

## **Council**

### **Minutes of the meeting held on 29 January 2014**

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

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

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

#### **CC/14/01 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/14/02 Urgent Business**

The Lord Mayor informed the Council that he had consented to the minutes of the Constitutional and Nomination Committee on 29 January 2014 being submitted for consideration as urgent business.

#### **CC/14/03 Nelson Mandela, Paul Goggins MP**

The Lord Mayor reported the death of Wythenshawe and Sale East MP, Paul Goggins, who was elected to represent the constituency in 1997.

The Lord Mayor also reported the death of Nelson Mandela on 5 December 2013. Council recalled Nelson Mandela's role as an inspirational leader in South Africa's transformation.

The Council and those present at its meeting then observed a period of silence in memory of Paul Goggins and Nelson Mandela.

#### **CC/14/04 New Years Honours**

The Lord Mayor told the Council that he had written letters of congratulations to those Mancunians who had been honoured by Her Majesty The Queen in the New Year's Honours list.

Councillor Joyce Keller, OBE  
Geoff Little, OBE  
Professor Susan Bailey, DBE  
Professor Carole Goble, CBE  
Peter Rickards, QPM  
Lenox Green, OBE  
James Jones, OBE  
Lisa Tse, MBE  
Helen Tse, MBE  
Gloria Barnwell, OBE  
Garry Shewan, QPM  
Dr Catherine White, OBE

### **CC/14/05 The Manchester Economy**

The Council received a presentation from Sir Howard Bernstein, Chief Executive of Manchester City Council which provided an updated on economic and regeneration development in Manchester. Following the presentation, Sir Howard answered questions from Council members.

### **CC/14/06 Minutes**

#### **Decision**

To approve the minutes of the meeting on 4 December 2013 as a correct record.

### **CC/14/07 Proceedings of the Executive**

The proceedings of the Executive on 18 December 2013 and 15 January 2014 were submitted. The Council considered the following recommendations

#### **Exe/13/172 Capital Programme – proposed increases**

To recommend that the City Council approve:

1. Growth & Neighbourhoods (Highways) – Delamere Road One Way: To increase the capital budget by £15k in 2013/14, funded by revenue.
2. Growth & Neighbourhoods (Libraries) - Barlow Moor Outreach Library: To increase the capital budget by £143k in 2013/14, funded by Fire Insurance Reserve.

#### **Exe/13/173 Global Revenue Budget Monitoring report to end of October 2013**

To recommend that Council approve the use of Housing Benefit Transitional Fund grant as set out in paragraph 6 of the report, the grant being announced after the financial settlement and therefore not included in the budget approved by Executive on 13 February 2013.

#### **Decision**

1. To receive the minutes of the Executive meetings
2. Capital Programme – proposed increases

To increase the capital budget by £15k in 2013/14, funded by revenue for Growth & Neighbourhoods (Highways) – Delamere Road One Way.

To increase the capital budget by £143k in 2013/14, funded by Fire Insurance Reserve for Growth & Neighbourhoods (Libraries) - Barlow Moor Outreach Library.

3. Global Revenue Budget Monitoring report to end of October 2013

To approve the use of Housing Benefit Transitional Fund grant as set out in paragraph 6 of the Executive report, the grant being announced after the financial settlement and therefore not included in the budget approved by Executive on 13 February 2013.

(Councillor Hyde declared a personal interest in minutes reference Exe/13/175 of the Executive minutes on 18 December 2013 and minute reference Exe/14/005 of the Executive minutes on 15 January 2014.)

#### **CC/14/08 Questions to Executive Members under Procedural Rule 23.**

Councillor Battle responded to a question from Councillor Lewis about the long term viability of the Withington Leisure Centre.

#### **CC/14/09 Scrutiny Committees**

The minutes of the following meetings were submitted:

Young People and Children – 10 December 2013 and 7 January 2014  
Communities – 11 December 2013 and 8 January 2014  
Neighbourhoods – 10 December 2013 and 7 January 2014  
Economy – 11 December 2013 and 8 January 2014  
Health – 12 December 2013 and 9 January 2014  
Finance – 12 December 2013 and 9 January 2014

#### **Decision**

To receive the minutes.

(Councillor Curley declared a personal interest in minute reference YPC/14/03 of the Young People and Children Scrutiny Committee minutes)

(Councillor Royle declared a personal interest in the minutes of the Young People and Children Scrutiny Committee)

#### **CC/14/10 Proceedings of Committees**

The minutes of the following meeting were submitted:

**Constitutional and Nomination Committee – 15 January 2014 and 29 January 2014**

The Committee made recommendations about membership of Council committees. The recommendations arising from the statutory review of polling districts and polling places were given separate consideration later in the meeting (minutes CC/14/12).

**Decision**

To receive the minutes of the committee meeting.

To approve the recommendations in relation to membership of Council committees and joint committees.

