council
  - a. To establish a joint health scrutiny committee with Trafford Borough Council for the purposes of providing an assurance role for the implementation of the New Health Deal for Trafford proposals.
  - b. To appoint Councillors Cooley, Ellison, E. Newman and Watson (Liberal Democrat vacancy) to the Joint Health Scrutiny Committee.
  - c. To appoint Councillors M Murphy and Reid as substitute members on the Joint Health Scrutiny Committee.
  - d. To appoint Councillor E Newman as spokesperson for the Joint Health Scrutiny Committee.
4. Employee Appeals Committee
  - a. To revise the arrangements for membership of the Employee Appeals Committee to consist as follows.
    - An Executive Member with a relevant portfolio (i.e. Executive Member for the service in which the employee was working or the Executive Member with a portfolio relevant to the specific subject area of the appeal) or an appropriate Assistant Executive Member.
    - One Member drawn from the Council's Executive Members or their Assistant Executive Member, or an elected member drawn from a prescribed 'pool'; the nominated members are -
      - Cllr Bernard Stone
      - Cllr Chris Paul
      - Cllr. Daniel Gillard
      - Cllr Mary Murphy
      - Cllr Glynn Evans
      - Cllr Julie Reid
      - Cllr Matt Strong
      - Cllr Bridie Adams

Cllr Tracey Rawlins  
Cllr Carl Ollerhead  
Cllr Nasrin Ali  
Cllr Carl Austin  
Cllr Carmine Grimshaw  
Cllr Mary Watson

- And an opposition member or their nominated substitute.
- b. To agree that each Employee Appeals Committee will be chaired by an Executive Member decided by mutual agreement of the members present on the panel.
  - c. To agree that at least 3 members are needed for the Employee Appeals Committee to be quorate.
  - d. To agree that each Employee Appeals Committee to be chaired by an Executive Member decided by mutual agreement of the members present on the panel.
  - e. To appoint Councillor Di Mauro as the opposition member and Councillor Chamberlain as the nominated substitute.
5. Membership of Council committees and representation on joint boards and joint committees
- a. To approve the recommended changes to committee membership;

| <b>Committee</b>           | <b>Member removed</b> | <b>Member appointed</b>   |
|----------------------------|-----------------------|---|
| Health Scrutiny Committee  | Judge                 |   |
| Health and Wellbeing Board | Liz Bruce             | Mike Houghton-Evans,<br>Interim Director of<br>Families Health and<br>Wellbeing |
| Health and Wellbeing Board | Karen James           | Dr Attila Vegh of South<br>Manchester University<br>Hospital Trust              |

- b. To appoint Councillor Cox as the Chair of Young People and Children Scrutiny Committee

### **Personnel Committee – 31 July 2013 and 11 September 2013**

The Council considered recommendations from the Personnel Committee on 11 September about changes to the senior management team.

### **Decision**

1. To note the proceedings of the Personnel Committee

2. To establish a post of Strategic Director Children and Families at a salary of circa. £140,000 per annum which will carry out the statutory functions and duties of the Director of Children's Services (DCS) and Director of Adults Social Services (DAS) and lead a new Directorate for Children and Families.
3. To authorise the City Solicitor, in consultation with the Chief Executive and the Assistant Chief Executive (People), to make any consequential changes to the management structure in Part 8 of the Constitution.

### **Licensing and Appeals Committee – 27 August 2013**

The Council considered recommendations from the Licensing and Appeals Committee to amend the policy on sex establishments.

#### **Decision**

1. To note the proceedings of the Licensing and Appeals Committee held on 27 August 2013.
2. To adopt the amended Policy on Sex Establishments with the following amendments:  
"Sex establishments will not normally be licensed near to:
  - housing / residential property
  - in the immediate vicinity of major transport stops e.g. railway stations, tram stops or clustered bus stops.
  - schools, play areas, nurseries or children's centres;
  - family shopping or leisure areas;
  - places of worship;
  - historic buildings or tourist attractions;
  - other places where relevant entertainment takes place;
  - other sensitive uses that may be relevant e.g. women's hostel; where the proximity to such uses is likely to be considered by the Council to be inappropriate in having regard to the character of the relevant locality and the use to which any premises in the vicinity are put."

### **Licensing Policy Committee - 27 August 2013**

The Council considered a recommendation from the Licensing Policy Committee to adopt the revised Manchester Statement of Licensing Policy 2011 – 2016.

#### **Decision**

1. To note the proceedings of the Licensing Policy Committee held on 27 August 2013
2. To adopt the revised Manchester Statement of Licensing Policy 2011 – 2016 with the amendment incorporating an extension of the existing special policy boundary area for Fallowfield/Wilmslow Road and other miscellaneous changes to the full policy.

