



Joanne Roney OBE  
Chief Executive  
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**Tuesday, 20 November 2018**

Dear Councillor / Honorary Alderman,

### **Meeting of the Council – Wednesday, 28th November, 2018**

You are summoned to attend a meeting of the Council which will be held at 10.10am or at the rise of the Special Council Meeting, whichever is the later, on Wednesday, 28 November, 2018, in the Council Chamber, Level 2, Town Hall Extension.

**1. The Lord Mayor's Announcements and Special Business**

**2. Interests**

To allow members an opportunity to declare any personal, prejudicial or disclosable pecuniary interest they might have in any items which appear on this agenda; and record any items from which they are precluded from voting as a result of Council Tax or Council rent arrears. Members with a personal interest should declare that at the start of the item under consideration. If members also have a prejudicial or disclosable pecuniary interest they must withdraw from the meeting during the consideration of the item.

**3. Minutes**

Pages  
11 - 22

To submit for approval the minutes of the meeting held on 3 October 2018.

**4. Proceedings of the Executive**

Pages  
23 - 44

To submit for approval the minutes of the meetings held on 17 October and 14 November 2018, and in particular to consider the following recommendations:

**Exe/18/94 Global Monitoring and Budget Update**

To recommend to Council that the revised Prudential Indicator for non HRA Capital Expenditure be set at £600m.

**Exe/18/95 Capital Programme Monitoring 2018/19**

To recommend that the Council approve the virements over

£0.5m between capital schemes to maximise use of funding resources available to the City Council as set out in the appendix to these minutes. **(Appendix attached)**

#### **Exe/18/96 Capital Programme Update**

To recommend that the Council approve the following changes to Manchester City Council's capital programme:

- (a) Strategic Development – Alexandra House. A capital budget allocation and transfer of £12.0m, £0.885m in 2018/19, £4.790m in 2019/20, £4.0m in 2020/21 and £2.325m in future years, to be met from £10.0m from the Estates Transformation budget funded by borrowing and £2.0m from the Asset Management Programme budget funded by capital receipts;
- (b) Neighbourhoods – Christmas Market Electrical Equipment. A capital budget increase of £0.137m in 2018/19, funded by borrowing.
- (c) Strategic Development – Car Hire, Etihad. A capital budget allocation and transfer of £0.960m in 2018/19, from the Strategic Acquisition budget, funded by Capital Fund.
- (d) Highways – Highways Asset Surveys. A virement from the capital budget to revenue of £1.5m, £1.2m in 2019/20, £0.15m in 2020/21 and £0.15m in 2021/22, funded via Capital Fund.

#### **Exe/18/100 The Factory**

- (1) To recommend to the Council to approve a Capital Budget increase of £18.97M, funded by prudential borrowing subject the requirement for the City Treasurer to manage the overall resourcing of the capital budget in a way that provides best value to the Council. This will increase the total capital budget for the construction of The Factory from £111.65M to £130.62M.
- (2) To recommend to the Council a Capital Budget virement from the Strategic Acquisitions Capital Budget of £1.286M, to cover additional land assembly costs, associated with the acquisition of and securing timely access to the Factory site.
- (3) To recommend to the Council a Capital Budget virement of £4.3M from the Sustaining Key Initiatives Capital Budget for the loan facility to Manchester Quays Riverside Limited, on commercial terms.

#### **Exe/18/102 Sprinkler and Fire Safety Works Update**

To recommend to Council that the budget for fire safety works be increased from £4.0m to £5.2m, being an increase of £1.2m to the Public Sector Capital Programme funded from revenue contributions from the HRA.

### **Exe/18/103 Capital Programme Update**

To recommend to the Council these changes to the Council's capital programme:

- (a) Neighbourhoods – Smart Litter Bins. A capital budget increase of £0.258m in 2018/19, funded by borrowing of £0.208m and reserves of £0.050m.
- (b) ICT – Data Centre Network Design and Implementation. A capital allocation and transfer of £3.108m, £2.964m in 2018/19 and £0.144m in 2019/20 to be met from the ICT Investment Plan budget, funded by borrowing.
- (c) Public Sector Housing – Northwards Replacement of Prepayment meters in High Rise Blocks. A capital allocation and transfer of £0.752m, £0.058m in 2018/19 and £0.694m in 2019/20 to be met from the Northwards unallocated budget, funded by capital receipts.

### **5. Questions to Executive Members under Procedural Rule 23**

### **6. Scrutiny Committees**

Pages  
45 - 132

To note the minutes of the following scrutiny committees:

**Health** – 9 October and 6 November 2018

**Children and Young People** – 9 October and 6 November 2018

**Neighbourhoods and Environment** – 10 October and 7 November 2018

**Economy** – 10 October and 7 November 2018

**Communities and Equalities** – 11 October and 8 November 2018

**Resources and Governance** – 11 October and 8 November 2018 (to follow)

### **7. Proceedings of Committees**

Pages  
133 - 178

To submit for approval the minutes of the following meetings and consider recommendations made by the committee:

**Audit Committee** – 5 November 2018

**Health and Wellbeing Board** – 31 October 2018

**Licensing Committee** – 22 October 2018

**Licensing and Appeals Committee** – 22 October 2018

**Planning and Highways Committee** – 18 October and 15 November 2018

**Constitutional and Nomination Committee** – 28 November 2018 (to follow) and to also consider any recommendations contained in the minutes of that meeting that are to be available at the meeting

**Personnel Committee** – 14 November 2018, in particular to consider the recommendation in:-

**PE/18/28 Recruitment to the post of Executive Director Strategic Commissioning (including Director of Adult Social Services functions)**

To recommend that during the period of act-up, the Council agree that the Director Social Care be paid the bottom SCP of the evaluated grade (SS5) for the Executive Director post, an annual salary of £121,692.

**Standards Committee** – 1 November 2018, in particular to consider the recommendation in:-

**ST/18/21 Consideration of the introduction of DBS checks for all Members**

To recommend to Council that it:

- (a) continues to carry out enhanced DBS checks with a check of the barred lists of members who sit on the Fostering and Adoption Panels or who undertake regulation 44 inspections of children's homes;
- (b) undertakes enhanced DBS checks, with a check of the barred lists, for all other elected and co-opted members who undertake "saved" regulated activities, namely
  - all members of the Executive,
  - all members of the Health and Wellbeing Board,
  - all members of the Children and Young People Scrutiny Committee,
  - all members of the Health Scrutiny Committee; and
- (c) requests all other members and co-opted members to agree to basic disclosure checks.

**8. Questions relating to the business of the Combined Authority, Joint Authorities and Joint Committees under Procedural Rule 24**

To receive answers to any questions raised in accordance with Procedural Rule 24 on the business of: (a) the Greater Manchester Combined Authority, (b) the Greater Manchester Fire and Civil Defence Authority, (c) the Greater Manchester Waste Disposal Authority, (d) the Transport for Greater Manchester Committee.

**9. Urgent Key Decisions**

Pages  
179 - 182

The report of the City Solicitor is enclosed.

**10. Revised Gambling Policy 2019 – 2022**

Pages  
183 - 264

The report of the Head of Planning, Building Control and Licensing is enclosed.

**11. Standards Committee - Annual Report**

Pages  
265 - 276

The report of the City Solicitor is enclosed being the report of the Standards Committee since March 2018. The Committee has agreed to the timing of the production of the Annual Report being revised so that it becomes part of the evidence the Council uses to compile the Annual Governance Statement. The report submitted today is for less than 12 months as it is the first produced under the new annual timetable.

**12. Notice of Motion: The International Treaty to Prohibit Nuclear Weapons**

Manchester City Council is a founder member and the host of the Nuclear Free Local Authorities (NFLA), and a Vice President of the Hiroshima-led Mayors for Peace; both of which have been working for over three decades to promote multilateral nuclear disarmament.

NFLA and Mayors for Peace work with the International Campaign to Abolish Nuclear Weapons (ICAN), which received the Nobel Peace Prize in 2017 for its work in encouraging over two thirds of United Nations members to agree to the International Treaty to Prohibit Nuclear Weapons (TPNW). Council regrets that the Governments of the existing nuclear weapon states, including the UK, refuse to support the Treaty. Council fully supports the TPNW as one of the most effective ways to bring about long-term and verifiable multilateral nuclear disarmament.

Council also calls on the United Kingdom Government to lead a global effort to prevent nuclear war by:

- Renouncing the option of using nuclear weapons first;
- Cancelling the plan to replace its entire Trident nuclear arsenal with enhanced weapons;
- Actively pursuing a verifiable agreement among nuclear-armed states to eliminate their nuclear arsenals by supporting the Treaty to Prohibit Nuclear Weapons and the 'Good Faith' Protocols within the Nuclear Non-Proliferation Treaty.

Council instructs the Chief Executive to write to the UK Government to inform them of this resolution and urge them to take account of it.

**Proposed by Councillor Newman, seconded by Councillor Midgely and also signed by Councillors Curley, N Murphy and S Murphy.**

### **13. Notice of Motion: Cuts to Youth Services**

Council believes that this Government has failed young people by overseeing unprecedented cruel cuts to youth services across the country.

Overall spending on youth services in England has fallen by £737m (62%) since 2010. Youth work as a profession has been eroded and undermined through funding cuts and market reforms. This has resulted in a reduction in the number of joint Negotiating Committee programmes, the number of providers employing Joint Negotiating qualified workers and the number of students enrolling in undergraduate programmes.

Between 2012 and 2016, 600 youth centres closed down and 3,500 youth workers lost their jobs. Cuts to youth services have devastated the lives of young people by damaging community cohesion, making it harder to stay in formal education, and having a negative impact on their health and wellbeing. 83% of youth workers say the cuts have had an effect on crime and anti-social behaviour.

Youth work is a distinct educational process offering young people safe spaces to explore their identity, experience decision-making, increase their confidence, develop interpersonal skills and think through the consequences of their actions. This leads to better informed choices, changes in activity and improved outcomes for young people.

- Council believes that youth services should be made statutory, recognising the important role universal youth work plays in supporting young people to realise their potential.
- Council notes that Manchester has established a Youth Partnership via the Manchester Youth Trust and we ask the

Chief Executive to review Trust arrangements to ensure that it is tailored to the needs of Manchester communities.

- We call upon the Secretary of State to promote and secure youth services in each local authority and to establish a national body to oversee youth service provision across the country.
- We call on Manchester MP's to support and campaign for statutory youth services.

**Proposed by Councillor Hewitson, seconded by Councillor Wills and also signed by Councillors Stone, Lovecy and Connolly**

#### **14. Notice of Motion: Exclusion of Pupils from Pupil Referral Units**

Council notes that figures for the most recent academic year show that 169 pupils were excluded from Pupil Referral Units (PRUs). Hundreds of days lost from education for some of Manchester's most vulnerable young people including looked after children, children with SEND and young people involved in gangs.

Often these young people are already way behind their peers both academically and socially and we know there is a direct correlation between attendance and attainment.

Council believes that continued exclusions serve to exacerbate the underachievement of excluded pupils and puts them at a disadvantage for the rest of their lives. Exclusion also punishes the pupil's family. Parents become solely responsible for their child during the period of their exclusion, working parents now need to find ways of looking after their children during the day

Research shows that a significant proportion of those young people who remain unsupported through exclusion go on to be adults displaying similar or more serious problems of anti-social behaviour and crime.

Council therefore resolves to:

1. Call on the Head of the PRU and leaders of alternative education provision to immediately cease the practice of excluding pupils from the City's PRUs – exceptions being where there have been threats to life or where they may be a risk of serious injury to staff, pupils or visitors;
2. Ask that the Chief Executive undertakes a thorough review of the policy, procedure and practice of excluding young people from PRUs and reports her findings, with the agreement of the Committee Chair, to the Children's and Young People Scrutiny Committee by February 2019; and

3. Bring forward recommendations to change the practice of exclusions from PRUs to Council via the Executive no later than April 2019

**Proposed by Councillor McHale, seconded by Councillor Igbon and also signed by Councillors Ludford, Connolly and Harland.**

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Yours faithfully,

A handwritten signature in black ink, appearing to read 'Joanne Roney', with a long horizontal stroke extending to the right and a loop at the end.

**Joanne Roney OBE  
Chief Executive**



## Information about the Council

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The Council is composed of 96 councillors with one third elected three years in four. Councillors are democratically accountable to residents of their ward. Their overriding duty is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Six individuals with previous long service as councillors of the city have been appointed Honorary Aldermen of the City of Manchester and are entitled to attend every Council meeting. They do not however have a vote.

All councillors meet together as the Council under the chairship of the Lord Mayor of Manchester. There are seven meetings of the Council in each municipal year and they are open to the public. Here councillors decide the Council's overall strategic policies and set the budget each year.

Agenda, reports and minutes of all Council meetings can be found on the Council's website [www.manchester.gov.uk](http://www.manchester.gov.uk)

## Members of the Council

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### Councillors:-

Hitchen (Chair), Akbar, Ahmed Ali, Azra Ali, Nasrin Ali, Sameem Ali, Shaukat Ali, Alijah, Andrews, Appleby, Barrett, Battle, Bridges, Chohan (Deputy Chair), Clay, Collins, Connolly, Cooley, Craig, Curley, M Dar, Dar, Davies, Douglas, Ellison, Evans, Farrell, Flanagan, Fletcher-Hackwood, Green, Grimshaw, Hacking, Harland, Hassan, Hewitson, Holt, J Hughes, Igbon, Ilyas, Jeavons, Johns, S Judge, T Judge, Kamal, Karney, Kilpatrick, Kirkpatrick, Lanchbury, Leech, Leese, J Lovecy, Ludford, S Lynch, J C Lyons, McHale, Midgley, Madeleine Monaghan, Mary Monaghan, R Moore, N Murphy, S Murphy, Newman, Noor, O'Neil, Ollerhead, C Paul, B Priest, H Priest, Rahman, Raikes, Rawlins, Rawson, Razaq, Reeves, J Reid, Riasat, Richards, Rowles, Russell, Sadler, M Sharif Mahamed, Sheikh, Shilton-Godwin, A Simcock, K Simcock, Smitheman, Stogia, Stone, Strong, Taylor, Watson, S Wheeler, White, C Wills, J Wilson and Wright

### Honorary Aldermen of the City of Manchester –

Gordon Conquest, William Egerton JP, Audrey Jones JP, Paul Murphy OBE, John Smith and Keith Whitmore.

## Further Information

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For help, advice and information about this meeting please contact the Committee Officer:

Donald Connolly  
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This agenda was issued on **Tuesday, 20 November 2018** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA

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## Council

### Minutes of the meeting on 3 October 2018

Present: The Right Worshipful the Lord Mayor Councillor June Hitchen – in the Chair

#### **Councillors –**

Akbar, Ahmed Ali, N. Ali, Shaukat Ali, Andrews, Appleby, Barrett, Bridges, Chohan, Clay, Collins, Connolly, Craig, Curley, M Dar, Y Dar, Davies, Douglas, Ellison, Farrell, Flanagan, Green, Grimshaw, Hacking, Harland, Hassan, Hewitson, Holt, Hughes, Igbon, Ilyas, Jeavons, Johns, T Judge, Kamal, Karney, Kilpatrick, Kirkpatrick, Lanchbury, Leech, Leese, Lovecy, Lynch, Lyons, Ludford, McHale, Midgley, Madeleine Monaghan, Mary Monaghan, Moore, N. Murphy, S. Murphy, Newman, Noor, Ollerhead, O’Neil, Paul, B Priest, H Priest, Rahman, Raikes, Rawlins, Rawson, Razaq, Reeves, Reid, Riasat, Richards, Russell, Sadler, Sharif Mahamed, Sheikh, Shilton Godwin, A Simcock, K Simcock, Stogia, Stone, Strong, Taylor, Watson, Wheeler, White, Wills and Wilson

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

William Egerton

#### **CC/18/69 Lord Mayor’s Special Business – Death of Former Councillor Mick Loughman**

The Lord Mayor invited those present to stand for a minute silence in memory of former Councillor Mick Loughman who had served on the Council from 2001 to 2018 and during this time served as both Chair and deputy Chair of Planning and Highways Committee and as a member of the Licensing Committee.

#### **CC/18/70 Lord Mayor’s Special Business – Indonesian Earthquake and Tsunami**

The Lord Mayor invited those present to stand for a minute silence as a mark of respect to acknowledge the tragic loss of life following the earthquake and tsunami that has devastated the Indonesian island of Sulawesi.

#### **CC/18/71 Lord Mayor’s Special Business – Long Service Awards**

The Lord Mayor informed the Council that she had recently attended the Council’s Long Service Awards Ceremony held at Gorton Monastery on 23 July 2018 to recognise those members of staff who have worked for City Council for 25 years and 40 years, respectively. To acknowledge and thank the members of staff for their service, the Lord Mayor read out the names of the staff members with 40 years of service. The complete list of names of the staff members was published in the Council Summons.

**CC/18/72 Lord Mayor's Special Business – Outstanding Contribution Certificates**

The Lord Mayor presented certificates for Outstanding Contribution in recognition of the work to safeguard young people to:

- Paul Fletcher (CEO - Young Lives)
- Demi Mullings (Young Lives)
- Natasha Walsh (Manchester Safeguarding Schools Team)
- Superintendent Dave Pester (Greater Manchester Police)
- Sara Gerrie (Manchester Communication Academy)

**CC/18/73 Lord Mayor's Special Business – Presentation – Our Healthier Manchester Update**

The Lord Mayor invited Councillor Craig (Executive Member for Adult Health and Wellbeing), Ian Williamson (MHCC), Dr Ruth Bromley (MHCC) and Michael McCourt (LMCO) to give a presentation to Council.

The Mayor invited members to ask questions.

The Mayor thanked the Executive Member and representatives for their presentation.

**CC/18/74 Lord Mayor's Special Business – Presentation – The Manchester Together Archive (the spontaneous public memorials to the Manchester Arena Attack)**

The Lord Mayor invited Amanda Wallace (Deputy Director, Galleries) and Neil MacInnes (Strategic Lead Library/Galleries/Culture) to give a presentation to Council on the important work undertaken to create the Manchester Together Archive.

The Mayor invited members to ask questions.

The Mayor thanked the Deputy Director, Galleries for the presentation.

**(The Lord Mayor adjourned the meeting at 11.20am and resumed the meeting at 11.35am.)**

**CC/18/75 Minutes**

**Decision**

To agree the minutes of the meeting of the Council held on 11 July 2018 as a correct record.

## CC/18/76 Proceedings of the Executive

The proceedings of the Executive on 25 July and 12 September 2018 were submitted. The Council was asked to give particular consideration to the following recommendations:

### **Exe/18/078 Capital Programme – Proposed Increases** Council to approve:

The in-year budget transfers over £0.5m between capital schemes to maximise use of funding resources available to the Council as set out in the appendix to these minutes.

### **Exe/18/079 Capital Programme – Proposed Increases** Council to approve:

(a) ICT – New Intranet. A decrease in the capital budget of £0.270m in 2018/19 and £0.293m in 2019/20 and the transfer of these values to the revenue budget, funded by capital fund.

(b) Strategic Development - Lincoln Square. A capital budget allocation and transfer of £1.200m in 2018/19 from the Sustaining Key Initiatives budget, funded by borrowing.

## Decisions

1. To receive the minutes of the Executive held on 25 July and 12 September 2018.
2. To approve the following changes to the Manchester City Council (MCC) capital programme:
  - a) The in-year budget transfers over £0.5m between capital schemes to maximise use of funding resources available to the Council as set out in the appendix to these minutes (Executive 25 July 2018).
  - b) ICT – New Intranet. A decrease in the capital budget of £0.270m in 2018/19 and £0.293m in 2019/20 and the transfer of these values to the revenue budget, funded by capital fund.
  - c) Strategic Development - Lincoln Square. A capital budget allocation and transfer of £1.200m in 2018/19 from the Sustaining Key Initiatives budget, funded by borrowing.

[Councillor Hassan declared a prejudicial interest in respect of Minute Number Exe/18/078 Capital Programme – Proposed Increases, for the reason that he is a Council nominated Board Member of Northwards Housing.]

**CC/18/77 Questions to Executive Members under Procedural Rule 23**

Councillor Rahman responded to a question from Councillor White regarding the development of waste and litter collection strategies in the city's parks.

Councillor N Murphy responded to a question from Councillor Watson regarding the availability of police and council resources to deal with anti-social and illegal behaviour.

Councillor Stogia responded to a question from Councillor Kilpatrick regarding injuries recorded from accidents on pavements and pathways in the last 24 months.

Councillor N Murphy provided a response to a question from Councillor Kilpatrick regarding the Council's plans to support Manchester's STEM and digital sectors.

Councillor N Murphy responded to a question from Councillor Kilpatrick regarding the Council's support for home watch and local neighbourhood schemes.

Councillor Ollerhead responded to a question from Councillor Leech regarding the impact of a "no deal" Brexit on the Council's finances.

Councillor Rahman responded to a question from Councillor Leech regarding complaints received in the past 5 years on the maintenance of Council owned sports pitches.

Councillor Stogia replied to a question from Councillor Leech regarding the Council's position in supporting a complete ban on fracking.

Councillor Richards replied to a question from Councillor Leech concerning the progress made in achieving a target of delivering 2000 affordable homes per year.

Councillor Akbar replied to a question from Councillor Leech regarding the use of glyphosate to control weeds.

Councillor Leese responded to a question from Councillor Leech regarding the introduction of charging for the dropping off of passengers using Manchester Airport.

Councillor N Murphy responded to a question from Councillor Leech regarding bidders for a contract for the refurbishment of the Town Hall.

[Councillor Leese declared a personal interest in the question submitted relating to Manchester Airport for the reason that he is a Council nominated Director of Manchester Airport Holdings plc.]

**CC/18/78 Scrutiny Minutes**

The minutes of the following Scrutiny Committee meetings were submitted:

Health – 17 July and 4 September 2018

Children and Young People – 17 July and 4 September 2018  
 Neighbourhoods and Environment – 18 July and 5 September 2018  
 Economy – 18 July and 5 September 2018  
 Communities and Equalities – 19 July and 6 September 2018  
 Resources and Governance – 19 July and 6 September 2018

## **Decision**

To receive those minutes.

## **CC/18/79 Proceedings of Committees**

The minutes of the following meetings were submitted:

Audit Committee – 31 July 3 September 2018  
 Health and Wellbeing Board – 29 August 2018  
 Licensing Committee – 16 July 2018  
 Licensing and Appeals Committee – 16 July and 10 September 2018  
 Planning and Highways Committee – 26 July, 23 August and 20 September 2018  
 Personnel Committee – 25 July and 12 September 2018  
 Constitutional and Nomination Committee – 1 October 2018

(The Council was informed that Minute Number CN/18/14 Transport for Greater Manchester Committee (Constitutional and Nomination Committee - 1 October 2018) had been withdrawn and would not be considered.)

The Council was asked to give particular consideration to the following recommendations:

Personnel Committee 12 September 2018

### **PE/18/22 Her Majesty's Coroners Pay Award**

1. To recommend that the Council approve the increase in salary for the Senior Coroner from £105,000 with £20,000 additional performance payment to £130,000 in line with JNC guidance with continuance of the £20,000 payment to cover the provision of additional non statutory out of hours cover, back dated to 1 April 2018.
2. To recommend that the Council approve the increase in salary for the Area Coroner from £75,000 to £100,000, backdated to 1 April 2018.

Constitutional and Nomination Committee 1 October 2018

### **CN/18/12 Admission to the Roll of Honorary Aldermen**

To recommend to Council that a special meeting of the City Council be convened on 28 November 2018 for the purpose of adopting a resolution, to be proposed by

the Lord Mayor and seconded by the Deputy Lord Mayor, that Mr Andrew Fender and Mrs Nilofar Siddiqi are admitted as Honorary Aldermen of the City of Manchester in recognition of the long and eminent service that they have rendered to the Council, and thereafter to install Mr Fender and Mrs Siddiqi as Honorary Aldermen.

### **CN/18/13 Proposed Revisions to the Constitution**

1. To recommend that the Council adopt, subject to 3 below, the attached revised Sections of the Constitution of the Council, namely:
  - a) Part 3: Sections A, C, and F
  - b) Part 4: Section F
  - c) Part 5: Section E
  - d) Part 8
2. To note that the remainder of the Constitution remains unchanged.
3. To note in relation to Part 3 of the Constitution that responsibility for the discharge of executive functions and the delegation of such responsibility rests with the Leader of the Council and that the recommended delegations of executive functions set out in Part 3 (Sections A and F) are for the information of the Council only.

### **CN/18/15 Membership of Council committees and representation on joint boards and joint committees**

#### **Membership of Committees**

To recommend to Council the following changes in appointments to Committees and Joint Committees of the Council:

<b>Committee</b>	<b>Member removed</b>	<b>Member appointed</b>
Executive Consultative Panel		Councillor Karney
Communities and Equalities Scrutiny Committee		Councillor Collins
Economy Scrutiny Committee		Councillor A Simcock Councillor Paul
Children and Young People Scrutiny Committee	Councillor Collins Monika Neall (Co-Opted Parent Governor Representative)	Walid Omara (Co-Opted Parent Governor Representative)
Licensing Committee		Councillor Paul
Licensing and Appeals Committee		Councillor Paul



## Health and Wellbeing Board

To agree the current membership of the Health and Wellbeing Board:

### Board Members

Sir Richard Leese	Dr Raja Murugesan
Councillor Sue Murphy	Dr Tracey Vell
Councillor Bev Craig	Dr Carolyn Kus
Councillor Garry Bridges	Paul Marshall
Kathy Cowell	David Regan
Jim Potter	Dr Vish Mehra
Rupert Nichols	Dr Angus Murray Brown
Vicky Szulist	Dr Amjad Ahmed
Mike Wild	(South MHCC representative to be confirmed)
Dr Ruth Bromley	
Dr Denis Colligan	

### Decisions

1. To approve the increase in salary for the Senior Coroner from £105,000 with £20,000 additional performance payment to £130,000 in line with JNC guidance with continuance of the £20,000 payment to cover the provision of additional non statutory out of hours cover, back dated to 1 April 2018.
2. To approve the increase in salary for the Area Coroner from £75,000 to £100,000, backdated to 1 April 2018.
3. To approve that a special meeting of the City Council be convened on 28 November 2018, for the purpose of adopting a resolution, to be proposed by the Lord Mayor and seconded by the Deputy Lord Mayor, that Mr Andrew Fender and Mrs Nilofar Siddiqi are admitted as Honorary Aldermen of the City of Manchester in recognition of the long and eminent service that they have rendered to the Council, and thereafter to install Mr Fender and Mrs Siddiqi as Honorary Aldermen.
4. To adopt, subject to Decision 6 below, the revised Sections of the Constitution of the Council, as submitted, namely:
  - e) Part 3: Sections A, C, and F
  - f) Part 4: Section F
  - g) Part 5: Section E
  - h) Part 8
5. To note that the remainder of the Constitution remains unchanged.
6. To note that, in relation to Part 3 of the Constitution, responsibility for the discharge of executive functions and the delegation of such responsibility rests with the Leader of the Council and that the recommended delegations of executive functions set out in Part 3 (Sections A and F) are for the information of the Council only.

7. To approve the changes to the membership of Committees and joint boards and joint committees, as detailed below:

<b>Committee</b>	<b>Member removed</b>	<b>Member appointed</b>
Executive Consultative Panel		Councillor Karney
Communities and Equalities Scrutiny Committee		Councillor Collins
Economy Scrutiny Committee		Councillor A Simcock Councillor Paul
Children and Young People Scrutiny Committee	Councillor Collins Monika Neall (Co-Opted Parent Governor Representative)	Walid Omara (Co-Opted Parent Governor Representative)
Licensing Committee		Councillor Paul
Licensing and Appeals Committee		Councillor Paul

### **Health and Wellbeing Board**

#### **Board Members:**

Sir Richard Leese  
Councillor Sue Murphy  
Councillor Bev Craig  
Councillor Garry Bridges  
Kathy Cowell  
Jim Potter  
Rupert Nichols  
Vicky Szulist  
Mike Wild  
Dr Ruth Bromley

Dr Denis Colligan  
Dr Raja Murugesan  
Tracey Vell  
Carolyn Kus  
Paul Marshall  
David Regan  
Dr Vish Mehra  
Dr Angus Murray Brown  
Dr Amjad Ahmed  
(South MHCC representative to be confirmed)

### **CC/18/80 Business of the Combined Authority, Joint Authorities and Joint Committees**

The Lord Mayor reported that two questions had been received regarding business of the Combined Authority, Joint Authorities and Joint Committees.

The Leader of the Council responded to a question from Councillor Kilpatrick regarding action to address air pollution within Greater Manchester.

The Leader of the Council responded to a question from Councillor Leech regarding a campaign to allow dogs on leads to travel on Metrolink.

**CC/18/81 Urgent Key Decisions**

The Council noted the report of the City Solicitor on key decisions that had been exempted from call-in.

**Decision**

To note the report.

**CC/18/82 Motion – Mancunian Heritage****Motion proposed and seconded:**

This council notes the large amount of work undertaken to protect Manchester's heritage, including protections for the 900 listed buildings, 34 conservation areas and 1 scheduled ancient monument contained within our city. It also notes that the Manchester Core Strategy makes provision for the council to ensure that development and progress across our city complements and enhances our historic environment.

What is understood by 'heritage' has changed in recent times, and there is much more focus on intangible heritage such as community history and collective memory. This council believes that communities have a huge role to play in protecting our heritage and publicising our history, and that Manchester City Council should work with residents, community groups, schools and other interested parties to identify and promote aspects of local history and heritage, at both ward and city level.

This council notes that there are best practice guidelines available from Historic England which Manchester City Council has used to protect much of our heritage with great success, but also that further, more Manchester-specific definitions of heritage can be adopted to ensure we are protecting not just the physical characteristics of our city, but the essence of what it means to be Manchester.

This council resolves that:-

1. A working group be established to look further into aspects of heritage and community history.
2. The above group leads a ward level heritage audit where buildings, structures or locations that are not listed or otherwise officially protected, but are important to the history of their community, are brought to the council's attention.
3. That the council create and adopt a definition of "Mancunian Heritage" and work to protect our city's look, structure, and feel by "keeping it Manchester".

**Resolution**

The motion was put to Council and voted on and the Lord Mayor declared that it was carried.

### **Decision**

This council resolves that:

1. A working group be established to look further into aspects of heritage and community history.
2. The above group leads a ward level heritage audit where buildings, structures or locations that are not listed or otherwise officially protected, but are important to the history of their community, are brought to the council's attention.
3. That the council create and adopt a definition of "Mancunian Heritage" and work to protect our city's look, structure, and feel by "keeping it Manchester".

### **CC/18/83 Motion – Parks Security**

#### **Motion proposed and seconded:**

Council notes a number of recent incidents that have occurred within the city's parks, which have affected the security and safety of park users. Council also notes that such incidents may result in residents feeling reluctant to use the city's parks in the way they were intended. Manchester has a strong history of creating, acquiring and maintaining parks for the use and benefit of the city's residents (and visitors), and parks have long been a cornerstone of the social, physical, cultural and economic health of the city and its communities. As well as organised events, activities and sports, the presence of a park in a community can contribute in very tangible ways to the overall health, wellbeing, social cohesion, aspiration and skills of its users and stakeholders – as has been argued, affirmed and proven by many individuals and organisations over the 172 year history of public parks in Manchester.

Nevertheless, recent incidents in a number of our parks – and a growing perception of insecurity among park users – threatens to undermine the beneficial contribution our parks make to our communities. Council notes that this can only have a detrimental effect to our city. Concerns about safety have left many people reluctant to visit their local park, or to engage with the opportunities and services it offers. Without action and a reaffirmed commitment to the security and safety of park users, we risk facing further reduction in usage and engagement (particularly in smaller parks with few or no 'destination events'). The Council has a strong Parks Strategy, developed through both public consultation and Scrutiny, but this strategy cannot succeed if people do not feel safe going into our parks.

Council calls upon the Executive and officers to undertake a review of security and safety arrangements for parks across the city, with a view to developing a refreshed strategy for park safety that will enhance and strengthen the implementation of the Parks Strategy. In addition, Council calls on the Executive and officers to look at

ways of supporting user and stakeholder groups (including, but not limited to, Friends groups) who are often called on to deal with the consequences of incidents, and who are 'frontline' in assessing and reporting security concerns, and to develop and support channels for sharing best practice and multi-agency working to promote and maintain the safety and security of all our public parks.

### **Resolution**

The motion was put to Council and voted on and the Lord Mayor declared that it was carried.

### **Decision**

The Council calls upon the Executive and officers to undertake a review of security and safety arrangements for parks across the city, with a view to developing a refreshed strategy for park safety that will enhance and strengthen the implementation of the Parks Strategy. In addition, Council calls on the Executive and officers to look at ways of supporting user and stakeholder groups (including, but not limited to, Friends groups) who are often called on to deal with the consequences of incidents, and who are 'frontline' in assessing and reporting security concerns, and to develop and support channels for sharing best practice and multi-agency working to promote and maintain the safety and security of all our public parks.

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## The Executive

### Minutes of the meeting held on 17 October 2018

Present: Councillor Leese (Chair)

Councillors: Akbar, Bridges, Craig, N Murphy, S Murphy, Ollerhead, Rahman, Stogia

Apologies: Councillor Richards and Sheikh

Also present as Members of the Standing Consultative Panel: Councillors Karney, Leech, M Sharif Mahamed, Midgley, Ilyas, Taylor and S Judge

#### Exe/18/93 Minutes

The draft minutes of the meeting on the Executive on 12 September were considered. For Minute Exe/18/88, Proposals for a Resident Parking Policy, it was agreed to add that in responding to the address given by Councillor A Simcock the Executive Member for Environment, Planning & Transport gave an undertaking to meet with the councillors for the wards around the Christie Hospital to discuss how the Christie Hospital Resident Parking Scheme would now progress.

#### Decision

Subject to the above change, to confirm as a correct record the minutes of the meeting on 12 September.

#### Exe/18/94 Global Monitoring and Budget Update

A report was submitted to provide a summary of the position of the 2018/19 revenue budget at the end of August 2018. The report gave details of the projected variances to budgets, the position of the Housing Revenue Account, Council Tax and business rate collection, revised prudential borrowing indicators, and the state of the Council's contingency funds. Projecting forward from the position at the end of August 2018 it was forecast that by the year-end in March 2019 the revenue budget would be overspent by £6.145m, which was better than the previous projection of an £13.749m overspend as reported in July (Minute Exe/18/77).

The report explained the steps that had been taken since July to reduce the size of the projected overspend. The budget recovery plan was referred to in July had been implemented

The report examined a proposed change in one of the Prudential Indicators for 2018/19 that had been set by the Council in March 2018 as part of the resolution of the Council's 2018/19 budget (Minute CC/18/17). The indicator for non HRA Capital Expenditure for 2018/19 was forecast to be higher than the target that had been set. It was therefore proposed that the non HRA Capital Expenditure limit now be set at £600m.

The following revenue budget virements were proposed and agreed:

- £292k in Revenue and Benefits and Shared Service Centre transferred from pay to non-pay to enable to service to meet non pay service pressures. Transfer of £189k budget (£283k in 2019/20) for the Research function from City Policy to Performance, Research and Intelligence Team following a service review.
- Transfer of £1.701m budget for Work, Skills and Manchester Adult Education Services and £495k budget for Planning Licensing and Building Control function from the Neighbourhoods Directorate to Strategic Development in line with the changes in Directorate functions approved by Personnel Committee (Minute PC/18/16).
- Transfer of £0.613m budget for the Commissioning Children's Placement Team from Adult Social Care Directorate to Children's services Directorate following a service review.

When setting the 2018/19 budget the Council has agreed to hold some funds that were to be allocated throughout the year. The report proposed the use of some of these budgets to be allocated. These were agreed:

- Pay Inflation - £5.150m for the costs of the pay award which was agreed as 2% at Grade 4 and above with higher percentage increases at Grades 1 to 3. This has been allocated across the council's pay budgets.
- Non pay inflation - Children's Services inflationary increase - £1.859m to support the continued delivery of the Looked After Children strategy.

The report also addressed use of the Council reserves. It explained that the draw-down of £18k of the English Institute of Sport Reserve was requested to invest in sports programmes. That was approved.

1. To recommend to Council that the revised Prudential Indicator for non HRA Capital Expenditure be set at £600m.
2. To note the report.
3. To approve the proposed virements as set out above.
4. To approve the use of budgets to be allocated and contingency as shown above.
5. To approve the use of reserves as set out above.

### **Exe/18/95 Capital Programme Monitoring 2018/19**

The City Treasurer's report informed us of the revised capital budget 2018/19 to 2023/24 taking account of agreed and proposed additions to the programme, profiling changes, and the latest estimates of forecast spend and resources for the 2018/19 capital programme. The report explained the major variations to forecast spend, and any impact that variations had on the five-year Capital Programme.

Appended to the report was a schedule of projects within the overall capital programme where the allocations needed to be revised and funding allocations vired between projects. The appendix showed the virement needed for each scheme and



each project. We agreed to recommend to the Council the proposed virements greater than £500,000, as set out in the appendix to these minutes. The virements of less than £500,000 we approved.

Also appended to the report was a full schedule of all projects within the Capital Programme which set out the agreed budget for each project from 2018/19 to 2023/24.

1. To recommend that the Council approve the virements over £0.5m between capital schemes to maximise use of funding resources available to the City Council as set out in the appendix to these minutes.
2. To note that approval of movements and transfers to the full capital programme, including projects on behalf of Greater Manchester, will reflect a revised total capital programme budget of £616.1m and a latest full year forecast of £604.2m. Expenditure to the end of September 2018 is £197.8m.
3. To agree that the capital budget be amended to reflect movement in the programme, attributable to approved budget increases and updates to spending profiles.
4. To approve the virements below £0.5m between capital schemes to maximise use of funding resources available to the City Council as set out in the appendix to these minutes.
5. To note that capital resources will be maximised and managed to ensure the capital programme 2018/19 remains fully funded and that no resources are foregone.
6. To note that approval of movements and transfers to the Manchester City Council capital programme will reflect a revised capital programme budget of £474.3m and a latest full year forecast of £471.9m. Expenditure to the end of September 2018 is £154.2m.
7. In relation to projects carried out on behalf of Greater Manchester, to agree that the capital budget be amended to reflect movement in the programme, attributable to approved budget increases and updates to spending profiles.
8. To note that approval of movements and transfers to the Greater Manchester capital programme will reflect a revised capital programme budget of £141.8m against a latest full year forecast of £132.3m. Expenditure to the end of September 2018 is £43.6m.

#### **Exe/18/96 Capital Programme Update**

A report concerning requests to increase the capital programme was submitted. We agreed to recommend four changes to the Council and approved three other changes under delegated powers. These changes would change Manchester City Council's capital budget: +£0.926m in 2018/19, +£0.034m in 2019/20, -£150 in 2020/21 and -£150 in 2021/22. A total net increase of £0.66m.

1. To recommend that the Council approve the following changes to Manchester City Council's capital programme:
  - a) Strategic Development – Alexandra House. A capital budget allocation and transfer of £12.0m, £0.885m in 2018/19, £4.790m in 2019/20, £4.0m in 2020/21 and £2.325m in future years, to be met from £10.0m from the Estates Transformation budget funded by borrowing and £2.0m from the Asset Management Programme budget funded by capital receipts.
  - b) Neighbourhoods – Christmas Market Electrical Equipment. A capital budget increase of £0.137m in 2018/19, funded by borrowing.
  - c) Strategic Development – Car Hire, Etihad. A capital budget allocation and transfer of £0.960m in 2018/19, from the Strategic Acquisition budget, funded by Capital Fund.
  - d) Highways – Highways Asset Surveys. A virement from the capital budget to revenue of £1.5m, £1.2m in 2019/20, £0.15m in 2020/21 and £0.15m in 2021/22, funded via Capital Fund.
2. To approve the following changes to the City Council's capital programme:
  - e) Strategic Development – West Gorton Park. An increase in the capital budget of £0.514m in 2018/19 and £1.336m in 2018/19, funded by grant of £1.1m and capital receipts of £0.750m.
  - f) ICT – Care Leavers Phase 1. A capital budget allocation and transfer of £0.091m in 2018/19, from the ICT Investment Plan budget, funded by borrowing.
  - g) ICT – ONE System Developments. A capital budget allocation and transfer of £0.048m in 2018/19, from the Children and Families ICT Projects budget, funded by borrowing.
3. To note the increases to the Programme of £0.423m as a result of delegated approvals.

**Exe/18/97 Disposal of leasehold interests in land at Crown Street, Manchester**

The Great Jackson Street area is located in the south of the city centre and adjacent to Castlefield. It is bounded by Chester Road and the River Medlock to the north and west, the Mancunian Way to the south and the residential developments on City Road East to the east. In July 2015 we had considered and endorsed a Development Framework for the area (Minute Exe/15/078). In September 2017 we learned that since 2015 the masterplan design for the area had further evolved and that a revised framework had been drafted. It was agreed that there should be a period of public consultation on that revised framework (Minute Exe/17/121). In January 2018 we had considered the outcome of that consultation and supported the adoption of the

Strategic Regeneration Framework (SRF), delegating to the Chief Executive the final decision on adopting the framework document.

A report now submitted by the Strategic Director (Development) dealt with proposals for a land transaction that would support the implementation of the development goals set out in that SRF. The report explained that the Council owned the freehold reversion of three plots of land within the development area. These interests are arranged in three land registry titles, and were the subject of two existing leases to the lead developer in the SFR area, Renaker. The leases were restrictive in their use, permitting only industrial and car parking uses and the unexpired term was insufficient to secure funding for redevelopment of the site in accordance with the SRF. The proposed transaction would comprise an over-arching agreement between the Council and the developer with appropriate conditions to ensure proper and adequate progress with the objectives in the SRF.

1. To note the commitment by the Developer to provide new community amenities in the form of a new educational space, a medical centre and public park within their development proposals.
2. To approve the disposal of new development leases to the existing leaseholder by way of a conditional agreement for lease and lease, on principle terms outlined in the report.
3. To delegate authority to the Strategic Director, Strategic Development, in consultation with the Leader and Executive Member for Housing and Regeneration, to finalise the detailed terms of the commercial agreements.
4. To delegate authority to the City Solicitor to complete the necessary contracts to give effect to the above recommendations.

**Exe/18/98 Item withdrawn - First Street Development Framework Update 2018 Consultation**

This item of business had been withdrawn before the meeting.

## Appendix

**Exe/18/96 Capital Programme Monitoring 2018/19**

<b>Capital Virements October 2018 – Project Name</b>	<b>2018/19 Virement £m</b>	<b>2019/20 Virement £m</b>	<b>2020/21 Virement £m</b>	<b>2021/22 Virement £m</b>
<b>Highway Programme</b>				
<b>Highways Planned Maintenance Programme</b>				
Disabled Bays/ line markings		-150	-50	-50
Network Maintenance		-150	-50	-50
Carriageway Resurfacing		10		
Other Improvement works		300	100	100
<b>Highways Stand Alone Projects Programme</b>				
Velocity		-10		
<b>Total Highways Programme</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Public Sector Housing</b>				
<b>01.00 Northwards - External Work</b>				
Charlestown - Victoria Ave multistorey window replacement and ECW - Phase 1			-3807	
Collyhurst Environmental programme	45			
Updating of Electricity Northwest distribution network phase 2 to multi storeys, maisonettes and retirement blocks	-53			
Updating of Electricity Northwest distribution network phase 3	-52			
External cyclical works ph 3b Moston Estates (Chauncy/Edith Cliff/Kenyon/Thorveton Sq)	-1			
External cyclical works ph 3b Ancoats Smithfields estate	257			
External cyclical works ph 4b Charlestown Chain Bar low rise	5			
External cyclical works ph 4b Charlestown Chain Bar Hillingdon Drive maisonettes	-5			
External cyclical works ph 4b Newton Heath Assheton estate	-1			
Charlestown - Victoria Ave multistorey replacement door entry systems		-30	-100	
ENW distribution network phase 4 (various)	113	291		
Dam Head - Walk up flats communal door renewal	309	2		
<b>02.00 Northwards - Internal Work</b>				
Decent Homes mop ups phase 8 and voids	-115			

<b>Capital Virements October 2018 – Project Name</b>	<b>2018/19 Virement £m</b>	<b>2019/20 Virement £m</b>	<b>2020/21 Virement £m</b>	<b>2021/22 Virement £m</b>
One off rewires, boilers, doors, insulation etc	-15			
Retirement blocks lift programme	-2			
Multi-storey lift replacement	-8			
Boiler Replacement at Cheetham Hill Local Services Office	-1			
Lift replacement / refurbishment programme	-27			
Replacement warden call to Edward Grant Court	-1			
Fire precaution works - installation of fire seal box to electric cupboards on communal corridors in retirement blocks	-1			
Community Room emergency lighting at Victoria Square	-3			
Decent Homes mop ups ph 9 and decent homes work required to voids	-214			
Whitemoss Road and Cheetham Hill Road Local Offices - Improvements	8			
Job 40502 Aldbourne Court/George Halstead Court/Duncan Edwards Court works	20			
Install intercom systems to replace buzzers (various)	-172	-9		
Crumpsall - Bennet Rd flats fire upgrade works	-12	-1		
Collyhurst - Rainwater pipes/guttering rectification work		-62		
Boiler replacement programme - Job 40491		-62		
Kitchen and Bathrooms programme	109		60	
Decent Homes mop ups phase 10 and voids	329			
Installations of sprinkler systems - multi storey blocks		1400		
<b>14.00 Northwards - Adaptations</b>				
Disabled Adaptations	-145			
Adaptations	300			
Adaptations - Northwards	-575			
Adaptations - 18/19	420			
Northwards Housing Programme 2017/18	-512	-1529	3847	
<b>Total Public Sector Housing (HRA) Programme</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Children's Services Programme</b>				
<b>Basic Need Programme</b>				
Crab Lane - Increase capacity	-9			

<b>Capital Virements October 2018 – Project Name</b>	<b>2018/19 Virement £m</b>	<b>2019/20 Virement £m</b>	<b>2020/21 Virement £m</b>	<b>2021/22 Virement £m</b>
E-Act Academy - increase capacity	-36			
Crosslee - Increase capacity	-22			
Mauldeth Road - Increase capacity	-47			
Charlestown - Increase accommodation	-50			
St. John's CE Primary	-58			
Holy Trinity VC Primary	-28			
Stanley Grove - contribution to PFI	13			
Dean Trust Ardwick	-44			
Rodney House conversion	-63			
Basic need - unallocated funds	344			
<b>Schools Maintenance Programme</b>				
Moston Lane Primary	-68			
Wilbraham Primary Roof	-188			
Crowcroft Park PS-Rewire	10			
Pike Fold Community Primary - Ground Stabilisation	-1			
Charlestown Primary ED43076	-1			
All Saints PS	-5			
Collyhurst Nursery School	-35			
Armitage CE Primary	-28			
Crowcroft Park PS - Roof Repairs	-25			
Northenden Primary School - Part Reroof	-138			
Abbot Community Primary - Ext Joinery Repair	-15			
St Mary's PS - Joinery Repairs	-7			
Sandilands PS - Joinery Repairs	-65			
Lancasterian ID Secure Lobby	-4			
Cheetwood PS - Rewire	-112			
Schools Capital Maintenance -unallocated	682			
<b>Total Children's Services Programme</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>ICT Capital Programme</b>				
<b>ICT Infrastructure &amp; Mobile Working Programme</b>				
End User Computing	-64			
Internet Resilience	-101			
ICT Investment Plan	165			
<b>Total ICT Programme</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total CAPITAL PROGRAMME</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Executive

### Minutes of the meeting held on Wednesday, 14 November 2018

Present: Councillor Leese (Chair)

Councillors: Akbar, Bridges, Craig, N Murphy, S Murphy, Ollerhead, Rahman, Stogia, and Richards

Also present as Members of the Standing Consultative Panel: Councillors Karney, Leech, M Sharif Mahamed, Sheikh, Midgley, Ilyas, Taylor and S Judge

#### **Exe/18/99 Minutes**

The minutes of the meeting on 17 October were confirmed as a correct record.