**Licensing and Appeals Committee – 16 December 2013**

The Committee made recommendations about the proposed Manchester Byelaws for Hackney carriages, which will be submitted to the Department for Transport.

**Decision**

To approve the Manchester Byelaws for Hackney Carriages as attached at appendix 1 to the minutes.

The Council noted the proceedings of the following meetings acting under delegated powers:

**Audit Committee – 23 January 2014**

**Health and Wellbeing Board – 22 January 2014**

**Personnel Committee – 15 January 2014**

**Planning and Highways Committee – 19 December 2013 and 16 January 2014**

**Wythenshawe Area Committee – 23 January 2014**

**Standards Committee – 13 January 2014**

**Decision**

To receive the minutes of these committee meetings.

**CC/14/11 Statutory Review of Polling Districts and Polling Places: Draft Final Proposals**

A report of the Chief Executive sought the approval of the Council for the final proposals for polling places and polling districts, following the statutory review which the Council was required to complete by January 2015.

**Decision**

1. To approve the amendment to Appendix 1 of the report which contained a change to the Didsbury West ward.
2. To note the submissions made in respect of the review of polling districts and

polling places for the city of Manchester.

3. To approve the final proposals in respect of the review.
4. To adopt parliamentary polling districts and parliamentary polling places as set out in the scheme contained in Appendix 1 and in the maps found at Appendix 7 of the report submitted to the Council.
5. To approve the reasons given in the report for the decisions taken in respect of the designation of parliamentary polling districts and parliamentary polling places.
6. To adopt the scheme contained in Appendix 1 of the report submitted to Council in relation to local government elections.
7. To request that the Chief Executive publish such notices and other documentation required by law on completion of the review.
8. To request that the Electoral Registration Officer make the necessary amendments to polling districts to take effect from publication of the revised register on 17 February 2014.
9. To note that final proposals have yet to be made in respect of the polling places for DWE polling district in the Didsbury ward, LOE polling district in the Longsight ward and MNE polling district in the Miles Platting and Newton Heath ward, and to delegate authority to the Chief Executive to designate those polling places in consultation with ward councillors, group leaders and the Chair of Constitutional and Nomination Committee.
10. To delegate authority to the Chief Executive to make, where necessary, alterations to the designation of any polling place prior to the next full review in consultation with ward councillors, group leaders and the Chair of Constitutional and Nomination Committee.

### **CC/14/12 Key Decisions**

The report of the City Solicitor on key decisions exempted from call in was noted by the Council.

### **CC/14/13 Food Poverty**

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

Food is essential to life, has a major influence on health and well-being and is a key public health priority for the city. Poor diet is a significant contributor to ill health and the associated costs of this to the public purse are significant. Less than a quarter of people in Manchester eat the recommended five fruit and vegetables a day; dietary factors account for up to a third of deaths from coronary heart disease and a quarter of cancer deaths.

Food is also important in our ability to participate in society and an inability to buy and share food similar to our peers is socially isolating. There is gathering evidence

that food poverty, defined by the Department of Health as “the inability to afford or to have access to, food to make up a healthy diet”, is increasing in the city; this is damaging to the health and wellbeing of individuals and communities. Also the impact of the food system on the environment is vast.

While taking action on food is imperative to address the issues above, it also presents a positive opportunity to improve the economy and vitality of our city. Procuring food sustainably creates a market for local food businesses thus creating jobs, and there is opportunity to encourage and support investment in high tech sustainable commercial growing systems – creating jobs and increasing local food production.

There is already much good work going on in the city by the City Council and partners. Manchester has been a pioneer of multi agency and community action on food since 2004, when it became one of the first cities in England to establish a comprehensive food strategy and partnership (Food Futures). However, it is clear that we now need to do more to rise to the challenges above and to realise the full economic and social benefits that food can bring to the city.

A new national initiative – Sustainable Food Cities – a coalition of NGOs led by the Soil Association, Food Matters and Sustain has been established to support Cities to use food to support positive change through networking and support. Next year it is expected that Cities will be invited to apply to become an accredited Sustainable Food City. This initiative has prompted the establishment of a new Food Board to champion and oversee this work in the city; this Board has identified four key priority areas for action, reflected in the commitments below.

This council therefore:

- Welcomes and supports the establishment of a new Food Board
- Commits to working towards Sustainable Food City status
- Commits to develop a policy on health and take aways to support improvements in the diets and health of our residents
- Commits to working towards reducing food waste in the city
- Commits to working to alleviate the scandal of food poverty in the city
- Commits to supporting sustainable food procurement through its own purchases and through its influence with other public sector organisations
- Commits to investigate options for attracting investment in high tech sustainable food growing industry to create jobs and prosperity in the local economy.