**Audit Committee** – 11 July and 26 September 2013

**Health and Wellbeing Board** – 18 September 2013

**Licensing Committee** – 27 August 2013

**Planning and Highways Committee** – 25 July, 15 August and 12 September 2013

**Wythenshawe Area Committee** – 25 July, 22 August and 26 September 2013

## **Decision**

To receive the minutes of those meetings

### **CC/13/72 Executive Member Portfolios**

The Leader informed the Council the Councillor Bernard Priest had been appointed as Deputy Leader of the Council and Councillor Sheila Newman had been appointed as Executive member for Children's Services.

## **Decision**

1. To note the appointment of Councillor Priest as Deputy Leader of the Council
2. To note the appointment of Councillor S Newman as the Executive Member for Children's Services

### **CC/13/73 Key Decisions**

The Council noted the report of the City Solicitor which provided details of the key decisions taken that were exempted from the call in process.

### **CC/13/74 Motion – Free School Meals**

#### **Motion made and seconded**

Council wishes to place on record that whilst it welcomes the announcement of free school meals (FSM) for reception years, those aged from 5-7, the government does not go far enough and asks the government to extend its proposals to cover all primary school children. Council calls on the government to reintroduce food standards in Academies and Free Schools.

Currently school dinner up take across the country is at an all time low at around 43%. Even more alarming is that only 1% of those bringing packed lunches meet the nutritional standards that schools have to adhere to.

Providing free school meals for all primary school children would save money, improve health and increase educational standards in the long term. It would also remove the false stigma associated with FSM and would afford a FSM to thousands of children who slip through the cracks.

Currently the NHS spends approximately £5.1 billion a year treating illnesses caused by being overweight or obese and £5.8 billion treating illnesses directly linked to poor diet. These costs could be reduced significantly by spending a small fraction of this colossus bill up front.

According to the Institute for Fiscal Studies and the National Centre for Social Research, the pilot schemes held under the previous Labour Government, which provided universal free school meals, led to significant improvements in attainment. These findings were also confirmed in the government commissioned report this year "The Free School Food Plan".

In addition to Government proposals announced in September the Council calls upon Government to re-introduce the scrapped pilot schemes of universal FSM starting with a ring-fenced pilot in Manchester.

### **Resolution**

The motion was put and voted upon, and the Lord Mayor declared that it was **CARRIED.**

### **Decision**

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In addition to Government proposals announced in September the Council calls upon Government to re-introduce the scrapped pilot schemes of universal FSM starting with a ring-fenced pilot in Manchester.

### **CC/13/75     Motion – Financial Transaction Tax**

**Motion made and seconded:**



Council notes that:

The financial crisis and the recession have left a massive hole in the UK's public finances.

The banking bailout in the UK cost around £1.5 trillion in total or £31,250 per person.

Bailed-out banks with £5.2 billion losses, £1.1 billion in fines for mis-selling, £390 million in fines for libor-fixing were still in 2012 paying over £600 million in bonuses.

Despite being one of the most deprived local authority areas in the country Manchester is facing unprecedented cuts due to the Conservative led Coalition Government's austerity policies. If Manchester's cut was the same as the England average we would, by the end of the current comprehensive spending review period (2014/15) be £55m per year better off. That is over £1 million pounds a week.

Council welcomes:

The response of the Business Select Committee to the Kay Review calling on the government to assess the likely impact of the introduction of a Financial Transaction Tax.

Council believes that:

It is time for the financial sector to pay its fair share.

As the blame for the economic crisis lies largely at the door of the banks they must be part of the solution.

Council calls on the Government to:

Follow the lead of the 11 European countries, including France, Germany, Italy and Spain, and introduce a Financial Transaction Tax on transactions like stocks, bonds, foreign currency and derivatives, which could raise £250 billion a year globally.

Support the work being led by Arlene McCarthy MEP in the European Parliament to ensure that the costs of risky trading are never again borne by the public purse.

Use the revenues from this measure to reverse its unfair cuts to Manchester.

### **Amendment made and seconded**

Delete all and replace with:

The Council notes that:

Since the start of the financial crisis, UK banks have received an unprecedented level of support from taxpayers, estimated by the Bank of England to be around £1 trillion.

The previous Labour Government did not introduce a financial transaction tax despite having thirteen years to do so.

The previous Labour Government had 13 years to reach a consensus internationally on a FTT and did nothing.

The previous Labour Government completely failed to regulate the banks in the thirteen years they were in Government.

In 2013/14 Manchester received a grant of £619 per head in 2013/14 and was in the top 1% of grant received per person outside of London; Wokingham received £91 per person and Windsor and Maidenhead received £97 per person in 2013/14 and were in the bottom 1%.

The departing Chief Secretary to the Treasury Liam Byrne MP left a note dated 6<sup>th</sup> April 2010 to the incoming Chief Secretary to the Treasury reading, "I'm afraid there is no money".

Joining a Europe-only FTT would be the worst of both worlds because the Government would lose tax revenue to Brussels while still being at risk from speculative activity outside the taxed area.

The FTT proposed by the European Commission, which only covers 11 countries, would hit people's savings and pensions and affect jobs and growth. It must be ensured that this tax is applied only to those countries that introduce it and is not a tax via the back door for British companies. The priority should be on resolving the Eurozone's sovereign debt crisis.