#### **Exe/18/100 The Factory**

In July 2015 support was given to the creation of The Factory, the new arts centre in the city (Minute Exe/15/091). Since then a number of subsequent reports had provided updates on the progress of the project and recommended decisions on external grants, design changes, capital budget increases and related property transitions (Minutes Exe/17/102, Exe/18/043, Exe/18/046, Exe/18/059). Funding for the capital works had been agreed as part of the Council's budget setting in February and March 2018 (Minutes Exe/18/020 and CC/17/22).

A joint report submitted by the Strategic Director (Development) and the City Treasurer explained the progress made with the project. It explained that the detailed design and costings work for the building had now been carried out and the construction costs were now much more certain than they had been when the first estimates were provided in 2015. The overall likely cost of the project had increased to £130.6M, including risk management contingencies. The main reasons for the increase in the projected cost of the construction were set out in the report. The report also described the steps that had been taken to lessen the costs. Options for a smaller or less ambitious building had been investigated and rejected as unfeasible or very poor value. Any significant change in the plans for the building was likely to result in the loss of the Government and Art Council funding, which would make the whole project fail and force the Council to meet the substantial cancellation costs alone.

The report therefore proposed an increase in the Council capital budget for the programme of £18.97M, to be funded by capital receipts from the sale of assets. At a recent meeting the Resources and Governance Scrutiny Committee had also considered this report. That committee had expressed a desire for the increase in the capital budget to be met from prudential borrowing rather than from capital receipts from the sale of assets (Minute RGSC/18/58). The Committee's views on the source of the funds was considered and supported, subject to the City Treasurer managing

the overall resourcing of the capital budget in a way that provides best value to the Council.

With the project constituting a significant investment of public funds, representatives of the government funders continued to maintain oversight in order to review the project's progress. Part of that was annual in-depth 'Gateway Reviews' to provide further assurance over the project's implementation and management. The next Gateway review was to take place between 19 and 21 November 2018. The intention was for that review to provide the necessary assurance for the construction work to get underway.

The work done so far was set out in the report. Progress had been made with the land transitions to assemble the whole site. Site clearance and related pre-construction works were underway to allow the project to commence as soon as possible once the overall funding was in place. Further capital costs of £1.286M had been incurred to acquire both the 999-year lease from the Science and Industry Museum and the freehold interests from Manchester Quays Limited (an Allied London Company). The report recommended that a Capital Budget virement be authorised to provide for those additional costs, and that was supported.

In May 2018 approval was given to provide a loan of £5.1M to Manchester Quays Riverside Limited on market terms, in order to acquire the Riverside site from Castlefield Properties (an ITV subsidiary) (Minute Exe/18/059). Part of the loan was repayable in 2018/19. The balance of £4.3M was repayable on the first anniversary after completion of the Factory or on 10 August 2023, whichever was the sooner. The report therefore recommend a virement of £4.3M from the Sustaining Key Initiatives Capital Budget to cover the balance of the loan. When the balance of the loan was repaid that budget would have the funds returned to it. That proposal was supported.

The report explained that the negotiations in respect of Notice to Proceed were expected to conclude within the next few weeks. That was the formal contractual mechanism which would confirm the commitment to deliver the major construction works. At that point the Management Contractor could be authorised to enter into contracts for the Work Packages to begin construction.

In looking at the future use of the venue as the base for the Manchester International Festival (MIF), the report set out how a year-round engagement programme would be part of MIF19 and would then focus on The Factory, helping to build a community of interest leading up its opening. Once the venue was up and running that programme of significant interactions would continue. The social benefits of both the construction project and of The Factory as a major international arts venue were also detailed.

It was agreed that The Factory is going to accelerate economic growth in the region by playing an integral part in helping Manchester and the North of England enhance and diversify its cultural infrastructure. It will also make a direct contribution to the growth of creative industries, and improve talent retention in the North. The project was now at the point of committing to major construction in early 2019 subject to all the funding being supported by Government and the Council.



## Decisions

1. To note progress with the delivery of The Factory, including preparation for the issuing of the Notice to Proceed, which will commence the process to deliver the major construction works; and a significant programme of social value commitments.
2. To recommend to the Council to approve a Capital Budget increase of £18.97M, funded by prudential borrowing subject the requirement for the City Treasurer to manage the overall resourcing of the capital budget in a way that provides best value to the Council. This will increase the total capital budget for the construction of The Factory from £111.65M to £130.62M.
3. To recommend to the Council a Capital Budget virement from the Strategic Acquisitions Capital Budget of £1.286M, to cover additional land assembly costs, associated with the acquisition of and securing timely access to the Factory site.
4. To recommend to the Council a Capital Budget virement of £4.3M from the Sustaining Key Initiatives Capital Budget for the loan facility to Manchester Quays Riverside Limited, on commercial terms.
5. To note that the above recommendation on the loan facility will accommodate the changes to the structure of the loan that was agreed in May 2018 (Minute Exe/18/059) meaning that £4.3m will be repaid after the construction project has completed. The virement will be for the period until the loan is repaid in the form of a capital receipt which will be ringfenced to the Sustaining Key initiatives budget. As such this is a timing issue and not an increase in the cost of the project.
6. To note the progress made by Manchester International Festival to prepare the organisation to operate The Factory, including recruitment, business planning, artistic programme development and social value benefits, in the lead up to MIF19.
7. To note the intention to make the next formal submission of the updated business plan to Arts Council England in December 2019.
8. To note progress in the development of employment, training and education opportunities and creative engagement programmes as part of The Factory's skills development programme.

### **Exe/18/101 Playing Our Full Part on Climate Change - Updating Manchester's Commitment**

The Deputy Chief Executive submitted a report that provided an update on the recent work undertaken by the Tyndall Centre for Climate Research at University of Manchester. The Centre had recommended the establishment of a carbon budget for

the city that would see the city becoming “zero carbon” by 2038, rather the existing 2050 target.

The Centre’s definition of “zero carbon” related to the carbon dioxide emission from the city’s energy system: the gas, electricity and liquid fuels used to power and heat homes and businesses and to transport people around the city. Emissions from flights from Manchester Airport were not included in the definition of zero carbon as the Centre allocated aviation emissions to a UK-wide aviation carbon budget and not to specific local authority areas.

The report explained that in responding to the Tyndall Centre’s work, the Manchester Climate Change Board had developed an outline proposal setting out how all partners and residents in the city might play their full part in achieving this ambition. A copy of that proposal was appended to the report. To become a “zero carbon” city by 2038, it had been assumed that all sectors would need to reduce carbon emissions by at least 95% from current levels, with the residual 5% being reduced over the period 2038 to 2100.

The report examined the Council’s role in providing leadership on climate change in the city, as well as the Council’s own contribution to the “zero carbon” targets through the reduction of energy consumption in buildings, street lighting, fleet operations and other services.

It was noted that a recent meeting the Neighbourhoods and Environment Scrutiny Committee had also considered this report and had endorsed its recommendations (Minute NESC/18/49).

At the meeting the members of the Manchester Climate Change Board were thanked for the work they had put into the development of the “Playing Our Full Part” document, as were the other partners that had supported this work of the Board.

## **Decisions**

1. To adopt the Tyndall Centre’s proposed targets and definition of zero carbon on behalf of the city.
2. To commit to developing a draft action plan by March 2019 and a final detailed plan by March 2020 setting out how the city will ensure that it stays within the proposed carbon budget.
3. To recognise that by taking urgent action to become a zero carbon city, starting in 2018, we will achieve more benefits for Manchester’s residents and businesses up to 2025 and beyond.
4. To agree to work with partners to ensure that Manchester accelerates its efforts to encourage all residents, businesses and other stakeholders to take action on climate change.

**Exe/18/102 Sprinkler and Fire Safety Works Update**

In December 2017, as part of the consideration of the implications for Manchester of the Grenfell Tower fire on 14 June 2017, approval was given for the installation of sprinklers within Council-owned tower blocks following consultation with residents, at an estimated cost of £10.5 million (Minute Exe/17/153). The Strategic Director (Development) now submitted a report to set out progress made since then, and to seek the necessary budget and other approvals required for that work, and other related fire safety improvements projects to go ahead.

The consultations with residents had shown significant support for the installation of sprinklers in their flats. However, a number of residents were opposed to the proposal and did not want one. It was agreed that at this stage no one would be forced to have one if they objected, but that one would then be fitted whenever that flat was next vacated. Based on the assessments that had been undertaken the cost of the installation of sprinklers in all the buildings within the scope of this work was still within the £10.5M capital budget approved in December 2017, and confirmed in the 2018/19 budget set by the Council in March 2018. The installation of sprinklers in the flats of leaseholders was also to be provided, as well as those of the tenants that paid rent. A budget virement to cover the estimated cost of £240K of providing sprinklers to leaseholders was therefore approved.

The report also examined the work that had been done on Type 4 Fire Risk Assessments to the resident's towers and flats. Those assessments had identified some work that needed to be done, and it was estimated that the cost of that would exceed the £4M that had been provided for in the 2018/19 budget set by the Council at the start of 2018. The report therefore sought support for an increase of £1.2M in the capital budget to take the total to £5.2M. The proposal was supported.

Whilst the Council's Housing Revenue Account would accommodate the on-going maintenance costs of sprinkler systems, leaseholders would need to pay an annual fee to cover their flat, with that initially being an average of £163 for each flat.

It was noted that a recent meeting the Neighbourhoods and Environment Scrutiny Committee had also considered this report and had endorsed its recommendations (Minute NESC/18/48).

Thanks were expressed for the help of Northwards Housing and the Greater Manchester Fire and Rescue Service for the support they had provided with the investigations, with the consultations with residents, and the development of the proposals being put forward in the report.

**Decisions**

1. To note the progress made since December 2017.
2. To note that the consultation undertaken demonstrated significant support for sprinklers but also that a minority of residents are strongly opposed.

3. To note the support for sprinklers from Greater Manchester Fire and Rescue Service and National Fire Chiefs Council. The Prime Minister has also recently endorsed retrospective fitting of sprinklers to publicly-owned tower blocks.
4. To proceed with fitting sprinklers while giving residents the ability to decline having sprinklers installed in their flat as long as they have first been given the opportunity to understand the benefits and risks.
5. To note that the overall budget for sprinkler installation across 35 tower blocks remains £10.5m.
6. To note that these systems will have a 30-year life with on-going costs being met within the Housing Revenue Account (HRA) through the rephrasing of the Public Sector Capital Programme.
7. To agree that the initial installation of sprinklers be offered to leaseholders free of charge at an estimated cost of £240k (to include Miles Platting and Brunswick PFI leaseholders) from the Council's General Fund Housing Private Sector Capital Programme. Noting that this will be in addition to the £10.5m budget in (5) above and therefore to approve an increase of £240k to the Private Sector Housing capital budget. Noting that leaseholders would be required to meet the estimated £167 annual repair and maintenance costs.
8. To note that the fire safety works recommended by the fire risk assessor, Savills, are mandatory and that the budget approved in February 2018 did not include the tower blocks managed by PFI contractors in Miles Platting and Brunswick and Woodward Court.
9. To recommend to Council that the budget for fire safety works be increased from £4.0m to £5.2m, being an increase of £1.2m to the Public Sector Capital Programme funded from revenue contributions from the HRA.
10. To note that the contracts for sprinklers and fire safety works (plus the other works included in those contracts) include contingency but otherwise place cost risk on the Council, with Northwards Housing managing these contracts on the Council's behalf to mitigate against further costs. Further costs are, however, possible as the sample surveys undertaken may not have identified the full extent of works.
11. To approve the revenue costs associated with maintaining sprinkler systems as set out in the report.
12. Where access is denied by tenants or leaseholders to implement fire safety works, to delegate to the City Solicitor the authority to take legal action where required, in consultation with the City Treasurer, the Director of Housing and Residential Growth, the Executive Member for Housing and Regeneration and the Executive Member for Finance and Human Resources.

**Exe/18/103 Capital Programme Update**

A report concerning requests to increase the capital programme was submitted. We agreed to recommend three changes to the Council, and to make a further two changes under delegated powers. These five changes would increase the capital budget by £1.729m, financed by the use of reserves, borrowing, capital receipts and monies in the Capital Fund.

**Decisions**

1. To recommend to the Council these changes to the Council's capital programme:
  - a) Neighbourhoods – Smart Litter Bins. A capital budget increase of £0.258m in 2018/19, funded by borrowing of £0.208m and reserves of £0.050m.
  - b) ICT – Data Centre Network Design and Implementation. A capital allocation and transfer of £3.108m, £2.964m in 2018/19 and £0.144m in 2019/20 to be met from the ICT Investment Plan budget, funded by borrowing.
  - c) Public Sector Housing – Northwards Replacement of Prepayment meters in High Rise Blocks. A capital allocation and transfer of £0.752m, £0.058m in 2018/19 and £0.694m in 2019/20 to be met from the Northwards unallocated budget, funded by capital receipts.
2. To approve the following changes to the City Council's capital programme:
  - d) ICT – Legal Case Management System. A virement from the capital budget to revenue of £0.320m in 2018/19, funded via Capital Fund.
  - e) Strategic Development – One Central Park. A capital budget increase of £1.791m in 2018/19 to be funded from borrowing on a spend-to-save basis.

**Exe/18/104 Manchester Science Park (MSP) Strategic Regeneration Framework Update**

The Science Park was formed by the City Council and the Victoria University of Manchester in 1978 to capture benefits that could be gained through the creativity and knowledge available at the universities. The first building was completed in 1984 followed by a second in 1989. Since then it had expanded and developed and was now home to a range of domestic and international companies operating in a range of business sectors. In March 2014 we had welcomed the preparation of a draft Regeneration Framework for Manchester Science Park (MSP) and asked the Chief Executive to undertake a public consultation exercise on that draft (Minute Exe/14/032). In September 2014 we had considered the responses to those

consultations and approved the adoption of the Framework as a material planning consideration for new development proposals within the Park.

A report was now submitted by the Strategic Director (Development) to introduce proposals for revisions to the 2014 Framework. The purpose of this new draft Framework was to set out a refreshed strategy which recognised that there was increasing pressure for additional floorspace to support the growth in science-based economic activity. It was explained that there needed to be an ambitious expansion of MSP in order to ensure that the unique opportunity to capture this activity was not lost. The draft Framework set out the importance of the MSP as one of a limited number of sites in close proximity to the universities and hospital.

The new draft proposed an initial phase of development from 2019 to 2021 that would result in:

- an extension to the existing Greenheys' building, to provide circa 60,000 sq. ft. of commercial floor space;
- a new 5 / 6 storey building located adjacent to the Greenheys' building, providing circa 100,000 sq. ft. of flexible commercial floor space and facilities for collaborative working on the site currently occupied by the BASE Building; and
- public realm improvements facilitated by the closure of the northern end of Pencroft Way, which would enable the provision of new and enhanced areas of public realm within MSP.

It was forecast that this development of an additional 160,000 sq. ft. at MSP was expected to deliver up to 1,300 FTE jobs.

Further phases of the development were likely to include:

- flexible commercial laboratory and workspace, with a range of floorplates;
- a multi storey car park located off Charles Halle Road;
- Pavilion Building located within the heart of the park, providing additional food and beverage amenity for customers and local residents;
- infrastructure and public realm; including new public spaces, servicing facilities and cycle parking; and
- purpose-built student accommodation on the vacant McDougall Centre site. The site has the capacity to accommodate buildings of between 6 and 10 storeys.

It was explained that the intention was for there to be a period of public consultation on the proposals in the draft Framework.

We supported the proposals described in the report and agreed that they would help to drive forward the city's competitive offer as a principal destination for inward investment and employment in key growth sectors, and contribute substantially to the further expansion and diversification of the city's economic base.

## Decisions

1. To endorse in principle the updated regeneration framework for Manchester Science Park.

2. To request the Strategic Director undertake a public consultation exercise on the framework with local stakeholders and report on the outcome of the consultation.

### **Exe/18/105 Oxford Road Corridor Strategic Regeneration Framework Guidance**

In June 2017 we had endorsed in principle the draft Strategic Spatial Framework for the Oxford Road Corridor and requested that the Chief Executive undertake public consultation on the draft (Minute Exe/17/082). In March 2018 we had considered the outcome of the consultations that had been undertaken and had endorsed and approved the principles in the Corridor Manchester Strategic Spatial Framework (Minute Exe/18/030).

The Strategic Director (Development) now submitted a further report that sought approval for public consultation on a new Strategic Regeneration Framework Guidance (SRFG) for the Oxford Road Corridor area. The purpose of this draft framework was to help to guide the development of four specific sites in a consistent way that recognised the Oxford Road Corridor's physical and locational characteristics.

The report explained that this proposed SRFG was being brought forward by the Oxford Road Corridor Partners in relation to four development sites that were part of the overall Oxford Road Corridor Strategy: Upper Brook Street; the Former Elizabeth Gaskell Campus; Willmott Street (the former Salvation Army site); and Birchall Way. The report set out a description of the development proposals for each of these sites.

The Upper Brook Street (UBS) site was identified within the Oxford Road Corridor Strategic Spatial Framework as a "future development opportunity", with scope for increased density, providing mixed commercial uses. The site is adjacent to an area of the University of Manchester estate identified as a Science, Research and Innovation cluster (including the National Graphene Institute and Sir Henry Royce Institute) and the North Campus development area.

The former Elizabeth Gaskell Campus site was identified within the Oxford Road Corridor Strategic Spatial Framework as a "Transformational Strategic Investment Site" and part of the existing and emerging cluster of Health, Innovation and Well-being, including at Citylabs. It is located immediately adjacent to the existing Manchester University NHS Foundation Trust, at the southern edge of the Oxford Road Corridor.

The Willmott Street (former Salvation Army) site was identified within the Oxford Road Corridor Strategic Spatial Framework as a "Transformational Strategic Investment Site". It is part of an existing and emerging cluster of creative, cultural and mixed-use development within the First Street regeneration area.

The Birchall Way site was identified in the Oxford Road Corridor Strategic Spatial Framework as a "future development opportunity", and part of an existing and emerging cluster of education uses, including health education and student living. The site is located in Hulme ward, adjacent to Princess Road and is a key route

between Manchester Metropolitan University's Oxford Road Estate and the Birley Fields Campus.

The intention was to consult on the proposed Strategic Regeneration Framework Guidance so that it could, in the future, provide site-specific urban design, place-making and development principles, and planning guidance, to enable positive regeneration of these sites. That was agreed.

### **Decisions**

1. To endorse in principle the Strategic Regeneration Framework Guidance for the Oxford Road Corridor area.
2. To request the Strategic Director undertake a public consultation exercise on the framework with local stakeholders and report on the outcome of the consultation.

### **Exe/18/106 First Street Development Framework Update 2018 Consultation**

In July 2012 we had considered and endorsed the revised and updated First Street Development Framework (Minute Exe/12/082). In November 2015 we had adopted an updated and revised version of the Framework, having first considered the views put forward during consultation on a draft of that document (Minute Exe/15/125). In July 2018 a further update to the Framework had been brought forward and we had agreed that there should again be a period of public consultation on the proposed revisions (Minute Exe/18/075).

A report now submitted by the Strategic Director (Development) set out the outcome of the consultation. The report proposed a number of revisions to the draft Framework to take into account the views expressed by consultees and sought approval for that revised version to be adopted by the Council.

Consultation letters had been sent out to 318 local residents, landowners and stakeholders informing them about the public consultation and how to participate. The draft Framework had also been made available on the Council's website, and comments were invited. The consultation had been open for six weeks and had closed on 8 October. In that time five responses had been received: three from landowners, one from a local business, and one from a councillor, on behalf of the three Councillors, for the Deansgate Ward.

Four of the responses had been wholly supportive of the updated Framework and the report examined in detail the issues that had been raised by the ward councillors, and responded to each of them. A number of revisions to the draft document were put forward and those were agreed.

### **Decisions**

1. To note the outcome of the public consultation on the draft updated Development Framework for First Street.



2. To approve the updated 2018 First Street Development Framework and request that the Planning and Highways Committee take the Framework into account as a material consideration when considering planning applications for the First Street area.

### **Exe/18/107 Great Ducie Street Strategic Regeneration Framework**

The Great Ducie Street Strategic Regeneration Framework (SRF) area is positioned to the north of the city centre, extending northwards from Manchester's Inner Ring Road adjacent to the Manchester Arena. It encompasses but does not include the former Boddington's Brewery Site, which itself has a regeneration framework that was endorsed in June 2015. The site lies in close proximity to a number of key city centre strategic regeneration initiatives, including NOMA, Northern Gateway, New Victoria and the Medieval Quarter. The area is a commercially led district, and has traditionally been a focal point for textiles businesses, wholesalers and distributors. The legitimate textile and wholesale businesses are concentrated within the Warehousing District to the north. Currently some of the properties are in decline.

In February 2018 we had endorsed in principle an updated regeneration framework for the Great Ducie Street SRF area and requested that there be public consultation on the draft regeneration framework (Minute Exe/18/024).

The Strategic Director (Development) now submitted a report on the outcome of the consultation, describing the issues that consultees had raised and the Council's proposed response to those. Consultation letters had been sent out to 1,946 local residents, businesses, and stakeholders, informing them about the public consultation, how to engage in it. The SRF had also been made available on the Council's website, where comments were invited. The consultation was open for six weeks and closed on 17 September 2018.

In total 12 responses were received: 2 from Cheetham Ward Councillors; 1 from a business owner; 6 from landowners; and 3 from statutory agencies.

The report examined the issues that had been raised by the consultees under the headings of: general support, flood risk and water management, public realm, development uses and mix, development height and density, phasing and delivery, infrastructure, the draft SRF Document itself, and area context. The Council's analysis and response on each of these was explained and a number of revisions to the draft SRF document were proposed in the report to respond to the matters that had been raised.

A further late representation was reported orally at the meeting, submitted by the owner of the Downtex Mill site. The owner hoped that the SRF would increase indicative building heights for the Mill site to between 11 and 20 stories. They also challenged the proposal for the retention of the Mill as a creative centre within the framework area and as a site providing townscape value. They proposed that the SRF should not require the retention of the building but make provision for its demolition or comprehensive redevelopment, avoiding conflicts between the

regeneration objectives for the site and achieving a new riverside frontage. They put forward that the retention of the building would be contrary to national policy.

Having noted the views expressed by the consultee it was nevertheless agreed that the building was able to make an important contribution as a creative centre within the area, and that the proposals for it in the revised SRF document should not be further amended.

Having considered the views expressed by the consultees, including the late representation submitted at the meeting, it was agreed that the revised SRF document be adopted.

### **Decisions**

1. To note the comments received on the Strategic Regeneration Framework and the response to these comments.
2. To agree the proposed amendments to the Strategic Regeneration Framework arising from the comments received.
3. To approve the Great Ducie Street Strategic Regeneration Framework, with the intention that it will become a material consideration in the Council's decision making as the Local Planning Authority.

### **Exe/18/108 Funding towards City Centre Free Bus (Metroshuttle) Costs**

A report from the City Treasurer and the City Solicitor explained that Metroshuttle is the free-to-user city centre bus network that had operated in the city city centre since September 2002. In that time it has proved to be a popular addition to the city centre's transport network and has been copied both within Greater Manchester and by other cities. In the last year it had carried 1.33 million passengers.

The previous contract for the operation of the service had operated for eight years and, due to its popularity, has been extended a number of times during that period. Transport for Greater Manchester have now undertaken a procurement exercise for the contract's renewal.

The report described the future plans for the routes and the vehicle fleet, including the introduction of more low-emissions vehicles. It also detailed the contract renewal process and sought approval for the City Council continued annual financial contribution to Transport for Greater Manchester towards the total costs of the City Centre Free Bus service. That proposal was agreed.

### **Decisions**

1. To endorse the proposed continuation of the Metroshuttle bus service as described in the report and the Council making an annual contribution of £882k to the costs of the service.

2. To delegate authority to the City Treasurer and City Solicitor, in consultation with the Executive Member for the Finance and Human Resources, to finalise and agree the detailed terms of the funding agreement with Transport for Greater Manchester (TFGM).
3. To authorise the City Solicitor to enter into, and agree and complete on behalf of the Council all the necessary legal documentation giving effect to the above.

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## Health Scrutiny Committee

### Minutes of the meeting held on 9 October 2018

#### Present:

Councillor Farrell – in the Chair  
Councillors Battle, Clay, Curley, Holt, Lynch, Mary Monaghan, Reeves, Wills and Wilson

Councillor Craig, Executive Member for Adults, Health and Wellbeing

Professor Michael McCourt, Chief Executive, Manchester Local Care Organisation  
Katy Calvin-Thomas, Director of Strategy & Deputy Chief Executive, Manchester Local Care Organisation  
Julia Stephens Row, Independent Chair of Manchester Safeguarding Children and Adults Boards

**Apologies:** Councillor Paul

#### HSC/18/39 Minutes

The minutes of the Health Scrutiny Committee meeting of 4 September 2018 were submitted for approval. Councillor Lynch requested that her attendance be recorded.

#### Decision

To approve the minutes of the meeting held on 4 September 2018 as a correct record subject to the above amendment.

#### HSC/18/40 Support at home: Update on equipment, adaptations and reablement services

The Committee considered the report of the Executive Strategic Commissioning and Director of Adult Social Services that informed Members on the progress and development of a range of adult services to support people at home including the equipment and adaptations services, reablement services, physiotherapy services and housing options for older people. It included the progress made since the discussions at the last scrutiny meeting in December 2017.

Officers referred to the main points of the report which were:-

- Describing the background and description of the Manchester's Service for Independent Living (MSIL) and how this service is accessed;
- Current performance data on the Equipment and Adaptations Services in relation to both major and minor adaptations;
- Customer satisfaction performance was reported, currently recorded as 95%;
- Data on the performance of contractors;
- Information and data on the Housing Options for Older People service (HOOP);

- Reablement activity and progress, noting that reablement being defined as an evidence based approach to maximise people's ability to return to their optimum, stable level of independence, with the lowest appropriate level of ongoing support;
- The current challenges to the reablement service and the response to these;
- A description of different types of physiotherapy services across the city and the associated referral data; and
- The Joint Strategic Needs Assessment regarding Fuel Poverty, noting that Manchester contained the highest number and proportion of fuel poor households of any local authority within Greater Manchester.

Members discussed the issue of fuel poverty and asked what was being done to tackle this, especially as the funding streams designed to address this had ceased. Members noted that a lot of older housing stock in the city were poorly insulated and private landlords needed to take more responsibility to ensure that the properties that they were renting out were of a decent standard. Members asked what standards were applied to privately rented properties and could conditions be attached as part of the landlord licensing scheme.

A Member commented that improving fuel poverty would realise savings to the NHS and reduce carbon emissions. The Chair commented that consideration needed to be given to how this was evidenced so as to make the case for additional funding to support schemes to address fuel poverty.

Members noted the reported levels of customer satisfaction with the adaptations service, however asked what lessons were learnt from those residents who were not satisfied.

Members asked a question about the challenges presented to One Manchester, as the Council's delivery partner to deliver major adaptations in East and Central Manchester.

Members sought clarification regarding the recruitment of staff to deliver reablement services, noting that a recruitment exercise was underway. Members asked for an update on this exercise.

The Director of Population Health and Wellbeing acknowledged that a significant amount of funding that had previously been available to address fuel poverty had now ceased nationally. He said that the Local Care Organisation (LCO) would develop responses and interventions to tackle the wider determinants of health by using Social Prescribing.

The Programme Lead Health and Social Care Integration informed the Committee that the delivery of services had now been transferred to the LCO. She said this was a positive development presenting an opportunity to build strong relationships between health professionals and establish joint working practices that would ultimately benefit the citizens of Manchester. She further described that funding had been secured to recruit an additional 62 reablement workers and 8 occupational therapists that would help improve referral rates and address the issues of capacity.

In response to the comments raised regarding those cases that were not satisfied with the service, the Programme Lead Health and Social Care Integration said that a complaint would always be fully investigated and responded to appropriately. She said that any lessons learnt would also be reviewed. She further clarified that a Minor Adaptation was classified as costing under £1000 and Major Adaptions as works costing above £1000, and this definition is prescribed nationally. She explained that Major works could sometimes take longer to deliver due to the complexity of each individual job.

The Programme Lead Health and Social Care Integration advised that for those cases where major adaptions were refused in favour of rehousing those decisions were reached following consideration by a Panel in full compliance with agreed Council Policy. She said that for those individuals/families affected social workers would intervene to support any vulnerable people and alternative sources of support would be accessed.

The Executive Member for Adults, Health and Wellbeing reported that a review of this policy would be undertaken and that she welcomed the views of Members on this issue.

The Head of Housing said that he acknowledged the comments made by Members in relation to the poor condition of properties in the Private Rented Sector. He informed the Committee that a strategy to look at this and other issues within the Private Rented Sector would be developed. He said that currently there was no funding to address fuel poverty, however there were limited grants and loans available that people could apply for. He commented that when a previous Right to Buy property became available to purchase the local Registered Provider would seek to buy back the property. He advised that he would refer the comments regarding property conditions contributing to fuel poverty being attached to licensing conditions to the appropriate team for consideration.

The Executive Member for Adults, Health and Wellbeing advised that standards within the Private Rented Sector was an issue that contributed to the health and wellbeing of residents. She said more needed to be done to ensure that those landlords who were making a profit from renting homes should be made more responsible and accountable for the condition of their properties.

The Housing Programme Manager said that Registered Housing Providers had agreed to contribute 40% of costs associated with adaptations. He explained that 50% of the adaptations delivered by One Manchester were to other Registered Housing Providers in the city. He said that challenges arose as they had to coordinate this activity with a number of different providers who had their own agreements and systems for approving works, however the system was working well with good relationships and cooperation established between housing providers.

## **Decision**

The Committee notes the report.

## **HSC/18/41 Manchester Local Care Organisation**

The Committee considered the report of the Chief Executive, Manchester Local Care Organisation (MLCO). The report was provided as an update to the report that had been considered by the Committee at their 19 June 2018 meeting (See minute ref: HSC/18/25.)

The Chief Executive, (MLCO) referred to the main points of the report which were:-

- Background on the development and establishment of MLCO through the signing of the Partnering Agreement;
- The long term vision of MLCO;
- Update on Neighbourhood working; and,
- Update on progress against MLCO priorities including New Care Models and MLCO work to support system resilience.

In addition to the report the Committee were shown a short video presentation that articulated the above.

Members asked how they as local elected representatives could engage with their respective Neighbourhood Team and if they would be consulted on the design on the 12 bespoke Neighbourhood Plans.

Members further enquired about the recruitment of the Neighbourhood Team Leaders and what backgrounds they would be drawn from and discussed the wider issue of recruitment and retention of staff, in particular reference to GPs and Social Workers.

Members sought an explanation as why the referral rates for the High Impact Primary Care programme were lower than had been expected and what was being done to address this.

A Member commented that whilst he fully supported the ambitions of the MLCO he asked the Chief Executive, (MLCO) how confident was he that the ambitions would be realised.

The Chief Executive, (MLCO) said that the role of Councillors, with their local knowledge and experience will be invaluable to the success of Neighbourhood Teams and he acknowledged the comment made regarding arranging engagement events with local teams for Members.

The Executive Member for Adults, Health and Wellbeing said that the Neighbourhood Team Leaders would be the main contact for Members in their wards and that the draft Neighbourhood Plans would be shared with Members so they could contribute and comment so Members were fully engaged with the shaping of these plans.

The Chief Executive, (MLCO) said that the recruitment of the Neighbourhood Team Leaders should be completed by the end of December and they would be drawn from a range of backgrounds with the correct skills set and that a briefing note would be provided to Members regarding the recruitment process to date. He also said that he



recognised the comments made regarding the recruitment and retention of GPs and Social Workers and said that the (MLCO) represented a new and exciting new model of working and delivering services that would become more attractive to staff.

The Director of Strategy and Deputy Chief Executive, (MLCO) informed the Committee that the High Impact Primary Care programme needed to increase the number of referrals and work was currently ongoing to review this programme, identify barriers and implement solutions with commissioners. She explained that one reason could be that it was a new scheme and work to address the culture amongst GPs needed to be addressed.

The Chief Executive, (MLCO) said that whilst it was a complex challenge he was confident that the ambitions of the MLCO would be realised. He advised that this was the first year of a ten year journey and the MLCO was a great foundation on which to progress. He explained that there was a genuine enthusiasm across all of the work force, recognising the benefits that could be achieved by co-locating staff into multidisciplinary teams under a single leadership to improve the health outcomes of Manchester citizens.

He described that previously Manchester health services had different providers and different commissioners and the MLCO would address the issue of variation of service across the city and deliver a standardised service. He informed Members that improvements had already been realised, making reference to improvements in the number of patients safely discharged from hospital. He described that working effectively, including the use of assistive technology in the future would also help achieve financial savings by reducing demand and made reference to similar models in New York and New Zealand where this had been implemented. He suggested that when future update reports were submitted to the Committee that they were thematic to describe how services were delivered.

The Executive Member for Adults, Health and Wellbeing said that the MLCO was a ten year project that demonstrated a commitment to deliver public services by the public sector.

## **Decision**

The Committee notes the report.

### **HSC/18/42 Annual Report of Manchester Safeguarding Adults Board April 2017 – March 2018**

The Committee considered the report of the Executive Strategic Commissioning and Director of Adult Social Services and the Independent Chair of Manchester Safeguarding Adults Board. This document reported on the work of the partnership and presented the Committee with the annual report.

The Independent Chair of Manchester Safeguarding Adults Board introduced the report.

Members asked what was being done to address the issue of modern day slavery, noting that Council had passed a motion at their July meeting supporting the Charter against modern slavery.

Members sought an assurance that the Serious Incident Review subgroups were fit for purpose.

Members commented that in a time of austerity and cuts to public service funding it was important that safeguarding was maintained.

The Independent Chair of Manchester Safeguarding Adults Board said that Modern Day Slavery was recognised by the Board as a serious safeguarding issue both for adults and children. She said awareness of this was raised amongst front line staff, community groups and the Voluntary and Community Sector and each partner had been tasked with embedding this in their culture and reporting.

In regard to the Learning from Reviews Subgroup the Independent Chair of Manchester Safeguarding Adults Board said that a new Chair had been appointed, clarity as to action plans sought and received and improvements are being made and the group is working much better.

In response to the impact of new safeguarding arrangements for children the Independent Chair of Manchester Safeguarding Adults Board advised that a future, interim report could be submitted to the Committee in the new financial year, however an assurance had been obtained from partners that safeguarding would be maintained and the Board would continue to monitor this.

In response to specific questions regarding the Multi Agency Safeguarding Hub (MASH) and safeguarding referrals to Adult Care the Independent Chair of Manchester Safeguarding Adults Board suggested that the Committee may wish to request a specific report on their activities for consideration from the Director of Adult Care.

## **Decisions**

The Committee:

1. Notes the publication of the Manchester Safeguarding Adults Board (MSAB) annual report 2017/2018; and
2. Supports the promotion of the importance of adult safeguarding across all the partners and in the services they commission ensuring that safeguarding is at the heart of services going forward.

## **HSC/18/43 Overview Report**

A report of the Governance and Scrutiny Support Unit which contained key decisions within the Committee's remit and responses to previous recommendations was

submitted for comment. Members were also invited to agree the Committee's future work programme.

A Member commented that the entry on the list of Care Quality Commission inspection report for Enterprise Care Group Ltd published 15 September 2018 was an overall rating of Requires Improvement and not Inadequate.

**Decision**

To note the report and approve the work programme.



## **Health Scrutiny Committee**

### **Minutes of the meeting held on 6 November 2018**

#### **Present:**

Councillor Farrell – in the Chair  
Councillors Clay, Curley, Lynch, Mary Monaghan, O’Neil, Wills and Wilson

Councillor Craig, Executive Member for Adults, Health and Wellbeing  
Councillor Midgley, Assistant Executive Member for Adults, Health and Wellbeing  
Nick Gomm, Director of Corporate Affairs, Manchester Health and Care  
Commissioning  
Dr Matt Evison, Consultant in Respiratory Medicine Manchester University NHS  
Foundation Trust  
Neil Thwaite, Chief Executive, Greater Manchester Mental Health NHS Trust  
Deborah Partington, Director of Operations, Greater Manchester Mental Health NHS  
Trust  
Jane Thorpe, Acting Deputy Director of Commissioning for Mental Health and  
Children Manchester Health and Care Commissioning

**Apologies:** Councillors Holt, Paul and Reeves

#### **HSC/18/44 Minutes**

##### **Decision**

1. To approve the minutes of the meeting held on 9 October 2018 as a correct record.
2. To note the minutes of the Public Health Task and Finish Group meeting held on 18 September 2018.

#### **HSC/18/45 Discussion item with Dr Matt Evison, Manchester University NHS Foundation Trust**

The Committee welcomed Dr Matt Evison, Consultant at Manchester University NHS Foundation Trust who had been invited to the meeting to discuss his involvement with the CURE programme, a service to prescribe medication to tackle patients’ addiction to tobacco and offer intensive support to help them stay smoke-free during their stay at hospital and once they go home and the lung cancer screening programme.

A Member introduced Dr Evison, informing the Committee that she had personal experience of the care and treatment provided by Dr Evison and his colleagues at the site following a referral by her own doctor to the RAPID (Rapid Access to Complex and Pulmonary Investigation Days) service.

Dr Evison described that the impact of smoking and tobacco addiction, with its associated health conditions, such as lung cancer were the biggest contributor to premature death, illness and economic inequality across the region.

Dr Evison described lung cancer as a particularly aggressive form of cancer that often presented without any symptoms to the patient, therefore detection and treatment at an early stage was very important to improve the chances of a full recovery. He then went onto describe the three initiatives that had been developed at the Wythenshawe Hospital site.

He described that the CURE programme represented a significant shift in the attitude amongst health professionals to the treatment of smoking. He said that for far too long smoking had been regarded as an individual's behaviour and lifestyle choice. He said that now smoking and tobacco dependency was regarded as physical disease and as such needed to be treated as a chronic physical illness with the use of prescription medication. He said that when a patient was admitted to the hospital, regardless of their condition staff were trained to discuss with the patient their smoking habits and their addiction was graded based upon their consumption. He said that this was then electronically recorded and the treatment would commence immediately with the issuing of nicotine patches. He said that following a patient's admission, staff from the CURE team would visit the patient within 48 hours to discuss the medical treatments available to them to assist with their addiction. He said that following discharge from hospital a patient would receive follow up contact and support from the CURE team and the patient's doctor would continue to administer any medication required.

He said that there was overwhelming robust medical evidence to support this approach to treating patients who were addicted to tobacco. He said that in addition to the health benefits to the individual there were significant financial savings to be made to the wider health economy due to a reduction in the number of hospital admissions each year and the pressures on primary care as a result of smoking related illness. He said hospitals needed to invest in medication and staff to realise these long term savings. He commented that the devolution of the health budget and the transformation fund had contributed to these initiatives and these were being closely monitored nationally.

With regard to the lung health checks pilot he said that these had been delivered in areas of the city where the levels of smoking amongst the population were very high. He said that for those citizens assessed as being at high risk of lung cancer they were offered an immediate CT scan. He said that this had resulted in 1 in 23 scans identifying lung cancer, with 80 of these being at stage 1 which meant they were treatable.

Dr Evison described how the RAPID service had been designed from a patient perspective that had brought specialist teams together in a reorganisation of care, rather than working in silos to facilitate the timely screening, diagnosis and treatment of patients. He said that with teams working collaboratively this removed system delays and improved patient diagnosis and care pathways. He said that the lessons of the RAPID programme would be learnt and reviewed with the ambition to scale up this service so that it could be delivered across the city.

In response to a comment from a Member regarding recent reports of a national shortage of radiologists he acknowledged that this was an issue and commented that the success of future schemes was reliant on qualified radiologists being able to undertake and correctly analyse scans and surgical teams able to accommodate the increased number of procedures required. He said that to successfully roll out the scheme more widely across the city this would also require partnership working between commissioners and primary care so that suitable care pathways were established.

## **Decisions**

1. The Committee note the presentation by Dr Evison; and
2. Recommend that the Executive Member for Adults, Health and Wellbeing and the Director of Population Health and Wellbeing support this programme and the wider roll out of this service across the city.

## **HSC/18/46 Manchester Mental Health Transformation Programme**

The Committee considered the report of the Greater Manchester Mental Health NHS Foundation Trust and Manchester Health and Care Commissioning (MHCC) that provided the Members with a progress report on Manchester Mental Health Services, following the acquisition on the 1 January 2017 by Greater Manchester Mental Health NHS Foundation Trust (GMMH). The report provided an update on progress made since January 2018, or 22 months since the acquisition, of the transformation programme, organisational change and development.

The Chief Executive, Greater Manchester Mental Health NHS Trust referred to the main points of the report which were: -

- A description of the different Transformation Working Groups that had been established to deliver the transformation programme;
- The activities to increase Improving Access to Psychological Therapies (IAPT) and an analysis of the impact and outcomes;
- The activities to improve Acute Care Pathways (ACP) designed to improve access and moving health provision into the community, supporting care closer to home and providing the best treatment in the right place at the right time, accompanied with a summary of progress to date;
- Urgent Care and the development of a Section 136 Suite at the North Manchester General Hospital site;
- Activities to reduce the number of Out of Area Placements;
- An update on a range of community engagement activities;
- How performance was managed and reported;
- A description of the challenges in relation to the workforce and the recruitment of skilled mental health professionals; and
- A description of next steps.

The Executive Member for Adults, Health and Wellbeing commented upon the high quality of the report that had been submitted to the Committee, noting the reported progress and improvements. She commented that the report was an honest report that also discussed the challenges. She said that she welcomed the commitment to delivering a seven day a week service and the reduction in the use of out of area placements, commenting that these were very important to both patients and their families. This view was also expressed by the Committee.

The Assistant Executive Member for Adults, Health and Wellbeing echoed the comments of the Executive Member and stated that she had received positive feedback from her constituents regarding the care and service provided by the Trust. She stated that there needed to be a parity of esteem between mental health and physical health and further commented on the national shortage of mental health workers and sought further clarification on the waiting times for IAPT therapy.

In response to a question from a Member regarding staff and the work force strategy the Chief Executive, Greater Manchester Mental Health NHS Trust said that it was very important to recruit and retain the correct staff. He acknowledged the challenges staff had experienced over the previous ten years and described that the work force strategy focused on promoting Manchester as a great place to work. He commented that the Trust appeared in the list of the top 100 NHS organisations to work at. He said staff were engaged with and their views sought so they were involved in the improvement process and involved in designing solutions. He further commented that a lot of work had been done to address the previous negative perceptions of Manchester as a place to work and a national recruitment campaign would be launched.

The Director of Operations, Greater Manchester Mental Health NHS Trust responded to a question asked by a Member about Care Coordinators by explaining that these were not new roles and were currently in place and that where any vacancies existed these would be recruited to. She further commented that the issue of Out of Area Placements was being looked at a Greater Manchester level. She also stated that the number of bed spaces in the city had increased and across GM by 10%.

The Director of Operations, Greater Manchester Mental Health NHS Trust responded to a question regarding the accreditation status as assessed by the Royal College of Psychiatrists. She stated that the application for accreditation was not done for each site at the same time and stated that the other two sites were working towards this.

A Member commented that he welcomed the establishment of the Section 136 Suite at the North Manchester General Hospital site, stating that this was an improvement in how people with mental health issues were treated and asked how common was it for a city like Manchester not to have had such a facility previously. The Director of Operations, Greater Manchester Mental Health NHS Trust stated that it was uncommon not to have one and stated that it was a very positive development for the care of patients.

The Acting Deputy Director of Commissioning for Mental Health and Children Manchester Health and Care Commissioning commented that the access to IAPTS therapy continued to increase and there were a number of sites across the city where



these were now delivered. She said there were both national and internal targets for receiving therapy. She commented that work was also underway at a GM level to review the levels of access and to also look at the issue of delayed transfer of care that had been raised by Members.

Members discussed the issue of safe guarding in relation to community engagement and sought an assurance that the safeguarding of patients would always be considered. The Director of Operations, Greater Manchester Mental Health NHS Trust said that the 'Be Well' service, a social prescribing service in north Manchester worked closely with local community groups and the voluntary sector and gave the assurance that safeguarding was always considered.

### **Decision**

The Committee note the report.

### **HSC/18/47 Prepaid Financial Cards - Adult social care (MLCO)**

The Committee considered the report of the Executive Strategic Commissioning and Director of Adult Social Services that provided Members with some background information regarding Prepaid cards, an update on the Procurement process and an outline of the Implementation process of Prepaid Financial Cards within adult social care, now delivered through the Manchester Local Care Organisation.