## **Resolution**

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

## **Decision**

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(Councillor Di Mauro declared as personal interest in this item as a member of Northenden Neighbourhood Planning Forum)

**CC/14/14 Nuclear Test Veterans**

### **Motion made and seconded**

Council calls for the recognition of the unique contribution made by our nuclear test veterans to the nation and defence of the realm, during the British Nuclear Testing Programme in the 1950s and 1960s.

We note that, in contrast to many other nuclear powers, Britain has never fully acknowledged it's debt of gratitude. Furthermore, we rank towards the bottom of the 'decency' league table when it comes to how we treat our test veterans.

Council believes that official recognition from the UK Prime Minister, written or oral, would go a long way to honouring the service these veterans gave, together with an ex gratia donation from the Government of £25million to help with the establishment of a Benevolent Fund to help assist those veterans and their descendents in need.

### **Resolution**

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

### **Decision**

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## **Appendix 1 –Manchester Byelaws for Hackney Carriages**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the Manchester City Council with respect to Hackney Carriages in Manchester City.

### Interpretation

1. Throughout these byelaws “the Council” means Manchester City Council and “the district” means Manchester City
2. The ‘Compellable Area’ relates to where a hackney carriage is used for public hire or under contract or purported contract for private hire and the hire commences and concludes within the City boundary, or within an area 4 miles from the nearest point of the City boundary and within the Greater Manchester County

### **Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence shall be displayed**

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.  
  
(b) A proprietor or driver of a hackney carriage shall -  
  
(i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and  
  
(ii) not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

### **Provisions regulating how hackney carriages are to be furnished or provided**

3. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say -  
  
(a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;  
  
(b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;  
  
(c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate

or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;

(d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

(e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and

(f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges**

4. The driver of a hackney carriage provided with a taximeter shall -
  - (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
  - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.
5. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
6. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired -
  - (a) proceed with reasonable speed to one of the stands appointed by the Council;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;

- (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
- (d) from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
7. A proprietor or driver of a hackney carriage, when standing or plying for hire shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.
  8. The driver of a hackney carriage shall be clean and respectable in his dress, behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
  9. The driver of a hackney carriage vehicle shall notify the Council of any conviction against him/her or any acceptance of an endorsable fixed penalty notice or simple caution. Notice must be given immediately in writing after the conviction has been imposed or the fixed penalty notice or simple caution accepted.
  10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
  11. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
  12. If a badge has been provided by the Council and delivered to the driver of a hackney carriage, the driver shall, when standing or plying for hire, and when hired, wear that badge or display it within the vehicle in such position and manner as to be plainly visible.
  13. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage -
    - (a) convey a reasonable quantity of luggage;
    - (b) afford reasonable assistance in loading and unloading; and
    - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.
  14. The proprietor/driver of a hackney carriage shall not wilfully obstruct or hinder an authorised officer in the execution of his/her duties.

15. The proprietor of a hackney carriage will, when requested by a Police Constable, Authorised officer of the Council or any person authorised by the Council, divulge the name and address of the person(s) who has been in charge of a hackney carriage vehicle, or the person(s) the hackney carriage vehicle has been hired to for any period during the previous six months.
16. The proprietor/ person in charge of the hackney carriage vehicle will ensure that prior to any person driving the hackney carriage vehicle they are fully aware of all the facilities of the vehicles especially in relation to 'ramps' anchor straps and swivel seats and are fully competent in their use

**Provisions regulating the distance to which drivers of Hackney Carriages are compelled to take passengers.**

17. The driver of any hackney carriage standing or plying for hire within the city when requested by a person hiring or wishing to hire the hackney carriage, shall convey that person to any point within the compellable area unless he shall have reasonable cause to refuse to do so.
18. (1) The driver of a hackney carriage shall unless otherwise directed by the hirer, proceed by the most practicable direct route to the destination indicated by the hirer.  
  
(2) A proprietor or driver of a hackney carriage shall not unnecessarily or improperly delay the carriage on any journey or wilfully deceive any person in respect of the route or destination.

**Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares**

19. (i) The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.  
  
(ii) Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.  
  
(iii) Where any driver of a hackney carriage is undertaking a journey ending outside the city and outside the four mile limit, (s)he must not seek a fare greater than that recorded on the fare-meter unless an agreed fare has been negotiated with the hirer before the start of the journey. Journeys starting and ending within the city or starting and ending within 4 miles of the nearest point of the City Boundary and (within Greater Manchester County) must be at the rate show on the fare-meter. If requested, a written receipt for fare paid must be provided.

20. (i) The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- (ii) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof**

21. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
22. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him -
- (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to a police station in the district and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to a Police station, whichever be the greater) but not more than five pounds.

**Penalties**

23. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

**Repeal of Byelaws**

24. The byelaws relating to hackney carriages which were made by the Lord Mayor Alderman and the citizens of the City of Manchester on the 5th day of December 1956\*\* and which were confirmed by one of her Majesty's Principal Secretaries of State on the 18th day of April 1957 are hereby repealed.