The Government are making sure the rich pay their fair share. The Government has increased capital gains tax for higher earners and bankers bonuses have dropped by £10 billion from their peak under Labour.

The Council welcomes:

The response of the Business Select Committee to the Kay Review calling on the government to assess the likely impact of the introduction of a Financial Transaction Tax.

The Council supports:

The introduction of a global Financial Transaction Tax (FTT), but do not believe that it would be effective or fair if applied solely to transactions within the European Union and the revenue raised was passed to the European Commission rather than member states.

The Council resolves to:

Continue to lobby the Government for more resources for Manchester and;  
Call on the Government to negotiate to achieve a global FTT which would be the best solution for Britain to tax and regulate our own financial services sector domestically."

## **Resolution**

The amendment was put and voted upon, and the Lord Mayor declared that it was **LOST**.

The original motion was put and voted upon, and the Lord Mayor declared that it was **CARRIED**.

## **Decision**

Council notes that:

The financial crisis and the recession have left a massive hole in the UK's public finances.

The banking bailout in the UK cost around £1.5 trillion in total or £31,250 per person.

Bailed-out banks with £5.2 billion losses, £1.1 billion in fines for mis-selling, £390 million in fines for libor-fixing were still in 2012 paying over £600 million in bonuses.

Despite being one of the most deprived local authority areas in the country Manchester is facing unprecedented cuts due to the Conservative led Coalition Government's austerity policies. If Manchester's cut was the same as the England average we would, by the end of the current comprehensive spending review period (2014/15) be £55m per year better off. That is over £1million pounds a week.

Council welcomes:

The response of the Business Select Committee to the Kay Review calling on the government to assess the likely impact of the introduction of a Financial Transaction Tax.

Council believes that:

It is time for the financial sector to pay its fair share.

As the blame for the economic crisis lies largely at the door of the banks they must be part of the solution.

Council calls on the Government to:

Follow the lead of the 11 European countries, including France, Germany, Italy and Spain, and introduce a Financial Transaction Tax on transactions like stocks, bonds, foreign currency and derivatives, which could raise £250 billion a year globally.

Support the work being led by Arlene McCarthy MEP in the European Parliament to ensure that the costs of risky trading are never again borne by the public purse.

Use the revenues from this measure to reverse its unfair cuts to Manchester.

**CC/13/76    Motion – Blacklisting**

## **Motion made and seconded**

Manchester City Council is deeply concerned by revelations that major companies have been involved in “blacklisting” in order to deny employment to workers who have engaged in trade union activity, such as reporting breaches of health and safety regulations.

The Information Commissioners Office (ICO) found that a blacklist of construction workers was maintained by an organisation called The Consulting Association who traded for profit the personal information of over 3200 workers. This blacklist was used by over 40 companies and included information about workers’ personal relationships, trade union activity and employment history.

The use of such blacklists is unacceptable and cannot be condoned, as it has a potentially negative impact on the employment rights of Manchester construction workers.

This Council has constructive relationships with trade unions and upholds the right to freedom of association, and we expect all suppliers and partner organisations to do the same. Council calls on the Chief Executive to examine existing contracts with any of the companies listed by the ICO and ask for reassurances that the company uses no form of blacklisting to inform their employment decisions.

## **Resolution**

The motion was put and voted on, and the Lord Mayor declared that it was **CARRIED**.

## **Decision**

Manchester City Council is deeply concerned by revelations that major companies have been involved in “blacklisting” in order to deny employment to workers who have engaged in trade union activity, such as reporting breaches of health and safety regulations.

The Information Commissioners Office (ICO) found that a blacklist of construction workers was maintained by an organisation called The Consulting Association who traded for profit the personal information of over 3200 workers. This blacklist was used by over 40 companies and included information about workers’ personal relationships, trade union activity and employment history.

The use of such blacklists is unacceptable and cannot be condoned, as it has a potentially negative impact on the employment rights of Manchester construction workers.

This Council has constructive relationships with trade unions and upholds the right to freedom of association, and we expect all suppliers and partner organisations to do the same. Council calls on the Chief Executive to examine existing contracts with any of the companies listed by the ICO and ask for reassurances that the company uses no form of blacklisting to inform their employment decisions.

## **CC/13/77 Motion – Supporting HS2**

### **Motion made and seconded:**

This Council notes with great concern recent comments raising questions about the future of HS2 from Shadow Chancellor Ed Balls, Alistair Darling, Peter Mandelson and Boris Johnson.

This Council welcomes the strong and repeated commitment of Coalition Ministers, from both the Liberal Democrat and Conservative parties, to HS2 and welcomes the more positive indication of support for HS2 that has been given by Shadow Transport Minister Maria Eagle.

This Council understands the 'once in a lifetime' chance that HS2 will bring to end the north/south divide and the huge regeneration benefits that HS2 offers to Manchester.

This Council resolves to invite the HS2 Growth Taskforce, newly appointed Chair of HS2 Sir David Higgins and Transport Ministers to hold a Cities Summit in Manchester, at the earliest possible opportunity, to identify the key role that cities like Manchester can play in starting to deliver the project and the wider regeneration benefits now.