The Strategic Lead referred to the main points of the report which were: -

- A description of the rationale for the introduction of Prepaid Financial Cards in the context of The Care Act;
- A description of how the cards would work and what they could be used for;
- A list of benefits to both the Council and to the citizen;
- An update on the procurement process and the implementation process;
- Information on citizen engagement and communication ;
- How pre-paid financial cards were important enablers for moving to a broader strength-based model of social care, noting that the Personalisation of Adult Social Care Services was vital to ensure that Manchester citizens could exercise choice and control over how their care and support needs could be met.

A Member commented that an individual on occasion may wish to purchase a costly one off item, and gave an example of a season ticket for a favourite football team and enquired if the payment cards would be flexible enough to accommodate this type of purchase. The Strategic Lead acknowledged the comment from the Member and said that this type of purchase was acknowledged and it was important that the citizen had improved choices. She said that this would also help address social isolation and that the scheme was flexible to accommodate that type of request.

In response to a question from a Member who asked if the money that was paid weekly onto the card was not spent would that be clawed back, the Strategic Lead said this would not be done immediately, however if there was a pattern of money not

spent over a period of time this would prompt a conversation with the citizen to review what their level of award was.

The Strategic Lead informed the Members that the prepayment card would be offered to 'new' users of the service and it was envisaged that this would be approximately 500 citizens in the first year, with a view to rolling this offer out once it was embedded. She said that consideration also needed to be given to ensuring that the market place was aware of this system and work was underway to address this. She said that the company who had been procured to deliver the card service had a lot of experience with other Local Authorities and commented that the delays with introducing the scheme had been as a result of GDPR requirements. She further commented that Manchester had worked closely with other Authorities who had successfully introduced prepayment cards to share their knowledge and understand the lessons they had learnt.

A Member commented upon the important issue of safeguarding and sought an assurance that this was being addressed. The Strategic Lead informed the Members that work had been done with safeguarding colleagues to ensure that this was embedded in the approach and the Cards offered a new feature around tackling suspected financial abuse. She said that spending was audited to identify any anomalies and that she would provide the Committee with information on the Risk Register that had been developed that highlighted any associated risk around implementation.

### **Decisions**

1. The Committee note the report; and
2. Request that information on the Risk Register be circulated to the Committee.

### **HSC/18/48 Overview Report**

A report of the Governance and Scrutiny Support Unit which contained key decisions within the Committee's remit and responses to previous recommendations was submitted for comment. Members were also invited to agree the Committee's future work programme.

### **Decision**

To note the report and approve the work programme.

## **Children and Young People Scrutiny Committee**

### **Minutes of the meeting held on 9 October 2018**

#### **Present:**

Councillor Stone – in the Chair

Councillors Hewitson, T Judge, Lovecy, Madeleine Monaghan and Sadler

#### Co-opted Voting Members:

Mr A Arogundade, Parent Governor Representative

Mrs B Kellner, Representative of the Diocese of Manchester

Dr W Omara, Parent Governor Representative

Ms Z Stepan, Parent Governor Representative

#### Co-opted Non Voting Members:

Mr L Duffy, Secondary sector teacher representative

Mr R Lammas, Primary sector teacher representative

Councillor Bridges, Executive Member for Children's Services

Councillor Rahman, Executive Member for Schools, Culture and Leisure

Julia Stephens Row, Independent Chair of Manchester Safeguarding Children and Adults Boards

#### **Apologies:**

Councillors Alijah and McHale

Mrs J Miles, Representative of the Diocese of Salford

### **CYP/18/47 Minutes**

The Chair updated Members on the invitation to Damian Hines, Secretary of State for Education, and Vicky Beer, Regional Schools Commissioner, to attend a meeting of the Committee. He advised Members that no response had been received from Damian Hines. He reported that Vicky Beer had advised that it was not appropriate for her to attend a scrutiny committee meeting but that she was working with Council officers.

#### **Decision**

To approve as a correct record the minutes of the meeting held on 4 September 2018.

### **CYP/18/48 Annual Report of Manchester Safeguarding Children Board (MSCB) April 2017 – March 2018**

The Committee received a report of the Strategic Director of Children's and Education Services and Julia Stephens Row, the Independent Chair of Manchester Safeguarding Children Board (MSCB) which provided an overview of MSCB's Annual Report for the period from April 2017 - March 2018. The full report was appended.

Julia Stephens Row referred to the main points and themes within the report which included:

- MSCB's business priorities;
- Challenges and improvements; and
- Future arrangements for safeguarding.

Some of the key points and themes that arose from the Committee's discussions were:

- Whether the number of school pupils with Social, Emotional and Mental Health (SEMH) needs was under-reported;
- Concern that the Neglect Strategy had not yet been fully embedded;
- When the new safeguarding arrangements would be in place and how a smooth transition would be ensured;
- Whether there was any learning which could be shared from the Home Office's National Prevent Peer Review process; and
- What was being done to improve the response to children who went missing from care.

Julia Stephens Row reported that it was not clear whether the number of pupils with SEMH needs was under-reported, however given the circumstances in the city that she might expect it to be higher and would raise this point with education partners. She advised Members that a lot of work was taking place in schools to support children and young people's mental well-being. She outlined work taking place to embed the Neglect Strategy including training and awareness-raising events and the establishment of lead officers within partner organisations; however, she acknowledged that more work was needed to fully embed the strategy and it remained a high priority. She outlined the work taking place to transition to the new safeguarding arrangements, advising that it was essential to maintain the focus on safeguarding work during the transition period. She advised Members that the new safeguarding arrangements had to be in place by September 2019 and that the plan for these had to be in place by June 2019. She suggested that the Committee receive an update report on the new safeguarding arrangements at an appropriate time, to which the Chair agreed.

The Strategic Director of Children's and Education Services reported that the full report from the Home Office's National Prevent Peer Review was not yet available but that the Council would use this review as an opportunity to learn. He suggested that, when the full report was available, feedback could be provided to the relevant scrutiny committees. He informed Members that the Children's Society carried out return interviews and follow-up interventions in relation to children missing from care and outlined the work of the Missing from Home and Care Panels in monitoring this issue and in taking action in relation to individual children where there were particular concerns.

## **Decision**

To receive an update report on the new safeguarding arrangements at an appropriate time.

## **CYP/18/49 Leaving Care Service**

The Committee received a report of the Strategic Director of Children's and Education Services which provided an update on the progress of activity to reform the delivery of Leaving Care Services.

Officers referred to the main points and themes within the report which included:

- The decision to bring the service in-house and to postpone the establishment of a Wholly Owned Trading Company (WOTC);
- Consultation and engagement with young people; and
- Human Resources (HR), financial, estates and ICT issues.

Some of the key points and themes that arose from the Committee's discussions were:

- The employment and training opportunities available for young people leaving care (our young people);
- The importance of suitable accommodation for our young people; and
- To welcome the appointment of specialist staff.

The Strategic Lead for Leaving Care updated Members on work to recruit to the specialist posts within the service, confirming that these would be permanent posts. The Strategic Director of Children's and Education Services outlined some of opportunities for our young people to enter employment and training. He confirmed that this included apprenticeships but advised that some young people were not yet ready to enter into employment so required additional support to be put in place to enable them to access these opportunities. He also reported that some of our young people went into higher education. He informed Members that Children's Services also worked with the Work and Skills Team to ensure that there was an appropriate offer for our young people. The Chair welcomed the work that Barclays Bank was doing with some of our young people, including those who were Not in Education, Employment or Training (NEET) and requested that more information on this be included in a future report.

The Executive Member for Children's Services confirmed that ensuring our young people had suitable accommodation was a priority for the Council. He added that he and officers would be able to provide an update on the work taking place to address this when they next reported back to the Committee on the Leaving Care Service.

### **Decision**

To receive an update report in the next municipal year, to include further information on the work that Barclays Bank is doing to support our young people. To note that this report will also include an update on work to ensure suitable accommodation for our young people.

## **CYP/18/50 Draft Independent Reviewing Officer Annual Report 2017 – 2018**

The Committee received a report of the Head of Quality Assurance for Safeguarding which introduced the draft Independent Reviewing Officer (IRO) Annual Report 2017 - 2018. The report provided an account of the activity of the Independent Reviewing Service between 1 April 2017 and the 31 March 2018.

Officers referred to the main points and themes within the report which included:

- An evaluation of the practice, plans and arrangements for Looked After Children (Our Children);
- An evaluation of the effectiveness of the IRO service in ensuring the Council as a corporate parent was discharging its statutory duties towards Our Children; and
- Evidence from the views of children and young people, carers and professionals.

Some of the key points and themes that arose from the Committee's discussions were:

- A request for clarification of the timescales for the final report to be produced;
- That some of the terminology used in the report (for example, Looked After Children rather than Our Children) was not in line with the terminology that young people had asked to be used and to request that this be amended in the final version of the report;
- Discussion of the figures in some of the graphs, in particular why the number of Our Children had decreased and then increased again;
- To question the validity of the IRO survey referred to in the report as only 16% of Our Children had responded and to ask whether an alternative format, for example, an app could result in a higher response rate; and
- To ask how the learning from young people's complaints was taken forward.

The Head of Quality Assurance for Safeguarding informed Members that the draft report would be considered at the Corporate Parenting Panel's meeting on 21 November 2018 and then, following any amendments, a final version would be published on the Council's website. She agreed that the terminology used would be amended in the final version of the report, to use the terms which Our Children had requested be used to describe them and their circumstances. She also advised that officers would strengthen the commentary around some of the graphs to make the information clearer. The Strategic Director of Children's and Education Services informed Members that the number of children who were looked after had decreased in 2016 – 2017 following the establishment of a permanent, stable leadership team. He advised that, at that time, there were children who were looked after but did not need to be and the service had focused on permanence planning and in ensuring that only those children for whom it was necessary entered the looked after system; however, he acknowledged that the numbers had risen again and informed Members that the numbers had risen nationally, regionally and locally. He suggested that the Committee might want to look at this in more detail at a later date. The Chair suggested that Members could look at this during a less formal session, outside of the Scrutiny Committee meetings.

The Head of Quality Assurance for Safeguarding reported that, while the service would have liked a higher response to the survey, the responses received were still important. She advised Members that it had been a short paper survey but that officers would look at using technology, including the Mind Of My Own (MOMO) app, in future. She outlined how complaints from children and young people were dealt with, advising Members that they were offered an advocate to support them through the complaints process. She assured Members that learning from complaints was acted on, which could involve incorporating learning into the development programme for staff or reviewing procedures.

### **Decision**

To request that a session be arranged outside of the formal Scrutiny Committee meetings for Members to examine the number of children becoming Looked After and the reasons for the changes in the numbers.

### **CYP/18/51 Manchester Curriculum for Life**

The Committee received an oral report of the Director of Education which updated Members on the pilot of the Manchester Curriculum for Life.

The Director of Education informed Members that the pilot had been launched in July 2018 and that over 30 schools, settings and youth providers were involved in testing the framework. She reported that the Council was also working with some foster carers who were interested in piloting the framework at home and advised that her team was developing challenges which children and young people could complete at home. She outlined work that had taken place since the Committee considered a report on the Curriculum for Life in July 2018, including developing the branding and creating a toolkit, and reported that these were now being tested as part of the pilot. She advised the Committee that her team was now arranging visits to the schools and other settings taking part in the pilot. She informed Members about the summer holiday reading challenge, linked to Read Manchester. She also reported that her team was working with the Assistant Executive Member for Schools, Culture and Leisure on how the Curriculum for Life could link in with the city's cultural offer.

### **Decisions**

1. To request that examples of the branded materials being tested in the pilot be circulated to Committee Members.
2. To request a further report in approximately 12 months' time.

### **CYP/18/52 Attainment Headline Outcomes 2018 (provisional)**

The Committee received a report of the Director of Education which provided a summary of the 2018 provisional outcomes of statutory assessment at the end of the Early Years Foundation Stage (EYFS), Key Stage 1, Key Stage 2, Key Stage 4 and Key Stage 5.

Officers referred to the main points and themes within the report which included:

- The context of the outcomes at each key stage;
- The outcomes; and
- Next steps.

Some of the key points and themes that arose from the Committee's discussions were:

- Work being undertaken to address the gap between EYFS outcomes in Manchester and the national average, including how the take-up of Health Visitor assessments through the Early Years Delivery Model (EYDM) could be improved;
- Concern that some Key Stage 2 results had been annulled due to maladministration of the assessments in two schools and whether schools were under too much pressure to achieve results, leading to children not receiving a broad, rich education;
- That the figures suggested that children performed well in some subjects, such as mathematics, earlier in their school life but that this had declined by Key Stage 4 and what were the reasons for this; and
- To recognise the progress that had been made and to commend the work of staff in Manchester schools and the Council's Education Service under challenging circumstances.

The Director of Education informed Members that colleagues in Manchester Health and Care Commissioning (MHCC) were producing a business case to their Board on whether health visiting in the city could be increased. She reported that the Council was looking at whether other staff within the EYDM such as Outreach Workers could do more to encourage families to take up the health visitor assessments and how Early Years and Early Help could work more closely together to address this. She reported that the EYDM was introduced in April 2015 so the first cohort of children under this model hadn't started school yet and that the Council would need to see what the outcomes were for these children. She informed Members that 95% of Early Years settings in Manchester were now judged by Ofsted to be good or better and that there would now be a focus on working with them, in partnership with schools, on areas like literacy so that children were school ready.

The Director of Education reported that Ofsted had now acknowledged that there was too much focus on results and that a broad, balanced curriculum was important. She informed Members that Ofsted was reviewing its framework in light of this. She advised the Committee that those children currently at primary school and those at Key Stage 4 were different cohorts of pupils who were being educated under different curricula so it was hoped that positive outcomes in mathematics would be reflected at Key Stage 4 as this cohort of pupils made their way through the education system.

## Decisions

1. To recognise the progress that has been made, to commend the work of staff in Manchester schools and the Council's Education Service under challenging circumstances and to ask the Director of Education to pass this message on to headteachers.



2. To note that the Committee will receive a further report with the final, confirmed results.

### **CYP/18/53 Overview Report**

A report of the Governance and Scrutiny Support Unit was submitted. The overview report contained key decisions within the Committee's remit, responses to previous recommendations and the Committee's work programme, which the Committee was asked to approve. The Chair confirmed that he would discuss with officers a suitable date for the Committee to consider the Annual Adoption and Fostering Report.

### **Decision**

To note the report and agree the work programme.



## **Children and Young People Scrutiny Committee**

### **Minutes of the meeting held on 6 November 2018**

#### **Present:**

Councillor Stone – in the Chair  
Councillors Hewitson, T Judge, Lovecy and McHale

#### Co-opted Voting Members:

Mr A Arogundade, Parent Governor Representative  
Mrs B Kellner, Representative of the Diocese of Manchester  
Mrs J Miles, Representative of the Diocese of Salford  
Dr W Omara, Parent Governor Representative  
Ms Z Stepan, Parent Governor Representative

#### Co-opted Non Voting Members:

Mr L Duffy, Secondary sector teacher representative

Councillor Rahman, Executive Member for Schools, Culture and Leisure  
Professor Yaron Matras, University of Manchester

#### **Apologies:**

Councillors Alijah and Sadler  
Mr R Lammas, Primary sector teacher representative

### **CYP/18/54 Minutes**

The Chair noted that, as requested at the Ofsted Subgroup meeting on 2 October 2018, Ofsted's letter on their recent focus visit had been circulated to Members of the Committee. He welcomed the progress made so far.

#### **Decisions**

1. To approve as a correct record the minutes of the meeting held on 9 October 2018.
2. To receive the minutes of the Ofsted Subgroup meeting held on 2 October 2018.

### **CYP/18/55 Promoting Inclusion and Preventing Exclusion**

The Committee received a presentation of the Director of Education which provided information on work to reduce the number of school exclusions, including the National Review.

The main points and themes within the presentation included:

- The National Review of Exclusions;
- Information gathered from multi-agency consultations;
- The four strands of the draft strategy (universal, early intervention, alternative

provision or specialist support and ensuring best practice in the use of exclusion; and

- Next steps.

Some of the key points and themes that arose from the Committee's discussions were:

- Whether a breakdown of the types of schools which were excluding children was available;
- The allocation of financial resources and how much was being allocated to support children attending Pupil Referral Units (PRUs) and children at risk of permanent exclusion;
- Concern about the level of exclusion and the percentage of those being excluded who had Special Educational Needs and Disability (SEND);
- The importance of identifying and supporting children with challenging behaviour at primary level, even if their behaviour was more manageable at that age;
- Whether it was difficult for pupils attending a PRU to return to mainstream education and how many secondary school children who were permanently excluded returned to mainstream schools and how many were in long-term alternative provision; and
- The new Ofsted Framework due to be introduced in September 2019.

The Director of Education reported that a breakdown of data on school exclusions could risk identifying individual children and, therefore, could not be shared widely; however, she advised that this information had been provided to the Chair previously and could be provided again. She advised Members that it was difficult to draw conclusions on the types of school which were more likely to exclude pupils as most exclusions took place at the secondary school level and most secondary schools in Manchester were academies. She informed Members that the Executive had approved plans to allocate £20 million of basic needs funding to invest in SEND provision and alternative provision. She reported that the Council had also invested significantly in the Primary PRU, which had now moved to its new purpose-built premises at Plymouth Grove, and she suggested that the Committee might want to visit this. She also outlined other possible sources of funding, including an application for additional funding from central government, discussions with schools which had a significant under-spend and consultation with schools on whether 0.5% of the schools budget could be allocated to the high needs budget.

The Virtual School Head Teacher advised the Committee that it was important to ensure schools had the knowledge and skills to recognise what pupils' behaviour might be communicating about their unmet needs and what adjustments schools could make. She outlined how the Virtual School had worked with a number of schools to prevent Our Children (Looked After Children) from being excluded, including identifying underlying Social, Emotional and Mental Health (SEMH) needs, making reasonable adjustments and putting in place additional resources, where necessary. She advised Members that schools wanted more training on the impact of adverse childhood experiences, trauma and attachment and informed Members of a current pilot scheme taking place to train schools in this. She confirmed that high schools, primary schools, special schools and PRUs were involved in this pilot.

The Director of Education confirmed that children did return to mainstream schools after attending a PRU. She reported that, where the PRU was confident that the child was able to return to mainstream education, a school was identified for the child via the In-Year Fair Access Protocol. She informed Members that the PRU would continue to support the child, with the child often being dual rolled at the school and the PRU for a period of time until they were confident that the placement was working out. She reported that the situation for primary school children was more challenging, advising that permanent exclusions at primary school age were unusual and the excluded children often had very complex needs and ended up attending specialist provision.

### **Decisions**

1. To request that a visit be arranged to the Primary PRU at its new premises.
2. To request that the Director of Education share school-level data on exclusions with the Chair.
3. To request that information on the final destination of pupils who attended the Secondary PRU following permanent exclusion be circulated to Members of the Committee.
4. To note that the Committee has previously requested a training session on the Ofsted Framework and that, as a new Framework is due to be introduced, this training will be held once details of the new Framework are known.

[Councillor Stone declared a personal interest as a member of the governing body of the Secondary Pupil Referral Unit.]

### **CYP/18/56 Supplementary Schools**

The Committee received a report of Children and Education Services which provided an update on the work in the city to engage with and support Supplementary Schools.

Officers referred to the main points and themes within the report which included:

- Legislation and statutory guidance;
- Successes of Manchester's supplementary schools;
- Safeguarding;
- Ongoing challenges;
- New initiatives and developments; and
- Planned actions.

The Chair invited Professor Yaron Matras from the University of Manchester to address the Committee. Professor Matras informed Members that he led a unit at the University called Multilingual Manchester, which he advised, was a teaching and research unit which was also involved in public engagement and outreach with a range of stakeholders including the Council and supplementary schools. He informed Members about some of the work his unit did with supplementary schools,

particularly those teaching heritage languages. Some of the key work he highlighted included:

- Publishing a report on supplementary schools in Manchester in 2015;
- A two-year consultation with staff and parents at supplementary schools to identify priorities and needs;
- Launching a Supplementary Schools Support Platform;
- Facilitating teacher training sessions;
- Advising on curriculum design;
- Providing curriculum enrichment sessions; and
- Showcasing the work of supplementary schools.

Professor Matras also outlined some of the future activities the unit had planned and some of the challenges facing supplementary schools including staff training, access to learning resources, curriculum design, premises, motivating parents and children to take part in language classes and counteracting negative images about supplementary schools.

Some of the key points and themes that arose from the Committee's discussions were:

- What monitoring was in place for supplementary schools;
- Recognising the excellent work that some supplementary schools were doing; and
- Recognising the work of the Council and the university in this area, noting that most Councils did not have this level of partnership working with supplementary schools.

The Head of School Quality Assurance and Strategic SEND acknowledged that this was a challenging area as supplementary schools did not fall under any inspection regime unless they provided over 15 hours of education, which few did. She reported that the only approach which could be taken was positive engagement. She advised Members that the Council had developed good relationships with supplementary schools which had enabled officers to have challenging conversations, where necessary, and also to provide support, for example, with Disclosure and Barring Service (DBS) checks and first aid and safeguarding training.

The Director of Education informed Members that, due to the Council's previous work in this area, the Department for Education (DfE) had invited the Council to participate in its Out of Schools (OOS) Pilot. She reported that the Council had received funding from the DfE to further develop and build on this work.

## **Decisions**

1. To thank Professor Matras for his contribution.
2. To request that the information Professor Matras provided to the Chair be circulated to all Members of the Committee.
3. To receive a further report on supplementary schools at an appropriate time.

### **CYP/18/57 Overview Report**

A report of the Governance and Scrutiny Support Unit was submitted. The overview report contained key decisions within the Committee's remit, responses to previous recommendations and the Committee's work programme, which the Committee was asked to approve.

### **Decision**

To note the report and agree the work programme.





## Neighbourhoods and Environment Scrutiny Committee

### Minutes of the meeting held on 10 October 2018

#### Present:

Councillor Igbon – in the Chair

Councillors Appleby, Harland, Hewitson, Hughes, Jeavons, Kilpatrick, Lyons, Reid, Sadler, White and Wright

Councillor Akbar, Executive Member for Neighbourhoods

Councillor Stogia, Executive Member for Environment, Planning and Transport

Councillor Davies, Member for Deansgate ward

Clare Benson, Hulme resident

**Apologies:** Councillors Azra Ali and Noor

#### **NESC/18/40            Minutes**

#### **Decision**

To approve the minutes of the meeting held on 5 September 2018 as a correct record.

#### **NESC/18/41            Waste, Recycling and Street Cleansing Update**

The Committee heard from a resident of Hulme, Clare Benson who had been invited to inform Members of her experience in her neighbourhood in relation to waste. She said that she had become concerned about the levels of debris accumulating in her neighbourhood and had decided to take action. She explained that she had set up a local campaign, including the use of social media to organise communal clean ups to improve the local environment.

The Committee then considered the report of the Chief Operating Officer which provided an update on progress in delivering waste, recycling and street cleansing services (including ward level cleansing), cycle lane cleansing, weed control and the apartment service change. The report also included information on flytipping, and the role of planning to address issues of waste associated with both domestic and commercial properties; permitted development and its impact on waste and the impact of short term lets on flytipping.

Officers referred to the main points and themes within the report which included:-

- The financial context in which all of these services were delivered;
- Operational performance of Biffa, following commencement of their contract in July 2015, noting that Biffa were responsible for providing domestic residual and recycling waste collection services; planned and reactive street cleansing services for defined land types;

- Information on the Service Improvement Plan implemented by Biffa in February 2017;
- Performance data measured across a range of activities that included bin collection; cleaning of communal passageways; street cleaning services; district centres and city centre cleaning; litter bins and flytipping;
- Leaf removal activity noting that the leaf removal programme in 2017/18 delivered an improved leaf removal plan, compared to 2016/17;
- Weed removal services, noting that the standard required Biffa to complete two cycles of weed treatment across the City on an annual basis. This included all highways for which the City has maintenance responsibilities;
- The approach adopted to the cleansing and leaf removal in cycle lanes;
- The approach to the gritting of highways;
- An update on the first phase of apartment service changes and the lessons learnt;
- The approach adopted to the education, engagement and enforcement to improve levels of recycling, including information on the partnership work with the national charity WRAP (Waste and Resources Action Programme) to deliver a range of campaigns with residents;
- Activities undertaken to address issues associated with commercial waste and flytipping on private land;
- The waste management considerations when assessing planning applications; and
- Planning legislation in relation to short term lets and permitted development.

Some of the key points that arose from the Committee's discussions were:-

- The Biffa contact and how this was monitored and their use of agency staff and zero hour contracts;
- How effective was the monitoring of the service provided by Biffa and who undertook this;
- Who was responsible for removing side waste;
- Could the scheduling of road sweeping be coordinated to follow bin collections;
- The problems associated with flytipping and the response to this issue;
- The cleaning of communal bin areas and lighting of these areas;
- The cleansing of gated alleys and the associated difficulties;
- The removal of contaminated bins;
- The cleaning of public litter bins;
- Leaf cleaning of both pavement and cycle lanes;
- What was being done to address the issue of commercial waste including litter and debris, such as discarded cigarette butts and takeaway cartons associated with the night time economy;
- Recycling rates in apartments;
- The importance of behaviour change and education to improve rates of recycling across this city; and
- The need to publicise widely when prosecutions had taken place to act as a deterrent.

The Committee heard from Councillor Davies, Member for Deansgate ward who commented on the good relationships she and other ward Members had established with the managers at Biffa and that the Biffa operatives she had engaged with had

been very professional. However she expressed concern that the cleanliness of the on street bins was inconsistent, stating that poorly maintained and dirty bins gave a very poor impression to residents; visitors to the city and people working in the city. She further commented that bins were not emptied on a daily basis and sought clarification as to what the agreement was for emptying on street bins and asked if inspectors just looked at the waste or did they consider what the cause of any waste was.

The Strategic Lead: Waste, Recycling and Street Cleansing Services responded to the questions and comments from the Committee by informing them that Biffa were responsible for removing any side waste that was presented when bins were collected, however it was stated that if residents recycled effectively this would reduce the need for additional side waste to be collected. In regard to road sweeping she said that this did generally occur after bin collection however encouraged Members to contact the relevant Neighbourhood Team if they experienced persistent problems.

In regard to Bulky Waste collections the Strategic Lead: Waste, Recycling and Street Cleansing Services advised that teams would only collect what had been requested for collection, stating that this avoided any counter claims against operatives taking items that they should not have. She said that if operatives witnessed any flytipping they should then report it to be collected. The same applied to contaminated bins, stating that if crews were unable to accept a bin because it was contaminated this should be reported immediately to the correct team who should then arrange for the collection of the bin. Members were asked to report any issues if this was not happening and it would be pursued with Biffa.

In response to the discussion around the Biffa contract the Strategic Lead: Waste, Recycling and Street Cleansing Services informed Members that Biffa did not use zero hour contracts and the agencies used by Biffa to cover any staffing capacity issues at times would be subject to Biffa's procurement process. To reassure the Committee she advised that the contract would be checked to ensure this was the case. The Chair recommended that a referral should be made to the Ethical Procurement and Contract Management Subgroup to review the Biffa contract to ensure that zero hour contracts are not used.

With regard to the monitoring of staff and their behaviour following observations of Members the Strategic Lead: Waste, Recycling and Street Cleansing Services confirmed that it was Biffa who were responsible for this. She said that Biffa's vehicles were now equipped with CCTV cameras that could be used to monitor staff activities and practices as a way of improving performance and standards.

In response to performance monitoring the Strategic Lead: Waste, Recycling and Street Cleansing Services described that inspections were undertaken by both City Council and Biffa staff to provide an assurance that standards were maintained; areas for improvement identified and solutions implemented. In addition to this the cleanliness of streets was also independently assessed and reported by Keep Britain Tidy noting that Manchester compared favourably to other core cities.

With regard to the cleaning of alley ways and communal bins the Strategic Lead: Waste, Recycling and Street Cleansing Services reported that a deep clean of alley ways was to be undertaken every quarter and Biffa were responsible for quality inspection checks following a clean. In addition these areas were expected to be cleared of any rubbish that may occur following a bin collection. She said an assurance and evidence of this was being requested of Biffa to ensure this was routinely undertaken. She further confirmed that Biffa were responsible for ensuring that any gated alley was locked following a collection and if any locks were faulty they should be immediately reported. She also advised that a bespoke review of the cleaning of communal bins and passageways would be undertaken to address the issues associated with these areas.

The Strategic Lead: Waste, Recycling and Street Cleansing Services informed Members that the cleaning of on street litter bins should be undertaken once per year and accepted that bins in certain locations were problematic as a result of continued vandalism and graffiti. She clarified that bins would be emptied when they are full as assessed by Biffa operatives and continued by commenting that the location of bins could be reviewed to ensure they were being used most effectively noting that the number of complaints received about on street bins was low, clarifying how complaints were counted.

The Neighbourhood Compliance Manager (Citywide) responded to the comments regarding flytipping by informing the Committee that cases were investigated and pursued for prosecution. He said that following prosecution press releases were prepared and that had made both local and national news. In addition to this social media was utilised to promote the message that this antisocial behaviour would not be tolerated and perpetrators would be pursued. He also advised that targeted work had been undertaken to address the issue of commercial waste, describing that premises had been required to provide evidence of their waste management contacts and where these had not been in place formal notices had been served. He said a successful exercise had been undertaken in the China Town area of the city centre following complaints raised by residents and local Members regarding commercial waste and he also described an exercise undertaken to address builder's waste that had resulted in prosecutions and vehicle seizure.

The Strategic Lead: Waste, Recycling and Street Cleansing Services said that work was ongoing with Biffa to address concerns raised about cleanliness and commercial waste in the city centre. She said that discussions were underway with CityCo to develop links with local businesses to address issues that were raised. She said that a number of workshops would be organised to facilitate this and an input from Members would be welcomed. In response to a specific question she confirmed that the Northern Quarter area of the city centre was routinely inspected and solutions to problems identified, such as spillage caused when collecting rubbish would be addressed.

The Section Planning Manager commented that commercial waste management was a condition of planning consent and if a premises were found to be in breach of these enforcement action could be taken. The Chair requested that the planning conditions relating to waste management be circulate to Members of the Committee for information.

In regard to recycling rates in apartment blocks the Strategic Lead: Waste, Recycling and Street Cleansing Services said that the capacity of collections remained unchanged and if the Member wished to discuss specific concerns outside of the meeting she would be happy to meet with him. She said that in the initial stages of Phase One additional collections had been arranged to support tenants during the changes.

The Executive Member for Environment, Planning and Transport responded to the comments regarding the lighting of communal bin areas by saying that if there were specific areas of concern these could be looked at with a view to finding solutions. In response to the issue of leaf clearing and gullies she said that although this remained a challenge work was ongoing with teams to work smarter to deliver this service. The Strategic Lead: Waste, Recycling and Street Cleansing Services said that in segregated cycle lanes liquid de-icer would be used rather than using grit.

The Executive Member for Neighbourhoods stated that despite of the financial cuts imposed on the Council improvements across the city in rates of recycling had been achieved over the previous eight years, and he was confident that this would continue to improve. He said that the rates of recycling activity was different across different types of tenure and behaviour change amongst residents was important to increase levels of this activity and commended the positive approach demonstrated by the resident who had addressed the Committee. He said by adopting the Our Manchester approach residents would be empowered to initiate local solutions and community projects. He said that a lot of proactive work was undertaken by officers to address and prosecute those responsible for flytipping and he encouraged all Members to retweet those messages when action was successfully taken, stating that this would give residents confidence that this issue was taken very seriously by the Council and would also act as a deterrent.

The Executive Member for Neighbourhoods further gave an assurance that the Biffa contract was continually monitored to ensure improvements were made, noting that when issues had been identified previously improvement plans had been agreed and implemented. In response to a suggestion that the bulky waste collections policy should be changed he said that this would need to be discussed further.

## **Decisions**

The Committee:-

1. Requests that the planning conditions relating to waste management be circulated to Members of the Committee;
2. Requests that the leaf clearing and gritting schedule be circulated to Members of the Committee;
3. Recommends that gulley cleaners are deployed in a timely manner to address the issue of blocked gullies;

4. Suggests that positive stories regarding resident engagement and community activities to improve their local neighbourhoods should to be promoted, and Members need to engage with residents in these activities.

5. Recommends that the Ethical Procurement and Contract Management Subgroup review the Biffa contract to ensure that zero hour contracts are not used.

[Councillor Appleby declared a personal and non prejudicial interest in this item as her partner is an employee of Biffa]

## **NESC/18/42            Keep Manchester Tidy Update**

The Committee considered the report of the Chief Operating Officer that provided Members with an update on the Keep Manchester Tidy campaign.

Officers referred to the main points and themes within the report which included:-

- Providing a background to Keep Manchester Tidy following feedback from the Manchester Strategy consultation exercise;
- A schedule of activities planned for 2018/19; and
- Information on how the impact of these activities are to be collected and measured;

Some of the key points that arose from the Committee's discussions were:-

- The need to reduce the use of single use plastics, noting that this contributed to litter in the immediate areas and contributed to wider, global issues of pollution and this impact this had on the environment and wildlife;
- Schools needed to be supported to undertake activities, education and campaigns around this issue;
- Licensing conditions needed to be used to address the issue of litter association with takeaways; and
- Why was Manchester not engaging with the campaign to tackle discarded chewing gum.

The Strategic Lead: Waste, Recycling and Street Cleansing Services agreed that schools played an important role in promoting this area of activity, in addition to other important areas such air quality and road safety, however it was recognised that teachers needed support to deliver this and this was being looked into.

In response to the issue of takeaways the Strategic Lead: Waste, Recycling and Street Cleansing Services said that good relationships had been established with the national brands and they had supported local campaigns around this issue of litter.

The Strategic Lead: Waste, Recycling and Street Cleansing Services noted the comments regarding chewing gum, commenting that currently this was removed using steam cleaning. She said that whilst this was not a current campaign, consideration could be given to future campaigns to specifically address this issue.

Members gave examples of resident and community groups in their respective wards who arranged regular litter picks and clean ups, noting that a lot of litter in district centres was related to the night time economy, such as discarded cigarette butts and broken glass. The Chair recommended that a Task and Finish Group should be established to look at good practice, hear from resident groups of their experience and how this could be used to support groups in other areas of the city. The Members supported this recommendation.

### **Decision**

The Committee recommends that a Task and Finish Group be established to look at good practice, hear from resident groups of their experience and how this could be used to support groups in other areas of the city.

### **NESC/18/43            Overview Report**

The report of the Governance and Scrutiny Support Unit which contained key decisions within the Committee's remit and responses to previous recommendations was submitted for comment. Members were also invited to agree the Committee's future work programme.

A Member requested that an update report on Improving Road Safety Around Schools that had been considered at the July meeting be added to the Work Programme. The Chair said that she would speak with the relevant Executive Member and schedule this report for an appropriate meeting.

### **Decisions**

The Committee notes the report and approve the work programme.





## Neighbourhoods and Environment Scrutiny Committee

### Minutes of the meeting held on 7 November 2018

#### Present:

Councillor Igbon – in the Chair

Councillors Azra Ali, Chohan, Flanagan, Harland, Hassan, Hewitson, Hughes, Jeavons, Kilpatrick, Lyons, Noor, Reid, White and Wright

Councillor Akbar, Executive Member for Neighbourhoods

Councillor Rahman, Executive Member for Schools, Culture and Leisure

Councillor Richards, Executive Member for Housing and Regeneration

Councillor Stogia, Executive Member for Environment, Planning and Transport

Robin Lawler, Chief Executive Northwards Housing

Jenni Seex, Legal Support Officer, Greater Manchester Fire Service

Jonny Sadler, Programme Director Manchester Climate Change Agency

**Apologies:** Councillors Appleby and Sadler

#### **NESC/18/44            Minutes**

#### **Decision**

To approve the minutes of the meeting held on 10 October 2018 as a correct record.

#### **NESC/18/45            Highways Reactive Maintenance Programme**

The Committee considered the report of the Director of Operations (Highways) that provided Members with information on the Highways Reactive Maintenance Programme.

Officers referred to the main points and themes within the report which included: -

- An update on the process to comply with the statutory duty to maintain the highway network under Section 41 of the Highways Act 1980;
- Information on highway safety inspections of roads and footways in order to identify all defects likely to create danger or serious inconvenience to users of the network or the wider community;
- Information on the materials used to undertake repairs;
- Utility works and how these were planned;
- Cyclical Drainage Programme;
- Performance Monitoring;
- Customer satisfaction survey results and comparisons to the national average, and
- The new code of practice “Well Managed Highway Infrastructure”

Some of the key points that arose from the Committee's discussions were: -

- Was there a schedule for the inspection of gullies;
- Was there enough staff to undertake inspections;
- Whilst noting the reported 90% of highways repairs were completed to the agreed standard what happened to the remaining 10%;
- What action was taken against Utility Companies if the repair work to the highway was not satisfactory;
- What was the timescale for repairs to potholes, commenting that this often took a long time following the initial inspection;
- Noting that Members received a lot of enquiries from residents regarding the time scale for repair works it would be beneficial if the schedule for repairs was shared with Members;
- How was the standard of pothole repairs monitored;
- How were 'hot spots areas' dealt with in terms of repairs and clearing of gullies and commenting that the timing of repair work had to be considered to ensure gullies could be accessed;
- Welcoming the production of the monthly ward performance data and requested that this be shared via ward coordination;
- Major arterial roads should be prioritised for highways repairs over side streets;
- The use of contractors and the arrangements for paying them for the work they undertook; and
- Was the cleaning of gullies coordinated with the leaf sweeping schedule to maximise efficiencies and impact.

The Head of Citywide Highways informed the Committee that the cleansing of gullies was a city wide programme that had commenced in September of this year. He said that the report provided a snap shot of those wards that had been visited to date. He said all wards would be visited as part of this programme and the schedule for this activity would be shared with the Members. He further commented that the team worked closely with colleagues in the leaf sweeping teams to coordinate this activity.

In response to the issue of pothole repairs he said that there was a Service Level Agreement for these to be undertaken, however acknowledged that there were times this was not met due to the backlog of repairs. He described that contractors were paid for the work they undertook. He said that all works were recorded and photographed and the work was checked following completion. He said that if the works were not completed to the required standard the contractor was required to rectify this at no extra charge and if a job was to fail following a repair the contractor could be required to re attend depending on the reasons for the failure, explaining this was why it was important to document and photograph each repair job. He commented that they also undertook inspections of the repair works undertaken by utility companies.

The Director of Operations (Highways) informed the Committee that there were currently 88 staff employed by Manchester Contracts and four subcontractors. He said that preference was given to using this in house team, however due to the scale and volume of the works required it was necessary to use subcontractors. He stated that subcontractors were expected to adhere to the standards required by the

Council in relation to the use of zero hour contracts and social value, and this would be reported to the Ethical Procurement and Contract Monitoring Sub Group. He further commented that a team was available to respond to any highway repair emergencies that may occur.

With regard to the issue of highway repairs and side roads the Head of Citywide Highways informed the Committee that an inspection of all highways was undertaken every two years. He said that defects were graded and then prioritised for repair work explaining that when these works were undertaken an assessment would be made as to the efficiency of delivering repairs to side roads at the same time.

The Executive Member for Environment, Planning and Transport said that she welcomed the positive feedback from Members regarding the production of performance reports and commented that these could be shared with ward coordinators. She said that information would be submitted to the Committee regarding the drainage repair contract stating that every gully would be visited and assessed so repair works could be prioritised. She said that Members would be informed as to when their wards were to be visited and encouraged all Members to take the opportunity to attend inspections with officers from the team to witness the work they undertake. She said that Highways investment was a five-year programme and Members would be consulted with as this investment progressed.

## **Decisions**

The Committee: -

1. Recommend that future update reports include more information and data at a ward level;
2. Recommend that the highways and gully maintenance schedules be shared with ward coordination; and
3. Recommend that the schedule for pot hole repairs be shared with ward coordination.

## **NESC/18/46 Highways and the Flow of Traffic in the City Centre**

The Committee received the report of the Director of Operations (Highways) that provided Members with information on Highways and the flow of traffic in the City Centre.

Members expressed their dissatisfaction with the content of the report and commented that it was not suitable to scrutinise. The Chair recommended that a report be submitted to the December meeting that provided the Committee with information on how traffic flow was monitored, managed and facilitated across the city. The Committee supported this recommendation.

## Decision

The Committee recommend that this report be withdrawn from the agenda and a report be submitted to the December meeting that provides information on how traffic flow is monitored, managed and facilitated across the city.

### **NESC/18/47            Improving Road Safety around Schools**

The Committee considered the report of the Operational Director of Highways that provided Members with an update to the report that was considered by the Committee at their July meeting.

The Chair opened this item by apologising to the residents of Manchester that this item continued to be brought back to the Committee. She explained that this was an important subject to ensure the safety of all children across the city, and to date the Committee had not been satisfied with the information that they had been provided with.

Officers referred to the main points and themes within the report which included: -

- A response to the inaccuracies and comments sent by Members following the July meeting and whether these have these been implemented in the plans;
- A full list of work programmed and the associated timescales in phase 1; and
- Information on what consultation with members, schools and residents would happen and the time frame for this activity.

Some of the key points that arose from the Committee's discussions were: -

- Members expressed their dissatisfaction with the lack of consultation with schools regarding any proposals;
- Dissatisfaction with the lack of responses to enquires raised with Officers when seeking clarification on proposed schemes;
- Questions were raised as to how policy and assessment criteria had been applied, commenting that there was no confidence that these had been applied correctly or consistently;
- Frustration that this work still had yet to be implemented, commenting that the safety of children needed to be prioritised;
- There appeared to be a failure in communications between the Highways Department and the Education Department that had contributed to delays in delivering road safety improvements;
- A question was raised as to why one school had been identified for works, commenting that it was not felt to be appropriate.

The Executive Member for Environment, Planning and Transport said that she took full responsibility for the lateness of the report and for it not coming back to the September meeting, and accepted that the Highways Department needed to work more closely with the Education Department. She said that a Project Lead had been appointed to oversee this work and the Council was fully committed to improving the

safety of our school children as they travelled to and from school. She said she remained committed to delivering the schemes identified by the end of January 2019.

The Executive Member for Schools, Culture and Leisure said that whilst ultimately this was a highways project he remained committed to working with his Executive colleague to successfully implement these improvements.

The Director of Operations (Highways) responded to a request from a Member for timely and regular updates on the progress of this programme by offering to provide a weekly update to Members and gave an assurance that this work would be progressed.

Having discussed the item Members stated that they were not confident with the process and moved a recommendation that the Chair raise the concerns expressed by the Committee with the Leader and the Chief Executive.

### **Decision**

The Committee recommend that the Chair raise the concerns expressed by the Committee with the Leader and the Chief Executive.

### **NESC/18/48          Sprinkler and fire safety works update**

The Chair introduced this item of business by stating that the Committee condemned the recent deplorable actions of individuals on bonfire night. She said the Committee extended their solidarity and condolences to the victims and families of the Grenfell tragedy. This sentiment was supported by the Committee and all those present. The Committee then considered the report of the Strategic Director (Development) that described that following the Grenfell Tower tragedy, the Executive had considered reports at their June, September and December 2017 meetings. The Committee was advised that the Council had committed to installing sprinklers, subject to surveys, consultation and receiving updated costs, in all Council-owned tower blocks as well as to implement fire safety works recommended by Type 4 Fire Risk Assessments.

This report provided an update and recommended additional approvals in relation to the 24 Council-owned tower blocks managed by Northwards Housing, 11 tower blocks managed by two PFI-funded contractors and Woodward Court managed by homelessness.

It did not cover in detail those blocks managed by PFI contractors in Miles Platting (7) and Brunswick (4), nor did it include privately owned blocks.

The Committee had been invited to comment on the report prior to its submission to the Executive on 14 November 2018.

Officers referred to the main points and themes within the report which included: -

- The rationale for the decision previously taken by the Executive at their meeting of 13 December 2017;
- A description of the budget approval, procurement, technical approval and risk assessments; and
- Information on the consultation exercise undertaken by Northwards Housing.

Some of the key points that arose from the Committee's discussions were: -

- Welcoming the comprehensive report, noting that it demonstrated the 'Our Manchester' approach to engaging with residents;
- Every effort should be taken to challenge the myths around sprinkler systems and encourage all residents to have sprinklers installed in their flats, including the use of communal spaces, social media, resident's groups and one to one discussions with residents and experienced firefighters;
- Portable Appliance Testing (PAT) needed to be undertaken, especially with the increase in second hand sales of appliances;
- What was being done to influence owners of private blocks to introduce safety measures and reassure the tenants;
- Would a sprinkler system be installed if a tenant who refused one subsequently moved out; and
- What impact would the installation of sprinklers have on insurance premiums.

The Chief Executive Northwards Housing stated that if a tenant was to move out of a property a sprinkler system would be installed prior to the property being re-let. He said that he respected the decisions taken by individuals not to have a sprinkler system installed but wanted to ensure that this was an informed decision. He said that Manchester was pioneering in the approach taken to this issue.

The Greater Manchester Fire Service Officer commented that a lot of myths surrounded the issue of sprinkler systems, in particular the concern around faulty activation. She commented that the occurrence of such events were very low, stating that evidence had shown that the chances were 16m to 1, and the priority was to ensure all residents were safe and protected in their homes. She said awareness and engagement events had been arranged for residents and this had included 1 to 1 meetings. The Chief Executive Northwards Housing commented that a sprinkler system had been installed seven years ago in a block without failure, he further commented that 'safe and well' visits were all routinely undertaken with vulnerable residents.

The Executive Member for Housing and Regeneration stated that she recognised the concerns expressed by both Members and residents about the issue of safety in privately owned blocks. She informed the Committee that both herself and the Director of Housing and Residential Growth had been appointed to the Ministerial Task Force that had been established to influence the private sector. She said that she also worked closely with the Fire Service in Manchester to engage with and influence private owners for the benefit of residents. With regard to those tenants who opted not to have sprinklers installed she said that whilst every effort was taken to educate and inform people as to the benefits of these, ultimately the decision not have them would be respected.

The Head of Housing said that if sprinklers were installed in all apartment blocks the cost of the insurance premium to the Council would remain the same however the excess that would be charged would be dramatically reduced.