This Council also resolves to invite Ed Balls, Alistair Darling, Peter Mandelson and Boris Johnson to this Cities Summit to help to move forward constructive dialogue on delivering HS2.

### **Amendment made and seconded:**

Delete the 4<sup>th</sup> and 5<sup>th</sup> paragraph and replace with:

“This Council resolves to continue to support the Greater Manchester HS2 Leadership Group chaired by the Vice-Chancellor of Manchester Metropolitan University, John Brookes, the English Core Cities Group and others in bringing together the widest group of stakeholders to campaign for full delivery of HS2.”

### **Resolution**

The proposer of the original motion accepted the amendment. The substantive motion was put and voted upon, and the Lord Mayor declared the motion **CARRIED**.

### **Decision**

This Council notes with great concern recent comments raising questions about the future of HS2 from Shadow Chancellor Ed Balls, Alistair Darling, Peter Mandelson and Boris Johnson.

This Council welcomes the strong and repeated commitment of Coalition Ministers, from both the Liberal Democrat and Conservative parties, to HS2 and welcomes the more positive indication of support for HS2 that has been given by Shadow Transport Minister Maria Eagle.

This Council understands the 'once in a lifetime' chance that HS2 will bring to end the north/south divide and the huge regeneration benefits that HS2 offers to Manchester.

This Council resolves to continue to support the Greater Manchester HS2 Leadership Group chaired by the Vice-Chancellor of Manchester Metropolitan University, John Brookes, the English Core Cities Group and others in bringing together the widest group of stakeholders to campaign for full delivery of HS2.

### **CC/13/78 Motion – The Waste Collection Contract**

#### **Motion made and seconded**

This Council notes that the Waste Collection Contract for Manchester is up for renewal or retendering.

This Council believes that this provides a huge opportunity to deliver a new and more effective contract that will address major concerns over bins left strewn all over pavements after collection, overflowing bins, side waste and increasing litter problems across our city.

This Council therefore resolves to open up the review process for the Contract to the widest possible public comment and consultation so that a stronger Waste Collection Contract that works better for Manchester can be developed.

#### **Amendment made and seconded**

Delete all after:

“This Council notes that the Waste Collection Contract for Manchester is up for renewal or retendering.

This Council believes that this provides a huge opportunity”

And replace with:

“for the new contract to deliver improved partnership working with residents and businesses across Manchester.

Council welcomes the review process that is currently underway reaching out across the city with residents, businesses and visitors on how £14.5 million additional airport divided can be used for Cleaning and Greening our city. Council thanks and looks forward to developing with communities over 50 individual proposals that have already been submitted and encourage further submissions and continued active involvement of residents in this process.”

#### **Resolution**

The amendment was put and voted upon, and the Lord Mayor declared that it was **CARRIED**.

The substantive motion was put and voted upon, and the Lord Mayor declared that it was **CARRIED**.

### **Decision**

This Council notes that the Waste Collection Contract for Manchester is up for renewal or retendering.

This Council believes that this provides a huge opportunity for the new contract to deliver improved partnership working with residents and businesses across Manchester.

Council welcomes the review process that is currently underway reaching out across the city with residents, businesses and visitors on how £14.5 million additional airport dividend can be used for Cleaning and Greening our city. Council thanks and looks forward to developing with communities over 50 individual proposals that have already been submitted and encourage further submissions and continued active involvement of residents in this process.”

### **CC/13/79 Motion – Landlord Licensing**

#### **Motion made and seconded**

This Council notes with concern the detrimental effect on too many of Manchester's communities of poorly managed and maintained houses in multiple occupation (HMOs).

This Council believes that urgent action is needed to raise standards in the HMO sector and that often landlords are hard to contact when problems happen - leaving neighbours to suffer.

This Council therefore resolves to look at measures to strengthen the conditions in respect of issues such as waste management and anti-social behaviour in existing Mandatory HMO Licenses.

This Council also resolves to reduce the length of licenses issued to a year where badly managed licensed HMOs are the source of problems for their neighbours.

In addition this Council agrees to look into the operation of landlord licensing schemes which cover all HMOs, such as the ones in Oxford and Newham, with a view to introducing a landlord licensing scheme for all HMOs in Manchester.

#### **Amendment made and seconded:**

Delete all after:

“This Council notes with concern the detrimental effect”

and replace with:

“that changes brought in by the LibDem / Tory Coalition Government has had on many communities across Manchester.

Council will remember that one of the first acts of this Government was to abolish the HMO controls introduced by the last Labour Government which meant local authorities no longer have the powers to control the expansion of HMO’s.

The Council and our partners have lobbied for a number of amendments to the forthcoming Anti-Social Behaviour, Crime and Policing Bill which would form part of a package of powers available to help tackle some of the issues associated with poorly managed HMO’s.

Council resolves to continue to press for any legislation which will improve the lives of our communities.”

### **Resolution**

The amendment was put and voted upon, and the Lord Mayor declared that it was **CARRIED**.

The substantive motion was put and voted upon, and the Lord Mayor declared that it was **CARRIED**.

### **Decision**

This Council notes with concern the detrimental effect that changes brought in by the LibDem / Tory Coalition Government has had on many communities across Manchester.

Council will remember that one of the first acts of this Government was to abolish the HMO controls introduced by the last Labour Government which meant local authorities no longer have the powers to control the expansion of HMO’s.

The Council and our partners have lobbied for a number of amendments to the forthcoming Anti-Social Behaviour, Crime and Policing Bill which would form part of a package of powers available to help tackle some of the issues associated with poorly managed HMO’s.

Council resolves to continue to press for any legislation which will improve the lives of our communities.



## **Annex 1 to the Council minutes on 9 October 2013 - Delegation of non-executive functions to the Head of Neighbourhood Delivery**

### **Head of Neighbourhood Delivery**

The holder of the post of Head of Neighbourhood Delivery shall be responsible for the management of the Neighbourhood Delivery Division within the Growth and Neighbourhoods Directorate including highways, street scene services (including grounds maintenance), environmental health and protection, consumer protection, and private sector housing and without prejudice to the foregoing, shall have power subject to compliance with the Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements, to:

### **General Functions**

These functions can either be Executive or Non-Executive depending on the circumstances.

- 1 Without prejudice to the specific delegations of the Deputy Chief Executive (Growth and Neighbourhoods), to exercise the functions of the Council relating to highways and to administer and enforce all relevant legislation relating to the Council's functions as local highway authority, including the authorisation of legal proceedings and the authorisation of officers to enter land and premises and exercise any powers in pursuance of the Council's functions as local highway authority.
- 2 To exercise the functions of the Council relation to environmental health, waste and environmental protection, pollution control, contaminated land, private sector housing, street scene services (including grounds maintenance), health and safety, food safety, animal welfare, consumer protection, and weights and measures.
- 3 To administer and enforce all relevant legislation relating to the Council's functions listed at item 2 above, including the authorisation of legal proceedings and the authorisation of officers to enter on to land and premises to carry out their duties.
- 4 To support and assist the Chief Executive in his responsibilities in relation to civil contingencies, emergencies and disasters, and to take day to day responsibility for such matters.
- 5 To take any urgent action in connection with the functions delegated to the Head of Neighbourhood Delivery) after consultation with the appropriate Chair or Executive Member, subject to any such action taken under this power being reported to the next ordinary meeting of the Executive or appropriate Committee.

### **Non Executive Functions**

#### **Highways**

6. Power to create footpath, bridleway or restricted byway by agreement (subject to consultation with the Chair of the Planning and Highways Committee) under Section 25 of the Highways Act 1980 (“the 1980 Act”).
7. Power to create footpaths, bridleways and restricted byways (subject to consultation with the Chair of the Planning and Highways Committee) under Section 26 of the 1980 Act.
8. Duty to keep register of information with respect to maps, statements and declarations under Section 31A of the 1980 Act.
9. Power to grant permission for the provision, etc of services, amenities, recreation & refreshment facilities on highway, and related powers under Sections 115E, 115F and 115K of the 1980 Act (but subject to the referral of objections / representations to any Section 115E proposals to the Deputy Chief Executive (Growth and Neighbourhoods).
10. Duty under Section 115G of the 1980 Act to publish notice in respect of proposals to grant permission under Section E of the 1980 Act.
11. Power to stop up footpaths, bridleways and restricted byways (subject to consultation with the Chair of the Planning and Highways Committee) under Section 118 of the 1980 Act.
12. Power to make a rail crossing extinguishment order (subject to consultation with the Chair of the Planning and Highways Committee) under Section 118A of the 1980 Act.
13. Power to make a special extinguishment order (subject to consultation with the Chair of the Planning and Highways Committee) under Section 118B of the 1980 Act.
14. Power to divert footpaths, bridleways and restricted byways (subject to consultation with the Chair of the Planning and Highways Committee) under Section 119 of the 1980 Act.
15. Power to make a rail crossing diversion order (subject to consultation with the Chair of the Planning and Highways Committee) under Section 119A of the 1980 Act.
16. Power to make a special diversion order (subject to consultation with the Chair of the Planning and Highways Committee) under Section 119B of the 1980 Act.
17. Power to require applicant for order to enter into agreement under Section 119C(3) of the 1980 Act.
18. Power to make SSSI diversion order (subject to consultation with the Chair of the Planning and Highways Committee) under Section 119D of the 1980 Act.