The Director of Housing and Residential Growth commented that he was fully aware of the safety concerns expressed by residents living in private blocks. He said that a moral position had been taken with developers and owners to influence them into taking action to address any issues. He said he remained committed to working with apartment block owners to influence change and would update the Committee at a future date.

The Director of Housing and Residential Growth further paid tribute to the resident who had contacted the council to raise their concerns regarding the installation of sprinkler systems.

In response to the issues raised regarding white goods and PAT testing the Executive Member for Housing and Regeneration acknowledged the concerns expressed and noted the cost to families of replacing broken or faulty white goods and the potential dangers of purchasing second hand white goods. She stated that Northwards were currently reviewing their options for offering an affordable scheme to tenants to purchase white goods. The Chief Executive Northwards Housing stated that currently they did not offer a PAT testing service however he was mindful that the Grenfell enquiry may consider recommendations around this issue following conclusion on their investigation.

## Decisions

The Committee endorse the recommendations contained within the report that the Executive:

- Is requested to note the progress made since December 2017.
- Is requested to note that the consultation undertaken demonstrated significant support for sprinklers but also that a minority of residents were strongly opposed.
- Is requested to note the support for sprinklers from Greater Manchester Fire and Rescue Service and National Fire Chiefs Council. The Prime Minister has also recently endorsed retrospective fitting of sprinklers to publicly-owned tower blocks.
- Is recommended to continue to proceed with fitting sprinklers, but give residents the ability to decline having sprinklers installed in their flat as long as they have first been given the opportunity to understand the benefits and risks as outlined in paragraph 3.8.
- Is requested to note that the overall budget for sprinkler installation across 35 tower blocks (Whitebeck Court extra care scheme already has a sprinkler system) remains, as estimated, £10.5m approved by Executive in December 2017 and that these systems will have a 30-year life. These costs are being

met within the Housing Revenue Account (HRA) through the rephrasing of the Public Sector Capital Programme.

- Is recommended to approve that the initial installation of sprinklers is offered to leaseholders free of charge at an estimated cost of £240k (to include Miles Platting and Brunswick PFI leaseholders) from the Council's General Fund Housing Private Sector Capital Programme as detailed in paragraph 4.4. This is in addition to the £10.5m sprinkler budget identified above, and will require an increase of £240k to the Private Sector Housing capital budget. However, leaseholders will be required to meet the estimated £167 annual repair and maintenance costs.
- Is requested to note that the fire safety works recommended by the fire risk assessor, Savills, are mandatory and is asked to recommend to Council that the budget for these fire safety works should be increased from £4.0m to £5.2m as the budget request to Executive in February 2018 did not include the tower blocks managed by PFI contractors in Miles Platting and Brunswick and Woodward Court. This will require an increase of £1.2m to the Public Sector Capital Programme from revenue contributions from the HRA.
- Is requested to note that the contracts for sprinklers and fire safety works (plus the other works included in those contracts) include contingency but otherwise place cost risk on the Council, with Northwards Housing managing these contracts on the Council's behalf to mitigate against further costs. Further costs are, however, possible as the sample surveys undertaken may not have identified the full extent of works.
- Is recommended to approve the revenue costs associated with maintaining sprinkler systems as outlined in the revenue consequences section of this report and in paragraph 4.3. Negotiations will be held with Northwards and the PFI providers with regard to the additional revenue funding required, and any subsequent increase in the budget will be met from the Housing Revenue Account.
- Is requested, where access is denied by tenants or leaseholders to implement fire safety works, to delegate authority to take legal action, where required, to the City Solicitor in discussion with the City Treasurer, Director of Housing and Residential Growth, Executive Member for Housing and Regeneration and Executive Member for Finance and Human Resources.

And note that Executive recommend that Council

- is asked to approve a capital budget increase for these fire safety works of £1.2m (from £4.0m to £5.2m) to include the tower blocks managed by PFI contractors in Miles Platting and Brunswick and Woodward Court in the capital programme. This will require an increase of £1.2m to the Public Sector Housing Capital Programme funded from revenue contributions from the HRA.

[Councillor Hassan declared a personal and non-prejudicial interest in this item as he is a member of the Northwards Housing board.]



**NESC/18/49                      Playing Our Full Part on Climate Change – Updating  
Manchester’s Commitment**

The Committee considered the report of the Deputy Chief Executive that provided Members with an update on the recent work undertaken by the Tyndall Centre for Climate Research which recommended the establishment of a carbon budget for Manchester. Adopting this carbon budget would mean committing the city to a target of becoming zero carbon by 2038 rather than the existing 2050 target. The report detailed that the Manchester Climate Change Board had developed an outline proposal setting out how all partners and residents in the city might play their full part in achieving this ambition and this was provided with the report.

The Committee had been invited to comment on the report prior to its submission to the Executive on 14 November 2018.

The Programme Director Manchester Climate Change Agency referred to the main points and themes within the report which included: -

- Information demonstrating the impact of global warming and the local response to this;
- Information on the work of the Tyndall Centre for Climate Research at the University of Manchester and its recommendations that the city adopt a carbon budget and emit only a maximum of 15 million tonnes CO<sub>2</sub> for the period 2018-2100; commit to a 13% year-on-year reduction in citywide CO<sub>2</sub> emissions from 2018 to achieve this carbon budget; and for the city to be zero carbon by 2038;
- The role of the Council in both leadership and influencing partners across the city; and
- Anticipated timescale for work.

Some of the key points that arose from the Committee’s discussions were: -

- Support for the roll out of Carbon Literacy Training to schools and registered provider residents;
- More detail was required regarding the plans and timescales to deliver this programme;
- Aviation emissions and Manchester Airport needed to be addressed within the climate change action plan;
- The impact on health and the wider determinants of health needed to be addressed such as fuel poverty and what options were available for retrofitting homes so they were energy efficient; and
- How could the Council use its existing policies, such as planning to influence climate change and mitigate against extreme weather conditions.

The Programme Director Manchester Climate Change Agency informed the Committee that Manchester would be one of a small number of cities across the world to commit to becoming a zero carbon city in line with the Paris Agreement. He stated that the health and wellbeing benefits to citizens of this activity were also

understood noting that significant savings could be realised to the health economy through, for example better insulation of homes. He also referred to the economic opportunities that this presented to the city which were significant as green technology businesses could be attracted into the city.

In response to the comments regarding how this ambitious programme would be delivered he advised that this report presented a platform for the development of a more detailed draft plan that would be reported to the Committee in February 2019, with the target of launching the full plan in April 2020. He said the report in February 2019 would detail the various activities and work streams identified and the partners identified to deliver this plan and begin to address the questions that Members had.

The Programme Director Manchester Climate Change Agency further commented that he welcomed the proposals circulated by the resident from Gorton who had attended the meeting that called for closer working with young people, schools and school's governors to achieve the ambitions described within the report.

## **Decisions**

The Committee endorsed the recommendations contained within the report that the Executive:

- Adopt the Tyndall Centre's proposed targets and definition of zero carbon on behalf of the city.
- Commit to developing a draft action plan by March 2019 and a final detailed plan by March 2020 setting out how the city will ensure that it stays within the proposed carbon budget.
- To recognise that by taking urgent action to become a zero carbon city, starting in 2018, we will achieve more benefits for Manchester's residents and businesses up to 2025 and beyond.
- Work with partners to ensure that Manchester accelerates its efforts to encourage all residents, businesses and other stakeholders to take action on climate change, starting in 2018.

## **NESC/18/50            Overview Report**

The report of the Governance and Scrutiny Support Unit which contained key decisions within the Committee's remit and responses to previous recommendations was submitted for comment. Members were also invited to agree the Committee's future work programme.

The Chair informed the Committee that she would be meeting with Officers at the rise of this meeting to discuss the Work Programme and agree the items that were to be scheduled.

## **Decisions**

The Committee notes the report and approve the work programme.

## **Economy Scrutiny Committee**

### **Minutes of the meeting held on Wednesday, 10 October 2018**

#### **Present:**

Councillor H Priest (Chair) – in the Chair  
Councillors Connolly, Davies, Douglas, Green, Hacking, Johns, Newman, C Paul, Raikes, Razaq, Shilton-Godwin, A Simcock and K Simcock

#### **Also present:**

Councillor Leese - Leader  
Councillor N Murphy - Deputy Leader  
Councillor Stogia - Executive Member for Highways, Planning and Transport

**Apologies:** Councillor Noor

#### **ESC/18/42 Minutes**

The minutes of the meeting held on 5 September 2018 were submitted for approval as a correct record.

Further to minute ESC/18/40 (Greater Manchester Mayor's Good Employer Charter), Councillor Johns requested that the point he made in relation to the inclusion of Trade Union representatives on the Independent Panel which would be set up to oversee the running of the Charter and its development be included in the minute.

#### **Decision**

To approve as a correct record the minutes of the meeting held on 5 September 2018 subject to the above amendment.

#### **ESC/18/43 Minutes of the District Centres Sub Group**

#### **Decision**

To note the minutes of the District Centres Sub Group held on 11 September 2018

#### **ESC/18/44 Manchester and Greater Manchester Local Industrial Strategies**

The Committee considered a report of the Deputy Chief Executive, which provided an update on the development of the Manchester and Greater Manchester Local Industrial Strategies and their respective engagement approaches. The Strategies would support the delivery of the Our Manchester Strategy and the Greater Manchester Strategy by setting out a set of priorities which would deliver a more inclusive city and city region.

The Strategic Lead, Policy and Strategy referred to the main points and themes within the report which included:-

- The Manchester Local Industrial Strategy (LIS) would support the delivery of the Our Manchester Strategy by producing a delivery plan that would help to create a more inclusive economy;
- The Strategy would be aligned to both the existing UK Government Industrial Strategy and also the Greater Manchester Local Industrial Strategy (GM LIS) which was also currently under development;
- The Manchester LIS engagement approach would include a wide ranging listening exercise with young people, residents, workers and businesses across the city to provide an evidence base to inform citywide and neighbourhood actions to address the fundamental issues of low pay and productivity;
- A particular target group to engage with were people over 50, as an ageing society was identified specifically as one of the four main challenges in the Government's Industrial Strategy;
- The draft timeline for the development of the Strategy, with formal adoption taking pace in summer 2019;
- The GM LIS would reflect the main themes of the national Industrial Strategy, but also take a place-based approach that built on the area's unique strengths and ensured all people in Greater Manchester could contribute to, and benefit from, enhanced productivity, earnings and economic growth;
- Greater Manchester already had a strong evidence base, however, to enable the GM LIS process to drive forward the next phase of devolution and partnership working with Government, there would be a need to build on this evidence and co-produce additional analysis with HMG;
- An Independent Advisory review was being progressed and a high-profile expert panel had been formed, who had identified a select number of research commissions that they had recommend be taken forward to support the GM LIS; and
- The views of industry would be brought into the analysis through a number of challenge sessions which would bring together businesses, policy makers, and academics to discuss the research findings.

Some of the key points that arose from the Committees discussions were:-

- There was concern that it did not appear that the proposed engagement approach would collect any new information that had not already been collected following the previous consultation on the Our Manchester Strategy;
- Was it considered that the investment in the consultation on the Manchester LIS was worthwhile;
- What questions would be asked in the GM LIS engagement process;
- There was a view that there were important organisations missing, such as the NHS and Mental Health Providers, from the identified key strategic boards that were to be consulted with to help shape the development of the LIS;
- There was concern that the makeup of the high profile expert panel undertaking the Independent Review did not include any representation from Manchester;
- How would the strategy reflect back to residents to show their views had been included;
- How would the Manchester LIS relate to existing Council Strategies;
- What type of interventions would be part of the scope of the delivery plan;

- How would the strategy influence major employers within the city to progress their workforce;
- There was concern that the institutions represented on the expert panel all shared similar views on economic growth and the potential impact that this might have on Manchester's LIS;
- How comprehensive did the GM LIS need to be in order to obtain government funding and likewise Manchester's LIS to ensure Manchester received an appropriate amount of this funding to deliver the aspirations of the city;
- Could the LIS look to address the gaps that exist within the green jobs sector; and
- Would it be appropriate to invite comments on the proposals from external bodies who perhaps had different views from those that were currently represented on the expert panel

The Leader advised that in relation to the membership of the expert panel, the Chair of the Panel, Diane Coyle, had detailed knowledge of Manchester as she had recently left her position as a professor at Manchester University and had also led on the Manchester Independent Economic Review. The rest of the panel all had strong reputations within their respective fields which would ensure that the findings of the review would have credibility with Government.. He agreed that the link to the GM consultation would be shared with all Committee Members so they were aware of the questions that were to be asked. The Leader also informed the Committee that the Council did not currently have a coherent economic development strategy and it was envisaged that the LIS would deliver this for the Council.

John Holden, Assistant Director, Strategy & Research (GMCA) added that the detailed research work undertaken as part of the work of the expert panel was being carried out in part by academics belonging to local universities., referencing the Inclusive Growth Analysis Unit. The Strategic Lead, Policy and Strategy advised that in terms of engagement on the Manchester LIS, there would be different approaches for different cohorts and gave examples of what this would look like. He acknowledged the point made around the inclusion of NHS and Mental Health Providers on the key strategic boards and agreed that this would be picked up. In terms of the value of undertaking the consultation, it was considered a worthwhile exercise as there a lot of quantitative information obtained would be made available by the GM review, which now needed matching with qualitative data to help identify the different needs across the city. The Deputy Leader noted the point made about the membership of the Strategic Boards and gave a commitment to ensure that those organisations identified by Committee Members were made aware of the consultation.

The Leader reported that the Council had a lot of policies on economic development but no strategy that linked them all together and it was envisaged that the LIS would link all these together, addressing the 'Thriving and Sustainable' economic theme within the Our Manchester Strategy. The Leader did not share the same concerns in relation to the institutions represented on the expert panel and it would be their role to provide a body of evidence which the Council would be able to utilise. The Assistant Director, Strategy & Research (GMCA) advised that the GM Good Employment Charter would look to influence major employers within the city to progress their workforce.

The Leader welcomed the comments made in relation to the green jobs sector and advised that at a Combined Authority Level, it was an ambition for the city region to become a UK leader within this sector. In terms of the process, it was explained that the expert panel would not be informing the Council what its LIS should be but rather it would provide an evidence base the Council needed to form its LIS. It was noted that economic growth would require infrastructure investment and it was envisaged that the LIS would establish a base with government to prevent the need for resubmitting funding needs.

The Chair then invited Committee Members to highlight a number of areas that Members felt the GM and Manchester LIS should address.

### **Decision**

The Committee:-

- (1) endorses approaches being developed in Manchester and Greater Manchester and the links between the two pieces of work;
- (2) suggests the following issues/topics as the most significant issues that need to be addressed by the two Strategies:-
  - the development of the green jobs sector;
  - addressing the disparity in wages and those earning the real living wage between employees and residents of Manchester;
  - to have an inclusive economic view of employment within social care;
  - a pragmatic approach to ensuring large employers within Manchester take a more serious approach to the employment of Manchester residents;
  - how the self-employed and those working within the gig economy can benefit from the city's economy; and
  - a commitment to improving the wage share of income and that all Manchester residents benefit from increased GVA; and
- (3) supports the Manchester engagement process as detailed in the report.

### **ESC/18/45 Gap analysis of the City's Bus network service**

The Committee considered a report of the Strategic Director (Development) and the Deputy Chief Executive, which provided a brief overview of the operation of the current bus service network and gaps and issues relating to these services. The report also provides a summary of the powers brought about by the recent introduction of the Bus Services Act.

The Head of City Policy referred to the main points and themes within the report, which included:-

- The role of buses in Manchester;
- Public transport journeys across Greater Manchester (GM);
- How people travelled into the City Centre during morning peak hours;
- How bus services were currently delivered in Manchester;
- The provisions of the Bus Services Act (2017) and Bus Reform, which included;
- Advanced Quality Partnerships (AQP)

- Enhanced Partnerships (EP)
- Bus franchising; and
- Advanced Ticketing Scheme and Information Availability.
- Key issues and opportunities for Manchester's bus services, which included a GM wide review of bus services, identifying key gaps in the overall provision of services that should be addressed through any form of bus service reform.

Some of the key points that arose from the Committee's discussions were:-

- It was felt that the Committee should be included in any future debate around the possible model of bus reform in the city and that as part of this debate, the Committee needed to look at the demographics of people who used buses and the reasons why they use them;
- As part of the review of bus service networks, it would be useful to look at routes that have either been removed or reduced in frequency in recent years to the detriment of service levels previously enjoyed by local residents;
- It was felt that public authorities should have the ability to specify ticket prices and compel operators to provide particular services;
- Was it necessary to identify/explore AQP's and EP's before considering the franchising of bus services;
- There was a need to consider the types of buses in operation and whether they were suitable on all routes;
- There was also a need to consider appropriate ticketing and fare levels and provide better value for Manchester residents, especially those who lived on the periphery of the city centre, in the poorest communities, who often faced higher per mile bus fares;
- The issue of "over – bussing" of some services within the city centre needed addressing;
- There was a need to understand bus users' origins and destinations when building a suitable bus network;
- There was concern that current bus operators had not always operated in good faith and it was questioned, in light of this, whether AQP's or EP's would work or provide any advantages;
- How could Elected Members raise specific concerns and contribute to the proposed consultation;
- There was a degree of surprise amongst Members that TfGM did not already have some form of plan in mind for the future delivery of bus services;
- Had consideration been given to collecting real time data in relation to the timeliness and reliability of bus services;
- It was suggested that TFGM should be looking at a similar way of travel across Greater Manchester for bus services akin to the Metrolink network; and
- While routes on main radial routes in and out of the city centre were generally well provided for it was apparent that there was gap in the current bus network service if residents were trying to make east to west and vice versa across the city.

The Head of Policy for Transport for Greater Manchester (TfGM) explained the process that the Bus Service Act required Greater Manchester to go through and in doing so advised that TfGM were preparing a Business Case for bus reform which

required obtaining a large amount of data from current operators. As this was the first time the powers of the Act had been implemented, there was a need to proceed in a careful and steady manner through the process that the Act set out. The Business Case would need approval by the Combined Authority (CA) before it was subject to public consultation. It was commented that it would probably be appropriate following approval by the CA, that the overall case for reform be re – considered by the Scrutiny Committee.

It was reported that in terms of the decline of bus services and the loss of routes, Greater Manchester was not alone in this with a lot of other Local Authorities experiencing similar cuts, to the extent that the service in London provided the same number of bus trips than the rest of the country combined. This decline had been as a result of a number of factors, including congestion, the bus network and complexity of the fare offer in Greater Manchester. It was commented that the AQP and EP proposals would require negotiation and reaching mutual agreements with operators but these would not be binding and it would not possible to enforce these arrangements. Bus franchising provided more certainty in terms of outcome.

The Head of City Policy acknowledged the issues that had been raised by Members. He explained that the Council was being asked by TfGM to identify the areas that it felt needed improving in the current bus service provision and network, in order to provide some key principles that needed to be included within the business case for change.

The Head of Policy (TfGM) reported that in relation to farer ticketing prices a franchising model could deliver a simpler pricing system for residents across Greater Manchester.

The Executive Member of Highways Planning and Transport noted the valid comments that had been made by Committee Members. She proposed that as all Elected Members would likely have a view on the areas that needed improving in the current bus service provision and network she would arrange for meetings in the North, South and Central areas of the city for Members to raise their concerns/ issues. She also added that TFGM had a wealth of data on current bus services, but in order to form suitable proposals, Members were being asked to identify what was important to them and their residents

The Head of Policy (TfGM) advised that the proposed consultation needed more assessment work before a date could be identified for its launch and the Committee would be advised as soon as possible. In relation to origin and destination data he reminded the Committee that TfGM was not a network specifier and its purpose was to fill gaps in the network which was largely defined by the bus operators at present.

Officers also advised that TfGM did collect data on the punctuality of services but did not collect real time data at present. It was also reported that TFGM were not able to affect commercial services that were delivering poor performance, as this was outside the organisation's remit.



**Decision**

The Committee:-

- (1) Notes the options that the Bus Services Act present to Combined Authorities with an elected mayor;
- (2) Welcomes the offer from the Executive Member of Environment and Transport to arrange meetings in the North, South and Central areas of the city for Members to raise their concerns/ issues and that these be arranged in areas that are and are not served by the Metrolink.
- (3) Suggests the following issues be considered by TfGM in developing its business case for the reform of bus services:-
  - Concerns that assessments are being undertaken based on existing service levels and that this should also include an assessment of where enhanced levels of service are required;
  - An more detailed assessment should be undertaken of the demographics of bus users and a fuller analysis of the journey purposes of users and potential users;
  - The future procurement options of services and a concern that bus operators needed to show good faith in negotiations;
  - The need to develop imaginative solutions to serve neighbourhoods away from main radial routes and address current concerns about the excessive numbers of buses on some city centre streets; and
  - Consideration be given to an integrated ticketing offer and greater equality of fares provision across the city.
- (4) Requests information including a summary of data that has been used to date to underpin current findings, including information on frequencies of services and services that have been removed or reduced in the last three years.

**ESC/18/46 Economy Dashboard - Quarter 1 2018/19**

The Committee considered the Quarterly Economy Dashboard for quarter 1 of 2018/19, which provided statistical data on economic development, housing and the visitor economy.

The Performance Analyst and Governance Lead presented the report to the Committee.

Some of the key points that arose from the committees discussions were:-

- Members welcomed the wealth and breadth of data that the dashboard provided;
- Was it possible to undertake further comparisons of performance with other core cities;
- What data source had been used in relation to house price and rental price information and was it possible to have data on median house price and price per square foot;
- Clarification was sought as to what Officers defined as the area of the city centre and what neighbourhoods were included within the definition;

- What was the scope and definition of empty properties;
- It was felt that further information could be included in future reports on the difference in wages of residents of the city and those who worked in the city, the increase in house prices and rental costs across wards and the number of new build properties bought by foreign investors and this impact on the housing market;
- The slight increase in the percentage of Manchester residents with no qualifications could possibly be attributed to the impact of austerity measures;
- Why had the number of apprenticeship starts decreased; and
- Was there any data available on how people previously travelled to financial centres prior to the expansion of flights from Manchester Airport

The Performance Analyst and Governance Lead explained that there was an online version of the dashboard that provided a wider range of data sets compared to the printed version before Members as this version only contained the most recent data. He agreed that if further data sets were felt necessary these could be included in future dashboards or as a bespoke data provision. He confirmed that it would be possible to compare any data set provided by a local authority or at a core city level.

The Committee was advised that the housing data was obtained from Land Registry data and was point based data which was not constrained by boundaries such as Low Super Output Areas or ward boundaries. The area referred to as the City Centre was considered to be broader than Deansgate and Piccadilly wards and the Performance Analyst and Governance Lead agreed to circulate a map as to what was considered the boundary of the City Centre. It was reported that in terms of empty properties, the volume was at a record low and short term empty data fluctuated due to supply. The Performance Analyst and Governance Lead agreed to provide median house and rental prices across the city to Committee Members.

The Performance Analyst and Governance Lead advised that in terms of the NVQ data this was subject to confidence intervals of plus/minus 2.5%, and changes year on year were usually within this tolerance which made it difficult to identify any specific issues. He advised that the Apprenticeship starts had registered a decline prior to the introduction the Apprenticeship Levy and the figures had not yet been released following its introduction to undertake a comparison. Further analysis on this would be undertaken when the 2017/18 figures became available. He advised that it was unlikely to obtain the necessary data on how people previously travelled to financial centres.

## **Decision**

The Committee

- (1) Notes the report; and
- (2) Request the Performance Analyst and Governance Lead to provide further information to Committee Members on the mean housing and rental prices in with a specific focus on the Wythenshawe area and the similar data on price per square foot if possible.

**ESC/18/47 Overview Report**

The Committee considered a report of the Governance and Scrutiny Support Unit which contained key decisions within the Committee's remit and responses to previous recommendations was submitted for comment. Members were also invited to agree the Committee's future work programme.

The Chair informed the Committee that a request had been made to change the scheduling of some of the items listed on the Work Programme. In the main this resulted in the current scheduled items being moved on by one month

A result of this request now meant that the following items would be added onto the work programme for consideration at the Committee's November meeting:-

- LTE Group (formerly Manchester College) Performance update;
- An update on Manchester College's Estates Strategy; and
- Consideration of the HS2 Working Draft Environmental Statement

**Decision**

The Committee:-

- (1) notes the report; and
- (2) agrees the proposed changes to the Work Programme as detailed above.



## Economy Scrutiny Committee

### Minutes of the meeting held on Wednesday, 7 November 2018

**Present:**

Councillor H Priest (Chair) – in the Chair  
Councillors Connolly, Davies, Green, Hacking, Johns, Newman, Razaq, Shilton-Godwin and A Simcock

**Also present:**

Councillor Leese - Leader  
Councillor N Murphy - Deputy Leader  
Councillor Rahman- Executive Member for Schools, Culture and Leisure

**Apologies:** Councillor Douglas, Noor, C Paul, Raikes and K Simcock

**ESC/18/48 Minutes****Decision**

The minutes of the meeting held on 10 October were agreed as a correct record.

**ESC/18/49 HS2 Working Draft Environmental Statement**

The Committee considered a report of the Strategic Director (Development), which informed Members of the consultation being held by HS2 Ltd. on the recently published Working Draft Environmental Statement (WDES) in relation to the construction of HS2 Phase 2b, with a specific focus on the proposals within Manchester.

The Head of City Centre Growth and Regeneration referred to the main points and themes within the report which included:-

- The working draft Environmental Statement (WDES) described the potential environmental effects of building and operating Phase 2b of HS2 as well as proposed ways to avoid, reduce, mitigate and monitor the effects;
- Within the City Council administrative boundary, the WDES covered land and roads at the Airport and M56, a 7.5 mile tunnel under South Manchester to Ardwick Depot, four vent shaft locations and tunnel portal, a viaduct and the HS2 station at Piccadilly;
- The locations of the four proposed vent shafts, their diameter and height;
- Detail of the Council's concerns about some of the proposed locations of the ventilation shafts, including considerable transport movements arising from the movement of materials to and from the sites, associated with the construction process;
- Details of the consultation process that HS2 Ltd. would be holding from late October to early December 2018;

- there would be an overall response to the consultation from the Greater Manchester Combined Authority. In addition, Manchester City Council, Trafford Council and Wigan Council (where a HS2 depot will be located) would all submit individual responses, which would feed into the overall GMCA response; and
- Given that the Working Draft was based on a superceded design, it was intended that the Council's response would cover the major issues of concern highlighted in previous consultation responses, and during the ongoing design work with HS2 Ltd.

Some of the key points that arose from the Committees discussions were:-

- How were general discussions between the Council and HS2 Ltd going;
- What discussions were taking place around the proposals for the HS2 station at Piccadilly;
- It was felt that there was a lack of detail in HS2's proposals for Members to effectively contribute to;
- How confident was the Council that alternative appropriate locations for the ventilation shafts could be located and what would happen if an agreement could not be reached;
- There was concern of the potential disruption that would be caused to Manchester residents and the impact to businesses from the current proposed locations of the ventilation shafts;
- What was the timescale for the construction of the ventilation shafts and was the route of HS2 now fixed; and
- Did HS2's proposed route and locations for the ventilation shafts contradict what the Council envisaged for HS2 in the city.

The Head of City Centre Growth and Regeneration advised that discussion to date with HS2 Ltd had been challenging but the Council was hopeful that these would improve. It was reported that the WDES that had been produced by HS2 Ltd was based on an initial design had been amended on two further occasions. As such HS2 would be revising the WDES and the planned consultation would take place on the revised version.

The Leader agreed that the Council needed HS2 Ltd to provide more detail on their proposals in order to effectively provide valid comments. He advised that the Council did not currently agree with the proposals for some of the ventilation shafts due to their proposed locations and also the fact that the size of some of these shafts would in effect make them access shafts,

The Committee was advised that the final decision of the proposed route and ventilation shafts would be taken by Parliament but it would preferable to reach a mutual agreement between the Council and HS2 Ltd. The Strategic Director (Development) commented that the Council was influencing the design through ongoing discussions and was able to make representations throughout the whole process, however, he did acknowledge that the process was complex.

The Leader advised that the route for HS2 was not yet finalised and the construction period would be lengthy and commence around 2028. The current plans still had the proposals around Piccadilly wrongly located and the configuration of the station had not yet been resolved. If the station proposals were to accord with what the Council wanted it would require the current proposal for one of the ventilation shafts to be relocated.

Resolved: The Committee:-

- (1) Notes the report; and
- (2) Notes a report outlining the Council's response to the consultation on the WDES will be taken to the Executive on 12 December 2018, prior to its submission on 21 December and in doing so requests that the Executive observes the Committee's views:-
  - that the proposed locations for the ventilation shafts, specifically those at Withington Golf Course and MEA Central, are inappropriate; and
  - the concerns in relation to the potential disruption that would be caused to Manchester residents and the impact to businesses from the current proposed locations of the ventilation shafts.

### **ESC/18/50 LTE Group Performance update**

The Committee considered a report of the Chief Executive – LTE Group, which provided a progress update on the broader work in education and skills performed by LTE Group in support of the Manchester and Greater Manchester skills strategy. The report also included an update for The Manchester College together with an overview and performance update for Total People and provision of apprenticeships.

The Committee received a presentation from Officers from the LTE Group which included the following main points and:-

- The strategic aims of the Manchester College 2020 strategy;
- The challenges that faced both the 16-18 and post 19 learners markets;
- Study programme expectations for Manchester College students;
- Performance details of the College's 2018/19 Ofsted self-assessment;
- ALPS performance across BTEC, A-Levels and AS Levels;
- Work experience offer performance;
- The performance of Total People, which continued to perform well above national achievement rates for training providers in terms of performance of apprentices and employers;
- The contribution to professional learning of MOL, providing high level online only programmes;
- The work of the Novus Works initiative which had engaged with more than 600 ex-offenders in helping them into full time employment on release; and
- The launch and first year performance of UCEN, which was a study offer specifically to address the needs of local residents who were not able to study in higher education through the normal channels.

Some of the key points that arose from the Committees discussions were:-

- Was there any financial pressure on the College to keep students on courses;
- How would the College compare if its ALPs performance was benchmarked amongst comparator institutions;
- Was there any specific reasons as to what was driving the College's performance improvements;
- Clarification was sought as to what the self-assessment teaching and learning percentages referred to;
- Why was there no data around destinations;
- Was there any specific reasons as to why A Level intake was showing the least value added in the ALPS performance;
- Despite the positive performance of Total People, less than 1% of apprenticeships were being delivered by Total People services, as such who was delivering the remaining apprenticeships and how was the quality of these apprenticeships being ensured; and
- Did Manchester College work with other colleges outside of Manchester to improve the level of education for Manchester residents

The Committee was advised that the College was under no financial pressure to retain students on courses. The Committee was assured that the College was the only organisation within the Association of Colleges to have delivered its financial targets consistently for the last six years and although the College did have a zero tolerance approach to certain issues that would result in the removal of students from courses if these were breached, the College looked to engage with all students in a positive manner. In order to do this, it was reported that the College had established campus support teams to help re-engage students into their studies.

Officers explained that benchmarking of ALPS was not published nationally but the College was starting to pull this information together in order to compare itself to similar institutions. In terms of the College's pace of improved performance, it was explained that improvements were being made at the time of its last Ofsted inspection but due to the size of the campus this had taken time to become demonstrable.

The Committee was advised that the College had established its own self-assessment framework for teaching and learning as a move away from graded observations, to a more observational based form of assessment for tutors. This was based on the advice of inspectors at the last Ofsted inspection. The self-assessment teaching and learning percentages referred to the results from second round of observations of tutors. It was also reported that the destination figures for the College overall was 94% positive destinations, with the most significant increase in positive destinations within Adults.

The Head of Work and Skills explained that some employers had their own training providers to provide their own apprenticeship programmes. There was also a vast amount of other providers that delivered programmes for employers across the country. The only way it was possible to evaluate the quality of these providers was through Ofsted reporting, employee feedback and achievement rate for apprentices in the city. The Council had no leverage over apprenticeship providers in the city or across Greater Manchester.



Officers advised that from a Total People perspective, they would work in partnership with any other GM or North West college where that was the requirement of the employer, as the apprenticeship programme was employer led. There was also a Greater Manchester Colleges group which included nine colleges which looked to develop collaborative partnerships, which included looking at ways to improve the level of education provided.

### **Decision**

The Committee:-

- (1) notes the update; and
- (2) requests that Officers present the information contained within the presentation in a report format for future reports.

[Councillor Hacking declared a Disclosable Pecuniary Interest in this item due to being a Director of the LTE Group and a Governor of Manchester College. He left the meeting during consideration of this item.]

### **ESC/18/51 Overview Report**

The Committee considered a report of the Governance and Scrutiny Support Unit which contained key decisions within the Committee's remit and responses to previous recommendations was submitted for comment. Members were also invited to agree the Committee's future work programme.

A Member commented that he felt that the Committee should have received the Annual Property report which was to be scrutinised by the Resources and Governance Scrutiny Committee on 8 November 2018 as it contained reference to areas that fell within this committee's remit. The Chair suggested that this report be circulated to Committee Members for information.

### **Decision**

The Committee:-

- (1) Notes the report;
- (2) Agrees the work programme; and
- (3) Requests that the Scrutiny Team Leader circulates the Annual Property report to all Committee Members for information.

### **ESC/18/52 Manchester College Estates Strategy update (Part A)**

This item was withdrawn.

### **ESC/18/53 Manchester College Estates Strategy update (Part B)**

This item was withdrawn.



## **Communities and Equalities Scrutiny Committee**

### **Minutes of the meeting held on 11 October 2018**

#### **Present:**

Councillor Hacking - In the Chair  
Councillors Andrews, Cooley, M Dar, Evans, Fletcher-Hackwood, Kirkpatrick, Rawlins and Rawson

Councillor S Murphy, Deputy Leader  
Councillor Rahman, Executive Member for Schools, Culture and Leisure  
Councillor Richards, Executive Member for Housing and Regeneration  
Councillor Taylor, Assistant Executive Member for Schools, Culture and Leisure  
Councillor Holt, Lead Member for Intergenerational Issues

John Haines, Project Skate Park  
Phil Murphy, Levenshulme Old Library  
Steve Conway, Community Asset Transfer Specialist  
Martin Preston, Macc  
Sarah Whitelegg, Macc  
Dave Moutrey, Director and Chief Executive of HOME and Director of Culture for Manchester City Council  
John McGrath, Manchester International Festival  
Jennifer Cleary, Manchester International Festival  
Claire Tomkinson, Macc

#### **CESC/18/37            Minutes**

#### **Decision**

To approve the minutes of the meeting held on 6 September 2018 as a correct record.

#### **CESC/18/38            Community Asset Transfer**

The Committee received a report of the Strategic Director (Development), the Head of Corporate Estates and Facilities, the Strategic Lead (Parks, Leisure and Events), the Strategic Lead (Neighbourhoods - South) and the Community Asset Transfer Manager on Community Asset Transfers. It provided information on the Community Asset Transfer activity during 2017/18, a background to the scheme and the process for progressing a Community Asset Transfer, and the support that was provided to groups by the Council.

The Executive Member for Housing and Regeneration referred to the main points and themes within the report, which included:

- The programme of support available to groups;
- The process for Community Asset Transfers;
- Potential future improvements; and
- Case studies.

The Committee also received a report of Martin Preston and Sarah Whitelegg from Macc on Community Asset Transfers.

Sarah Whitelegg referred to the main points and themes within Macc's report, which included:

- Macc's observations of the process, as the organisation contracted to provide support to Voluntary and Community Sector (VCS) groups in Manchester;
- Macc's initial recommendations for improving and supporting Community Asset Transfers in Manchester; and
- Good practice in other parts of the country.

Some of the key points that arose from the Committee's discussions were:

- At what point Ward Councillors were involved in the process;
- What the savings were for the Council due to no longer being responsible for the maintenance costs of the buildings and to request a cost benefit analysis;
- How it was determined which groups paid a peppercorn rent and which paid a reduced commercial rent;
- To request further information on situations where groups did not proceed with a Community Asset Transfer as they felt they lacked the capacity to continue;
- Whether the Council had a list of its assets; and
- What information the Council had on the condition of its assets.

The Community Asset Transfer Manager outlined the process, advising that it typically took about 18 months and that his team recognised the importance of involving Ward Councillors at an early stage. He advised that the Council had created a formula to assess the average saving per building and that this had showed that the savings were approximately £28,000 per building but he reported that this varied greatly depending on the individual building. Martin Preston informed the Committee that Bradford City Council had developed a cost benefit analysis of Community Asset Transfers. The Executive Member for Housing and Regeneration advised that she and officers would look into the cost benefit analysis and come back with further information.

The Community Asset Transfer Manager advised that VCS organisations which were delivering commissioned services on behalf of the Council paid a reduced commercial rent (usually about 30% of the full commercial rate) and that groups which were not delivering commissioned services paid a peppercorn rent. He advised that some of the issues which influenced organisations not to proceed included the time it would take to administer the asset and the condition of the building, for example, if major work was required. He reported that the decision not to proceed was usually made by mutual consent between the VCS group and the Council as the challenges became clear while the business plan was being developed.

The Head of Corporate Estates and Facilities updated Members on the ongoing work to assess and record the condition of the Council's building assets, which, she advised, should be completed within two years. She informed Members that the Council held a list of all its assets electronically and that Members could be provided

with training to be able to use this database to see details of assets in their ward. The Executive Member for Housing and Regeneration reported that the Members Development service had emailed Members regarding training on the database.

Phil Murphy outlined the process for the Community Asset Transfer of Levenshulme Old Library, including the costs involved and the benefits to the community.

John Haines informed Members about his experience of the Community Asset Transfer of the skate park. He described the problems his organisation had previously encountered in obtaining funding because it did not have a lease on the land used for the skate park. He reported that, following the Community Asset Transfer, this was now a sustainable skate park, that usage had tripled and that having the lease had enabled them to obtain significant further funding to expand. He informed Members that, when undertaking a cost benefit analysis, it was important to consider other benefits such as community cohesion and additional spending in the city from people travelling from elsewhere to use the skate park.

### **Decision**

To note the report.

[Councillor M Dar declared a disclosable pecuniary interest as an employee of Community on Solid Ground and withdrew from the room for this item.]

[Councillor Fletcher-Hackwood declared a personal interest as an unpaid Trustee of Fallowfield Library.]

### **CESC/18/39 Widening Access and Participation, Leisure, Libraries, Galleries and Culture – Update**

The Committee received a report of the Chief Operating Officer (Neighbourhoods) which provided an update on work to understand resident engagement in services provided by Leisure, Libraries, Galleries and Culture and to explore routes to increase participation among groups or communities that might be less engaged. The report also provided information about leisure's approach to 'poverty proofing'.

The Executive Member for Schools, Culture and Leisure referred to the main points and themes within the report, which included:

- Data improvement;
- Wider access for under-represented groups;
- Examples of recent initiatives in the different service areas;
- Communication and resident engagement; and
- Next steps.

Some of the key points that arose from the Committee's discussions were:

- The work of Age Friendly Manchester (AFM) Culture Champions;
- The condition of playing fields in parks;

- Request for further information on the conversations which were due to take place with Manchester Health and Care Commissioning (MHCC) in relation to Arts and Leisure;
- Request for ward level data of the people obtaining MCR Active cards and using the leisure facilities;
- That poverty proofing services was not just about the cost of tickets for events or activities but also the cost of transport to venues; and
- Barriers affecting disabled people's access to leisure facilities and to request a further report focusing on protected characteristics.

The Executive Member for Schools, Culture and Leisure recognised the value of the work of AFM and its Culture Champions in ensuring older people were aware of what was going on in the city and felt welcome to participate. The Sport and Leisure Lead updated Members on work to improve playing pitches and the Manchester Playing Pitch Strategy, which the Committee was due to receive an update report on at its 8 November meeting. He reported that the MCR Active card had been successful in enabling the Council to gather data on the people using leisure facilities, including casual users. He advised Members that he could provide data on which wards the users of individual leisure facilities lived in. He informed Members that the data showed that some groups were under-represented, which included women and girls, disabled people and people over the age of 50, which reflected a national trend, but that Manchester was performing better than the national average on people from BAME (black and minority ethnic) groups accessing leisure facilities.

The Strategic Lead (Libraries, Galleries and Culture) informed Members that the Council had now started the conversation with MHCC on the contribution of Arts and Leisure to the Our Healthier Manchester Strategy and he offered to provide further information to the Committee at a future date. The Culture Lead (Libraries, Galleries and Culture) acknowledged that transport was a big issue and outlined some of the approaches being taken to address this such as basing activity in local places and cultural organisations negotiating with transport companies to put in place transport schemes to enable cheaper travel to their events. The Executive Member for Schools, Culture and Leisure advised that the Council needed to work with Transport for Greater Manchester (TfGM) to address this.

## **Decisions**

1. To request a further report on Widening Access and Participation focusing specifically on protected characteristics.
2. To request that data on which wards the users of individual leisure facilities lived in be circulated to Members.
3. To note that further information on the conversations with MHCC on the contribution of Arts and Leisure to the Our Healthier Manchester Strategy will be provided in a future report.

## **CESC/18/40 Cultural Ambition**

The Committee received a report of the Deputy Chief Executive which provided an overview of work undertaken to develop and deliver the Cultural Ambition.

Dave Moutrey, Director and Chief Executive of HOME and Director of Culture for Manchester City Council, referred to the main points and themes within the report, which included:

- The background to the Cultural Ambition strategy;
- The priorities within the strategy; and
- Working groups and joint strategic initiatives.

Some of the key points that arose from the Committee's discussions were:

- That Manchester had an excellent cultural offer but that local residents in some areas were not connected with this;
- That the focus needed to be not just on enabling access but also developing residents' interest in the cultural offer; and
- That this should include bringing cultural events to local venues.

The Executive Member for Schools, Culture and Leisure acknowledged that many people had limited experience of the cultural offer and reported that the Council and partner organisations were working to address this through the Cultural Ambition strategy and the work of the Manchester International Festival. He outlined some of the work taking place to bring culture closer to local people, including "Fun Palace" events taking place in local libraries, and advised that it was important to have a diverse offer to appeal to a wider audience.

Dave Moutrey informed Members that work was taking place to create a resident-facing website about what was available but that it was also important to get out in communities and build relationships with people. He informed Members about the work of the Cold-Spots Working Group which was identifying communities which the cultural organisations were not engaging with so that their limited resources could be better targeted at these communities.

### **Decision**

To note the report.

## **CESC/18/41 Manchester International Festival**

The Committee received a report of the Deputy Chief Executive which provided a picture of work carried out by Manchester International Festival (MIF) to widen participation since the last Festival in July 2017.

John McGrath from MIF referred to the main points and themes within the report, which included:

- Organisational development;

- Audience development;
- Creative engagement; and
- Skills and training.

Some of the key points that arose from the Committee's discussions were:

- How young people from Manchester, including those from schools specialising in the arts, could access high quality, well-paid jobs in the sector;
- To welcome the new initiatives and diverse activity; and
- To request further information on Festival in My House.

John McGrath informed Members that MIF had starting running jobs drives in their offices to help people to find out about the jobs available and was working to ensure that there were career pathways from entry level jobs to senior roles. He advised that most jobs in the sector were behind the scenes and, as there were other organisations in Manchester focusing on developing performers, MIF was focusing on these other roles. Jennifer Cleary from MIF reported that Festival in My House had first taken place at MIF 2017 and was about local people planning a micro-international festival for their neighbours in their home, with support from MIF.

## **Decision**

To note the report.

## **CESC/18/42            Volunteering and Timebanking Update**

The Committee received a report of the Chief Operating Officer (Neighbourhoods) on volunteering and timebanking which provided a brief update on progress and the ongoing work programme since the previous report presented to the Committee in December 2017. It also included an overview of the work that was underway on identifying and working with community-based assets (people, buildings, spaces).

The main points and themes within the report included:

- Progress on encouraging more volunteering activity within the city;
- Timebanking; and
- Community asset mapping.

Some of the key points that arose from the Committee's discussions were:

- To welcome the progress made; and
- To ask how timebanking could be introduced in other wards.

Claire Tomkinson from Macc advised that, where there was an interest in introducing timebanking to an area of the city, her organisation would bring together existing timebanks and organisations which had expressed an interest in timebanks to look at how they could be used to build the network across the city. She advised that timebanking attracted people who would not take part in traditional volunteering.



## Decision

To note the report.

### **CESC/18/43      Improving Life Chances: Generations Together (Improving the Life Chances of Manchester Residents)**

The Committee received a report of the Deputy Chief Executive which highlighted the Council's commitment to Improving Life Chances for all Manchester communities, one of its strategic equality objectives.

The Lead Member for Intergenerational Issues referred to the main points and themes within the report, which included:

- An update on the Council's equality objectives;
- Work to improve life chances; and
- Intergenerational work.

Some of the key points that arose from the Committee's discussions were:

- How much involvement the Age Friendly Manchester (AFM) Older People's Board had had in this work and whether an event could be held to jointly re-launch the Older People's Charter and the manifesto for young people;
- Whether this work included any work to address social isolation; and
- To suggest that the next Equality Lead Members' meeting look at how this work could be linked up with work on other protected characteristics.

The Lead Member for Intergenerational Issues confirmed that she had been in contact with representatives from AFM and advised that she would take forward the suggestion regarding the Older People's Charter and the manifesto for young people. She informed Members of intergenerational work which was taking place in some areas to tackle social isolation, which, she advised, brought benefits for both the young people and the older people involved. She advised that there was a lot of great work taking place on a piecemeal basis across the city and it was important to have a strategy to scale this up. The Deputy Leader advised that young people could also be socially isolated. She informed Members about a forthcoming report from the organisation Greater Manchester Talent Match called "Still Hidden" which focused on isolated young people who were not engaged in training, employment or with public services. She offered to circulate the link to Committee Members.

## Decision

To note report.

### **CESC/18/44      Overview Report**

A report of the Governance and Scrutiny Support Unit was submitted. The overview report contained a list of key decisions yet to be taken within the Committee's remit, responses to previous recommendations and the Committee's work programme, which the Committee was asked to approve.

The Chair commented that the report on the Strategic Plan for Events had been withdrawn from the agenda of today's meeting and would be considered at the next meeting on 8 November 2018.

**Decision**

To note the report and agree the work programme.

## **Communities and Equalities Scrutiny Committee**

### **Minutes of the meeting held on 8 November 2018**

#### **Present:**

Councillor Hacking - In the Chair

Councillors Andrews, Cooley, M Dar, Kirkpatrick, Rawlins and Rawson

Councillor N Murphy, Deputy Leader

Councillor S Murphy, Statutory Deputy Leader

Councillor Rahman, Executive Member for Schools, Culture and Leisure

#### **Apologies:**

Councillor Fletcher-Hackwood

#### **CESC/18/45            Minutes**

#### **Decisions**

1. To approve the minutes of the meeting held on 11 October 2018 as a correct record.
2. To receive the minutes of the Our Manchester Voluntary and Community Sector Fund Task and Finish Group meeting on 27 September 2018.

#### **CESC/18/46            Community Safety Partnership Update**

The Committee received a report of the Chief Operating Officer (Neighbourhoods) which provided an update on the work of the Community Safety Partnership (CSP).

Officers referred to the main points and themes within the report, which included:

- Key priorities of the Community Safety Strategy 2018 – 2021;
- Work to tackle crime and anti-social behaviour (ASB);
- Work to protect people from serious harm;
- Work to change and prevent adult offender behaviour;
- Standing Together funding; and
- Next steps.

Some of the key points that arose from the Committee's discussions were:

- The links and distinctions between rough sleeping and begging and how many of those engaged in aggressive begging in the city centre were from Manchester and how many travelled into the city to beg;
- The Greater Manchester Mayor's campaign to end rough sleeping;
- What the initial response was to the Positive Engagement Programme (PEP) and what could be done in areas which had problems with ASB but where the PEP was not running; and

- The challenges of providing accommodation for offenders and supporting them to maintain tenancies.

The Community Safety Lead informed Members that some beggars were Manchester residents while others travelled in from Greater Manchester and further afield. She advised that she could provide a breakdown of the figures. She reported that it was too early to tell how successful the PEP was as it took time to build relationships with young people. She advised that the CSP and its partners wanted to assess how successful and sustainable it was over the longer-term before trying to obtain more funding to expand the programme to other areas of the city. She reported that other work could be done to tackle ASB in areas not currently covered by the PEP, including work with the ASB Team, housing providers, youth workers and Early Help Hubs. She outlined the work taking place to support offenders to maintain tenancies but advised that it was challenging work and more still needed to be done.

### **Decisions**

1. To request that, when the Committee considers the issue of rough sleeping and begging, this item include the input of those involved in related work at a Greater Manchester level.
2. To request that the Committee receive regular updates on work in relation to accommodation for offenders.

### **CESC/18/47 Recording Misogyny as a Hate Crime**

The Chair reminded Members that, following a previous recommendation, the report on Nottinghamshire's experience of recording misogyny as a hate crime had been circulated to Members and that the Committee was invited to consider how it wanted to take this issue forward.

A Member asked whether this might be introduced in Greater Manchester, following its success in Nottinghamshire.

The Deputy Leader informed Members that offences motivated by misogyny were not currently recorded as hate crimes in Greater Manchester but that GMP had expanded its recording of hate crime to include offences motivated by membership of alternative subcultures, which was not one of the nationally monitored hate crime strands. He informed Members that the Law Commission was currently carrying out a review into hate crime and that any proposals to add misogyny as a recorded hate crime strand in Greater Manchester should be considered in relation to the Law Commission's work in this area.

The Community Safety Lead reported that there were some challenges in relation to this, for example, the most appropriate terminology to use. She advised Members that both the Law Commission and the National Police Chiefs' Council were looking into this issue and that GMP might decide to wait for the outcomes of these reviews before determining the best course of action.

## Decision

To request an update at a future meeting on what actions GMP is taking in relation to recording misogyny as a hate crime.

### **CESC/18/48            Manchester Playing Pitch Strategy Update**

The Committee received a report of the Chief Operating Officer (Neighbourhoods) which provided an update on the progress being made on the development of the action plan, which underpinned Manchester Playing Pitch Strategy (MPPS).

Officers referred to the main points and themes within the report, which included:

- The MPPS's vision, strategic aims and conclusions;
- The MPPS Action Plan;
- The sports specific analysis; and
- Next steps.

Some of the key points that arose from the Committee's discussions were:

- How Ward Councillors would be consulted and whether Members could see a map of the pitches across the whole city;
- That this work should include improving the associated changing facilities;
- What progress had been made in seeking alternative management arrangements for the Powerleague South (Whalley Range);
- The difficulty league football teams experienced in booking pitches at peak times for league matches and training sessions;
- How more people could be recruited to bowling clubs; and
- How perceptions of different sports deterred some people from participating.

The Strategic Lead (Parks, Leisure and Events) reported that Ward Councillors would be consulted through their ward plans within the next three months, advising that this information had also been shared in the previous municipal year but that ward boundaries and the membership of the Council had changed since then. He reported that the document showing the pitches across the city would be added to the Council website and the link shared with Members. He informed Members that the Strategy included a review of the quality of changing facilities and agreed that some of these needed to be updated. He advised that discussions were taking place with relevant partners to take this forward. He informed Members that the Council was in discussions with Greenwich Leisure Limited (GLL) about potentially taking over the management of the Powerleague South and that the Council was confident that it would find a solution to ensure the site's continued operation. He acknowledged the challenges for football teams in trying to book pitches at peak times and advised that the Council was in discussions with the Manchester Football Association regarding introducing staggered kick-off times to alleviate this. He advised Members that the Council needed to work with partners to find a way to spread demand rather than build more pitches. He acknowledged that the Council had not invested in developing bowls in the past but reported that, over the next 12 months, officers would be looking at how they could support bowling clubs to increase their membership and how they could be incentivised to do this, as the

current charging structure meant that bowling clubs had to pay higher fees if they had more members.

The Executive Member for Schools, Culture and Leisure reported that the Council's ambition was to tackle the perceptions around sport and physical activity and who could participate. He reported that the Council wanted to work with sports clubs and other local groups to tackle these perceptions and advised that further information on this work would be included in a future report.

## **Decision**

To note the report.

### **CESC/18/49 Sport and Leisure Update**

The Committee received a report of the Chief Operating Officer (Neighbourhoods) which provided an update on the activity levels of Manchester residents and the numbers involved in schemes to encourage greater physical activity. The report set out the role and development of Manchester Active (MCRActive), including an update on the membership of the Manchester Active Board and the roll-out of the MCRActive card. The report also provided details of the role of the Community Activators and how they would link into sports clubs.

Officers referred to the main points and themes within the report, which included:

- Physical activity levels in Manchester;
- The roll-out of MCRActive;
- The MCRActive card;
- The role of Community Activators; and
- Next steps.

Some of the key points that arose from the Committee's discussions were:

- To congratulate the team on the roll-out of MCRActive;
- The Committee's previous recommendation that the MCRActive Board include a representative from sports clubs;
- The use of the This Girl Can Campaign in Manchester;
- Concern that only 5.3% of MCRActive card holders were disabled and the need for equalities to be embedded into this area of work, linked to other work such as the Our Manchester Disability Plan;
- How data about people participating in sport and physical activity through private clubs, such as running clubs, could be captured; and
- Whether indoor leisure facilities had the capacity to cope with increased demand, if people in areas with lower participation levels were encouraged to take up physical activity.

The Strategic Lead (Parks, Leisure and Events) informed Members of how it was proposed to implement their previous recommendation. He reported that the intention was to establish an Advisory Board, made up of representatives of sports and community organisations, and for one representative from this Board to sit on the

main MCRactive Board. He informed Members that This Girl Can was a national campaign which had been activated across Manchester in a range of ways. He outlined some of the work which had taken place, highlighting the introduction of women-only provision to encourage more Muslim women to participate in physical activity, which he reported had been successful. He reported that fear of judgement was one of the biggest barriers for women who were inactive and that this was being addressed through training leisure centre staff and holding events in local community settings. He informed Members that, while not all physical activity was captured by the MCRactive card, disabled people were half as likely to participate in sport as non-disabled people and that addressing this was a priority. He reported that Michelle Scattergood from Breakthrough UK would be sitting on the Steering Group to advise on adopting a joined-up approach to encouraging and enabling more disabled people to participate in sport and physical activity. He reported that sports clubs generally provided data on the number of members they had but it was difficult to obtain more detailed information, such as where members lived or what percentage were disabled. He advised Members that the MCRactive card would be used to incentivise people to provide additional data but that, for activities which were already free such as running, there was no incentive for participants to provide additional data. He reported that the Council's Indoor Leisure Facilities Strategy focused on identifying and addressing capacity issues.

### **Decision**

To receive an update report at an appropriate time.

### **CESC/18/50            Equality Update**

The Committee received a report of the Deputy Chief Executive which provided an update on the Council's accreditation against the Equality Framework for Local Government (EFLG). The report outlined the approach taken to its EFLG review and summarised some of the main points arising from it, with an indication of how these matters were being progressed. It also provided an update on the Equality Impact Assessment (EIA) activity linked to the 2018 - 2019 budget and business planning process.

The Statutory Deputy Leader referred to the main points and themes within the report, which included:

- The findings of the 2018 EFLG Peer Review;
- The Council's EFLG Action Plan for 2018 – 2021; and
- EIAs.

Some of the key points that arose from the Committee's discussions were:

- To welcome that the Council had maintained its Excellent level in the EFLG re-accreditation process;
- To ask why no EIAs had taken place in the Strategic Development Directorate;
- A request for a plan on a page with timescales to address workforce equality issues raised in the report;

- Whether anything was being done to increase the number of BME (Black and Minority Ethnic) employees at a senior level; and
- What the Council could do to employ skilled people over the age of 50 who sometimes faced barriers in finding work.

The Head of Workforce Strategy informed Members that the EIAs referred to in the report were those identified from the budget savings proposals which were considered by the Committee in the previous municipal year and that it was not a list of all the EIAs which were being carried out. He reported that Equality Action Plans for each directorate would be provided to a future meeting of the Committee. He agreed to provide a summary of the action plan for workforce equality. He reported that the Council was currently developing its approach to increasing the number of BME staff at a senior level. He advised that this included reviewing the model of the equality staff groups, developing a holistic learning and development model for equalities for staff and managers and developing a progression strategy for BME and disabled staff. The Statutory Deputy Leader informed Members that new equality training for Members was also being developed.

The Head of Workforce Strategy informed Members that the Council had a number of social value priority groups and that one of these related to age. He outlined how his team was working in partnership with other areas of the Council such as the Work and Skills Team and reviewing its approach to work experience and apprenticeships but advised that further work was needed to build on this.

## **Decisions**

1. To note that the Head of Workforce Strategy will provide Members with a summary of the action plan for workforce equality.
2. To seek assurance that the Strategic Development Directorate will produce EIAs where relevant, especially in relation to its housing activities.

## **CESC/18/51      Overview Report**

A report of the Governance and Scrutiny Support Unit was submitted. The overview report contained a list of key decisions yet to be taken within the Committee's remit, responses to previous recommendations and the Committee's work programme, which the Committee was asked to approve.

A Member requested that a report on the Greater Manchester Ageing Strategy and how this related to the work at a Manchester level be added to the work programme, to which the Chair agreed.

The Chair informed Members that the Committee would receive a report on the Our Manchester Disability Plan at its meeting on 10 January 2019. A Member who was also the Lead Member for Disabled People requested that the leads for some of the workstreams within the Plan be invited to this meeting to tell the Committee about their experience of being engaged in the Plan. The Chair requested that the Member inform the Scrutiny Support Officer of the relevant people to invite.



**Decision**

To note the report and agree the work programme, subject to the above amendments.



## **Resources and Governance Scrutiny Committee**

### **Minutes of the meeting held on Thursday, 11 October 2018**

#### **Present:**

Councillor Russell (Chair) – in the Chair  
Councillors Ahmed Ali, Andrews, Barrett, Clay, Davies, Lanchbury, Kilpatrick, R Moore, B Priest, A Simcock, Watson and S Wheeler

#### **Also present:**

Councillor Leese - Leader  
Councillor Bridges - Executive Member for Children's  
Councillor N Murphy - Deputy Leader  
Councillor Ollerhead - Executive Member for Finance and Human Resources

**Apologies:** Councillor Rowles

#### **RGSC/18/50 Minutes**

##### **Decision**

To approve as a correct record the minutes of the meeting held on 6 September 2018.

#### **RGSC/18/51 Ethical Procurement Sub Group minutes**

##### **Decision**

To note the minutes of the Ethical Procurement Sub Group held on 13 September 2018

#### **RGSC/18/52 Our Integrated Annual report 2017/18**

The Committee considered a report of the Chief Executive, detailing the Council's Integrated Annual Report 2017/18, which contained funding, key activities and performance during 2017/18 data, to illustrate what the Council had achieved and how it had been achieved as worked towards its goal of happier, healthier and wealthier lives for Manchester residents.

The Directorate Performance, Research and Intelligence Officer referred to the main points and themes within the report which included:-

- The progress made throughout the year in addressing key governance challenges;
- Where the Council's funding had come from and how this funding had been spent;
- Details on various operational models which transformed inputs through business activities, into outputs and outcomes;

- Key performance indicators that were being used to monitor the delivery of strategic objectives; and
- A high level analysis of our financial performance within 2017/18;
- The approach to risk management to ensure that the Council had robust processes in place to support the delivery of its strategic goals, including those contained within the Our Manchester Strategy.

Some of the key points that arose from the Committees discussions were:-

- Why was there no reference within the report to Manchester's Age Friendly Strategy;
- It was commented that it would have been preferable for Scrutiny to have had sight of the report prior to its final form in order to have some influence over the content;
- How did the report link into the State of the City report; and
- It was queried as to the purpose, necessity and cost of producing this report if similar information was contained within the State of the City report.

The Directorate Performance, Research and Intelligence Officer acknowledged the omission of Manchester's Age Friendly Strategy from the report and advised that as the report had not yet been published on the Council's website, it could be amended to incorporate reference to the Strategy. It was also commented that in future years, the Committee would be sighted of the production timetable and Officers will look to incorporate Scrutiny's views before it was finalised.

The Leader advised that the State of the City Report was the Council's key annual report which monitored the delivery of the Our Manchester strategy and contained the most up to date statistics for each financial year. It was a more detailed and thorough analysis and included relevant comparator data in comparison to the report before Committee. It was also reported that the State of the City report would be submitted to Scrutiny for comment before it was published.

The Executive Member for Finance and Human Resources advised that he would ask Officers to cross reference the content of the Integrated Annual report with that of the State of the City report to identify if there was duplication of information. The City Treasurer added that the Council was required to produce a document that set out the Council's Annual Accounts in a format that was simple to understand and the Integrated Annual Report fulfilled this requirement.

## **Decision**

The Committee:-

- (1) Notes the report;
- (2) Welcomes the offer from the Executive Member for Finance and Human Resources to request Officers to cross reference the content of the Integrated Annual Report with that of the State of the City report to identify if there was duplication of information; and

- (3) Requests that if duplication of information does exist, Officers investigate if there is a future requirement to continue producing the Integrated Annual Report.

### **RGSC/18/53 Review of Children's Services Budget**

The Committee considered a report of the Strategic Director Children and Education Services, which set out the impact of Council resources to support Children's Services to improve outcomes for Manchester's children who required additional support. The report also provided an outline of the issues driving the current overspend in the Children's Services budget in 2018/19 and summarised the success in delivering the planned workforce changes and reducing reliance on use of agency staff.

The Strategic Director Children and Education Services referred to the main points and themes within the report which included:-

- The reduction in the Children's Services budget position between 2011/12 to 2018/19;
- The investment into Children's Services since 2015/16 from non-recurrent resources to support new working arrangements, early help/intervention, evidence based practice, increased social work capacity to reduce the size of social workers caseloads and fostering and adoption services;
- The projected level of need for children and young people from 2018 to 2020 including associated costs;
- Comparisons with other core cities had identified that Manchester was now a lower than average user of residential care but a higher user of external foster care compared to internal foster care;
- Demographic trends for child population at a local, regional and national level, including the increase in the number of looked after children per 100,000 of the population and the disproportionate rise in complexity of the young person's population;
- The performance, improvement and impact of schemes such as Troubled Families and Families First;
- Practice improvements and the impact on outcomes; and
- The current budget management strategy.

Some of the key points that arose from the Committees discussions were:-

- How many agency staff were in interim management positions and what was the impact of this in the delivery of efficiencies due to a potential lack of continuity at a management level;
- Was it possible to have any detail on the number of social workers currently on suspension from work;
- What was the ratio of frontline social workers to managers;
- Was the anticipated reduction in the number of external placements for children a realistic target;
- How much of domestic violence costs were related to supporting children and young people;

- Was Manchester's direction of travel viewed by its peers as positive;
- What was planned to achieve the targeted savings in Looked After Children;
- What did it cost the Council to place a child in different types of care;
- Clarification was sought as to whether it was correct that 1 in every 100 children in Manchester was in the care of the local authority;
- It was noted that early intervention made the most significant difference and helped prevent children being placed into residential care;
- There was concern that budgetary challenges would still exist beyond the current saving plans based on the increase in child population, complexity of needs and the increase costs of services.

The Chair of the Children and Young Peoples Scrutiny Committee had been invited to the meeting for this item and commented on the work being done by his committee to address some of the concerns that had been raised by Members.

The Strategic Director Children and Education Services reported that there were approximately 5 out of 52 posts filled by interim managers and commented that this was often due to the posts being difficult to recruit to. He advised that the current ratio of staff to managers was eight FTE's to one manager but that this on occasions could vary. The Committee was informed that there were currently seven members of staff suspended due to allegations of gross misconduct. These investigations often took time to complete but progress was tracked and monitored on a monthly basis. He reassured Committee that suspension was only undertaken where there was no other viable option. The importance of a stable workforce in delivering efficiencies was recognised and the service now only had 53 agency staff employed. The Executive Member for Finance and Human Resources commented that he had raised the issue of the length of time some staff had been on suspension with officers in HR and this was being looked into.

The Committee was advised that the budget pressure for Looked After Children related to the costs of placements, with some placements currently costing significant amounts. The Strategic Director advised that the service was committed to safely reducing the number of Looked After Children in Manchester in order to achieve the identified savings but acknowledged that there were challenges that needed to be overcome. The Head of Finance (Adult Services, Children's Services and Homelessness) commented that whilst there had been a reduction in the number of Looked After Children, this had not been at the anticipated pace and as such the resulting overspend would be revisited to look at how best this could be addressed. In terms of domestic violence resources, specific support for children formed part of the social work intervention, delivered in partnership; as such it was not possible to place a specific cost on this.

The Strategic Director Children and Education Services commented that in his opinion, the Council's peers would say that the Council's direction of travel was positive, however, challenges still existed due to the complexity of children's needs, the service is still in transition and the demographic of the city's population. It was recognised that whilst the Council did not have difficulties in recruiting to social worker positions, it did have difficulties like many councils in retaining experienced frontline staff, however, it was noted that there had been a slowdown in the turnover of staff.

The Committee was advised that comparatively, the Council looked after 104 per 10k population and the costs associated with this varied. An external foster care placement could cost in the region of £1000 per week, compared to an internal placement which would cost circa £500 per week. The high cost placements related to complex residential placement which in some instances could cost circa £4000 per week. The Strategic Director added that whilst there had been a significant shift and increase in the number of internal foster care placements and Special Guardianship Orders, any slight movement, often made a significant difference to the budget for Looked After Children.

The Strategic Director Children and Education Services and Executive Members for Children's Services acknowledged that there would be challenges ahead, but reassured the Committee that the first priority would always be the safety of Manchester's children. It was stressed that early intervention was key to making the financial savings needed.

### **Decision**

The Committee notes the report.

### **RGSC/18/54 Budget and Global Monitoring and the Council's proposed recovery plan**

The Committee considered a report of the City Treasurer, which provided a summary of the Council's revenue budget and forecast outturn position for 2018/19. This was based on an assessment of income and expenditure to the end of August 2018 and financial profiling to 31 March 2019. The report also contained details of the recovery plans which had been drawn up to offset the overspend previously reported and to work towards a sustainable position from 2019/20.

Officers referred to the main points and themes within the report which included:-

- A summary of the Council overall budget position for 2018/19 ;
- The progress that had been with saving achievements;
- Details of budget recovery plans which had been drawn up to offset the overspend previously reported and to work towards a sustainable position from 2019/20;
- An evaluation of Invest to Save Initiatives;
- Details of budget virements, budgets to be allocated and use of reserves;
- Prudential Indicator figures;
- Future budget considerations for 2019/20 and a five year forward view beyond the current Government settlement period; and
- The proposed budget setting process and timeline for 2019/20.

The report was to be considered by the Executive at its meeting on 17 October 2018.

Some of the key points that arose from the Committees discussions were:-

- Had the Council or the Executive Member for Finance and Human Resources contributed to the LGA Autumn Statement submission as it had been estimated that further £1.3billion cuts were to be made from to the 2019/20 grant;
- Was it envisaged that the Council would be looking to set another long term budget strategy, taking into account Business Rates retention and the outcome of Brexit;
- Was the Council considering lobbying government for a local taxation reform in relation to Council Tax bandings;
- How could backbench Members be made aware, or involved in, the conversations that were taking place at national level in regards to local government funding;
- There was a need to be mindful in the use of the term 'savings' when referring to Mental Health overspend and in particular early intervention;
- How many agency staff were employed in the care sector and had consideration been given to the potential impact of Brexit of those employed in this sector;
- How much was spent on bed and breakfast provision outside of Manchester and did this include transport;
- Given the dependence of Business Rate growth retention on future Council budgets and the proposal to reduce this retention to 75%, had there been any impact assessment of this proposal;
- Was there any further information available in relation to the purchasing of temporary accommodation for housing Manchester's homeless;
- Why was there an underspend in the Council's Corporate Core Directorate;
- Why had there been an overspend in the Coroner's Service;
- Why was there still a high level of unfilled vacancies across a number of departments;
- Was all the identified funding for demographic growth required as only a third had been released;
- A better explanation was requested as to why some of the identified savings within Adult Services had not yet been delivered and consideration needed to be given to invest to save opportunities within the service in order to deliver the required savings in a more timely manner;
- Would the proposed virements as detailed in the report have any impact on delivering statutory services next year; and
- Clarification was sought on the prudential borrowing indicators and why the Airport Strategic Investment, which was included in the budget over two financial years, had been incurred this year, resulting in a breach over the set target.

The Executive Member for Finance and Human Resources advised that the LGA Autumn Statement submission was formed following consultation with all local authorities which had received a high level of responses, including a response from Manchester City Council. He commented that in relation to local taxation reforms and specifically Council Tax banding, no Government had attempted to address this, and suggested that caution was needed in looking at Council Tax bandings as any change could result in making some of the poorest Manchester residents poorer. The Deputy City Treasurer added that the Council did not know yet what its financial settlement would be past 2019/20 so it was not possible at the current moment to



determine whether another long term budget strategy would or could be set. In terms of involvement of backbench Members, the City Treasure agreed to pick this up with the Chair of the Committee and the Executive Member for Finance and Human Resources as to how best this could be enacted upon.

The City Treasurer acknowledged that there were some risks around the use of agency staff and the impact of Brexit, and the Council was looking at the potential impact of this and how services were commissioned. In terms of Business Rates retention the City Treasure explained that the Council had undertaken modelling scenarios of both 100% retention and 75% retention so this could be taken into account when planning beyond 2019/20. The Deputy City Treasurer advised that it was temporary dispersed accommodation that was used more outside of Manchester rather than bed and breakfast. The latest figures the Council had in relation to this was 1,364 families and single people in temporary accommodation, with 1,009 located within Manchester and the remaining 355 outside of Manchester.

The Head of Finance (Adult Services, Children's Services and Homelessness) advised that the Council was looking to purchase 60 large properties to help address the levels of homeless families in need of larger accommodation, but it was acknowledged that this would not solve anything like the whole problem based on the high number of individuals and families presenting as homeless. The Deputy City Treasurer advised that the Council was working with the Combined Authority in regards to the total cost of enacting the Greater Manchester Mayor's pledge to tackle rough sleeping, and it was acknowledged that Manchester would have the most significant element across Greater Manchester. The Committee was advised that the Coroner's Service overspend was in relation an increase in the number of complex cases, which required expert witnesses. The City Solicitor added that none of the extra expenditure had been in relation to the Arena bombing but did advise that the Council would need to pay these costs which would then be claimed back from the Ministry of Justice. The City Treasurer confirmed that the relocation of the Coroner's Service was fully funded within the Town Hall decant budget. The Executive Member for Finance and Human Resources advised that there was no freeze on filling vacancies, but there was a review taking place on long term vacancies and whether they were still required. It was explained that the underspend in Corporate Core was in the main as a result from a number of one-off initiatives, including a reduction in bad debt provision within Revenue and Benefits and a release of a disaster recovery provision. The remaining underspend was due to staffing and general underspends across the service.

The City Treasure confirmed that all the funding for demographic growth had been projected as needed by the end of the financial year. It was explained that the Council held this funding corporately and then released based on business cases that demonstrated the demand was needed.

The Deputy City Treasurer commented that the Council had undertaken a number of Invest to Save opportunities within Adult Services and Health in order to reduce the demand on services. This had been done through the Greater Manchester Transformation Fund. It was acknowledged that there had been some delays in delivering some of these initiatives.

The Executive Member for Finance and Human Resources reported that the proposed virements would not have any impact on delivering statutory services next year. The City Treasurer advised that a report was submitted to full Council in December 2017 which detailed proposed an additional share holder loan to support the airport expansion, which would result in a significant rate of return. The payment of these loans was to be split across two financial years, but a decision had been taken to make this payment in this financial year, resulting in the adjustment to the prudential indicator.

### Decision

The Committee:-

- (1) Notes the report; and
- (2) Endorses the following recommendations to the Executive:-
  - To approve the proposed virements in paragraph 7.
  - To approve the use of budgets to be allocated and contingency in paragraph 8.
  - To approve the use of reserves as set out in paragraph 9.
  - Recommend to Council that the revised Prudential Indicator for non HRA Capital Expenditure (2) as set out in paragraph 10 is approved.
  - That Council is requested to approve the revised Prudential Indicator for non HRA Capital Expenditure (2) as set out in paragraph 10.

### **RGSC/18/55 Delivering Equalities through the Council's spending decisions, decision making and monitoring processes**

The Committee considered a report of the Deputy Chief Executive and City Treasurer, which provided Members with an overview of the Council's governance arrangements for equalities as part of its planning and decision making processes. The report also set out a schedule of ongoing work to further strengthen the Council's approaches in this area.

The Equalities Team Leader referred to the main points and themes within the report which included:-

- The Council has developed a clear governance model to ensure that equality considerations formed an integral part of its spending decisions;
- An annual report summarising the Council's equality considerations in the budget and business planning process and the associated Equality Impact Assessments (EIA) was considered by the Communities and Equalities Scrutiny Committee;
- Examples of equitable decision making in practice which demonstrated the extent to which an embedded approach to equality considerations had been instrumental in informing planning and decision making processes within the Learning and development opportunities for Council staff in relation to equality considerations in the decision making process;
- The monitoring and analysis of the equality of outcomes in terms of quality of life and access to opportunities; and

- The next steps in relation to governance and data analysis

Some of the key points that arose from the Committee's discussions were:-

- The report did not appear to cover all of the protected characteristics;
- Members expressed that the report did not fully cover how equality decisions were taken into account when determining and setting budgets;
- There was a lack of reference to communication with communities in terms of how equalities had been taken into consideration in the Council's decision making process; and
- Members would have benefitted from having sight of a completed EIA.

The Equalities Team Leader thanked the Committee for their feedback on the content of the report. He acknowledged that in terms of engagement and communication measures there was a need to provide more qualitative information and not just quantitative information. He reassured the Committee that Officers were working with Services to make improvements in this area.

It was proposed by the Chair that the Committee should be provided with a completed EIA as part of the budget reports planned for the Committees meeting in December as this would help the Committee determine if any further scrutiny on this subject was required.

### **Decision**

The Committee requests that a completed EIA is submitted as part of the budget reports planned for the Committees meeting in December in order to help determine if any further scrutiny on this subject is required

### **RGSC/18/56 Overview Report**

The Committee considered a report of the Governance and Scrutiny Support Unit which contained key decisions within the Committee's remit and responses to previous recommendations was submitted for comment. Members were also invited to agree the Committee's future work programme.

A request was made that either an update be provided at the next meeting in relation to the Outstanding Recommendation from the Committee's meeting in January 2018 or if an update was not possible, that this item be removed to the list of Outstanding Recommendations.

### **Decision**

The Committee

- (1) Notes the report; and
- (2) Agrees the future work programmes of the Committee for the remainder of the Municipal Year.

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## **Audit Committee**

### **Minutes of the meeting held on 5 November 2018**

#### **Present:**

Councillor Watson - In the Chair  
Councillors Connolly, Lanchbury, Russell and A. Simcock

#### **Also Present:**

Councillor Bridges Executive Member for Children's Services  
Councillor Craig Executive Member for Adults Health and Wellbeing

**Apologies:** Councillor Ahmed Ali.  
Mr S Downs (Co-opted member) and Dr D Barker (Co-opted member)

#### **AC/18/50 Appointment of Chair**

In the absence of Councillor Ali, the Committee was requested to make a nomination for a Chair for the meeting.

Councillor Watson was nominated by Councillor A Simcock and this was seconded by Councillor Lanchbury.

#### **Decision**

To appoint Councillor Watson as Chair of the meeting.

#### **AC/18/51 Minutes**

The minutes of the Audit Committee held on 3 September 2018 were submitted for approval.

#### **Decision**

To approve the minutes of the meeting held on 3 September 2018 as a correct record.

#### **AC/18/52 Internal Audit Assurance Report**

The Committee considered the report of the City Treasurer and the Head of Internal Audit and Risk Management which provided a summary of the work of the Internal Audit Section for the period April to September 2018. The report included progress toward delivery of the annual audit plan, a summary of assurance opinions on completed audits, counter fraud and investigation and a summary position on the implementation of Internal Audit recommendations.

The Chair invited questions from the committee.

A member referred to internal audit work on commissioning and contract management work and what plans are in place to include this within the work of Internal Audit.

It was reported that the Internal Audit Service had undertaken considerable work in procurement, contracts and commissioning work, focussing on insurance, whistleblowing and social value within contracts as well as working closely with the procurement team.

A member asked if officers would prioritise the audit work that had been removed from the current year's work plan as detailed in paragraph 2.4 of the report relating to audits of:

- Software Licensing;
- Public Contracts Regulations Compliance; and
- Manchester Support for Independent Living

The meeting was informed that the audits moved from the current work plan would be considered as a priority in the work plan for 2019/20.

A member referred to the lower priority rating of the audit of Manchester Support for Independent Living and requested officers to provide further information on the decision to delay the audit.

In response to a question from a member regarding the fee charged by the external partner for work to recover overpayments or unclaimed credit notes, it was reported that the fee would be 15% of the total recovered.

The Chair referred to audit work to deal with Manchester Health Care Commissioning (MHCC) and Manchester Local Care Organisation (MLCO) and requested an update on progress.

The Committee was informed that audit plans had been shared with auditors from Manchester Foundation Trust and the Care Commissioning Group. Audits had been undertaken by the Council on specific areas and jointly with MHCC and MLCO. An update report would be submitted to the Audit Committee at a future meeting.

Officers were requested to provide a separate report providing progress on the working arrangements for audit work of Mental Health casework compliance in respect of the Greater Manchester Mental Health Trust to the meeting of the Audit Committee on 11 February 2018.

Reference was made to the success of recovery work regarding Council Tax Support, Housing Tenancy Fraud and Right to Buy application fraud and officers were requested to ensure that such information was publicised widely through the Council's Communications Team.

## Decisions

1. To note the report submitted and the comments raised.
2. To request that a report is submitted to the next meeting of the Committee providing a review of lower priority rating of the audit of Manchester Support for Independent Living.
3. To request that a report is submitted to the meeting of the Committee in February 2019 to give an update on the working arrangements of audit work of Mental Health casework compliance in respect of the Greater Manchester Mental Health Trust.

### **AC/18/53 Outstanding Audit Recommendations**

The Committee considered the quarterly report of the City Treasurer and the Head of Internal Audit and Risk Management which provided information on the current implementation position and arrangements for monitoring and reporting internal and external audit recommendations. The report contained only Internal Audit recommendations.

The Chief Operating Officer (Neighbourhoods) and the Strategic Lead Officer (Events Parks and Leisure) attended the meeting to introduce the report and an update on actions taken on the development of an Events Strategy and Events Management.

The Chair invited questions from the Committee.

Officers were requested to provide more information on resources for events and the appointment of staff.

It was reported that the post of 'Head of Events' had not been filled after advertising the post on two occasions. Following a review of the position it was decided that the role would be combined to include other responsibilities and was advertised again. It was anticipated that suitable candidates would apply and an appointment could be made from the process. The Committee was informed that unanticipated events such as large scale parades and demonstrations within the city had contributed to pressure placed on current resources.

The Chair referred to the holding of events within Albert Square and asked officers if this would be included within the Strategy as part of the refurbishment of the Town Hall.

The Committee was assured that the refurbishment of the Town Hall and Albert Square would be included within the Strategy and this will take into account the use of the area as a future venue in view of changes taking place to other outdoor venues within the city. The Albert Square area would be enhanced with an increased pedestrian area and reduced traffic flow and the inclusion of barrier protection in line with the advice received on counter terrorism.

A member referred to the use of new venues identified in the strategy and sought

assurance that, where necessary, local residents and resident's groups would be fully informed and consulted on events proposed.

It was reported that the Events Strategy will include engagement with elected members and a check will be made with the Executive Members concerned on whether residents will be included in this. The Strategy will include provision for the notification of events at venues within residential areas, such as the Castlefield Bowl, and this will continue to take place well in advance of a planned event.

A member referred to the list of overdue recommendations and asked officers which of the recommendations is causing most concern.

The meeting was informed that the audit work relating to Liquid Logic Data Migration and Testing Phase 1, for the reason that the system dealt with issues relating to children's and adults social care. All outstanding audits would be monitored and an update would be provided on this within the next report to the Committee.

The Committee agreed that it was satisfied with the assurance provided within the report it had considered.

## **Decisions**

1. To note the report submitted and the comments received.
2. To note that the next report on Outstanding Recommendations will include an update on the position of overdue recommendations.

## **AC/18/54 2018/19 Annual Governance Statement (AGS) – Summary of Progress to Date**

The Committee considered the report of the Deputy Chief Executive which provided a summary of progress that has been made to date in implementing the governance recommendations from 2017/18 Annual Governance Statement (AGS). The report also outlined the next steps in the process of producing the Annual Statement for 2019/20. The AGS provides explanation of the governance challenges the Council is facing and these are reported on a six monthly basis to ensure the challenges continue to remain in focus on how they are addressed.

The Chair welcomed the report, in particular, the comprehensive coverage on the range of governance challenges it provides.

The Committee considered the actions listed in the report and the Chair invited the Committee to ask questions.

Members referred to the Our Manchester Behaviours process involving staff self-assessment and Listening in Action events. Members agreed that it was important to ensure that the Our Manchester approach in the delivery of Council services was consistent across the authority. Reference was also made to the reducing number of staff attending Listening in Action events and an assurance was sought from officers that all staff will be provided with the opportunity and time to attend an event



regardless of their role within the authority and location.

Officers noted the comments and suggested that a comprehensive response to the points raised would be included within the next Annual Governance Statement.

A member reported that the Resources and Governance Human Resources Sub-Group could consider the issues raised regarding Listening in Action and the Our Manchester Strategy as part of an annual report to be submitted on the BHeard survey.

The Chair referred to the Our Manchester Experience and requested that the work to refresh the experience take into account the feedback of the Older Peoples Board, in particular the wealth of local knowledge and experience that older people possess about the city. Also the observation that listening to residents is crucial to the success of experience.

A member referred to the number of Freedom of Information (FOI) requests made to the Council annually and asked officers to provide information on the time taken to respond to each request made and how much of the information requested was usually already available within the public domain and the cost to the Council.

It was reported that the Council receives up to 3000 (approx) FOI and other information requests annually and this generated a significant cost to the Council in processing and providing responses. Based on the popular information requests submitted, information is included on the Council website in order to address future requests. The Annual Complaints report will include details on the number of complaints and requests received however, this did not include use of resources such as staff time spent on the requests or cost.

A member referred to the implementation of the General Data Protection Regulation (GDPR) requirements across the Council on asked officers if this was on schedule to be achieved.

Officers undertook to report back to the Committee on the current position regarding GDPR.

The Chair referred to Action 11 within the report and requested that the Human Resources Sub-Group consider the issues raised relating to the improvement of governance and communication of workforce policy and associated guidance, including embedding new ways of working.

Councillor Russell reported that the subject of improvement of governance and communication of workforce policy and associated guidance, including embedding new ways of working was not on the current work programme of the Sub-Group. Councillor Russell undertook to include the topic in the work programme for future consideration.

## **Decisions**

1. To note the report submitted and the assurance provided.

2. To request that the Annual Governance Statement includes a response to concerns expressed regarding the consistency of the implementation of the Our Manchester behaviours across all areas of the Council's services and staff.
3. To request the Resources and Governance Human Resources Sub-Group to consider a report that provides feedback on the BHeard survey, an update on the training and implementation of the Our Manchester Strategy and to update on the arrangements for Council staff to attend Listening in Action events.
4. To note the comments made regarding the Our Manchester Experience and to pass the comments on to the officers involved in the refresh of the experience.
5. To request that, as part of the Annual Complaints report, officers include details on the number of Freedom of Information and other subject access requests made to the Council and provide details of the average length of staff time taken to process a request and costs involved.
6. To request the Resources and Governance Human Resources Sub-Group to consider issues raised within Action 11 of the report submitted relating to "improvement of governance and communication of workforce policy and associated guidance, including embedding new ways of working".

(The Chair adjourned the meeting at 11:00am and resumed the meeting at 11:06am)

**AC/18/55 Governance Improvement Progress for Partnerships with Medium of High Risk Assessment Ratings**

The Committee considered the report of the Deputy Chief Executive and the City Treasurer which provided an update on progress made to strengthen governance arrangements in the fourteen partnerships where a 'Medium' or 'High' Partnership Governance Risk Assessment was recorded in the 2017 Register of Significant Partnerships. The report provided information on the progress made in the governance of the partnerships since the submission of the latest version of the register to the meeting of the Committee on 25 January 2018.

A member referred to the partnership involve with Brunswick PFI (entry 55) and asked if there had been any improvement following the issue of warning notices to S4B to highlight specific contract concerns.

It was reported that the Brunswick PFI had been rated as a 'Medium' risk partnership and it was not anticipated that this be changed to a 'Low' risk rating at this stage. The rating would be reassessed as part of the review of the Risk Partnership Register.

The Chair referred to the concerns raised regarding Manchester Service for Independent Living and the need for the service to fully integrate with other health

care related services. In view of the concerns on the partnership and the request to reconsider the priority given for audit work, officers were asked what action would be taken. It was noted that although governance arrangements concerning systems and processes within the organisation had improved the Service Level Agreement relating to the Council and three Clinical Commissioning Groups (CCG) was awaiting ratification.

It was reported that officers would look into the audit of Manchester Service for Independent Living in light of the comments made and would revisit the existing audit assumptions. A watching brief would be maintained on the partnership with a further update in the report to be submitted to the meeting of the Committee on 11 February 2019. A check would also be made on the position of the Service Level Agreement sign off.

A member referred to delays in the provision of wheelchairs and requested officers to include information on this situation as part of the review.

### **Decisions**

1. To note the progress made to improve the governance arrangements in the partnerships detailed within the report submitted.
2. To note the comments received in respect of Manchester Service for Independent Living and request officers to undertake a review of the audit assumptions made on Manchester Service for Independent Living and provide an update on the partnership for the meeting of the Committee on 11 February 2018.

### **AC/18/56 Treasury Management Interim Report 2018-19**

Members considered the report of the City Treasurer that provided Members with information on the Treasury Management activities of the Council during the first six months of 2018-19. The City Treasurer introduced the report by stating that the Housing Investment Fund would transfer to GMCA before the next financial year end; based on the forecast cash flow, that the level of temporary deposits will continue to fall and that therefore the Council will need to borrow further funding during 2018/19; and On 10 November 2017 DCLG (now MHCLG) published a consultation on changes to the guidance on local authority investments and Minimum Revenue Provision (MRP).

In response to question from a Member regarding the European Investment Bank (EIB) the City Treasurer stated that borrowing from the EIB was made against infrastructure projects and a decision on these was pending.

The City Treasurer said that the requirement for local authorities to disclose their dependence on commercial income to deliver statutory services and the amount of borrowing that has been committed to generate that income was a positive development that will allow for a more transparent reporting mechanism.

In response to a question from the Chair regarding the ten changes to the statutory guidance published by the MHCLG the City Treasurer said that she broadly welcomed these, however expressed caution that they should not place too many restrictions on Local Authorities ability to borrow or invest if one or two Local Authorities acted irresponsibly. When asked the external auditor said that the changes did not present any concerns to them.

The Chair commented that the glossary that had been provided with the report was very beneficial for the lay reader.

### **Decision**

To note the report submitted.

### **AC/18/57 External Audit Progress Report and Update**

Members considered the report of Mazars, the Councils appointed external auditor that provided the Committee with an update in progress in delivering their responsibilities for the 2018/19 audit as the external auditor. The report detailed the areas of activity and the timescales for delivering and reporting on these. The report further highlighted national publications and guidance that are relevant to the work of the Committee.

The External Auditor commented that work was ongoing as described and the Audit Plan will be reported to a future meeting of the Committee.

A Member asked if the Transformation Guidance for Audit Committees applied to partners noting that many of the principals described should be considered by partners such as the Local Care Organisation. The External Auditor replied that the guidance had been produced primarily for Audit Committees to help them consider how they could robustly challenge and monitor transformation projects, noting that in many cases transformation programmes rely on new technologies and online services, and are highly ambitious and have a high risk of failure.

The Chair commented that the 'Our Manchester' approach was dependant on people and influencing behaviour change to transform the organisation and delivery of services.

### **Decision**

To note the report submitted.

### **AC/18/58 Progress Report on Manchester City Council's Commissioning and Contract Management**

The Committee considered the report of the City Treasurer that summarised progress against the actions set out in the contract management improvement work plan approved by the council's Senior Management Team on 27 February and the recommendations of the Audit Committee in January 2018.

The Head of Integrated Commissioning introduced the report, stating that a great deal had been achieved in the last seven months in relation to governance, monitoring and accountability, with notable progress on completion and analysis of contract registers, the development of standard products and processes, and growing awareness and tools for monitoring social value in contract delivery.

The Head of Integrated Commissioning stated that work was also ongoing with health partner in the Manchester Health and Care Commissioning (MHCC) and the Local Care Organisation, however the scale and complexity of the challenge should not be underestimated, given the number, value and variety of external contracts, the Council's ambition for delivering for Manchester residents, and the pressing need to maximise value for money. The report noted that this was a long-term improvement programme, and there remained much work to be done.

A member commented that she welcomed the establishment of a standard contract register as a mechanism for the efficient monitoring of contracts. She commented that this would enable conversations to be had with local, smaller suppliers to encourage them to bid for contracts noting that it was important that barriers to doing this needed to be removed. The Head of Integrated Commissioning stated that this was being undertaken as the new model supported this approach.

In response to Members questions the Head of Integrated Commissioning informed the Committee that she would circulate the figures of how many contracts existed per Directorate and information on those contracts that were rated as either Gold, Silver or Bronze as assessed for their criticality. The Chair welcomed this, noting that this may inform future work of the Committee and if necessary the Committee may wish to consider referring matters to the appropriate Scrutiny Committee.

A Member requested further information on the Directorates that would develop forward commissioning pipelines on the basis of risk and criticality, and reflect in service and budget plans, with first drafts to be completed by December 2018, to be combined in City Council and MHCC forward planning. The Head of Integrated Commissioning said that this would be shared with Members, mindful that some information was commercially sensitive and advice on this would be provided.

The City Treasurer responded to comment from a Member regarding staff training to manage contracts noting that the Council currently commissioned and procured over £0.5bn of services from third parties, the scale of which illustrates the importance of this function by saying that this has been identified as a priority workforce development and funding had been identified to deliver staff training.

In response to a question from the Chair the Head of Integrated Commissioning confirmed that the reported £0.5bn was for the procurement of a variety of services, such as homecare, highways and children's' services for example and not capital expenditure and was an annual figure. The Chair commented that this was a significant amount of money and highlighted why this activity was so important.

A Member asked how much money was being saved currently and what future saving would be realised by delivering this approach to commissioning and contract management. The Head of Integrated Commissioning said that work was ongoing

with each Directorate so that they are prepared for the re procurement of services and the awarding of new contracts and commented that any savings achieved would be retained by the relevant service Directorate budget. She said that work was ongoing to prioritise high risk areas and opportunities for achieving savings from existing contracts were being explored. She said savings would be achieved long term through a more robust, timely and efficient monitoring and management of contracts. She made particular reference to the Neighbourhoods Directorate who had embraced and developed a very good model to review their contracts that would be shared with other Directorates to support them with this activity and influence behaviour change.

In response to a question asked by the Chair the Head of Integrated Commissioning reported that those contracts that had been identified for priority review were as a result of them being because they were time sensitive or had been identified by the Senior Management Team to achieve specific strategic objectives. She said priorities would be reviewed each year taking into consideration budget priorities and strategic plans.

The Chair noted the reported progress and requested that future update reports on this important area of work contained examples.

#### **Decision**

To note the report submitted.

#### **AC/18/59 Annual Audit Letter for Year Ending 31 March 2018**

Members considered the Annual Audit Letter from the Council's previous external auditor (Grant Thornton) for the year ended 31 March 2018.

The Chair thanked Grant Thornton for the hard work of the staff involved with the external audit of the Council's finances and the help and advice the company had provided to the committee during this working relationship.

#### **Decision**

To note the Annual Audit Letter.

#### **AC/18/60 Work Programme and Audit Committee Recommendations Monitor**

The report of the Governance and Scrutiny Support Unit which contained responses to previous recommendations was submitted for comment. Members were also invited to agree the Committee's future work programme.

#### **Decision**

To note that the Work Programme and Recommendations Monitor will be updated for the next meeting of the Audit Committee.