19. Duty to assert and protect the rights of the public to use and enjoyment of highways under Section 130 of the 1980 Act.
20. Duty to serve notice of proposed action in relation to obstruction under Section 130A of the 1980 Act.
21. Power to apply for variation of order under Section 130B of the 1980 Act.
22. Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway under Section 135 of the 1980 Act.
23. Power to permit deposit of builder's skip on highway under Section 139 of the 1980 Act.
24. Power to license planting, retention and maintenance of trees etc. in part of highway under Section 142 of the 1980 Act and provision of trees and shrubs under Section 24 of the Greater Manchester Act 1981.
25. Power to authorise erection of stiles etc. on footpaths or bridleways under Section 147 of the 1980 Act.
26. Powers relating to the removal of things so deposited on highways as to be a nuisance under Section 149 of the 1980 Act.
27. Power to license works in relation to buildings etc. which obstruct the highway under Section 169 of the 1980 Act.
28. Power to consent to temporary deposits or excavations in streets under Section 171 of the 1980 Act.
29. Power to dispense with obligation to erect hoarding or fence under Section 172 of the 1980 Act.
30. Power to restrict the placing of rails, beams etc. over highways under Section 178 of the 1980 Act.
31. Power to consent to construction of cellars etc. under street under Section 179 of the 1980 Act.
32. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators under Section 180 of the 1980 Act.
33. Power to extinguish certain public rights of way (subject to consultation with the Chair of the Planning and Highways Committee) under Section 32 of the Acquisition of Land Act 1981.
34. Duty to keep definitive map and statement under review under Section 53 of the Wildlife and Countryside Act 1981.
35. Power to include modifications in other orders under Section 53A of the Wildlife and Countryside Act 1981.

36. Duty under Section 53B of the Wildlife and Countryside Act 1981 to keep a register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981.
37. Power to prepare map and statement by way of consolidation of definitive map and statement under Section 57A of the Wildlife and Countryside Act 1981.
38. Power to designate footpath as cycle track under Section 3 of the Cycle Tracks Act 1984.
39. Power to extinguish public right of way over land acquired for clearance under Section 294 of the Housing Act 1981.
40. Power to consider and (subject to consultation with the Chair of the Planning and Highways Committee) to make applications for an Order to authorise stopping up or diversion of highway under Section 247 of the Town and Country Planning Act. 1990.
41. Power to authorise stopping up or diversion of footpath, bridleway or restricted byway (subject to consultation with the Chair of the Planning and Highways Committee) under Section 257 of the Town and Country Planning Act 1990.
42. Power to extinguish public rights of way over land held for planning purposes (subject to consultation with the Chair of the Planning and Highways Committee) under Section 258 of the Town and Country Planning Act 1990.
43. Power to enter into agreements with respect to means of access under Section 35 of the Countryside and Rights of Way Act 2000.
44. Power to provide access in absence of agreement under Section 37 of the Countryside and Rights of Way Act 2000.
45. Power to grant a street works licence under Section 50 of the New Roads and Street Works Act 1991.

### **Environmental Protection**

46. The inspection of the Authority's area to detect any statutory nuisance under Section 79 of the Environmental Protection Act 1990.
47. The investigation of any complaint as to the existence of a statutory nuisance under Section 79 of the Environmental Protection Act 1990.
48. The service of an abatement notice in respect of a statutory notice under Section 80 of the Environmental Protection Act 1990.
49. Duty to enforce Chapter 1 of the Health Act 2006 (Smoke-Free Premises, Places and Vehicles) and regulations made under it pursuant to Section 10(3) of the Health Act 2006.

50. Power to authorise officers to act in matters arising under Chapter 1 of the Health Act 2006 (Smoke-Free Premises, Places and Vehicles) and regulations made under it pursuant to Section 10(5) of the Health Act 2006.
51. To exercise the Council's functions relating to fixed penalty notices pursuant to Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006 and the Smoke-Free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2007/760).
52. Power to transfer enforcement functions to another enforcement authority pursuant to the Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368).
53. To exercise the Council's powers to give notice to reduce the emission of dust etc. from building operations under Section 34 of the Greater Manchester Act 1981 ("the Local Act").
54. To exercise the Council's powers to order reduction of gas, vapour or fumes coming from chimneys under Section 36 of the Local Act.
55. To exercise the Council's powers to require owner to provide adequate means of lighting in habitable rooms under Section 48 of the Local Act.
56. To exercise the Council's powers in relation to trees impeding natural light to houses, shops and offices under Section 49 of the Local Act.
57. To exercise the Council's powers in relation to the prohibition of interference with bird traps authorised by the Council under Section 53 of the Local Act.

### **Health and Safety at work Functions**

58. Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.

### **Miscellaneous**

59. Obtaining particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
60. To prepare and serve notices under Section 215(1) of the Town and Country Planning Act 1990.