## **Health and Wellbeing Board**

### **Minutes of the meeting held on 31 October 2018**

#### **Present**

Councillor Richard Leese, Leader of the Council (MCC) (Chair)  
Councillor Bev Craig, Executive Member for Adult Health and Wellbeing (MCC)  
Councillor Garry Bridges, Executive Member for Children's Services (MCC)  
Councillor Sue Murphy, Executive Member for Public Service Reform  
Jim Potter, Chair, Pennine Acute Hospital Trust  
Kathy Cowell, Chair, Manchester University Hospitals Foundation Trust (MFT)  
Dr Ruth Bromley, Manchester Health and Care Commissioning  
Dr Denis Colligan, GP Member (North) Manchester Health and Care Commissioning  
Dr Murugesan Raja, GP Member Manchester Health and Care Commissioning  
Neil Walbram, Healthwatch  
David Regan, Director of Public Health  
Paul Marshall, Strategic Director of Children's Services  
Dr Tracey Vell, Primary Care representative – Local Medical Committee

#### **Also present**

Peter Blythin, Director SHS Programme – Manchester University NHS Foundation Trust  
Cym D'Souza, Chief Executive - Arawak Walton Housing Association  
Robin Lawler, Chief Executive, Northwards Housing  
Sean Duffy, Manchester Housing Providers' Partnership  
Graham Mellors, Central Manchester GP Federation  
Julia Shephens-Row, Independent Chair of the Manchester Safeguarding Boards  
Craig Harris – Executive Director Safeguarding

#### **Apologies**

Rupert Nichols, Chair, Greater Manchester Mental Health NHS Foundation Trust  
Vicky Szulist, Chair, Healthwatch  
Mike Wild, Voluntary and Community Sector representative

#### **HWB/18/28 Minutes**

#### **Decision**

To agree the minutes of the meeting of the Health and Wellbeing Board held on 29 August 2018.

#### **HWB/18/29 Our Healthier Manchester Single Hospital Service Update**

The Board received a report from the Director of Single Hospital Service (SHS) Programme which provided an update on the progress of the SHS. The report referred to delivery of the integration plans and Year Two post-merger plans following the creation of Manchester University NHS Foundation Trust (MFT) and the current position regarding the proposal for MFT to acquire North Manchester

General Hospital (NMGH). The Board also viewed the MFT “Together Care Matters – Our Values” video to demonstrate the ongoing work to engage staff and develop positive culture, values and leadership across the organisation.

The Chair invited questions.

Members commented that the positive benefits provided by a single trust were noticeable and included the positivity and moral of staff to continue to develop and improve care and an increase in efficiency through dealing with a single citywide organisation rather than of a number of trusts.

A member referred to the involvement of Healthwatch and questioned why the number of Quality Impact Assessments (QIA) had increased from a single QIA, as previously reported, to four hundred QIAs.

It was reported that a review of the Single Hospital Service had revealed a large number of QIAs across the Trust. The Trust is committed to equality and diversity and the Integration Steering Group had received a report on the issue which would be shared with Healthwatch.

In welcoming the report, the Chair referred to the partnership of the MFT, Manchester Primary Care Partnership (MPCP) and Manchester Local Care Organisation (MLCO) and the work to move towards a preventative care approach away from hospital and closer to patient’s homes and asked would this be addressed in the next report.

The Board was informed that the report submitted had focussed primarily on the first year of the MFT, however during this period the MFT has provided a lot of support to the work of the MLCO. It was reported that a partnership of MFT, MLCO, the Council and MPCP is working to move the provision of care out of hospital and into patient’s homes. An example of this joint work included the recent discharge of 57 patients over a period of seven weeks who’s stay within hospital had gone over 100 days.

In noting the good progress made with MFT and the improvements in care provision in Wythenshawe and Central Manchester the Chair commented that the progress of the transformation journey had been delayed and it was necessary to accelerate the work in the development of a different approach to care. The point was also made that patient care at NMGH had suffered as a result of the uncertainty around the acquisition and transformation process of NMGH and it was now vital to finalise and agree a strategic case in order to move forward.

The meeting was informed that MFT is working closely with SRFT to accelerate two strategic cases. Further discussions with National Health Service Improvement (NHSI) had been necessary to resolve questions raised on national funding and NHSI options appraisal. This process would help to avoid a delay in completing the strategic case. It was reported that meetings would take place on 9 November with the Transaction Board and 21 November with the NHSI and it was anticipated progress could be made. It was acknowledged that the time taken in this process may be having an impact on the moral of staff at NMGH and staff engagement meetings had taken place to provide assurance to staff. As part of its involvement in



the transformation process, SRFT was working to ensure patient safety is maintained at NMGH and arrangements were in place to promote NMGH to oversees nursing staff and recruit additional nursing staff in the short term.

### **Decisions**

1. To note the report submitted and the comments received.
2. To note the current position of the Single Hospital Programme.

### **HWB/18/30 Children and Adults Safeguarding Boards Annual Reports**

The Board received a report from the Chair of the Manchester Safeguarding Boards, the Strategic Director of Children's Services and the Executive Director of Adult Social Care. The report provided the Annual reports of the Manchester Safe Guarding Adults Board and the Manchester Safeguarding Children's Board for the period April 2017 to March 2018. A copy of the "Trust Your Instinct" booklet was circulated to members.

The report set out the business priorities for 2017/18 that would be shared across the two boards. These included:

- Engagement and Involvement – listening and learning; hearing the voice of children and adults and Making Safeguarding Personal.
- Complex Safeguarding – Domestic Violence and Abuse; Female Genital Mutilation; Sexual Exploitation; Radicalisation; Missing from Care, Home and Education; Organised Crime; Trafficking & Modern Slavery; So-called Honour Based Violence.
- Transitions – Moving from child to adulthood in a safe and positive way.
- Neglect – Ensuring the basic needs of every child are met.
- Neglect - Safeguarding and supporting adults at risk of wilful neglect, acts of omission and self-neglect.

The Board welcomed the report and commented on the help the reports provide to GPs and other frontline roles and the work with communities in helping to identify and report on areas of concern.

### **Decisions**

1. To note the Children and Adults Safeguarding Annual Reports 2017/2018.
2. To request that Health and Wellbeing Board members to consider how the Children and Adults Safeguarding Annual Reports are disseminated and hold to account their organisation with regard to delivering the priorities of both Safeguarding Boards.

### **HWB/18/31 Health and Housing**

The Board received a report from the Director of Population Health and Wellbeing which provided an overview of some of the initiatives and programmes currently

underway in Manchester related to housing and health for the purpose of contributing to better outcomes for residents. The Board also received a presentation.

The report provided the basis for a thematic discussion on the challenges and opportunities for a stronger collaborative approach between the organisations represented on the Health and Wellbeing Board registered providers and other key stakeholders.

The Chair invited comments and questions from Board members.

A member welcomed the report and referred to the work being done on age friendly initiatives within the city. Reference was also made to the good work being done within the social housing sector however, it was commented that more focus was needed on work with private rental sector landlords. The Board was informed that a growing number of residents in private rented accommodation were contacting local councillors regarding the condition of their homes and the related health conditions suffered as a consequence of this. The private sector provided accommodation for many of the most vulnerable people in the city and this would usually be low quality accommodation. It was requested that private rental sector accommodation be included within the work programme of the Board.

A member commented on the positive work of health providers to provide mini hubs to support health care for homeless people in view of the significant impact homelessness has on the health of the individual. It was noted that the average life expectancy of a person sleeping rough over time reduces significantly due to resulting ill health (female 43 years and male 47 years). The Board was informed that another area of concern is the number of homeless people living within temporary dispersed accommodation across Manchester, which currently stands at 1900. The poor living conditions of short term private sector accommodation being used in these situations was having a negative impact on the health of those people concerned. The Board was requested to include the impact of homelessness on health within the work programme.

It was reported that the work of Wythenshawe Integrated Neighbourhood Service (WINS) had been successful in the way issues such as health and adult and children's safeguarding had been identified and addressed. Also, training materials had been developed for health workers and twelve homeless health champions were available to provide help and support at the Urban Village Medical Practice. It was noted that the service could be further improved through upskilling by primary care staff within their existing skillsets.

In noting the importance of focussing on the health of homeless people, a member highlighted the need to consider work taking place on an inclusion based primary health care model that included support for before and after periods of homelessness. Reference was made to clusters of poor quality temporary private rented accommodation that is used to home a significant number of vulnerable people and the need to recognise the impact of health on those living in poor accommodation.

The Chair welcomed the comments and added that Manchester had seen the private rented housing sector triple in size to become the largest provider of accommodation in the city. The Manchester Life initiative had provided high quality accommodation with flexible three-year secure tenancy agreements for social housing. Unfortunately, this was not the case across all of the private sector with the quality of some of the accommodation used being poor quality. Landlords were using older properties to convert into cheap multiple occupancy lets. It was noted that the private rented sector had become a major contributor in the rise of homeless people and families who were unable to pay increased rents and were subsequently evicted. The Board noted that the impact of poor housing on health was as significant as other major causes such as smoking, poor diet and lack of exercise.

The attention of the Board was drawn to the number of diverse Black and Minority Ethnic (BAME) communities in the city who were living in low quality accommodation and were unlikely to be registered with a GP or seek medical care. Further research and work was needed to reach out to those communities in order to provide help and support in accessing medical care and better accommodation.

The Chair also referred to the issue of asthma and respiratory disease and as well as the links to poor housing he also stressed the importance of the impact of poor air quality on health. The Chair requested that raising awareness about Clean Air was a key role for health organisations to stimulate discussion and action across a wider audience.

## **Decisions**

1. To note the report submitted.
2. To request the inclusion of the following topics within the Annual Work Programme:
  - Impact on health caused by poor quality accommodation within the private rental sector and support for vulnerable groups;
  - Impact on health as a consequence of homelessness;
  - Research into the health and housing needs of BAME communities living within Manchester.
3. To request that the topic of Clean Air be added to the agenda for the next meeting of the Board.

## **HWB/18/32 Public Health Approach to Violent Crime**

The Board received a report from the Director of Population Health and Wellbeing which highlighted the success of adopting a public health approach to tackling violent crime. The Board was informed that work in this area, undertaken in Glasgow over the last decade, had achieved positive outcomes based on a significant reduction in the number of homicides involving a knife.

The report stated that partners in Manchester are keen to explore a similar approach for the city and for the work be taken forward through a Working Group under the

guidance of the Health and Wellbeing Board and Manchester Community Safety Partnership, using existing resources. To ensure the work involves the appropriate people with the expertise the input of the following groups and organisations would be required:

- MHCC Population Health and Wellbeing Team
- NHS Hospital Trust Emergency Department Consultants and Senior Nurses
- Greater Manchester Mental Health Trust Leads
- GP Neighbourhood Leads
- Community Safety Partnership Team
- Greater Manchester Police
- Youth Justice Lead
- Probation Service
- MCC Education and Social Work Leads
- CSE Organisations

### **Decisions**

1. To support the development of proposals to adopt a public health approach to violent crime.
2. To request officers to ensure that key personnel from the organisations represented on the Board input to the proposals.

### **HWB/18/33 Better Care Fund 2018/2019**

The Board received a report from the City Treasurer (Manchester City Council) and the Chief Finance Officer (Manchester Health and Care Commissioning) which provided the Board with an overview of the plan submitted for Better Care Fund 2018/2019 and an update on changes from the guidance released in July 2018.

The Better Care Fund was established by the Government to provide funds to local areas to support the integration of health and social care. Section 75 of the National Health Service 2006 Act gives powers to local authorities and health bodies to establish and maintain pooled funds. Payment from the funds may be made towards expenditure incurred in the exercise of prescribed local authority functions and prescribed National Health Service (NHS) functions.

### **Decisions**

1. To note the changes to the Delayed Transfers of Care monitoring.
2. To confirm the expenditure plan for 2018/19, as agreed previously at the meeting of the Health and Wellbeing Board held on 30 August 2017.

## Licensing Committee

### Minutes of the meeting held on 22 October 2018

#### Present

Councillor Ludford (in the Chair)  
Councillors Chohan, Grimshaw, Hassan, Hughes, Jeavons, T. Judge, Lynch, McHale, Reid and Stone.

#### Apologies

Councillors Barrett, Evans and Madeleine Monaghan

#### LC/18/8 Minutes

The minutes of the meeting on 16 July 2018 were submitted for consideration.

#### Decision

To approve as a correct record, the minutes of the meeting held on 16 July 2018.

#### LC/18/9 Review of Gambling Policy 2019-2021

A report of the Head of Planning, Building Control and Licensing was submitted, which presented the outcome of a public consultation on the revised Statement of the Policy under the Licensing Act 2003. The report also presented the proposed final Statement of Gambling Policy.

The Committee was informed that the consultation process had resulted in two responses being received from the Association of British Bookmakers and Gamcare. The proposed amendments and changes that had been received were considered and responded to.

Other amendments were incorporated in the proposed final version and included:

- Inclusion of Foreword by the Leader of the Council;
- Corrections to some Appendix references in the document;
- Movement of text from 3.13 relating to enforcement responsibilities of Gambling Commission into 3.10 "Compliance, enforcement and the inspection of premises";
- Replacement of outdated reference to 'Responsible Gambling Trust' with 'GambleAware' and the 'Responsible Gambling Strategy Board', in Appendix H (Other useful contacts).

#### Decisions

1. To endorse the proposed final Gambling Policy Statement 2019-2022 as set out in Appendix 2 of the report submitted.
2. To approve the proposed amendments as detailed in the report submitted.
3. To refer the Policy to the Council with the recommendation for approval at its meeting on 28 November 2018 and is adopted with effect from January 2019.



## Licensing and Appeals Committee

### Minutes of the meeting held on 22 October 2018

#### Present

Councillor Ludford (in the Chair)

Councillors Chohan, Grimshaw, Hassan, Hughes, Jeavons, T. Judge, Lynch, McHale, Reid and Stone.

#### Apologies

Councillors Barrett, Evans and Madeleine Monaghan

#### LAP/18/27 Minutes

The minutes of the meeting on 10 September 2018 were submitted for consideration as a correct record.

#### Decision

To approve as a correct record the minutes of the meeting held on 10 September 2018.

#### LAP/18/28 Application to Register Land Known as Godfrey Ermen Playing Field, Abbey Hey as a Town or Village Green (Application TG18)

The Committee were presented with the report of the Head of Planning, Building Control and Licensing which provided the outcome of a non-statutory public enquiry into the Application to register land known as Godfrey Ermen Playing Field, Abbey Hey as a Town or Village Green (Application TG18).

The Committee was advised that a letter had been received from the solicitors acting on behalf of the owners of the land concerned. The letter requested that consideration of the matter be adjourned for three months before the Committee took a final decision to enable the land owner to consult with the Council and local residents about possible alternatives which would be consistent with the Trustees' charitable objective and would provide a sustainable asset for the benefit of the local area.

The Committee received submissions from Councillor Reid and Councillor Hughes and a member of the public present in response to the request.

The Chair requested members of the public and Councillor Reid and Councillor Hughes to leave the meeting while the Committee considered the request.

The Committee unanimously decided that consideration of the application would not be adjourned for a period of three months.

The members of the public and Councillor Reid and Councillor Hughes were invited back into the meeting room.

The Chair proceeded with the meeting and invited the Principal Licensing Officer to introduce the report.

The Committee was informed that in May 2016, the Council as Registration Authority, received an application under Section 15(1) of the Commons Act 2006 to register as a Town or Village Green land known as Godfrey Ermen Playing Field, Abbey Hey. Following the advertisement of the application, two objections were received, one from the Greater Manchester Trust for Recreation and one from a local resident. A non-statutory inquiry took place in Manchester between 22 and 25 May 2018 where both the applicants and the Trust (as objector) were represented by counsel. The report prepared by the inspector was attached to the report submitted (Appendix 2).

### **Decision**

1. To approve the application to register land known as Godfrey Ermen Playing Field, Abbey Hey, Manchester (as detailed in the plan in Appendix 1 of the report submitted) for the reasons as set out in the report.
2. To note that the Council is to take all necessary steps to confirm the registration of the land.

(Councillor Hughes and Councillor Reid each declared a prejudicial interest in respect of the above item and took no part in voting on the item.)



## Planning and Highways Committee

### Minutes of the meeting held on 18 October 2018

**Present:** Councillor Ellison (Chair).

**Councillors:** Nasrin Ali, Shaukat Ali, Clay, Curley, Y. Dar, Kamal, Kirkpatrick, Lovecy, Lyons, White and Watson.

**Apologies:** Councillors: Madeleine Monaghan and Strong.

**Also present:** Councillors Akbar, Davies, Hacking, Igbon and Wright.

#### **PH/18/87 Minutes**

To approve the minutes of the meeting held on 20 September 2018 as a correct record.

#### **Decision**

To approve the minutes of the meeting held on 20 September 2018 as a correct record.

#### **PH/18/88 120896/FO/2018 - 391 Palatine Road, Manchester, M22 4JS**

Planning application 120665/FO/2018 was deferred to allow the applicant to submit a daylight/sunlight analysis to consider further the impact of the proposal on nearby residents.

#### **Decision**

To defer consideration of the application for the reasons given in the late representation.

#### **PH/18/89 116753/FO/2017 - 318 Barlow Moor Road, Manchester, M21 8AY**

Planning application 116753/FO/2017 for the erection of a part three-storey, part single-storey building to form ground floor retail unit with four residential flats above, following demolition of the existing building was received.

318 Barlow Moor Road is located at the southern edge of Chorlton District Centre and is the end property of a staggered group of three, linked-detached, two-storey properties with commercial uses at ground floor and residential above. The group of properties has a large forecourt to the front and this is used for car parking in connection with the two end properties, and middle unit has raised decking area.

The proposal involves the demolition of the existing property and the erection of a three- storey building which steps down to single-storey at the rear. The ground floor would form A1 retail space and there would be four apartments above.

The proposal has undergone a number of revisions to its design, scale and density following negotiations with the applicant.

Neither the applicant nor any objectors were present, and the Committee carefully considered the report and the information that it contained.

Officers advised that should the Committee be minded to approve the application, further conditions should be attached regarding the details of the landscaping to the site. In addition a further condition should be added to ensure that the use of the ground floor retail units be restricted to Class A1 – shops and retail outlets.

The Committee asked for further clarification as to why the ground floor use should be restricted to Class A1, and officers confirmed that the condition would be to protect this usage and would prevent the units being used for Class A5 – hot food and takeaway without a change of use application.

The Committee also asked for clarification as to the number of bedrooms in each of the proposed flats, and officers confirmed that the accommodation units would be 2-bedroom. The Committee also considered Condition 10 in the report that specified that the units would remain C3 use and would not be able to be used as Class C4 - Houses in multiple occupation.

On balance, the Committee considered that the proposed development would make a positive contribution in terms of improving the visual amenity of the area and was considered to conform to national and local policies.

## **Decision**

To approve the application subject to the conditions and reasons in the report and the additional condition regarding landscaping.

### **PH/18/90 120665/FO/2018 - Land Known As Birley Plot E, Stretford Road, Manchester**

Planning application 120896/FO/2018 for the construction of a part 6, part 11 and part 16 storey building comprising 491 student bed spaces (sui generis), amenity space, cycle parking, landscaping, and associated highways work was received.

The site lies in a prominent location on Stretford Road next to the Hulme Arch to the east of Princess Road in Hulme. The site is viewed in the context of the Mancunian Way and Manchester City Centre when approaching Manchester using the Princess Road arterial route from the south.

The proposal comprises the redevelopment of the site to create a part 6, part 11 and part 16 storey building to be used as purpose built student accommodation. A total of 491 student rooms would be provided within the development, arranged in clusters of 7 and 8 single occupancy rooms (en-suite), organised around kitchen and lounge area.

The development would provide communal areas in the form of a social area with TV lounge, games room, gym, an informal study room and group study areas. The ground floor would include a reception area, management offices, storage, post room and a show flat.

Officers advised that in addition to the amended condition 3 in the late representation, there should be an additional condition regarding acoustic insulation to control noise breakout from the accommodation. Officers also recommended that condition 13, in relation to a scheme of highway works is revised to include any requirement for alterations to traffic regulation orders. In addition officers confirmed that additional information has been received from the applicant which explains how the University promotes respectful behavior in the community and in the Halls. The applicant confirmed that the University would deploy staff on a 24 hours basis as well as students employed as residential assistants to help create a sense of community for both students and local residents and to ensure that any issues are dealt with promptly and effectively as they may arise. Officers also confirmed that there would be an ongoing programme of community engagement and that students would be encouraged to engage positively with local residents.

A representative of local residents spoke in objection to the proposals, and said that Hulme had undergone several rounds of regeneration in her lifetime. The last round of regeneration was the one that local residents had endorsed, and that the aims of this regeneration would not be met by the current proposals. She pointed out that there have been over 50 objections, and that there is a lot of discontent within the Hulme community as the University are reaping the benefits of the community that was built by residents.

Residents do not hold any resentment to the University, or to students, but the residents do object to the height and scale of the proposed development, given that they were told that the regeneration framework would prevent development of buildings over 6 storeys. She told the Committee that the height of the building would lead to problems with loss of light and lack of privacy. The local resident also explained that she lives next to the current student accommodation, and that residents can see into student bedrooms and students can see into resident's bedrooms, which was not acceptable.

The resident also said that the consultation exercise had been inadequate, and that they were unhappy that the University seemed to be under the impression that they were running the Hulme Masterplan and not the residents who had formulated it. She said that the Aquarius Community Association had not been consulted, and neither had residents of Hopton Court.

Local residents were also unhappy that they were subjected to homophobic abuse and attacks by students, which were not dealt with adequately by the University.

She also said that the analysis of parking problems in the area was not credible as it took no account of the fact that many students do have cars, despite the applicant not providing any parking spaces at the proposed development. She said that the University needed to start communicating with the community in a meaningful way, as at the moment residents had no faith in the plans being proposed.

The applicant's agent also spoke to the Committee in support of the proposed development. He said that this was a scheme that was a significant part of the University estate development programme. The principle of student accommodation at this location had been well established. Outline planning permission had been granted in 2012, and that permission was broadly similar to the current proposals in terms of bedspaces and height. He admitted that there had been an increase in bedspaces across the campus, but that this was necessary due to the success of the University overall. He told the Committee that the student headcount had been growing steadily, and that current projections indicated that this growth would continue.

He said that the University had identified a need to provide their own controlled student accommodation as an alternative to agreements with 3<sup>rd</sup> parties where the University is not able to exert the same level of management controls. The University also considers that the provision of affordable, purpose built accommodation would encourage to return of HMO's to family accommodation, which would benefit local communities.

He added that there have been 3 separate engagement events in a sustained effort to engage with local residents, invitations had been distributed across a wide area with local elected members being fully briefed on the process. There has also been an investment of over £5m in public realm around the campus, and the University takes its responsibilities to the permanent residents very seriously.

Councillor Wright spoke to the Committee and endorsed the concerns raised by residents. She said that there were significant concerns about the proposed development, and the way in which the consultation process had taken place. She said that there was some attempt to engage with residents, but that they must be given the opportunity to take part in discussions about the nature of development. Councillor Wright told the Committee that the history of regeneration in Hulme was that of change and development being imposed on residents, which led to failure as this did not take into account what residents actually wanted and needed.

Councillor Wright also said that the original outline permission was for 4 x 4 storey buildings, which was significantly different to the current proposals. She said that the proposed tower would overshadow the Hulme Archway, which was a significant local landmark. To move away from this configuration with regard to height was unacceptable.

Councillor Igbon also spoke to the Committee to endorse and support the concerns raised by residents. She said that the development of the Brooks Building had gone well, and that the University had engaged well with residents during this process. However, the team that had led the community engagement at that time were no longer with the University, and that when they left the level of community engagement declined significantly. Councillor Igbon also said that the University must understand that Hulme residents were not part of MMU, but that MMU was part of Hulme.

She added that the Hulme Councillors were not opposed to the development of this plot, but they were opposed to the overall height of the development. In addition, she said that the report was inaccurate with regard to the perceived lack of crime and disorder and pointed out that the area policing team had a dedicated officer allocated to support students. She also said that the impact of the increased student number had not been considered properly with regard to local amenities such as GP's, dentists and other community infrastructure.

Officers confirmed that the principle of development of this number of bedspaces had been established for some time, and that the height of the development had been informed by the scale of buildings near to this site. Officers added that a detailed sunlight and daylight analysis had been completed and submitted as part of the application process. In addition, with regard to the notification process he confirmed that the City Council had notified all surrounding addresses, including those occupied by local businesses, beyond statutory requirements. Officers also confirmed that they had contacted a representative of residents on the Aquarius Estate to seek their views.

The Committee expressed concern that the proposed scheme provided no disabled parking, as this would be a barrier to any potential disabled student wishing to live or study in the City. They also expressed concern at the very low level of cycle parking that was proposed. The Committee also queried why developments of this nature were exempt from the requirements of S106 assessment.

Officers confirmed that condition 13 in the report would ensure that there was a dedicated disabled on street parking space provided. Condition 12 also required an increased provision for cycle parking space. Officers also explained that with regard to affordability, purpose built student accommodation is not covered by the Policy, and that there is no requirement for student accommodation to give a contribution.

The Committee asked for further clarification of the impact on the adjacent school with regard to loss of daylight/sunlight. The Committee also noted that there was an existing residents' parking scheme and that students would be prevented from applying for parking permits from this scheme, and asked for clarification as to how drop off and pick up at the start and end of term would be managed given the lack of parking provision.

Officers confirmed that condition 16 did provide for the implementation of an access strategy relating to students moving in and out of the accommodation, and that there was a service bay with removable bollards which would allow access during these periods. With regard to the school, officers confirmed that a specific assessment was carried out to measure the impact on the playground, and that while there would be a small reduction in daylight/sunlight, the reduction was so small it was not considered significant. Officers also confirmed that students would not be permitted to apply for resident parking permits, and that the cost of any changes to traffic regulation orders as a result of the development would be met by the University and not residents.

The Committee asked if it would be possible to restrict the height of the tower to that agreed in the outline planning permission, and officers explained that this application had to be assessed on its own merits. The outline planning permission had

addressed the issue of the number of bedspaces to be provided, and that this application was broadly in line with this provision.

The Committee questioned whether the proposals would enhance the local community, as required under Policy SP1 - Spatial Principles, given the level of overlooking to neighbouring buildings and the school, and officers confirmed that the distances between the buildings had been assessed and were considered acceptable.

The Committee also asked for clarification with regard to waste management arrangements, given that waste storage would be in building B, which would have no connection to building C. Officers confirmed that they would look again at this condition to ensure that there was proper and adequate access to waste disposal facilities for all people resident in the complex.

The Committee also expressed concern that local consultation had not been as comprehensive as it could have been, and asked if the application could be deferred for further consultation. The Head of Planning, Building Control and Licensing confirmed that consultation had been undertaken that exceeded the statutory requirements, and that deferral could not be recommended on this basis. The Committee asked whether there was a way of the University working with residents to restore some of the lost confidence, and The Head of Planning, Building Control and Licensing confirmed that this would be raised at the regular liaison meetings that officers held with MMU, and that they would also be working with local elected members to establish the best way forward.

On balance, the Committee concluded that the development would see the reuse of previously developed land improving that appearance and character of this particular part of Hulme with a high quality well managed facility.

### **Decision**

To approve the application subject to the conditions and reasons in the report and the late representations.

### **PH/18/91 118045/FO/2017 - Land Bounded By Worsley Street, Arundel Street, Ellesmere Street And Egerton Street, Manchester, M15 4JZ**

Planning application 118045/FO/2017 for the erection of a 10 storey residential building (Use Class C3a) together ground floor commercial units (Use Classes A1, A2, B1, D1 and D2) (379 sqm) and the erection of 35 storey residential building (Use Class C3a), following demolition of existing buildings, together with the change of use of the former Department of Transport Building to form a mixed use residential and commercial building (Use Classes C3a, A1, A2, B1, D1 and D2), forming 386 residential apartments in total with associated amenity space, car and cycle parking, access, landscaping and other associated works was received.

The Planning and Highways Committee resolved that they were minded to refuse the application at its meeting on 20 September 2018 and Members requested that a report be brought back which addresses concerns and which presented potential

reasons for refusal that could be substantiated on the grounds that the proposal would have unacceptable impact on the setting of the Castlefield Conservation Area and the Grade II\* Listed St George's Church.

Officers confirmed that detailed late representations had been received from the Britannia Basin Community Forum objecting to the proposals, and summarised these for the Committee's consideration. Officers also confirmed that the applicant had agreed to lower the height of the tower by 2 storeys in response to resident's concerns and the Committee comments at its meeting on 20 September 2018.

Officers also told the Committee that the applicant had met with the Britannia Basin Community Forum and had committed to provide community space for their monthly meetings and, with prior notice, community events throughout the year.

A local resident and member of the Britannia Basin Community Forum spoke in objection to the proposals, and said that other than the offer of a reduction in height of 2 storeys, there had been no effort on the part of the developer to address any of the residents' concerns. She reiterated the comments made by the Committee on 20 September 2018 and asked what was the point of a conservation area if it was going to be ignored. She also told the Committee that while the Mancunian Way had been called a "scar", which fragmented the area, a development of the nature proposed would damage the conservation area further rather than enhance it. The resident also gave examples of other proposed development that had been rejected as inappropriate for the area which were actually smaller in scale, height and massing than this development.

The resident also reiterated concerns regarding vehicle movements and parking problems in the area, and pointed out that the area was subject to a 12 month programme of road works which had severely exacerbated the problems that residents faced on a daily basis. She told the Committee that the traffic problems made the area unsafe for current residents, and that the increase in population that would result from a development of this size would only make matters worse.

Residents welcome development of the area, but said that this proposal was not appropriate and should be scaled down to deliver a more thoughtful enhancement of the area that better addresses the setting of the church and the character and appearance of the Conservation Area.

Councillor Igbon spoke in objection to the proposals, and said that she fully supported the concerns of residents. She said that she fully understood the Policy regarding City Centre development, but reiterated that although this part of Hulme did come under the Policy area, it was still a residential area. Councillor Igbon added that the highways infrastructure was inadequate for the current residential population and to add to the population with a development of this size would make matters much worse. She said that there were both accidents and near misses every day due to the volume of traffic and vehicle movements. The area will have 6000 residents with just 2 routes into the area and 1 route out of the area.

Councillor Igbon added that although the report asserted that the site was in a highly sustainable location for public transport, the reality was that the public transport

available was not adequate for current residents. A development of this size would impact on residential amenity, crime and disorder and the health and wellbeing of existing and future residents.

Councillor Wright also spoke in support of Councillor Igbon and the residents. She said that some people might say that this part of Hulme was in the City Centre, but that it was a residential area and part of Hulme Ward. She said that a lot of the points raised at the previous meeting had not been addressed, including the issue of waste management and storage, parking and the highways infrastructure, and that the current proposals were not as good as the original offer had been. Councillor Wright added that this was not a “gateway to the City” but a residential area and that development should take regard to existing residents and not just people driving through.

The applicant’s agent spoke to the Committee in support of the proposals and said that they had carried out a very detailed analysis of the area which had informed the design process. They had tested the design and its impact using industry standard evaluation tools. He agreed that there was always a degree of subjectivity in developments of this nature, and that he understood that height was one of the major issues to address. He reiterated that the design could be adjusted to remove 2 complete floors, but did not think that height was an overall sustainable reason for refusal. They had looked at the overall nature of the conservation area and concluded that according to NPPF tenets, the design must be taken as a whole. He said that a development of such high quality and design should be considered to be a neutral or positive contribution to an area that was largely modern in nature, albeit slightly run down.

He agreed that there would be a degree of harm to the setting of St George’s Church, but that this was at the lower end of substantial and more than offset by the benefits of the scheme. He added that conservation areas should never be static, but should be welcoming of change and innovation to become vibrant, thriving and desirable places to enhance the economic, social and cultural life of the city. He added that small families could be easily accommodated in the 2-bed units, and that there was a degree of activity at street level that had always been included in the planned development.

Officers commented that they had not been asked to negotiate a different scheme, but had been asked to assess and comment of the height of the development and the impact on the conservation area and the setting of the listed buildings.

The Committee expressed significant concern that the affordable housing contribution was not enough. They commented that Hulme in particular is an area where there was a need for affordable, family homes and that not enough of these are being built. The Committee also agreed that the height of the tower, even when reduced by 2 floors did dominate the setting of the listed St George’s Church. In addition the Committee were concerned that the car parking provision was inadequate and should be addressed.

The Committee also acknowledged that conservation areas should not be static areas of preservation, but that development should be done in a sensitive way, and



while there were aspects of this proposal that were sympathetic to the conservation area, there were other parts of the proposal that were not. The Committee could not see how the Tower aspect of the proposals would not cause significant harm to both the conservation area and the setting of the listed building. The Committee also commented that the Castlefield conservation area had been extended in the 1980's to include St George's, so this area had not been included by mistake. The Committee considered that the current proposals did not complement the conservation area but dominated it to an unacceptable degree. The Committee concluded that the proposals would cause significant harm to both the conservation area and the setting of the nearby listed buildings.

## **Decision**

To refuse the application for the following reason.

The erection of a 35 storey tower and 10 storey building would, by virtue of its siting, scale and appearance, result in a form of development that would be overly dominant and would harm the form, character and setting of the Castlefield Conservation Area and the setting of the adjacent Grade II\* listed former St George's Church.

### **PH/18/92 117470/FO/2017 - 39 Mason Street, Manchester, M4 5FX**

Planning application 117470/FO/2017 for the erection of 6 storey building comprising a restaurant (Class A3) and retail unit (Class A1) at ground floor level and fourteen apartments above, together with basement parking was received.

The application site relates to a rectangular shaped area of land situated at the corner of Mason Street and Marshall Street and is presently used as a surface level, pay and display car park.

The application follows the granting of planning permission in 2010 for a 7 storey building to form 15 student apartments involving the creation of 80 bedrooms and a ground floor retail unit (Ref: 087073/FO/2008/N1). Shortly after permission was granted, the public house previously situated on the site was demolished in anticipation of development, but due to economic conditions, the permission was never implemented. The permission has since lapsed and the site used as a car park since.

The Committee asked for clarification as to whether the policy of only triggering a S106 assessment for developments of 15 units or more was an NPPF policy or a Manchester Policy. Officers confirmed that this was a Manchester agreed policy that officers were bound to work to.

Neither the applicant nor any objector was present, and the Committee carefully considered the information in the report as well as the representations. The Committee asked for clarification regarding the recycling facilities, and officers confirmed that there is space within each individual unit for recycling bins, with larger waste and recycling facilities being located on the ground floor.

The Committee asked whether there was any mechanism to prevent the ground floor retail space standing vacant for any prolonged period as other developments of this nature looked unattractive at the street scene level when vacant for extended periods. Officers confirmed that they do discuss lettings policies with applicants as part of the application process, but as this would be a commercial decision this was not something that could be controlled by means of conditions. Officers can however add conditions to ensure that the retail units have sufficient finish to preclude any unit being boarded up or providing unacceptably unattractive views at street level.

On balance, the Committee considered that the proposal represents an appropriate and satisfactory form of development that fulfils the criteria laid down in policy and City Council guidance which seeks to provide high quality, residential accommodation of an appropriate density which will contribute to a vibrant and sustainable neighbourhood with a high level of connectivity to adjoining neighbourhoods, including the city centre as well as nearby public transport. The proposal will involve the regeneration of a brownfield site, whilst contributing to national housing growth objectives and the continued evolution of the aspirations contained within the New Cross Neighbourhood Development Framework.

### **Decision**

To approve the application subject to the conditions and reasons in the report and an additional condition regarding the finish to the retail units.

## Planning and Highways Committee

### Minutes of the meeting held on 15 November 2018

**Present:** Councillor Ellison (Chair).

**Councillors:** Nasrin Ali, Shaukat Ali, Clay, Curley, Y. Dar, Lovecy, Lyons, White and Watson.

**Apologies:** Councillors Strong, Kamal and Kirkpatrick.

**Also present:** Councillor Kilpatrick.

#### **PH/18/93 Minutes**

To approve the minutes of the meeting held on 18 October 2018 as a correct record.

#### **Decision**

To approve the minutes of the meeting held on 18 October 2018 as a correct record.

#### **PH/18/94 119731/FO/2018 - Cheshire Cheese PH & Vacant Land (Formerly Nos 32-38) Oldham Road Manchester M4 5FE**

Planning application 119731/FO/2018 for the erection of 7 storey building to form 38 apartments and ground floor retail unit (Class A1) together with associated car and cycle parking following demolition of existing building was received.

The application site relates to land situated at the corner of Oldham Road and Cornell Street which is presently occupied by a vacant, two storey public house (Cheshire Cheese) and a neighbouring area of hard-standing, which includes a steel storage container.

The applicant's agent spoke to the Committee in support of the proposals, and said that the site has been in the development process for some time, and planning permission had previously been granted but lapsed due to the recession. The building is in a very poor state, to the point that access is prohibited. The scheme has been amended after discussion with officers and several conditions have been agreed in advance. He added that the applicant was committed to delivering a high quality scheme that would enhance the immediate area.

The Committee asked for clarification as to the construction management plan and how current residents would be protected from dust etc., and officers confirmed that there was a specific condition that specified prior to the commencement of development, a construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- Dust suppression measures;
- Compound locations where relevant;

- Location, removal and recycling of waste;
- Detail of an emergency contact telephone number;
- Parking of construction vehicles; and
- Sheeting over of construction vehicles.

Officers also confirmed that the development will only be carried out in accordance with the approved construction management plan.

The Committee expressed concern at the very narrow margin of profitability, and asked if a condition could be added so that if the profit margin increased, a S106 contribution could be sought in the future for improvements to the street scene, as there was very little green space in the vicinity of the site. Officers clarified that the profit margins were so low, it would not be appropriate for such a condition to be imposed. The Head of Planning, Building Control and Licensing informed the Committee that she was aware the area in general and particularly the Oldham Road/Great Ancoats Street junction was being looked at with a view to enhancing the environment including the potential for street planting.

The Committee also expressed concern at the low level of disabled parking provision, and the lack of storage facilities for mobility scooters. Officers confirmed that they would discuss these issues with the applicant and his agent, so that the maximum possible accessibility provision could be made.

With regard to the heritage value of the building, officers confirmed that it was in a poor state and that the proposed development would enhance the conservation area rather than have a negative impact.

The Committee concluded that the development will provide a high quality frontage to a main arterial route into the city centre and responds positively to the character, scale, massing and varying height of adjoining buildings, strengthening the urban grid which defines the area.

The Committee accepted that there will be minimal or any significant harmful impact upon either residential amenity or the operation of the highway and as a consequence, the proposed development can be satisfactorily accommodated at the site and will integrate effectively into the host streetscape. As such, the proposed development accords with all relevant local policy and national guidance.

### **Decision**

To approve the application subject to the conditions and reasons in the report and the late representations.

**PH/18/95 120635/FO/2018 - Hotspur Press 2 Gloucester Street Manchester M1 5QR**

This item was withdrawn prior to the meeting.

**PH/18/96 121184/FO/2018 - 107 Manchester Road Chorlton Manchester M21  
9GA**

Planning application 121184/FO/2018 for the use of the property as a licensed cafe/bar Class A3/A4 including expansion of internal public area, relocation of kitchen and provision of ventilation, extraction and waste management equipment/facilities was received.

The application site is a ground floor unit, with basement below, situated within a two/three storey terrace located on the western side of Manchester Road. Planning permission ref: 114208/TMCOU/2016 was granted on 14<sup>th</sup> October 2016 for a temporary change of use from A1 (shop) to A3 (cafe/restaurant), for a two year period commencing 20<sup>th</sup> October 2016. The use was implemented by the applicant and has been trading continuously as Henry C since. Whilst the temporary consent has now lapsed it should be noted that the current application was validated on 12<sup>th</sup> September 2018, prior to the lapse. The applicant is proposing to continue the existing Class A3, but also wishes to operate as a Class A4 bar in the later evening, which this permission would allow the flexibility within the two uses.

Officers confirmed that further to the late representation, the applicant has indicated that they are happy to accommodate level access to the premises, which will be subject to an additional condition.

The applicant's agent spoke in support of the proposals, and explained that the applicant has been trading for over 2 years at the site with no complaints or issues, which has been confirmed by Environmental Health. The proposals also have the support of Councillor Hacking who has confirmed that Ward Councillors have not received any reports of issues.

The agent also confirmed that they would happily agree to conditions designed to mitigate any problems or issues that might arise in the future.

The Committee asked for clarification as to the mitigation for the additional extract fan that would be installed as part of the proposals, and officers confirmed that this would be managed by way of conditions requiring information about the specification of the fans and acoustic insulation. Any changes needed would be carried out within 6 months of the grant of consent.

The Committee concluded that the proposed development will make a positive impact in terms of being an employment generator that would maintain an existing business within the Chorlton District Centre. The proposals are not considered to give rise to unacceptable impacts in terms of residential amenity or visual amenity of the area and therefore accord with the principles of Core Strategy policies SP1, C6, C10, and DM1 and saved UDP policies DC10 and DC26.

## **Decision**

To approve the application subject to the conditions and reasons in the report and the late representation, in particular the amendments to conditions 4, 6 and 8.

**PH/18/97 121390/FO/2018 - 19 Elm Road Manchester M20 6XD**

Planning application 121390/FO/2018 for the erection of a three storey dwellinghouse with basement and associated landscaping and car parking was received. The application site is part of the garden area within the curtilage of no.19 Elm Road, a detached Arts and Crafts style house situated on the north side of Elm Road near to the junction with Parkfield Road South in the Didsbury West ward. The site and surrounding area fall within the Blackburn Park Conservation Area (designated 1976).

The garden fronts Elm Road and the proposed house would be accessed through the creation of a new driveway opening to Elm Road through an existing high level hedge. The development plot extends to c. 680m<sup>2</sup> and the proposal is for 1 no. detached 5 bedroom 3-storey dwelling of a contemporary design with gardens and parking. The property would sit behind an attractive Copper Beech tree to be retained. The existing property at No. 19 Elm Road would still retain a sizeable garden to the front, side and rear.

The application is accompanied by a Planning Statement which demonstrates how the design has evolved with reference to the surrounding historic context, having regards to the Historic England publication 'Conservation Principles, Policies and Guidance.'

A member of the Blackburn Park Conservation Society spoke in objection to the proposals, saying the proposals would cause significant harm to the conservation area. He said that there had been a failure to consider the impact on the openness and green space in the area, and the development is contrary to these aims and to policies DC18 and EN3.

He added that the design of the building was completely inappropriate to the setting of the neighbouring buildings, and would drastically reduce the amenity space at the current house at 19 Elm Road. He said that it would destroy the current arrangement of the houses at this point in the road, and would be a dangerous precedent to further damage to the conservation area. He added that the design was ugly, with too much glazing to the sides and the front, and an unsympathetic and harmful form of development for which there was no justification. He said that they did not agree with the principle of development as stated in the report and expressed surprise that the report recommended approval. He said that the Committee could not make a decision regarding the level of harm that would result unless they actively stood outside 19 Elm Road, and proposed an adjournment to facilitate a site visit.

The applicant spoke to the Committee and explained that the proposals were to provide a suitable dwelling for the needs of their family, now and in the future. They currently occupy the existing dwelling at 19 Elm Road, and have lived there for the last 14 years. She explained that they had spent a lot of time on the plans, and had developed the current proposals in consultation with planning officers, and were conscious of the constraints of the conservation area. She pointed out that there was a wide diversity in the styles of houses in the area, and as they chose not to adopt a pastiche design it has led to a contemporary approach. They understand that this

approach would attract differing views, but were confident that the design was elegant and would fit in with the conservation area.

They had also consulted specialists, and were confident that the copper beech tree and many other trees within the site would not be affected by the building or the associated works. She said that the space relationship between the house and garden was in keeping with many other properties on Elm Road. The house would be built with very high quality materials, and would incorporate a high level of sustainability. The applicant said that she firmly believed that once completed the house would be a positive addition to Elm Road rather than negatively impacting the conservation area.

Councillor Kilpatrick spoke in support of the Blackburn Park Conservation Society representative and the resident objectors. He said that he felt there was a strong case for deferral, as the detailed comments from the Conservation Society had been circulated at a late stage, and questioned whether the Committee had been given sufficient time to consider them. He added that the Ward Plan was clear about celebrating and preserving the trees in the area, and that there was a commitment to replacing any trees lost during development like for like. He said that this development would involve the felling of 7 trees with only 6 being replaced, which contravened the Ward Plan. Councillor Kilpatrick also asked that the matter be deferred for a site visit.

Officers confirmed that the detailed comments from the Conservation Society had not been available when the agenda and report had been published, but had been received subsequently. The comments had been circulated and made available as soon as it was possible to do so. Officers also confirmed that the site was not able to accommodate more than 6 replacement trees, but that the applicant had offered to provide additional tree planting on the highway if necessary.

The Head of Planning, Building Control and Licensing also confirmed that the application had been thoroughly assessed and had gone through a full consultation period; a deferral on the basis of the late comments from Blackburn Park Conservation Society was not recommended.

The Committee expressed concern that when considering an application for development in a conservation area, they must consider the impact and possible degradation of that conservation area, and whether a local precedent of development would be set.

Officers confirmed that the current property had an exceptionally large garden, even given the propensity of large gardens in the area, and that the proposals would result in 2 properties with gardens of a similar size to others on the road. Officers also commented that conservation areas were not static and that development could take place that was sympathetic and appropriate.

With regard to setting a precedent, officers said that any approval of the current proposal should not be taken as an acceptance in principle of development on other garden plots which must be assessed on their site-specific individual merits. Officers also explained that the design of the proposals, while contemporary did echo the

design of the other properties in the area, and example being the use of white brick rather than render to the upper elevations of the proposed development.

The Committee considered the request from the Conservation Society and Councillor Kilpatrick for a site visit, but concluded that the information contained in the report was sufficient for them to make a determination without the need for a deferral.

After considering all of the representations, the Committee concluded that the proposal is for a single family dwelling of 5-bedrooms which is considered to be appropriate and acceptable at this location. The design of the dwelling has paid sensitive regard to the context and setting of the Blackburn Park Conservation Area.

### **Decision**

To be minded to approve the application subject to the conditions and reasons in the report and the late representation, and an additional condition regarding planting of trees off-site, the wording of which to be delegated to the Head of Planning, Building Control and Licencing in consultation with the Chair of the Planning Committee.