### **Executive Functions** **Highways**

61. To approve the making of permanent and experimental traffic regulation orders, speed limits and on-street parking places orders and their implementation including associated engineering measures subject to:

- a. consultation with the Executive Member for Neighbourhood Services in all cases.
  - b. the referral of objections / representations received in relation to proposed orders to the Deputy Chief Executive (Growth and Neighbourhoods).
- 62 To approve the construction of road humps and other traffic calming measures subject to:
- a. consultation with the Executive Member for Neighbourhood Services in all cases.
  - b. the referral of objections / representations received in response to proposals for road humps to the Deputy Chief Executive (Growth and Neighbourhoods).
- 63 To make arrangements for the establishment, alteration and removal of zebra crossings.
- 64 To consider and to make applications for Orders under Sections 248, 249, 251, 253 to 256, 258, 259 and 261 of the Town and Country Planning Act 1990 and Section 48 of the Civil Aviation Act 1982 and to make orders under Section 294 of the Housing Act 1985.
- 65 To undertake schemes to improve road safety and pedestrian and cycling facilities.
- 66 In consultation with the Executive Member for Neighbourhood Services to approve the construction, alteration and removal of highway improvement schemes, including the making of agreements for the execution of works under Section 278 of the 1980 Act.
- 67 To accept the dedication of land as highways (including for highway widening) and to adopt highways and to approve the entering into of agreements for these purposes.
- 68 To approve the entering into of Walkway Agreements.
- 69 To exercise the Council's functions under Part 2 of the Traffic Management Act 2004.
- 70 To prepare and publish the Rights of Way Improvement Plan.
- 71 To approve the making of applications to the magistrates court under Section 116 of the Highways Act 1980 for orders stopping up and/or diverting highways, subject to consultation with the Executive Member for Neighbourhood Services, and to take such steps considered appropriate to secure the making of such orders for which no further consultation with the Executive Member is required.
- 72 To make arrangements for the provision of and authorise the provision of road and directional signing (except temporary direction signing).

- 73 To make arrangements for the provision of school crossing patrols in consultation with the Executive Member for Children's Services.
- 74 To respond to consultation regarding the siting and erection of bus stops and bus shelters.
- 75 To agree bus timing points.
- 76 To make application to the Traffic Commissioner for the imposition of traffic regulation conditions in respect of local services.
- 77 To make objections / representations in relation to the proposed grant of or changes to heavy goods vehicle operators' licences.
- 78 To undertake maintenance and repair of bridges and other structures.
- 79 To take action in relation to retaining walls near streets.
- 80 To determine and issue licences for bridges over the highway.
- 81 To respond to consultation on the highway / traffic implications of planning proposals.
- 82 To make minor amendments to the details of approved highways or traffic related proposals.
- 83 To maintain and repair highways within approved budgets (with the exception of highway bridges and other structures).
- 84 To be responsible for the control of work and the placing of items in, over, under, on or adjacent to highways and streets including the taking of enforcement action.
- 85 To manage the Council's rights of way network including the exercise of the Council's functions in respect of such matters.
- 86 To exercise the Council's functions under the New Roads and Street Works Act 1991 (with the exception of Section 50 of that Act).
- 87 To make temporary traffic orders and issue temporary notices under the Road Traffic Regulation Act 1984 and to make Orders under the Town Police Clauses Act 1847 and to carry out associated works.
- 88 To exercise the Council's functions in relation to the naming and numbering of streets and their renaming and renumbering, including the exercise of the Council's powers in relation to Street Numbers under Section 22 of the Greater Manchester Act 1981.
- 89 To provide street trees and highway grass verges and their removal and replacement.

- 90 To determine applications for street performance / displays etc.
- 91 To determine applications for Homewatch / Business Watch signs.
- 92 To keep and update the Council's list of adopted streets.
- 93 To carry out urgent repairs to private streets or to require such urgent repairs to be carried out.
- 94 To provide or approve the provision of temporary directional signing for events.
- 95 To carry out improvements to private forecourts where this would promote the environmental well-being of the area when the Council undertakes adjoining highway improvement schemes.
- 96 To prepare, publish, review and make amendments to the Council's Rights of Way Improvement Plan.
- 97 To establish and appoint members to the Local Access Forum under Section 94 of the Countryside and Rights of Way Act 2000, in consultation with the Executive Member for Neighbourhood Services.
- 98 To exercise the Council's power in relation to the recovery of street works charges where the owner is unknown under Section 21 of the Greater Manchester Act 1981 ("the Local Act").
- 99 To exercise the Council's power in relation to the prohibition of parking of goods vehicles in residential streets under Section 26 of the Local Act.
- 100 To exercise the Council's power in relation to the control of verges under Section 27 of the Local Act.
- 101 To exercise the Council's power in relation to the temporary stoppage of footpaths and bridleways under Section 28 of the Local Act.
- 102 To exercise the Council's power in relation to the prohibition of the riding of pedal cycles in any pedestrian area under Section 164 of the Local Act.
- 103 Subject to consultation with the City Solicitor to enter into Agreements in relation to any of the above matters.

### **Crime and Disorder Strategy**

104. To implement the Crime and Disorder Strategy and to discharge or arrange for the discharge of the Council's functions in relation to reduction of crime and disorder and antisocial behaviour.

Without prejudice to the generality of item 104 above:



105. To discharge the functions of the Council in relation to Anti-Social Behaviour Orders under Section 1 of the Crime and Disorder Act 1998.
106. To discharge (in consultation with the Director of Children's Services) the functions of the Council in relation to local child curfew schemes under Section 14 of the Crime and Disorder Act 1998.
107. To discharge the functions of the Council in relation to Mediation Services.