### **PH/18/98 120665/FO/2018 - 391 Palatine Road Manchester M22 4JS**

Planning application 120665/FO/2018 for the erection of a part three to five storey building comprising of a ground floor commercial units for Class A1/A2 and 6 x 1 bedroom apartment, 6 x 2 bedroom apartments (12 in total), together with associated landscaping and car parking.

This application was deferred at the October meeting of the Planning and Highways Committee in order to allow the applicant to submit a daylight and sunlight analysis.

The applicant has submitted an Energy Conservation and Management Statement to illustrate how the development will comply with Council's policy on sustainability, as detailed in the Late Representation.

The applicant spoke to the Committee and said that prior to their involvement in the site, he was aware that there had been issues that had caused concerns locally, but since they became involved these had now been resolved.

The Committee welcomed the fact that the applicant had agreed to contribute to street tree planting. The Committee also welcomed the development as bringing back into use a derelict site. They did express a degree of concern about the car parking provision, but overall concluded that this proposal represents an opportunity to create a new focal point in a prominent location along Palatine Road and attract further investment into the district centre. The proposal would allow for the development of a high quality building which would add to the vitality of the district centre and increase the range of accommodation and services within a highly sustainable location.



**Decision**

To approve the application subject to the conditions and reasons in the report and the late representation, in particular the amended conditions 2 and 20 and an additional condition 21.



## **Personnel Committee**

### **Minutes of the meeting held on 14 November 2018**

#### **Present**

Councillor Ollerhead - In the Chair

Councillors Akbar, Bridges, Craig, Leech, S Murphy, Rahman, Richards, Sheikh and Stogia

#### **Apologies**

Councillors Leese and N Murphy

#### **PE/18/27 Minutes**

#### **Decision**

To approve the minutes of the meeting held on 17 October 2018.

#### **PE/18/28 Recruitment to the post of Executive Director Strategic Commissioning (including Director of Adult Social Services functions)**

The Committee considered a report of the Chief Executive regarding the recruitment to the post of Executive Director Strategic Commissioning (with DASS responsibilities). The report sets out proposals to recruit to the vacancy as well as to ensure appropriate leadership arrangements are in place in the interim.

The report stated that the post will be recruited to on the terms of the previous appointment, as the Strategic Commissioner within Manchester Health and Care Commissioning (MHCC). The postholder will operate within MHCC on a day to day basis, whilst also holding the Council's designated statutory functions as the Director of Adult Social Services (DASS) discharging the duties in relation to this post as set out in the Local Authority Social Services Act.

The Committee agreed the recommendations.

#### **Decisions**

1. To note that the post of Executive Director Strategic Commissioning (with DASS responsibilities) has become vacant.
2. To agree the establishment an Appointments Sub-committee to comprise of Councillors Craig, Leech, Midgley, S Murphy and Ollerhead to progress all aspects of the recruitment and to act as the appointment panel for the appointment of a new Executive Director of Strategic Commissioning.
3. To agree the quorum of three members for any meetings of the sub-committee.

4. To agree the co-option of the Chief Officer for Manchester Health and Care Commissioning as advisor to the appointment panel.
5. To agree to delegate authority to the Appointments Sub-committee to agree an updated Role Profile as a basis for recruitment in-line with the previously agreed remuneration package for the post.
6. To note that, pending a permanent appointment, the Director of Adult Social Care will be asked to act up to cover the DASS functions and delegate authority to the Chief Executive, in consultation with the Executive Member for Adults Health and Wellbeing, to determine the detail of these arrangements.
7. To recommend to Council that during the period of act-up the Director Social Care be paid the bottom SCP of the evaluated grade (SS5) for the Executive Director post, an annual salary of £121,692.
8. To agree to redesignate the job title of the Head of Quality Assurance for Safeguarding within the Children's Services Directorate to Strategic Lead for Safeguarding and Practice Improvement.

## Standards Committee

### Minutes of the meeting held on Thursday, 1 November 2018

**Present:** N Jackson – in the Chair

**Councillors:** Andrews, Connolly, Cooley, Evans, Kilpatrick, Lanchbury, O'Donovan (Ringway Parish Council)

**Apologies:** Mr G Linnell

#### **ST/18/15. Minutes**

To approve as a correct record the minutes of the meeting on 14 June 2018. In approving the minutes the committee noted that work that was underway on encouraging the take-up of member training opportunities.

#### **ST/18/16. Draft Code of Corporate Governance**

A report submitted by the Deputy Chief Executive proposed a revised draft Code of Corporate Governance for the Council. The report explained that the Code had been revised to ensure that it continued to accord with the relevant published guidance. Compliance with the new version of the Code was to be monitored by means on the Council's Annual Governance Statement.

The key changes that had been made to the Code were outlined in the report. The revised version now incorporated the Our Manchester Strategy of the Council. It also included references to the General Data Protection Regulation (GDPR) and Data Protection Act 2018; to CIPFA and IFAC's "Delivering Good Governance in Local Government: Framework (2016)". Other revisions had been made relating to the Council's Capital Strategy and the policies of the Greater Manchester Combined Authority.

Subject to the views of the Committee at this meeting, the process the draft would next follow was explained. The draft would go on to be considered by the Audit Committee and then be submitted to the Council in January for adoption.

The Committee welcomed the revised version of the Code of Corporate Governance. In relation to GDPR, a member questioned whether the Code should say more on the individual responsibilities of Councillors as data controllers in their own right, and the risks associated with that status. The member also asked if consideration could be given to the wording used to describe the Council's engagement with stakeholders, citizens and service users to give more emphasis to the ways in which the Council worked with service users and other stakeholders.

The officer presenting the report confirmed that the consideration of further revisions to the wording of the draft document would continue as it was made ready for submission to the Audit Committee and then to the Council.

### **Decision**

To welcome and endorse the proposed revised draft Code of Corporate Governance.

### **ST/18/17. Members' Update on Ethical Governance**

The City Solicitor asked the Committee to consider a draft of the next edition of the "Update on Ethical Governance" which is periodically issued to all Councillors. The draft edition was intended to update councillors on matters and recent events relating to:

- Standards in Public Life address
- Freedom of Information Tribunal decision – complaints and councillors' personal data
- Councillor cleared of Freedom of Information Act offence
- Councillor pleads guilty to posting offensive messages on social media
- Gifts and Hospitality
- Members Interests

Subject to requesting the amendment to the Freedom of Information Tribunal decision item to specify the name of the Council or to anonymise all for consistency with other items, the Committee agreed that the document should be promulgated within the Council.

### **Decision**

To request that the draft be revised and then issued to all Councillors.

### **ST/18/18. Planning Protocol**

In November 2017 the Committee had considered a report on the Council's Planning Protocol. The Protocol was one of the Codes included in Part 6 of the Council's Constitution. The purpose of the Protocol was to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. In November 2017 the Committee had made three recommendations: on mandatory training for members involved in deciding on planning applications; on including on the agenda for committee meetings an explanatory note about the protocol for site visits; and that a briefing note on the Protocol be produced for all Councillors (Minute ST/17/12).

A report was now submitted by the City Solicitor to describe the operation of and efficacy of the Planning Protocol as revised by the Council in May 2018 (Minute CC/18/50), and how the Committee's recommendations from November 2017 had been implemented.

The Mandatory training called for had taken place in May 2018, following the changes in the Planning and Highways Committee's membership after the local

elections in May. A mid-year follow-up to that training was being planned. A note on the importance of the Protocol and its application to site visits was now part of every Planning and Highways Committee agenda. Training was also being arranged for all members of the Council on planning obligations and the operation of and purpose of Section 106 Agreements.

The Committee agreed that in general the Protocol continued to be effective and welcomed the steps taken to implement the decisions made in November 2017.

### **Decision**

To note the report.

### **ST/18/19. Standards Committee Annual Report**

The City Solicitor submitted a report to update the Committee on matters within the remit of the Committee since March 2018. It was proposed that this be the Annual Report of the Committee for 2018. The Committee had agreed to the timing of the production of the Annual Report being revised so that it could become part of the evidence the Council used to compile the Annual Governance Statement. This version was for less than 12 months as it was the first produced under the new annual timetable.

A member queried whether the inclusion of the word “Purdah” in the outcome of complaint CCM2018.03 might lead some readers to infer that the Purdah regulations were in some way relevant to the consideration of this complaint, rather than just being a reference to a particular time of the year.

### **Decisions**

1. To Note the work done since March 2018.
2. That this Annual Report now be submitted to the Council.

### **ST/18/20. Whistleblowing Policy**

The overview of the Council’s Whistleblowing Policy is part of the remit of the Committee. The Head of Audit and Risk Management submitted a review of the operation of the policy and on changes and updates to the policy and related procedures. The report explained the training that some Council staff had received to further improve the handling of matters raised by whistleblowers.

Members of the Committee queried the application of the policy to the recipients of services provided by the Council’s contractors, in particular vulnerable people who were being supported by care agencies commissioned by the Council, and how the policy aligned with the Council’s safeguarding arrangements for such people. Members also sought assurance on how, in those sorts of situations, the service user would be informed of the outcome of the concern they had raised.

An explanation was given on how whistleblowing was incorporated into the Council's commissioning of external providers and how a variety of sources of intelligence were used to identify and respond to issues and areas of concern.

Having discussed the issues raised the Committee agreed that when the Policy is next revised it should include more clarify and detail on the whistleblowing procedures that are available to services users who have concerns about a contractor providing services on behalf of the Council.

#### Decisions

1. To endorse the report.
2. To recommend to the Audit Committee, when it is next considering a revision of the Whistleblowing Policy, that information be included on arrangements for whistleblowing by services user about contractors.

#### **ST/18/21. Consideration of the introduction of DBS checks for all Members**

A report by the City Solicitor asked the Committee to consider whether Disclosure and Barring Service (DBS) checks should be undertaken for some or all elected and co-opted members serving on the Council and its committees. The report explained the different levels of check that are available and the information each would disclose: a basic check, a standard check and an enhanced check. It also examined the different roles that councillors and co-opted members undertake in the Council and explained the significance of "regulated activities" and "saved regulated activities" as defined by the Protection of Freedoms Act (2012), and which activities undertaken by councillors would be considered to be regulated activities.

The present arrangements were described: councillors who sit on Fostering or Adoption Panels, and those who undertake Regulation 44 inspections of children's homes are required to have an enhanced check.

The report examined a range of options for the committee to consider: from ending the requirement for any checks on any councillors; maintaining the present arrangements; introducing more enhanced checks for those members involved in "saved" regulated activities; up to introducing basic checks for all councillors and co-opted members.

The committee supported the continuation of the present arrangements and introduction of the further options as set out in the report, with councillors involved in saved regulated activities needing an enhanced check, and all other councillors and co-opted members being asked to agree to a basic check that they share with the Council. The committee noted that no member could be compelled by the Council to have a basic check, but suggested that information on the number of councillors who had done so should be published each year. Councillors who already had a valid current check as a result of a role outside the Council would not need to have a second check done for the Council. The Committee also agreed that that it will be important for there to be well-written guidance on the arrangements relating to DBS checks for councillors which political parties could use for candidates that want to



stand for election to the Council. The Committee also agreed that this should form part of the induction training for newly elected Councillors.

### **Decision**

To recommend to Council that it:

- (a) continues to carry out enhanced DBS checks with a check of the barred lists of members who sit on the Fostering and Adoption Panels or who undertake regulation 44 inspections of children's homes;
- (b) undertakes enhanced DBS checks, with a check of the barred lists, for all other elected and co-opted members who undertake "saved" regulated activities, namely
  - all members of the Executive,
  - all members of the Health and Wellbeing Board,
  - all members of the Children and Young People Scrutiny Committee,
  - all members of the Health Scrutiny Committee; and
- (c) requests all other members and co-opted members to agree to basic disclosure checks.

### **ST/18/22. Work Programme**

The committee considered its work programme for its next three meetings, noting the items of business that were scheduled for each of the meetings. The committee agreed the proposals and requested that Social Media Guidance for Councillors be considered in March 2019 at the latest so that any revised guidance was issued before the 2019 local elections.

### **Decision**

To note the report and agree the change to when Social Media Guidance will be considered by the Committee.

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**Manchester City Council  
Report for Information**

**Report to:** Council – 28 November 2018

**Subject:** Urgent Key Decisions

**Report of:** The City Solicitor

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**Purpose of report**

To report those key decisions that have been taken in accordance with the urgency provisions in the Council's Constitution.

**Recommendation**

To note the report.

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**Wards affected:** All

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**Financial consequences for the Revenue budget**

None

**Financial consequences for the Capital Budget**

None

**Implications for:**

**Antipoverty**  
No

**Equal Opportunities**  
No

**Environment**  
No

**Employment**  
No

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**Contact officers:**

Fiona Ledden  
City Solicitor  
0161 234 3087  
f.ledden@manchester.gov.uk

Donna Barnes  
Governance Officer  
0161 234 3037  
d.barnes@manchester.gov.uk

**Background documents:**

None.

## **1. Background**

- 1.1 The Constitution (Overview and Scrutiny Procedure Rules) establishes a procedure for dealing with key decisions where action needs to be taken immediately for reasons of urgency, and is therefore not subject to the normal call in arrangements.
- 1.2 The procedures states that the chair of the appropriate scrutiny committee must agree that both the decision proposed is reasonable in all the circumstances, and to it being treated as a matter of urgency.
- 1.3 Such decisions are to be reported to the Council.

## 2. Urgent Key Decisions taken since the last meeting of Council

2.1 Urgent key decisions requiring exemption from the call in procedure are set out below.

Date	Subject	Reason for urgency	Decision Taken by	Approved by
5 November 2018	Biomedical investment by the Council	<p>As reported to Executive in July, the deadline for completion of this matter was Autumn 2018.</p> <p>In order for NewCo to secure the contract development work and associated guaranteed income stream completion of all documentation for the contract needs to take place by 7 November 2018. Negotiations have been ongoing and only concluded today due to the complexity of this matter and the importance of protecting the Council's interests Any delay therefore caused by the key decision and call-in processes, would seriously prejudice the legal, commercial or financial position of the Council or the interests of the residents of Manchester.</p>	Chief Executive City Treasurer City Solicitor	Councillor Russell – Chair of Resources and Governance Scrutiny Committee
14 November 2018	To enter into legal agreements with a prospective tenant at Heron House	<p>The Council has agreed terms with a specialist occupier to enter into a 15 year lease for office accommodation at Heron House. The completion of the agreements by 15 November 2018 are required to ensure that building works are completed to enable the tenant to take occupation by mid 2019.</p> <p>Any delay will impact upon the completion of works at the building to facilitate the tenant taking occupation. Given the letting, it is critical that the timescales are met.</p>	Chief Executive	Councillor Russell – Chair of Resources and Governance Scrutiny Committee

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**Manchester City Council  
Report for Resolution**

**Report to:** Council – 28 November 2018

**Subject:** Revised Gambling Policy 2019 – 2022

**Report of:** Head of Planning, Building Control and Licensing

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**Summary**

To inform the Council of the consultation responses received in respect of the revised Statement of Policy under the Licensing Act 2003.

To present for approval the proposed final Statement of Gambling Policy.

**Recommendations**

That the proposed amendments are approved and that the policy be approved and adopted with effect from 4 January 2019.

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**Wards Affected:**

All Wards

<b>Manchester Strategy Outcomes</b>	<b>Summary of the contribution to the strategy</b>
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.
A highly skilled city: world class and home grown talent sustaining the city's economic success	An effective Licensing Policy and implementation will enable growth in our City by supporting businesses who promote the Licensing Objectives.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.
A liveable and low carbon city: a destination of choice to live, visit and work.	An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.

A connected city: world class infrastructure and connectivity to drive growth	Licensed premises play an important role in ensuring an economically successful City, and the Licensing Policy seeks to achieve desirable and high quality premises to help drive that growth.
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**Full details are in the body of the report, along with any implications for:**

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

### **Financial Consequences – Revenue**

None

### **Financial Consequences – Capital**

None

### **Contact Officers:**

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Name: Fraser Swift  
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 Telephone: 0161 234 1176

### **Background documents (available for public inspection):**

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

Manchester City Council Gambling Policy 2016-2019  
 Gambling Act 2005  
 Licence Conditions and Codes of Practice (updated 4 April 2018)



## 1 Introduction

- 1.1 On 16 July 2018, the Policy Committee considered a report seeking members' approval for consultation on the Council's draft revised Gambling Policy.
- 1.2 The revision of the Policy is being undertaken in accordance with section 349 of the Gambling Act 2005 which requires Manchester City Council to prepare and publish a statement of the principles it proposes to apply in exercising its functions as the licensing authority every 3 years.
- 1.3 A 12-week public consultation exercise was undertaken from 25 July to 2 October 2018.

## 2 Results of the Consultation Process

- 2.1 Two responses were received from:
- 1) The Association of British Bookmakers (ABB) from Gosschalks Solicitors
  - 2) Gamcare
- 2.2 Copies of the original responses are attached at Appendix A.
- Association of British Bookmakers (ABB)**
- 2.3 The response on behalf of the ABB sets out their approach to local gambling regulation including:
- Partnership working with local authorities
  - The ABB / Local Government Association partnership framework
  - Best practice
  - Concerns around increases in the regulatory burden on operators
  - Primary Authority agreements
  - Local area risk assessments
  - Licence conditions additional to mandatory and default conditions
  - The accessibility of any local authority's local area profile
- 2.4 The comments in respect of the above have been noted and it is recognised they relate generally to the carrying on of a council's gambling licensing functions.
- 2.5 The response then proposes considerations specific to Manchester' draft policy. These are summarised below with proposed responses:

Comment	Response
Typesetting issues in the document making the document difficult to read and follow	Any formatting errors have been corrected

Comment	Response
References to “promote” the licensing objectives should be amended to reflect the duty of licensing authorities to “have regard” to the objectives when exercising most of its licensing functions and for the granting of applications to be “reasonably consistent” with the licensing objectives	<p>References to “promote” the licensing objectives supported by s6.7 of the Guidance:</p> <p><b>“Fundamental principles</b> 6.7 Licensing authorities’ statements of policy should begin by stating the three licensing objectives (s.1 of the Act), which the policy will promote:</p> <ul style="list-style-type: none"> <li>• preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime</li> <li>• ensuring that gambling is conducted in a fair and open way</li> <li>• protecting children and other vulnerable persons from being harmed or exploited by gambling.”</li> </ul> <p>However, references to “promotion” of the licensing objectives in relation to the principles that will be applied have been re-phrased to avoid any ambiguity.</p>
Typographical error stating implementation of Gambling Act in 2007 in para 1.1	Corrected to 2006
The table at 3.1 over-simplifies the authorisations required to be in place at different premises and so is not necessarily accurate	Removed to avoid confusion. Table unnecessary in policy and information readily available from other sources.
Para 3.7 should be re-drafted to make clear that all gambling licences are subject to mandatory and default conditions, and that the policy should be clear that “additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires the mandatory and default conditions be supplemented.”	Re-worded to make clear re. mandatory and default conditions and to clarify the paragraph generally. The policy already provides the authority’s approach to attaching conditions and it is not proposed to include the suggested wording.

Comment	Response
References to “primary gambling authority” at para 3.13 are outdated and references to circumstances around the provision of gaming machines should be revised.	Removed
At section 4.2, the reference to deprivation should be removed from the list of matters that the Licensing Authority expects risk assessments to consider. It is submitted that “The relevant affluence of an individual/area is not a relevant consideration for an assessment of risks to the licensing objectives unless the Licensing Authority has pre-determined that individuals in a particular area or of particular income levels are automatically vulnerable or are more or less likely to commit crime as a result of gambling.”	Persons living in deprived areas were identified as one of the groups at greater risk of gambling problems in the scoping review <sup>1</sup> conducted by Dr Heather Wardle in 2015 as part of the development of the area-based vulnerability to gambling-related harm index <sup>2</sup> . Areas of deprivation were also highlighted as part of a review on national evidence in relation to problem and at-risk gambling commissioned by Leeds City Council in 2016 to provide an in-depth understanding of problem gambling in Leeds <sup>3</sup>
Para 4.3 refers to persons aged 16 to 24 being considered vulnerable. It is submitted that this appears to have been made without any evidence whatsoever and so this reference should be removed.	Young Persons were identified as one of the groups at greater risk of gambling problems or at risk of experiencing gambling related problems in the scoping review <sup>4</sup> conducted by Dr Heather Wardle in 2015 as part of the development of the area-based vulnerability to gambling-related harm index <sup>5</sup> .
Similarly re 4.3, it is submitted that there is no evidence that habitual players of gaming machines are automatically vulnerable and this reference should also be removed.	Accepted and removed

<sup>1</sup> Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review, Heather Wardle, Gambling and Place Research Hub, Geofutures 13th July 2015 (See Pages 72-76)

<sup>2</sup> <http://mapcase.geofutures.com/gamblingriskindex/manchester/>

<sup>3</sup> Problem Gambling in Leeds Research Report for Leeds City Council By Dr Alexandra Kenyon, Dr Neil Ormerod, Professor David Parsons and Dr Heather Wardle © Leeds Beckett University (July, 2016) (See pages 29-30)

<sup>4</sup> Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review, Heather Wardle, Gambling and Place Research Hub, Geofutures 13th July 2015 (See Pages 38-41)

<sup>5</sup> <http://mapcase.geofutures.com/gamblingriskindex/manchester/>

Comment	Response
The section “a self-exclusion scheme” appears to suggest that betting shop staff would be expected to conduct counselling sessions ahead of any re-admittance, but this is not something that could be expected of them.	Re-worded to clarify this would not be an expectation of betting shop staff
The section “a self-exclusion scheme” provides that where any under 18’s are loitering in the immediate vicinity of the premises, steps should be taken by the premises licence holder to move them on. It is submitted that this would be an issue of nuisance, which is not a relevant consideration under the Gambling Act 2005 and so should be re-drafted.	Re-worded so that instead, staff are vigilant of any under 18s loitering and take any appropriate action in line with the objective to prevent children from being harmed or exploited by gambling

### **Gamcare**

- 2.6 The response from Gamcare appears to be a generic response to licensing authorities relevant to updating their policy statements and provides a number of good practice suggestions.
- 2.7 Notably, they recommend that licensing authorities develop a risk map of the local area and reference Manchester City Council’s work in developing this.
- 2.8 Having reviewed the other suggestions, these are already covered in the Policy and so no changes are proposed in response.

### **3 Other Amendments**

- 2.9 The following administrative changes have been incorporated in the proposed final
- Inclusion of Foreword by the Leader of the Council
  - Corrections to some Appendix references in document
  - Movement of text from 3.13 relating to enforcement responsibilities of Gambling Commission into 3.10 “Compliance, enforcement and the inspection of premises”
  - Replacement of outdated reference to ‘Responsible Gambling Trust’ with ‘GambleAware’ and the ‘Responsible Gambling Strategy Board’, in Appendix H (Other useful contacts)
- 2.10 No further consultation is considered required on these points given their nature.
- 2.11 The proposed final policy is at Appendix 2.

### **4 Conclusion**

- 3.1 The Council is asked to:

- (i) Consider the proposed final Policy as set out at Appendix 1 of the report; and
- (ii) Approve the proposed amendments

#### **4 Contributing to the Community Strategy**

##### **A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities**

Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the city. The efficient processing of applications as well as effective decision making in respect of them, plays an essential role in enabling businesses to thrive and maximise contribution to the economy of the region and sub-region.

##### **A highly skilled city: world class and home grown talent sustaining the city's economic success**

An effective Licensing Policy and implementation will enable growth in our City by supporting businesses who promote the Licensing Objectives

##### **A progressive and equitable city: making a positive contribution by unlocking the potential of our communities**

The Licensing process provides for local residents and other interested parties to make representations in relation to licensing applications. Representations have to be directly related to the licensing objectives.

##### **A liveable and low carbon city: a destination of choice to live, visit and work.**

An effective licensing system supports and enables growth and employment in our City with neighbourhoods that provide amenities suitable to the surrounding communities.

##### **A connected city: world class infrastructure and connectivity to drive growth**

Licensed premises play an important role in ensuring an economically successful City, and the Licensing Policy seeks to achieve desirable and high quality premises to help drive that growth.

#### **6 Key Policies and Considerations**

##### **6.1 Legal Considerations**

There are no additional legal considerations.

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**GOSCHALKS**  
SOLICITORS

BY EMAIL ONLY  
Licensing Department  
Manchester City Council

**Please ask for:** Richard Taylor  
**Direct Tel:** 01482 590216  
**Email:** rjt@gosschalks.co.uk  
**Our ref:** RJT / MJM / 097505.00005  
#GS2191430  
**Your ref:**  
**Date:** 28th September 2018

Dear Sir/Madam,

**Re: Gambling Act 2005 Policy Statement Consultation**

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these

within new processes would be detrimental to the gambling licensing regime. The ABB also believes it is important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

### **Working in partnership with local authorities**

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

### **LGA – ABB Betting Partnership Framework**

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and



socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as *"breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

### **Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

### **Local area risk assessments**

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account

based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

### **Best practice**

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

### **Concerns around increases in the regulatory burden on operators**

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

### **Employing additional licence conditions**

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called "Think 21". This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

### **Other concerns**

Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

### **Considerations specific to the Draft Gambling Policy Statement 2019-2022**

Throughout the draft Statement of Gambling Policy, there are issues with the typesetting which makes the draft policy extremely difficult to read and follow. These issues should be addressed before the draft Gambling Policy Statement is adopted.

Furthermore, throughout the document, as drafted, there are references to the desire and requirement to "promote" the licensing objectives. These references should be amended as the

only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. The Licensing Authority is required to “have regard” to the licensing objectives when exercising most of its functions and applications granted are required to be “reasonably consistent” with the licensing objectives.

Paragraph 1.1 refers to the implementation of the Gambling Act 2006. The act came into force in 2007 and accordingly this should be amended.

Paragraph 3.1 contains a table detailing authorisations required to operate particular premises. This table needs to be re-drafted or removed as it over simplifies matters. For example, the table indicates that in order for betting premises to be operated, a personal licence is required. This is not necessarily the case as many operators will benefit from the small scale operator exemption which precludes the need for personal management licences.

Paragraph 3.7 is particular difficult to read due to typesetting issues but deals with conditions on premises licences. This section should be re-drafted in order that it is made clear that all Gambling Act 2005 premises licences are subject to mandatory and default conditions which are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. The draft policy should be clear that additional conditions will only be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.

Paragraph 3.13 is headed “primary gambling activity”. This paragraph should be re-drafted and re-headed as “primary gambling activity” is no longer a concept used or referred to by the Gambling Commission. Indeed, the term “primary gambling activity” has not been used in the Gambling Commission Guidance since the fifth edition was published in March 2015.

Paragraph 3.13 should be re-drafted to make it clear that gaming machines may only be offered on betting premises when there are sufficient facilities for non-remote betting provided.

This paragraph also refers to gaming machines being an ancillary offer on the premises. This is no longer correct. The simple requirement is that substantive facilities for non-remote betting must be provided. This use of the betting facilities provided (whether these be over the counter or by way of machines) is not a relevant consideration. As long as sufficient facilities are provided then gaming machines may be made available for use.

Paragraph 4.2 introduces the local area profile and local risk assessments. This section contains a list of bullet points detailing matters that the Licensing Authority expects risk assessments to consider.

This list of bullet points should be re-drafted to remove the reference to deprivation. The relevant affluence of an individual/area is not a relevant consideration for an assessment of risks to the licensing objectives unless the Licensing Authority has pre-determined that individuals in a particular area or of particular income levels are automatically vulnerable or are more or less likely to commit crime as a result of gambling.

Within paragraph 4.3, there is a reference to persons aged 16 to 24 being considered vulnerable. This appears to have been made without any evidence whatsoever and references to 16 to 24 year olds being automatically vulnerable should be removed. Similarly, there is no evidence that habitual players of gaming machines are automatically vulnerable and this reference should also be removed.

Thereafter, under the heading “a self-exclusion scheme” the draft policy seems to infer that operators should intervene and provide a “counselling sessions which would precede mandatory exclusion”. Whilst betting operators will have full training with regard to protection of the vulnerable and be able to sign post persons towards counselling, betting office staff cannot be expected to provide counselling sessions and this section should be accordingly amended.

Within the same section there is a statement that where under 18’s are loitering in the immediate vicinity of the premises steps should be taken by the premises licence holder to move them on. This would be an issue of nuisance which is not a relevant consideration under Gambling Act 2005. It is not the responsibility of a betting premises licence holder to police the streets. Accordingly that paragraph should be re-drafted.

### **Conclusion**

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,



**GOSSCHALKS**



Premises Licensing &lt;premises.licensing@manchester.gov.uk&gt;

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**RE: Consultation on proposed revisions to Manchester City Council's Gambling Policy 2019-22**

1 message

**Catherine Sweet** <catherine.sweet@gamcare.org.uk>

27 July 2018 at 16:27

To: "premises.licensing@manchester.gov.uk" &lt;premises.licensing@manchester.gov.uk&gt;

Cc: "f.swift@manchester.gov.uk" &lt;f.swift@manchester.gov.uk&gt;

Hello,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see [www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/](http://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/)
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact [mike.kenward@gamcare.org.uk](mailto:mike.kenward@gamcare.org.uk)

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.

Kind regards,  
Catherine

**Catherine Sweet**

# **Gambling Policy Statement 2019 -22**

## **A Responsible Approach to Gambling in Manchester**

### **Fifth Edition**

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## FOREWORD

Our gambling policy sets out the principles we will apply in our approach to licensed gambling in Manchester.

Since our last review of the policy, we have launched the Our Manchester Strategy, which sets out our ambition for Manchester to be in the top flight of world-class cities by 2025. This strategy is at the heart of what we do, including our approach to gambling.

To achieve this, we will have a competitive, dynamic economy that draws on our distinctive strengths. We want to ensure that we have the highest quality of venues with highly skilled staff to support the growth of our economy. In this version of the policy, we have set out our expectations of how operators address local areas of risk relevant to the operation of their gambling business. Over the next three years, we will endeavour to work with the trade to enhance our approach to identifying and understanding the local issues they face and how we can address these challenges together.

Manchester is home to a growing and diverse population that speaks more than 200 languages. Our goal is for Manchester to possess highly skilled, enterprising and industrious people, and for it to be a place where residents from all backgrounds feel safe, can aspire, succeed and live well. We recognise that gambling provides many jobs, as well as being a popular leisure activity enjoyed by many of our residents and visitors. However, there is a range of gambling-related harms that can be experienced across the spectrum of gambling activities. We also know from research that some groups are more likely to experience problems with gambling and there are some forms of gambling that are more associated with a higher severity of gambling-related problems, putting people at risk of gambling what they can't afford. We are therefore committed to working in partnership with the trade and partners to minimise this risk and ensure that appropriate support is available when and where it is required, as well as regulating when appropriate.

We will also continue to work with partners such as the police, the Gambling Commission, GamCare and treatment providers to ensure that gambling is fair and open, kept free from crime, and protects those who are underage or vulnerable from being harmed by it.

By putting this Gambling Policy's principles into practice to promote the licensing objectives in Manchester, we will realise our ambitions for our city.

## 1 INTRODUCTION

The Gambling Act received Royal Assent in April 2005. It covers all commercial gambling in England and Wales and includes the regulation of gambling premises, temporary use of premises for gambling, small-society lotteries and remote gambling. Responsibility for the Act's implementation is divided up between: the Department for Culture, Media and Sport who prepared the legislation; the Gambling Commission who prepare guidance for Local Authorities (known as Licensing Authorities for the purposes of the Act) and draft codes of practice for operators to follow; and Licensing Authorities who issue some (but not all) authorisations. At the Act's heart are three licensing objectives which we, as a Licensing Authority, will use as a measure for many decisions on gambling applications. These are:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- **Ensuring that gambling is conducted in a fair and open way**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

Those who would like to offer gambling will need either:

- An operating licence and premises licence for each premises they run
- A permit
- An Occasional Use Notice
- A Temporary Use Notice
- Small-society lottery registration

Certain individuals involved in the provision of gambling will also need personal licences, issued by the Gambling Commission. The Gambling Commission will also issue operating licences as well as licences for remote gambling, that is gambling using the internet, telephone, TV, radio etc.

The Council's Licensing Unit will issue premises licences, permits and other authorisations including Occasional Use Notices and Temporary Use Notices and small society lottery registrations (See Appendix G for all contact details). Regardless of the type of licence or permit applied for, Manchester City Council is looking to maintain high standards to ensure responsible gambling and the promotion of the licensing objectives in Manchester.

Operators are encouraged to demonstrate what steps they will implement to consistent with the licensing objectives as part of their application. Interested parties and responsible authorities (see Appendix I for definitions) may both make representations in respect of premises licence applications. They may also ask for a review of the licence at any time after the licence comes into force.

### **The area covered by Manchester City Council**

Manchester City Council is situated in Greater Manchester and has a population of 560,000. It is the largest of the ten Greater Manchester Authorities. Manchester City Council will license gambling premises in all areas shown in the map below

*(map to be inserted)*

Our long-term vision for Manchester's future is set out in the Our Manchester Strategy (2016-2025) and provides a framework for action by us and our partners across the city. The overarching vision is for Manchester to be in the top flight of world-class cities in 2025. It will be a city:

- with a competitive, dynamic and sustainable economy that draws on its distinctive strengths in science, advanced manufacturing, culture, creative and digital business to cultivate and encourage new ideas
- with highly skilled, enterprising and industrious people
- that is connected, internationally and within the UK
- that plays its full part in limiting the impacts of climate change
- where residents from all backgrounds feel safe, can aspire, succeed and live well
- that is clean, attractive, culturally rich, outward-looking and welcoming.

There are five key themes in the Our Manchester Strategy, along with measures of success through which it is intended to monitor progress in achieving our aims and objectives. The themes are:

- A thriving and sustainable city
- A highly skilled city
- A progressive and equitable city

- A liveable and low carbon city
- A connected city.

This statement of licensing policy seeks to ensure gambling is regulated within the overall context of the aims of the Our Manchester Strategy.

## **1 ABOUT OUR GAMBLING POLICY**

### **1.1 Our responsibility to produce and publish a gambling policy**

Licensing Authorities are required by the Gambling Act to publish a gambling policy at least every three years. We may also revise it 'from time to time' if it is necessary to do so. This is the fifth Edition of our Gambling Policy and has been updated to reflect the practical lessons and considerations developed since the implementation of the Gambling Act in 2007 as well as the regulatory requirements on operators to consider the local risk relative to the operation of their premises.

### **1.2 How we arrived at our policy**

In order to formulate a policy that complies with legislation and reflects public concerns, we declare that we have paid and will pay particular attention to:

- The licensing objectives
- Guidance and Codes of Practice issued by the Gambling Commission

Comments we receive during the public consultation on our policy

### **1.3 Our public consultation**

The bodies listed at Appendix J are consulted on the publication of this Licensing Policy.

### **1.4 The rights of the applicant**

This policy does not override anybody's right to make an application, make representations about an application, or apply for a review of a licence. Each application will be considered on its merits in accordance with the requirements of the Gambling Act.

## 2 MANCHESTER'S ROLE

### 2.1 The role of Manchester City Council as a Licensing Authority

Manchester City Council is required to perform the following functions under the Gambling Act:

1. Be responsible for licensing premises where gambling activities are to take place by issuing premises licences
2. Issue *provisional statements* where it is proposed that gambling activities will take place but a premises is not yet ready for use
3. Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing *club gaming permits* and/or *club machine permits*
4. Issue *club machine permits* to commercial clubs
5. Issue permits for unlicensed Family Entertainment Centres where Category D machines may be used
6. Receive notifications from premises licensed for on-sales of alcohol for use of two or fewer Category C or D gaming machines
7. Issue *licensed premises gaming machine permits* for premises licensed for on-sales of alcohol for use of two or more Category C or D machines
8. Register small society lotteries
9. Issue *prize gaming permits*
10. Receive and endorse *Temporary Use Notices* for temporary use of premises for gambling
11. Receive Occasional Use Notices for betting at tracks

The City Council is also required to:

- Provide information to the Gambling Commission regarding details of licences issued (see Appendix E for our information exchange protocols)
- Maintain a register of the permits and licences that are issued under the functions

above.

## **2.2 Manchester's bid for a regional casino**

Following the implementation of the Gambling Act 2005, the Government appointed a Casino Advisory Panel to make recommendations about which licensing authority would be best placed to award a regional casino licence. Manchester participated in the competition held by the Casino Advisory Panel and was recommended as the location for the single regional casino licence. In February 2008, the Government implemented the Casino Advisory Panel recommendations for the location of small and large casinos. The arrangements for the regional casino licence remain to be implemented.

We believe that Manchester is the best place for a regional casino. We believe that Manchester will gain regeneration benefits in the form of a significant leisure offering, jobs for disadvantaged people and a boost to the tourism and leisure sectors generally by appealing to people across the North West as well as business and international visitors. We believe that by working with casino operators, voluntary organisations and other public agencies we can monitor and minimise any negative social impacts through the implementation of this policy, education and help for vulnerable people. If Manchester is given permission to grant a Premises licence for a regional casino, we will run a two-stage competition in accordance with Schedule 9 of the Gambling Act 2005 and any regulations or Code of Practice issued by the Secretary of State or the Gambling Commission under the Act.

Our policy relating to the regional casino will be reconsidered in the light of any draft or final regulations or Code of Practice issued, but may be adopted prior to the issue of these documents. In the event that our policy fails to comply with any regulations or Code of Practice issued after formal adoption of the policy, we will review and consult upon a revised policy.

## **3 HOW WE DECIDE APPLICATIONS FOR GAMBLING IN MANCHESTER**

### **3.1 The activities and types of premises covered by the Gambling Act**

The Act covers ALL premises that allow commercial gambling including bookmakers, bingo halls, horse tracks, dog tracks, casinos, amusement arcades and pubs and bars with gaming machines. The Act also allows holders of appropriate operating licences to make temporary use of other premises (e.g. hotels, conference centres) for gambling. The Act also covers remote gambling (that is gambling via the internet, interactive TV or a mobile phone).



### 3.2 How to make comment on a gambling premises application

If 'interested parties' (see below for definition) or 'responsible authorities' (see Appendix H for a full list of responsible authorities) wish to comment on an application for a premises licence relating to the licensing objectives, they can make a 'representation'. The Licensing Authority can only consider representations if made by either an 'interested party' or 'responsible authority'.

A representation is a statement that outlines any comments that the party making the representation wants to be taken into consideration by the Licensing Authority when determining the application. In all cases representations will need to be 'relevant'. The only representations likely to be relevant are those that meet one or more of the following criteria:

- Relate to the licensing objectives
- Relate to relevant matters in our gambling policy
- Relate to relevant matters in the Gambling Commission's Guidance to Local Authorities
- Relate to relevant matters in the Gambling Commission's Codes of Practice
- Relate to the premises that are the subject of the application

AND

- Are neither frivolous nor vexatious nor will certainly not influence the authority's determination of the application.

(Appendix F explains how we will handle personal information).

### 3.3 What is an 'interested party'?

For the purposes of the Gambling Act, an 'interested party' is:

- a) Someone who lives sufficiently close to the premises to be likely to be affected by the gambling premises
- b) Has business interests that might be affected by the authorised activities
- c) Represents persons who satisfy paragraph (a) or (b)

To determine who lives 'sufficiently close to the premises to be likely to be affected by the gambling premises', we will consider the following on a case-by-case basis:

- The size of the gambling premises
- The nature of the gambling premises
- In the case of interested parties the distance of the premises from the address of the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the premises)
- The type of complainant. E.g. 'sufficiently close to be likely to be affected' could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults
- The 'catchment' area of the premises (i.e. how far people travel to visit it).

To determine who has 'business interests that might be affected by the authorised activities', we will consider the following on a case-by-case basis:

- The size of the premises
- The nature of the premises
- In the case of interested parties the distance of the premises from the address of the person making the representation
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the premises)
- The 'catchment' area of the premises (i.e. how far people travel to visit it).

In so far as who represents persons who satisfy paragraphs (a) or (b), this would include for example: Residents' associations and tenants' associations

- Trade associations and trade unions
- Local councillors and MPs
- Any other person with written permission from somebody who satisfies paragraph (a) or (b)

Please note: Whether or not a person is an 'interested party' under paragraphs (a), (b) or (c) above, is ultimately the decision of the Licensing Authority which issues the licence or to which the application is made.

### **3.4 The licensing objectives and how the Licensing Authority uses them in decision-making**

Manchester City Council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licence applications to decide any conditions to apply where the decision is taken to grant. All decisions made by the licensing authority in relation to premises licences (and some other authorisations – see specific sections for details) are based on the Act, relevant guidance, Codes of Practice, our Gambling Policy and the three licensing objectives. These objectives are:

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- **Ensuring that gambling is conducted in a fair and open way**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

In the case of premises licences (and some other authorisations – see specific sections for details), the licensing committee will permit gambling only so far as it is reasonably consistent with these three objectives.

### **3.5 How the Licensing Authority decides whether to grant or refuse an application**

Where we receive an application for a gambling premises licence, we will aim to permit the use of premises for gambling where it is considered:

- (a) In accordance with any relevant code of practice issued by the Gambling Commission
- (b) In accordance with any relevant guidance issued by the Gambling Commission
- (c) Reasonably consistent with the licensing objectives (subject to a and b) and
- (d) In accordance with this policy (subject to a – c).

Please note: The Licensing Authority has no discretion to either grant or refuse premises licences in circumstances that would mean departing from the above e.g. the committee cannot reject applications on moral grounds. The Gambling Commission advises that

Licensing Authorities 'should rely on reasons that demonstrate the licensing objectives are not being met'. Each case will be decided on its merits. Additionally, the Licensing Authority will not have regard to any demand issues for the premises. In accordance with the Guidance from the Gambling Commission, we will circulate 'clear and comprehensive' reasons for any decision to all parties. We will also cite the extent to which decisions have been made in accordance with the Council's gambling policy and the Guidance from the Gambling Commission. Rather than reject applications outright, wherever possible we as the Licensing Authority will look to work with gambling premises and tackle concerns with licence conditions that uphold the licensing objectives. However where areas of concern cannot be addressed through conditions, the application will normally be refused by the Licensing Authority.

In the case of permits and other authorisations, the basis for whether we will accept or refuse an application is outlined in sections 5, 6 and 7.

### **3.6 How the licensing committee decides what conditions to apply to premises licences**

Conditions may be general in nature (i.e. they attach to all licences of a particular premises type e.g. all casinos) or they may be specific to a particular licence.

All premises licences are subject to mandatory (which must apply) and default (which will automatically apply but can be removed at the discretion of the licensing authority)<sup>1</sup>. These conditions vary according to the premises category.

Conditions may also be attached to licences by Manchester City Council's Licensing Committee following a hearing for the grant of a new licence, and a variation or review of an existing licence.

We will ensure that any conditions we impose are:

- Proportionate to the circumstances which they are seeking to address
- Relevant to the need to make the proposed building suitable as a gambling facility

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<sup>1</sup> SI 2007/1409: The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007

- Directly related to the premises and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises
- Reasonable in all other respects.

There are also conditions, which the licensing authority cannot attach to premises licences:

- Conditions on a premises licence which make it impossible to comply with an operating licence condition
- Conditions relating to gaming machine categories, numbers, or method of operation
- Conditions that require membership of a club or body (The Gambling Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
- Conditions relating to stakes, fees, winnings or prizes
- Conditions relating to demand for the premises.

Decisions about conditions will be taken on a case-by-case basis considering Gambling Commission guidance, Gambling Commission Codes of Practice, the Licensing Objectives and our policy.

### **3.7 Working in partnership but not duplicating other regulatory controls**

Different departments are often guided by different pieces of legislation. Whilst we endeavour to work in partnership, it is also important that we do not duplicate each other's work.

A good example of this is with respect to licensing and planning. Planning is responsible for the physical building and for the broad use of the building e.g. whether it is retail or residential. Licensing on the other hand is concerned with the specific activities that are offered at the premises e.g. alcohol or gambling and how they are offered. We often make use of Planning's expertise in the area of residential amenity, but do not need to duplicate the task of finding out what planning permission is in place for a particular building.

In any event, s.210 (1) of the Gambling Act 2005 states that 'in making a decision in respect of an application...a licensing authority should not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building'.

### 3.8 Hearings and rights of appeal

Where interested parties or responsible authorities raise concerns about the suitability of premises to provide gambling, a hearing may be held. Hearings will be heard before a panel licensing committee constituted of elected councillors from the Council's Licensing Committee. Appeals against Licensing Authority decisions must be made within 21 days and will be heard by the Magistrates Courts. Rights of appeal are detailed in Appendix C.

### 3.9 Reviews of gambling premises licences

After a licence is granted, where the day to day operation of a gambling premises is not felt to be 'reasonably consistent with the licensing objectives', a review of the premises licence can be requested at any time. A review may be initiated by the Licensing Authority or as a result of an application for review from an interested party or responsible authority. Where it is the Licensing Authority that initiate the review, they may do this for a whole class of premises e.g. all Adult Gaming Centres or in relation to particular premises. The Licensing Authority can review a licence for any reason it thinks appropriate. Where an application for review is received from an interested party or responsible authority, as a licensing authority we must decide whether to go ahead with the review. The application for review will be considered based on the following:

- Does the request raise issues other than those found under the Gambling Commission's Guidance, Codes of Practice, the Licensing Objectives or our gambling policy?
- Is it irrelevant, frivolous or vexatious?
- Is it so minor that the authority *will certainly not* wish to revoke or suspend the licence or remove, amend or attach conditions?
- Is it substantially the same as a previous application for review relating to the same premises?

Is the application for review substantially the same as a representation made at the time the application for a premises licence was considered? If the answer to ANY of the above questions is 'yes', the request for review may be rejected. The purpose of the review is to determine if the licensing committee should take any action in relation to the licence. If action is needed, the options are to either:

- Revoke the premises licence

- Suspend the premises licence for a period not exceeding three months
- Exclude a default condition imposed by the Secretary of State (relating to, for example, opening hours) or remove or amend such an exclusion
- Add, remove or amend a licence condition previously imposed by the Licensing Authority

To decide what action, if any, needs to be taken following an application for review, the licensing committee will make its determination:

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with relevant guidance issued by the Gambling Commission
- In so far as it is reasonably consistent with the licensing objectives
- In accordance with the authority's statement of licensing policy

The committee will also consider any relevant representations and information given at the hearing. Codes or practice and the guidance referred to above may be obtained from the Gambling Commission. (See Appendix H for the Gambling Commission's contact details).