### **Waste and Cleansing**

108. To exercise the functions of the Council under Part II of the Environment Protection 1990.

Without prejudice to the generality of item 108 above;

109. To be responsible for community based clean up campaigns.
110. To be responsible for litter abatement and environmental education.
111. To liaise with the Chief Executive, the Waste Disposal Authority and other local authorities in the preparation and revision by the Waste Disposal Authority of waste disposal plans.
112. To manage the storage, collection and transportation for final disposal of domestic, commercial and industrial refuse, certain classes of hazardous wastes, liquid wastes, bulky items of waste, clinical waste, garden refuse and building materials.
113. To arrange for the provision, hire or sale of refuse receptacles, the provision, hire or sale of receptacles for clinical waste, and the provision of litter bins.
114. To participate in the recycling of waste materials.
115. To purchase refuse containers, compactors and skips in accordance with the needs of the service.
116. To serve statutory notices in respect of the removal of abandoned motor vehicles and the collection, removal and disposal of unwanted or abandoned motor vehicles.
117. To serve statutory notices in respect of the removal of waste from land.
118. To discharge the functions of the Council in relation to the control of waste and litter generally and including under Section 2 of the Refuse Disposal (Amenity) Act 1978, Section 33(1)(a) of the Environmental Protection Act 1990 and Section 87 of the Environmental Protection Act 1990.
119. To serve statutory notices in respect of the removal of litter from land.
120. To remove refuse abandoned on land in the open air.

## **Housing**

121. To exercise the functions of the Council in relation to conditions associated with private sector and social residential accommodation and facilities (excluding accommodation owned by the Council), including but not limited to powers derived from the following statutes:
- a. Public Health Act 1936
  - b. Public Health Act 1961
  - c. Prevention of Damage by Pests Act 1949
  - d. Greater Manchester Act 1981
  - e. Local Government (Miscellaneous Provisions) Act 1976 and 1982
  - f. Building Act 1984
  - g. Environmental Protection Act 1990
  - h. The Water Act 1989
  - i. Health and Safety at Work Act 1974
  - j. Food Safety Act 1990
122. To authorise the City Solicitor to make, vary and revoke Gating Orders.

## **Environmental Health**

123. To exercise the Council's functions as food authority under EU Food Hygiene Regulations, the Food Safety Act 1990 and the Food Hygiene (England) Regulations 2006 (S.I. 2006/ No. 14).

Without prejudice to the generality of item 123 above;

124. To exercise the Council's functions in relation to the grant of approvals to establishments handling, preparing or producing products of animal origin for which requirements are laid down in Regulation (EC) 853/2004.
125. To requisition information in connection with environmental health functions generally and including under Section 93 of the Control of Pollution Act 1974, Section 19 of the Environmental Protection Act 1990 and Section 108 of the Environment Act 1995.
126. To exercise the Council's functions under The Cattle Identification Regulations 2007 (S.I. 2007/ No. 539).
127. To exercise the Council's functions under the Pigs (Records, Identification and Movement) Order 2011 (S.I. 2011/ No. 2154).
128. To exercise the Council's functions under the Animal By-Products (Enforcement) (England) Regulations 2011 (S.I. 2011 No. 881).
129. To operate disinfection and sharps collection services.
130. To operate a Dog Control Service (including the control of stray dogs).

131. To exercise the Council's powers in relation to the control of the carriage and storage of waste food under Section 35 of the Greater Manchester Act 1981 ("the Local Act").
132. Powers of entry under Section 38 of the Local Act for enforcement under Prevention of Damage by Pests Act 1949.
133. To exercise the Council's powers in relation to the control of stray dogs under Section 42 of the Local Act.
134. To exercise the Council's powers in relation to the temporary repair of defective premises under Section 44 of the Local Act.
135. To exercise the Council's powers in relation to urgent repairs to water, gas and electricity apparatus under Section 47 of the Local Act.
136. To take action for the seizure and retention, or destruction, or disposal of animals in circumstances where emergency action is warranted.
137. To deal with applications relating to the control of noise on construction etc., sites.
138. To exercise powers relating to the prior approval of new furnaces and to the height of chimneys.
139. To exercise powers and regulations made relating to the control and measurement of grit and dust.
140. To exercise powers relating to the cleansing and disinfection of premises and the temporary removal of occupants.
141. To take action necessary for the removal of asbestos.
142. To discharge the functions of the Council under the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2000 No. 2853).

#### **Street Scene Services (including Grounds Maintenance)**

143. To discharge the functions of the Council relating to grounds maintenance, street cleansing, arboriculture services and the removal of graffiti etc.
144. To arrange for sweeping of highways, streets and passages, the removal of fallen leaves, the removal of litter from landscaped areas, and the emptying of litter bins.
145. To be responsible for grounds maintenance functions (excluding schools).

#### **Miscellaneous**

146. To exercise the powers of the Council to control street trading under the Manchester City Council Act 2010.