### **3.10 Compliance, enforcement and the inspection of premises**

Our principal enforcement role under the Gambling Act is to ensure compliance with the conditions of the premises licence and statutory requirements in respect of other permissions, which the licensing authority regulates. However, we will also ensure that any unlicensed premises which are operating illegally are dealt with appropriately to ensure compliance. Where appropriate, we will work with the Gambling Commission in our enforcement activity. The Council will adopt a risk-based inspection and enforcement programme, which will mean giving greater attention to high-risk premises and a lighter touch for low-risk premises. In all cases we will ensure our inspection and enforcement programme is operated in accordance with any codes of practice issued by the Gambling Commission, in accordance with the Government's Enforcement Concordat and the Compliance Code. We will also ensure it is:

- Proportionate to the circumstances which it is seeking to address
- Relevant to the need to make the proposed building suitable as a gambling facility

- Directly related to the premises and the type of licence applied for
- Fairly and reasonably related to the scale and type of premises
- In accordance with the principals of better regulation
- Reasonable in all other respects

Where there is a Primary Authority scheme in place, the council will seek guidance from the Primary Authority before taking any enforcement action.

Under the Act, the Gambling Commission also has powers of entry and inspection to regulate gambling. The Gambling Commission will be the enforcement body for operating licences and personal licences. Penalties for breaches of operating licence and personal licence conditions may include fines and/or revocation of the licence and/or prosecution. The Gambling Commission will also handle concerns about manufacture, supply or repair of gaming machines.

**A summary of offences under the Gambling Act can be found in the Gambling Commission's Guidance to Local Authorities.3.11 Defining premises**

In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. However, areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, will not normally be regarded as different premises.

In considering whether different parts of a building to be used for gambling can be regarded as a "premises", we will have regard to:

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.



- Customers should be able to participate in the activity named on the premises licence.
- Do the premises have a separate registration for business rates?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case. An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

#### 4 PREMISES LICENCES – EXPECTATIONS OF APPLICANTS

The Licensing Authority is required to take into account the following when taking decisions in respect of premises licences:

- a) Relevant Gambling Commission Codes of Practice
- b) Relevant Gambling Commission Guidance
- c) Reasonable consistency with the Licensing Objectives (subject to a and b)
- d) Our gambling policy (subject to a – c)

It is important for us to have clear guidelines as to how we will make decisions about premises licence applications. In this way we can be consistent and ensure the committee have clear reasons for decisions taken. Each application for a premises licence will be considered on its merits; applicants are expected to show how they will address the licensing objectives, in order to be granted a licence. Where applicants fail to demonstrate this, licence conditions can be imposed or the application rejected.

##### **4.1 The location of gambling premises**

The location of gambling premises will be considered when determining whether the location of proposed gambling premises is acceptable (with or without conditions) in light of the licensing objectives.

Relevant considerations to the location of the premises will be set out in the local area profile but applicants are not restricted to those matters and it is proper that they address all matters they consider appropriate for the licensing objectives. They may also wish to liaise with the responsible authorities, local residents, councillors and businesses in considering whether any additional matters may be relevant.

The Licensing Authority will not have regard to demand in assessing the suitability of location for gambling premises.

##### **4.2 Local Area Profile and Local Risk Assessments**

We will publish and maintain our Local Area Profile separate to this Policy statement. This is currently available online at: <http://mapcase.geofutures.com/gamblingriskindex/manchester/> although this is currently under review.

We will expect operators to take account of the risk factors identified in the local area profile but also to undertake their own assessment into the local area as circumstances can change over time. Operators should identify the relevant risks and put in place appropriate safeguards relative to them. Equally, risk assessments for existing premises should take into account previous experience of operating and react accordingly. In any case, the local risk assessment should demonstrate how vulnerable people shall be protected. We will expect risk assessments to also consider local levels of:

- Deprivation
- Crime and disorder
- Demographics in relation to vulnerable groups
- The location of services for children such as schools, leisure centres, entertainment venues, and other areas where children will gather and any regular/seasonal variations e.g weekends, school holidays.

Operators are encouraged to have regard to the local area risks identified in conjunction with the general considerations set out at 4.6 and specific considerations for individual premises types below to put in place appropriate safeguards for the promotion of the licensing objectives. For example, in areas of elevated risk or areas experiencing issues of crime or antisocial behaviour, a high ratio of staffing or increased security measures may be appropriate.

#### **4.3 Licensing objectives: How they apply in practice**

We expect high standards from all gambling premises. These standards are in line with the three licensing objectives of the Gambling Act.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

The Gambling Commission play a leading role in preventing gambling from being a source of crime, through maintaining rigorous procedures that aim to prevent criminals from providing facilities for gambling, or being associated with doing so, as a result of the operating licence procedure.

However, as a Licensing Authority, we will take into account any local considerations that may impact with regard to this licensing objective, particularly in respect to the location of the premises, to ensure the suitability of the gambling premises.

When considering whether a disturbance was serious enough to constitute disorder, we will have regard to the individual merits of the situation including, but not limited to, whether police assistance was required and how threatening the behaviour was to those who could see or hear it. We acknowledge that The Gambling Commission highlights in its guidance to local authorities that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance”.

Whilst regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences; if there are persistent or serious disorder problems that we consider an operator could or should do more to prevent, we will bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence

#### Ensuring that gambling is conducted in a fair and open way

Generally this objective will be addressed by:

- The management of the gambling business (in conjunction with the Gambling Commission, who are responsible for issuing and enforcement of the operating licence).
- The personal licence holders proving their suitability and actions (which again is the responsibility of the Gambling Commission)

Where we suspect that gambling is not being conducted in a fair and open way, we will bring this to the attention of the Gambling Commission, for their further consideration, and work in partnership with their officers. In the case of those premises that do not hold an operating licence such as tracks, additional conditions may be required dependent on the risks outlined in the application.

#### Protecting children and other vulnerable persons from being harmed or exploited by gambling

- The Gambling Act defines ‘children’ as those persons under 16 years of age and ‘young persons’ as those persons aged 16 or 17 years of age. The term ‘vulnerable persons’ is not defined, however the Gambling Commission does offer some guidance: People who gamble more than they want to
- People who gamble beyond their means

- People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs

In Manchester we would also consider the following people to be vulnerable:

- Those with an inclination to gamble more than they want to or beyond their means
- Those who are dependent for a source of income on somebody who gambles more than they want to or beyond their means
- Those who are employed by gambling operators and have regular contact with gambling
- Those aged 16-24
- Habitual players of gaming machines.

What constitutes harm or exploitation will have to be considered on a case-by-case basis and regard will be had to current evidence in relation to vulnerability to gambling-related harm. In 2015, Manchester City Council in partnership with Westminster Council commissioned research into this issue and the, in conjunction with our local area profile, the following report was published: *Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review by Heather Wardle, Gambling and Place Research Hub, Geofutures 13th July 2015*

The risk factors identified in this research informed the development of the local area profile and so operators are encouraged to have regard to this publication when considering local risk with regard to the development of the local area risk assessment for licensed premises.

#### **4.4 General considerations for all gambling premises**

We expect high standards from premises licence applicants in pursuance of the licensing objectives locally. We will, therefore, look to apply licence conditions to ensure these standards are met where doing so is reasonably consistent with the licensing objectives (also see 3.6). The types of conditions we may look to apply in respect of all types of premises are listed below with more premises specific conditions listed in section 4.5.

##### Data gathering and sharing

Keeping track of the incidence and handling of problem gambling in Manchester is a key part of promoting the licensing objectives. We expect all Manchester-based gambling

premises to maintain a log and share this and other information with the Licensing Unit upon request.

Data that we consider should be recorded and shared includes (but is not exclusive to):

1. No. of interventions in a calendar month along with a short description of the cause and effect
2. No. of cases in a calendar month where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry
3. No. of mandatory exclusions needing enforcement in a calendar month along with a short description of the cause and effect
4. Attempts to enter by those under age in a calendar month along with short description of incident and action
5. Attempts to enter by those under age in the company of adults in a calendar month along with short description of incident and action
6. Attempts to enter by those under age with complicit adults in a calendar month along with short description of incident and action
7. Incidents of 'at risk behaviour' (to be defined when a data request is made) in a calendar month along with short description of incident and action
8. Incidents of 'behaviour requiring immediate intervention' (to be defined when a data request is made) in a calendar month along with short description of incident and action.

### Knowledge

We expect all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling. Amongst other elements, staff knowledge should include (where appropriate):

1. The importance of social responsibility (Premises may wish to seek an audit from GamCare in order to obtain a certificate of Social Responsibility)
2. Causes and consequences of problem gambling
3. Identifying and communicating with vulnerable persons: primary intervention and escalation
4. Dealing with problem gamblers: exclusion (mandatory and voluntary) and escalating for advice/treatment including local treatment providers
5. Refusal of entry (alcohol and drugs)

6. Age verification procedures and need to return stakes/withdraw winnings if under age persons found gambling
7. Importance and enforcement of time/spend limits
8. The conditions of the licence
9. Maintaining an incident log
10. Offences under the Gambling Act
11. Categories of gaming machines and the stakes and odds associated with each machine
12. Types of gaming and the stakes and odds associated with each
13. Ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.
14. Safe cash-handling/payment of winnings
15. Identify forged ID and bar those using forged ID from the premises
16. Knowledge of a problem gambling helpline number (for their own use as well as that of customers)
17. The importance of not encouraging customers to:
  - Increase the amount of money they have decided to gamble
  - Enter into continuous gambling for a prolonged period
  - Continue gambling when they have expressed a wish to stop
  - Re-gamble winnings
  - Chase losses.

Above and beyond this we expect managers to have an in-depth knowledge of all of the above and be able to support staff in ensuring the highest standards with regard to protecting children and other vulnerable persons from being harmed or exploited by gambling. In so far as training, we do not intend to duplicate any existing training requirement, such as may be required by the Gambling Commission's Code of Practice.

#### A self-exclusion scheme

In accordance with the Gambling Commission's Codes of Practice, all gambling operators must have and put into effect procedures for self-exclusion and take all reasonable steps to refuse service or to otherwise prevent an individual who has entered a self-exclusion agreement from participating in gambling.

This means that wherever customers request to be excluded from the premises, they are excluded for an agreed timeframe. A self-exclusion facility should be supported by a written agreement drawn up in accordance with the relevant code of practice and trade association advice. The premises will be expected to take responsibility for ensuring the person who requests voluntary exclusion is not readmitted during the agreed period, and the licensing authority's preference is that ahead of any decision to agree re-admittance following any exclusion, the person has first attended a counselling session with a qualified professional and, preferably, the Gamcare-commissioned local treatment provider..

When administering the self-exclusion agreement, operators must signpost the individual to counselling and support services. As stated in the 'Knowledge' section above, we expect all staff at gambling premises to be knowledgeable of the local counselling and support services.

#### Intervention to protect vulnerable persons from being harmed or exploited by gambling

We expect all premises offering gambling to have a mechanism in place to identify vulnerable persons and to monitor and intervene where customers may be gambling beyond their means or more than they would like. Intervention may include raising the customer's awareness of the existence of support services and the availability of a voluntary exclusion scheme. However intervention may also include a counselling session with a qualified professional and, preferably, the Gamcare-commissioned local treatment provider. and following that session potentially mandatory exclusion. Beyond the minimum standards outlined here, we do not wish to be overly prescriptive in how intervention shall proceed. This is a developing area and we feel there are benefits with different operators trying out different approaches; the best of which can then be taken forward on a wider scale.

#### Layout and Access

Premises should ensure that appropriate systems and procedures are in place to ensure the exclusion of those persons who have requested to be excluded as well as under 18s (where appropriate). This should include a 'Think 21' scheme with acceptable ID limited to either a photo driving licence, passport or PASS accredited proof-of-age scheme.

Prominent signage at all entrances should indicate this requirement. Whilst under 18s CANNOT enter the vast majority of licensed gambling premises, there are exceptions.

Under 18s CAN enter:

- The non-gambling area of a regional casino



- The gambling areas of a bingo club other than areas containing category C gaming machines
- The gambling areas of a track (on race days) other than off-course betting and areas containing category C gaming machines
- Licensed Family Entertainment Centres

In the case of a regional casino, under 18s should NOT:

- Be invited to participate in gambling
- Have accidental access to gambling
- Closely observe gambling

In the case of premises that are able to allow under 18s to access some gambling areas, due attention should be given to layout and access to ensure under 18s do not participate in gambling or gain access to areas where access is restricted, and that the areas are suitably monitored. Where category C or above gaming machines are available in premises to which under 18s are admitted, we expect: that:

- All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- Only adults are admitted to the area where these machines are located
- Access to the area where the machines are located is supervised
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

The configuration of the premises should be such that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating. The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, premises should be configured accordingly.

Where under 18s are loitering in the immediate vicinity of the premises, staff should be vigilant, and consideration should be made to taking appropriate steps in line with the third licensing objective. Where appropriate, this could include reporting their activities to the police or a truancy officer as appropriate. Furthermore premises should ensure that vulnerable persons are either excluded from gambling (in the case of those who are under the influence of alcohol or drugs, under voluntary exclusion or have been excluded for whatever other reason) or are under supervision with the possibility of intervention. We will expect operators to demonstrate how their procedures for preventing access to gambling by self-excluded individuals take account of the structure and layout of the gambling premises.

Whilst supervisors of entrances and exits may need to be registered with the Security Industry Authority, we expect all customer-facing and managerial staff in Manchester to show a due level of competence and understanding of responsible gambling. This may, for example, involve undergoing training and sitting an examination. Sometimes several licences may be in place for just one premises or one licence may cover only part of the premises. In light of this operators must carefully consider the premises layout to ensure children and young persons (as appropriate) neither gain access to areas used for gambling nor are brought into close proximity to gambling.

#### Staff to customer ratio

All premises will be expected to demonstrate that they will have in place a suitable staff to customer ratio as appropriate to the premises.

To ensure the safety of both customers and staff, sufficient staffing numbers should be in place at all times the premises is open. A suitable ratio should take into account the protection of staff and customers with respect to the crime and disorder objective as well as the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

#### Inducements to gamble

To further ensure the safety of both customers and staff and protect vulnerable persons from being harmed or exploited by gambling, premises should not use inducements to gamble such as alcohol.

#### On-premises provision of gambling advice

A risk-aware and gambling literate customer base with recourse to advice and assistance is likely to have a lesser chance of being harmed or exploited by gambling. Where people

gamble we want them to do so for entertainment rather than in the expectation of a big win or to chase losses. In light of this, we will expect that all gambling premises:

- 1 Provide leaflets and posters aimed at customers and their families/friends, which will include how to identify signs of problem gambling and pathways to advice and assistance e.g. helpline number and online counselling facility. For every 100m<sup>2</sup> of gambling/gaming and/or gaming machines at least one prominent leaflet display must be provided along with a neighbouring poster to reinforce the message. Leaflets and posters should also be available in more discreet locations e.g. toilets.
- 2 The provision of signage and documents relating to game rules, gambling care providers and other relevant information shall be provided in both English and, if there is another prominent first language for the locality, that language.

#### Exclusion of those who appear to be under the influence of alcohol or drugs etc.

In order to protect both staff and those who are under the influence of alcohol or drugs (thereby potentially distorting their ability to make rational decisions), those persons who appear to be in such a state must be immediately excluded from the premises. Signage should be prominently displayed to indicate this. Please note with reference to those persons with a mental impairment or mental health difficulties, premises would be well-advised to consult a suitable Mental Health Advisor and formulate a policy to protect this category of vulnerable person from being harmed or exploited by gambling.

#### Effective Security Measures to Prevent Unauthorised Access

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition on the premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33). However, conditions preventing unauthorised access shall not be limited to the provision of supervisory personnel. Other options may include, but are not limited to, time-lock or mag-lock entrances.

#### Safe Cash-handling

- In the interest of preventing crime and disorder, we require all gambling premises in Manchester to have a minimum provision for safe cash-handling and thereby prevent against theft/robbery etc. We will expect minimum standards in terms of:  
The frequency of banking cash (to avoid large sums being involved)
- Use of security personnel for transport
- No. of staff handling cash at any one time
- A fully up to date CCTV system with records kept for an appropriate length of time (including signage to indicate the presence of such a system)
- Local and emergency contact details for the emergency services clearly displayed in office areas
- Consultation with a Crime Reduction Officer and regular security reviews

For security reasons, while we will not expect premises to tell us the precise details of the protocols they have in place, the licensing authority will need to be satisfied that effective procedures exist. It should be prominently publicised on-site that robust security measures are in place.

#### Safe payment of winnings

In the interest of preventing aggravated robbery etc. gambling premises should consider offering their customers a choice of methods by which their winnings may be paid. This could include either cheque or BACS payment. These options should be well publicised.

#### Adequate lighting inside and out

We expect all premises to have adequate lighting inside and out (appropriate to the premises in question) to ensure against robbery and other covert activity.

#### Engagement with the police and local crime prevention partnership schemes

In addition to the need to consult a local Crime Reduction Officer, the operators of new premises/premises undergoing a refurbishment should also engage with the police's architectural liaison unit at the design stage to ensure crime prevention and detection.

We encourage that premises liaise with their Neighbourhood Policing Team to develop relationships at a local level and promote effective communication and co-operation.

Additionally, operators are expected to actively support and participate in any local business partnership schemes, where any such schemes are in operation, and where such schemes are reasonably consistent with the licensing objectives.

#### 4.5 Standards expected at specific types of premises

While we have outlined minimum standards we expect from all gambling premises in the previous section, any areas we need to stress, due to differences between premises types, are outlined below. The Council will pay particular attention to any Codes of Practice, issued by the Gambling Commission in respect of specific types of premises.

##### 4.5.1 Tracks (dog track, horse track) and other sporting venues

###### Layout and Access

Under 18s will be permitted to enter track areas where facilities for on-course betting are provided on those days when dog/horse-racing takes place.

Under 18s will not be permitted entry to off-course betting areas.

- Under 18s will NOT be permitted to enter any areas where gaming machines (other than category D machines) are provided. Category D gaming machines must be clearly physically separated from higher categories of gaming machine.

The premises licence holder will need to ensure:

- Entrances to gambling areas with rights of access are clearly marked and supervised
- Segregation of gambling areas where over 18s are permitted entry from areas where under 18s are permitted entry.
- Supervision of gaming machines at all times.

###### The proper conduct of betting

As track/sporting venue operators do not need to have an operating licence (although they may have one), the track/venue premises licence will need to contain steps to ensure the proper conduct of betting. Proper management of betting areas

The track/venue operator will have a role to play in ensuring that the betting areas are properly managed. This will include ensuring non-betting areas are adequately supervised to ensure illegal gambling operations are not established. The number, type, location and availability of gaming machines

Machines are expected to be situated in close proximity to one another not scattered around the track and to be physically supervised at all times the premises is open to the public.

#### Plans of the premises

Track premises applications should include detailed plans of:

- The racetrack itself
- The area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”) In the case of dog tracks and horse racecourses, plans should also include: Fixed and mobile pool betting facilities operated by the Tote or track operator
- Any other proposed gambling facilities.

#### Rules to be displayed

Track operators and other sporting venues offering gambling are required to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

#### **4.5.2 Betting premises (other than Tracks)**

##### B2 Gaming Machines (Commonly referred to as Fixed Odds Betting Terminals (FOBT's))

Where provided, these gaming machines should be situated in locations where they can be effectively supervised at all times. Leaflets and posters aimed at customers and their families/friends, which will include how to identify signs of problem gambling and pathways to advice and assistance e.g. helpline number and online counselling facility, shall be provided in close proximity to the location of any FOBT's.

##### Number, type and availability of betting machines

The Authority has the power to restrict the number of betting machines, their nature and the circumstances in which they are made available (as per S181). This may be done by attaching a licence condition to a betting premises licence or to a casino premises licence. At such time consideration will be given to:

- The size of the premises

- The physical layout of the premises
- The number of counter positions available for person-to-person transactions and
- The ability of staff to monitor the use of the machines by vulnerable persons.

#### Participation in the Safebet Alliance

The Authority encourages operators to participate in the Safebet Alliance in order to help ensure the highest standards for the safety and security of staff working at betting premises. Where an operator does not participate in the scheme, it is expected that they can satisfactorily demonstrate the security measures they incorporate are adequate.

#### **4.6 Converted Casinos**

##### Layout and Access

Casinos (other than regional casinos) may not admit anyone under 18. Regional casinos may admit under 18s but only to non-gambling areas. The Gambling Commission is responsible for issuing codes of practice which apply to casinos under S25 of the Gambling Act 2005, which impose conditions on casino operators' licences in relation to social responsibility and make "ordinary code" provisions in relation to other areas. Adherence to the ordinary code provisions will be a condition of the premises licence (in so far as those provisions do not overlap with other provisions of this policy). The relevant ordinary code provisions relating to access by children are:

- There should be a sufficient number of supervisors at casino entrances to enable a considered judgment to be made about the age of everyone attempting to enter the casino and to take appropriate action (for example checking identification) whilst at the same time not allowing others to enter unsupervised. Heavily used entrances may require more than one designated supervisor.
- Supervisors may be assisted by other door keepers provided the supervisor retains the responsibility for compliance with this section of the code and deals personally with any case where there is any doubt or dispute as to someone's eligibility to enter
- Premises licence holders should put into effect procedures that require their staff to check the age of any customer who appears to be under 21

- Premises licence holders should consider permanent exclusion from the premises of any adult accompanied by a child or young person on more than one occasion to premises restricted to adults or if there is reason to believe the offence was committed knowingly or recklessly
- Premises licence holder must have procedures in effect for dealing with cases where a child or young person repeatedly attempts to gamble on premises restricted to adults including oral warnings, reporting the offence to the Licensing Authority, Gambling Commission and the police and making available information on problem gambling
- Physical supervision of gaming machines will also be needed to protect vulnerable persons.

#### Number, type and availability of gaming machines

Licensing Authorities are required under the Act to restrict the number of betting machines, their nature and the circumstances in which they are made available. This can be done by attaching a licence condition to a premises licence (where betting is permitted in the casino). In such cases we will consider:

- The size of the premises
- The number of counter positions available for person-to-person transactions
- Whether these are Fixed Odds Betting Terminals (FOBTs) or other gaming machines
- The ability of staff to monitor the use of the machines by under 18s or by vulnerable persons. (N.B. it is an offence for those under 18 to participate in casino gambling).



## 5 PERMITS – EXPECTATIONS OF APPLICANTS

Where premises do not hold a Premises Licence under the Gambling Act 2005, but wish to provide gaming machines, they may apply to the licensing authority for a permit to do so. Premises with this option include (unlicensed) Family Entertainment Centres, alcohol-serving premises, members' clubs, miners' welfare institutes and those premises wishing to offer prize gaming. Every application will be considered on its merits. Whilst the Licensing Authority cannot attach conditions to permits, applications can be refused if they do not demonstrate how they will meet licensing objective concerns. Outlined below is our standard for what is 'reasonably consistent with the pursuit of the licensing objectives'

### **5.1 General considerations for all permit applications**

Individuals that apply for permits are permitted to have a lower category of gaming machine. However, lower category machines can be equally problematic for children and other vulnerable persons. We therefore expect the same basic standards as with other gambling premises. These are:

- Premises contribution towards research, education and treatment in the form of data, promotional activity
- Data gathering and sharing
- Training of customer facing staff and managers in responsible gambling
- Intervention to protect children and other vulnerable persons from being harmed or exploited by gambling
- A suitable location for the gambling premises
- A suitable premises layout and access control (including PASS scheme) to ensure supervision or exclusion of under 18s and vulnerable persons as appropriate
- Adequate staff to customer ratio to ensure adequate supervision of gambling
- On premises provision of gambling advice
- Exclusion of those from gambling who appear to be under the influence of alcohol or drugs with signage to indicate this
- Safe cash handling

- Safe payment of winnings
- Adequate lighting inside and out

These measures are outlined in more detail in Section 4.

## **5.2 Specific types of permits and what is expected in respect of each**

While many of our concerns with respect to gambling premises have been tackled in the previous section, any areas we particularly need to stress, due to differences in permit types, are outlined below.

### **5.2.1 Family Entertainment Centre (unlicensed) gaming machine permits**

Under 18s may use category D gaming machines and participate in equal chance prize gaming, which may be offered in some premises. In deciding whether to grant or reject applications for permits from Family Entertainment Centres, the Licensing Authority needs to be sure:

- The applicant is suitable, having particular regard to any convictions, to operate a Family Entertainment Centre
- The premises are suitable given their location and possible concerns around disorder
- The police have no legitimate concerns in respect of either the applicant or the premises.

Applicants for this type of permit will be expected to demonstrate the following:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
- That the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
- That staff are trained to have a full understanding of the maximum stakes and prizes
- That the applicant is a suitable person by providing such other information or documents as required on the application form
- That premises have not presented themselves in such a way as to be overly attractive to under 18s.

The Licensing Authority may refuse to renew a permit upon application if:

- An authorised local authority officer has been refused access to the premises without reasonable excuse or
- That renewal would not be reasonably consistent with pursuit of the licensing objectives. (See 5.1 for what we believe is reasonably consistent with the pursuit of the licensing objectives).

### **5.2.2 Premises with consumption of alcohol on the premises: gaming machine permits**

Premises licensed to sell alcohol for consumption on site (under the Licensing Act 2003) have an automatic entitlement to 2 gaming machines of categories C and/or D. The premises merely need to notify the licensing authority of their intention to utilise this entitlement. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- Gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act. (Section 282 states that written notice must be provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- The premises are mainly used for gaming
- An offence under the Gambling Act has been committed on the premises

If premises licensed to sell alcohol for consumption on site wish to have more than 2 gaming machines, then they need to apply for a permit. The Licensing Authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Every application will be decided on its merits.

Other matters the Licensing Authority 'consider relevant' may include: the premises location; access and layout; the location of gaming machines on the premises and ability to supervise; whether under 18s are permitted on the premises; previous convictions of the applicant; and any other further risks indicated by the application. Dependent on the conditions of their Licensing Act licence, premises with consumption of alcohol on the premises may admit under 18s. However premises must ensure under 18s do not play

category C gaming machines or limited equal chance gaming which are restricted to over 18s. It should be noted that the holder of a gaming machine permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### 5.2.3 Prize Gaming Permits

It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply. These are:

- Compliance with the limits on participation fees, as set out in regulations
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize)
- Participation in the gaming must not entitle the player to take part in any other gambling.

### 5.2.4 Club gaming and club machine permits

Members' clubs and miners' welfare institutes may apply for a **club gaming permit**.

The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in separate regulations. Members' clubs, miners' welfare institutes and commercial clubs may apply for a **club machine permit**.

- A club machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). In order to grant either of these permits to a members' club we will want to ensure that the premises meet the requirements of a members' club. They must: Have at least 25 members
- Be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. E.g. Bridge and Whist clubs
- Be permanent in nature

- Not have been established to make commercial profit
- Be controlled by its members equally.

Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations. We may refuse an application if:

- (a) The applicant does not fulfil the requirements for a members' club or commercial club or miners' welfare institute (and therefore is not entitled to receive the type of permit for which it has applied)
- (b) The applicant's premises are used wholly or mainly by children and/or young persons
- (c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- (d) A permit held by the applicant has been cancelled in the previous ten years or
- (e) An objection has been lodged by the Commission or the police.

For premises which hold a club premises certificate under the Licensing Act 2003, applications can only be refused if:

- (a) The club is established primarily for gaming, other than gaming prescribed under Schedule 12
- (b) In addition to the prescribed gaming, the applicant provides facilities for other gaming
- (c) A club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

#### Access

Access to under 18s will be dependent on the rules of the club. If access is permitted clubs must ensure under 18s participate in prize gaming, equal chance gaming or category D gaming machines only.

## 6 TEMPORARY USE NOTICES, OCCASIONAL USE NOTICES & OTHER AUTHORISATIONS

### **6.1 Temporary Use Notices**

Temporary Use Notices enable use of premises for gambling where there is no premises licence in force (e.g. hotels, conference centres, sporting venues). With a Temporary Use Notice, any such premises may be used for gambling for up to 21 days in a 12-month period by any person or company with a relevant operating licence from the Gambling Commission e.g. to provide betting facilities at a snooker tournament, a betting operating licence would be needed.

The notice must be given no later than three months and one day before the day on which the gambling event will begin. The Gambling Commission, the Police, Customs & Excise and the Licensing Authority may all object within 14 days of receipt of the notice. This will trigger a hearing to be held within six weeks of receipt of the notice.

As the licensing authority, we will expect all premises in Manchester wanting to be granted a Temporary Use Notice to ensure the same basic standards as premises operating for more than 21 days in a 12-month period. (See Section 4 for details).

### **6.2 Occasional Use Notices**

Instead of applying for a premises licence, tracks or other sporting venues that only intend to allow betting on eight days or less in a calendar year (starting 1 January) may apply for an Occasional Use Notice.

Tracks include horse/dog racecourses and any premises on which a race or other sporting event takes place.

The Licensing Authority and the police will both need to receive copies of the notice. There is however no provision for objections.

While Manchester City Council does not have any discretion to refuse an Occasional Use Notice, we would anticipate that all applicants would ensure the same basic standards as other tracks/sporting venues. (See Section 4 for details).

### 6.3 Travelling Fairs

#### Definition of travelling fair

It is important that the fair falls within the statutory definition of a 'travelling fair'. (See Appendix I for definition).

#### Access

Under 18s are allowed unrestricted access, but are only able to participate in equal chance gaming or category D gaming machines.

#### Category D machines and equal chance gaming

Where category D machines and/or equal chance prize gaming without a permit, are to be made available for use, facilities for gambling must amount to no more than an ancillary amusement.

#### Number of days per year a piece of land can be used for fairs

Land can be used for fairs for up to 27 days per calendar year (regardless of whether it is the same or different travelling fairs occupying the land). The Licensing Authority will work with neighbouring authorities to ensure any land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

### 6.4 Provisional Statements

Section 4.5 of this policy in respect of premises licences shall apply equally to applications for provisional statements.

In terms of representations about premises licence applications, following the grant of a provisional statement, further representations from relevant authorities or interested parties cannot be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, we may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) Which could not have been raised by way of representations at the provisional licence stage; or
- (b) Which in the authority's opinion reflect a change in the operator's circumstances

- (c) where the premises have not been constructed in accordance with the plan and information submitted with the provisional statement application.

Manchester has noted S210 of the Gambling Act 2005 which provides that “licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law”.

## 7 REGISTERING SMALL-SOCIETY LOTTERIES ETC

The Gambling Commission will regulate:

- Large society lotteries
- Lotteries run for the benefit of local authorities.

Local Licensing Authorities will regulate small society lotteries. A small society lottery is a lottery promoted on behalf of a non-commercial society, run by a small society. It is non-commercial if it is for charitable purposes, for sports, athletics or a cultural activity or a purpose other than private gain.

The lottery must be registered with the Licensing Authority throughout the period during which the lottery is promoted. The Licensing Unit will record details of the society and keep the details on a publicly accessible register.

We will only refuse to register a small-society lottery if in the previous five years either:

- An operating licence held by the applicant has been revoked
- or**
- An application for an operating licence made by the applicant has been refused.

An application for registration may also be refused if we think any of the following apply:

- Applicant is not a non-commercial society
- Person who will or may be connected with promoting the lottery has been convicted of a relevant offence
- Information provided in or with the application for registration is false or misleading.



Once the lottery is registered, the registration can be revoked at any time if the Licensing Authority feels the application would be refused, if made at that time.

In either case applications for registration will only be refused or registration revoked after the society has had an opportunity to make representations. Certain types of lottery are exempt from needing to register with either the Local Authority or the Gambling Commission. These include an incidental non-commercial lottery, a private lottery or a customer lottery.

An incidental non-commercial lottery is not run for private gain AND is incidental to a non-commercial event.

A private lottery is one in which closed sales are made to a particular group only e.g. within a society, workplace or residential premises.

A customer lottery is one in which tickets are sold on a business premises to their customers only

## APPENDIX A: Delegation of functions under the Gambling Act

Matter to be dealt with	Full Council	Sub-committee of Licensing Committee	Officers
Three year licensing policy	•		
Policy not to permit casinos	•		
Fee setting (when appropriate)			•
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn

APPENDIX B: Rights of Appeal

In respect of the licensing committee's decision-making, the persons listed below may appeal in the circumstances outlined. Appeals must be made to the Magistrates Court within 21 days of notice of decision being received by the appellant (with the exception of appeals in relation to Temporary Use Notices which must be made within 14 days). In each case the respondent is Manchester City Council. In certain circumstances the applicant will also be a respondent.

<b>Circumstances</b>	<b>Who can appeal</b>
Application for a premises licence is rejected	- Applicant
Application for a premises licence is granted	- Applicant - A person who made a representation
Decision taken following a review of a premises licence (whether or not any action is taken in respect of the review)	- The licence holder - A person who made representations in relation to the review - Where relevant the person who applied for the review - The Gambling Commission
Application for a transfer of a premises licence	- The licence holder - The applicant for the transfer
Decision to issue counter notice/not to issue counter notice in respect of a Temporary Use Notice	- Applicant - The Gambling Commission - Local Chief of Police - HM Revenues and Customs

Circumstances	Who can appeal
Decision to remove entitlement to exempt gaming or to gaming machines in respect of specified alcohol licensed premises	- The licence holder
Application for a Family Entertainment Centre gaming machine permit or its renewal is rejected, notice is given that the premises are not being used as an FEC or it is stated that the holder is incapable of carrying out an FEC business by reason of mental or physical incapacity	- Applicant or holder of the permit
Application for a club gaming permit or club machine permit or its renewal is rejected or the permit is cancelled	- Applicant or objector
Application for a club gaming permit or club machine permit or its renewal is granted or request to cancel is refused	- Person who objected to the grant/person who made representations in relation to the proposed cancellation
Application for a licensed premises gaming machine permit is rejected, if [s]he is permitted fewer of different category of machines than applied for or if the Licensing Authority gives a notice which cancels or varies the entitlements of a permit	- Applicant or objector
Application for a prize gaming permit or its renewal is rejected	- Applicant
Application to register Small Society Lottery is refused or the registration is revoked	- The Society

APPENDIX C: Our fees under the Gambling Act

Fees will be set by the Licensing Authority of Manchester City Council. Fees will be restricted to the amount needed to recover the costs of administering the licence process up to a maximum set by Central Government. These fees are subject to annual review and are available on the Council website.

APPENDIX D: Register of licences issued under the Gambling Act

We will maintain a register of all premises licences that we issue. This will be made available on our website: [www.manchester.gov.uk/licensing](http://www.manchester.gov.uk/licensing). If you do not have Internet access, you will be able to get access at your local library. The register can also be viewed by contacting the Licensing Unit (contact details available in Appendix H).

APPENDIX E: How we share information with the Gambling Commission and other bodies

Manchester City Council may share application information received in the course of processing applications with the Gambling Commission, a constable or police force, an enforcement officer, another Licensing Authority, Her Majesty's Commissioners of Customs & Excise, The Gambling Appeal Tribunal, The National Lottery Commission, The Secretary of State or Scottish Ministers.

Manchester City Council will act in accordance with the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Manchester City Council will inform the Gambling Commission without delay if: The Licensing Authority receives information that causes it to question the suitability of the person holding/applying to hold an operating licence

There are persistent or serious disorder problems that an operator could or should do more to prevent, so that the Commission may consider the continuing suitability of the operator to hold an operating licence If it comes to our attention that: alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes and makes it possible that the £2,000 in seven days is being exceeded.

APPENDIX F: How we will uphold data protection and freedom of information

Manchester City Council will abide by the Freedom of Information Act and the General Data Protection Regulation (GDPR) in its safeguarding/release of information or data.

In the context of the Gambling Act, we will retain only that information which relates to the processing of applications for licences, permits, permissions and representations.

Applications and representations in respect of applications are both in the public domain and are therefore available on request and may be published as part of our web register.

Personal addresses/contact numbers attached with representations may also be released.

Information may also be shared with other Gambling Act regulators or other parties prescribed by the Secretary of State. Data about the individual making the request is also available by contacting the Licensing Unit (see Appendix H for contact details).

#### The Freedom of Information Act

The Freedom of Information Act allows anybody to request access to information. Such requests must normally be made in writing whether by email or by letter. A fee may be requested and sometimes we may require more specific information as to the information required. Once specific details and fee have been received, we will handle requests within 20 days and if possible release the information. We will release all information requested in the format required unless it is in the public interest not to do so. Any complaints as to how we handle requests should be made to the Information Commissioner (see Appendix H for contact details).

APPENDIX G: Responsible authorities (i.e. those parties who must be served a copy of premises licence applications)

Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the licensing authority in relation to applications for, and in relation to, premises licences.

**The Licensing Authority** in England and Wales in whose area the premises is wholly/partly situated

Web: [www.manchester.gov.uk/licensing](http://www.manchester.gov.uk/licensing)

Email: [premises.licensing@manchester.gov.uk](mailto:premises.licensing@manchester.gov.uk)

Tel: 0161 234 4512

Fax: 0161 957 8396

Addr: Premises Licensing  
Manchester City Council  
Level 1, Town Hall Extension  
Albert Square  
PO Box 532  
Manchester M60 2LA

**The Gambling Commission**

Web: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Tel: 0121 230 6666

Fax: 0121 230 6720

Addr: Victoria Square House  
Victoria Square  
Birmingham B2 4BP

**The chief officer of police/chief constable for the area in which the premises is wholly or partially situated**

Email: [centrallicensing@gmp.police.uk](mailto:centrallicensing@gmp.police.uk)

Tel: 0161 856 3363

Fax: 0161 856 3364

Addr: Greater Manchester Police Licensing  
Partnership Team  
Level 1, Town Hall Extension, Lloyd Street  
Manchester M2 5DB

**The fire and rescue authority for the same area**

Addr: North Manchester Fire and Rescue Service (if the premises have a postcode within the ranges M1-M4, M8-M9, M11-M13, M18, M25)

The Fire Safety Manager  
Greater Manchester Fire & Rescue Service  
Manchester Central Fire Station  
Thompson Street  
Manchester M4 5FP

Email: [northmanlic@manchesterfire.gov.uk](mailto:northmanlic@manchesterfire.gov.uk)

South Manchester Fire and Rescue Service (if the premises have a postcode within the ranges M14-M16, M19-M23, M40, M90)

The Fire Safety Manager  
Greater Manchester Fire & Rescue Service  
Withington Central Fire Station  
Wilmslow Road  
Withington  
Manchester M20 4AW

Email: [southmanlic@manchesterfire.gov.uk](mailto:southmanlic@manchesterfire.gov.uk)

**The local planning authority**

Addr: Manchester Local Planning Authority  
(Premises Licences)  
PO Box 436



Town Hall Extension  
Manchester M60 3NY

**Environmental Health** (an authority which has functions in relation to pollution to the environment or harm to human health)

Addr: Licensing and Out of Hours Team (Gambling Licences)  
Level 1, Town Hall Extension, Lloyd Street  
Manchester M2 5DB

**The Local Safeguarding Children Board** (a body, designated in writing by the licensing authority as competent to advise about the protection of children from harm)

Manchester City Council has considered which body could best fulfil the function of advising us about the objective of *protecting children from being harmed or exploited by gambling* and has chosen the Local Safeguarding Children Board.

Addr: Licensing Administrator  
Manchester Town Hall Extension  
Albert Square  
PO Box 532  
Manchester M60 2LA

**HM Revenue & Customs**

Addr: HM Revenue and Customs  
Local Compliance (WSNI), FAO Anne Marie Kerr  
Portcullis House  
21 India Street  
Glasgow G4 2PZ

**Any other person prescribed in regulations by the Secretary of State**

At the time of publication, no other person has been prescribed in accordance with the above.

APPENDIX H: Other useful contacts

The Information Commissioner

For complaints in our dealing with Freedom of Information requests:

Web: [www.ico.org.uk](http://www.ico.org.uk)

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Tel: 0303 123 1113

Addr: Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

GamCare

Provides information, advice and practical help in addressing the social impact of Gambling

Web: [www.gamcare.org.uk](http://www.gamcare.org.uk)

Email: [info@gamcare.org.uk](mailto:info@gamcare.org.uk)

Tel: 0808 8020 133

Addr: GamCare  
1st Floor  
CAN Mezzanine Old Street  
London  
N1 6AH

Beacon Counselling Trust (the Gamcare-accredited treatment provider for problematic gambling issues in Greater Manchester):

Web: <http://beaconcounsellingtrust.co.uk>

Email: [admin@beaconcounsellingtrust.co.uk](mailto:admin@beaconcounsellingtrust.co.uk)

Addr: Head Office:  
263 Townsend Lane  
Liverpool  
L13 9DG

Tel: 0151 226 0696 / 07506 762 949

### GambleAware

GambleAware is an independent charity tasked to fund research, education and treatment services to help to reduce gambling-related harms in Great Britain. Guided by the [National Responsible Gambling Strategy](#), the charity's strategic aim is to broaden public understanding of gambling-related harms and to advance the cause of harm prevention and to help those that do develop problems get the support that they need quickly and effectively. The Funding priorities are guided by the national strategy advised by the [Responsible Gambling Strategy Board \(RGSB\)](#) and endorsed by the [Gambling Commission](#)

Web: <https://about.gambleaware.org>

[www.begambleaware.org](http://www.begambleaware.org) (for help, advice or support in relation to gambling)

Email: [info@gambleaware.org](mailto:info@gambleaware.org)

Tel: 020 7287 1994

Addr: GambleAware  
7 Henrietta Street  
London WC2E 8PS

### Responsible Gambling Strategy Board (RGSB)

The RGSB is an independent expert body which:

- advises the Gambling Commission (and through them, the government) on the research, education and treatment elements in a national responsible gambling strategy
- determines and recommends to GambleAware (after consultation with stakeholders and experts) what research, education and treatment is required to reduce harm from problem gambling as part of an overall national responsible gambling strategy, and the levels of funding necessary to deliver the recommended priorities.

Web: [www.rgsb.org.uk](http://www.rgsb.org.uk)

Email: [info@rgsb.org.uk](mailto:info@rgsb.org.uk)

Tel: 0121 230 6666

Addr: RGSB (care of the Gambling Commission)  
Victoria Square House  
Victoria Square  
Birmingham  
United Kingdom  
B2 4BP

## APPENDIX I: Glossary

### Adult Gaming Centre

An Adult Gaming Centre is a place of gambling. Access is restricted to persons over 18. An Adult Gaming Centre may have:

- Up to four category B3 or B4 gaming machines
- Any number of category C or D machines

Categories of gaming machines are outlined in Appendix E.

An Adult Gaming Centre requires an 'Adult Gaming Centre premises licence' under the Act.

### Betting

See 'Gambling'.

### Betting premises

As well as betting shops, the definition of 'betting premises' also includes those parts of tracks that allow on-course betting.

### Bingo

There are essentially two types of bingo:

- Cash bingo, where the stakes paid make up the cash prizes that can be won
- Prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.

### Casino

A casino is an arrangement whereby people are given an opportunity to participate in one or more casino games.

### Casino game

A game of chance, which is not equal chance gaming.

### Children and young persons

For the purposes of the Gambling Act 2005, 'children' are defined as persons under the age of 16. 'Young persons' are those aged 16 or 17 years of age.

Commercial gambling

See 'Gambling'.

Department of Culture, Media and Sport (DCMS)

Responsible for producing the Gambling Act 2005 and regulating Gambling in conjunction with the Gambling Commission and Local Authorities.

Disorder

'Activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder' (Gambling Commission Guidance 5.12).

Equal chance gaming

Gaming which does not involve playing or staking against a bank.

Family Entertainment Centre (licensed)

A licensed Family Entertainment Centre requires a premises licence by virtue of its providing category C and D gaming machines.

Family Entertainment Centre (unlicensed)

An unlicensed Family Entertainment Centre does NOT require a premises licence by virtue of its providing only category D gaming machines. It does however require a Family Entertainment Centre gaming machine permit.

First Appointed Day

The date on which Licensing Authorities could first receive applications for premises, permits and permissions to carry out commercial gambling under the Gambling Act 2005 in their area. This date was January 31<sup>st</sup> 2007.

Frivolous

See 'irrelevant'.

Gambling

Gambling is defined in the Act as *gaming, betting* or participating in a *lottery*.

*Gaming* is defined as playing a game of chance for a prize. A *game of chance* is a game, which involves both an element of chance and an element of skill, or where chance can be eliminated by superlative skill, or where the game is presented as involving an element of chance. The game cannot however include a sport.

*Betting* is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).

A *lottery* is defined as either a simple lottery or a complex lottery. A *simple lottery* is one where persons are required to pay to participate and one or more prizes are allocated to one or more members of a class, and the prizes are allocated by a process which relies wholly on chance. A *complex lottery* is where persons are required to pay to participate and one or more members of a class, and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. *Prize* means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission).

#### Gambling Act 2005

Primary legislation that reforms prior gambling legislation and sets out the three licensing objectives in accordance with which decisions about premises licensed for gambling and some other gambling permits will be taken.

#### Gambling Commission (see Appendix G for contact details)

The Gambling Commission has replaced the Gaming Board for Great Britain as the regulator of all commercial gambling in Great Britain (other than the National Lottery administered by the National Lottery Commission and Spread Betting administered by the Financial Services Authority). The Gambling Commission will take a lead on formulating codes of practice to aid gambling premises meet the licensing objectives.

#### Gaming

See 'Gambling'.

Gaming machines

Any machine allowing any sort of gambling activity including betting on virtual events. Exceptions include mobile phones, home computers etc. A fuller list is contained within the Gambling Act.

Hearing

In the context of the Gambling Act a hearing is an opportunity (where representations have been received) for the licensing committee to hear evidence for and against the granting of an application for gambling. In light of this evidence and the principles outlined in this policy they will make a decision about whether to grant the application and impose any conditions.

Interested party

For the purposes of the Gambling Act, an 'interested party' is a person who either:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorities activities
- b) Has business interests that might be affected by the authorised activities
- c) Represents persons who satisfy paragraph (a) or (b)

Please note: Whether or not a person is an 'interested party' is ultimately the decision of the Licensing Authority which issues the licence or to which the application is made.

Irrelevant, frivolous, vexatious

A representation may be rejected if considered to be irrelevant. It is only relevant if it meets one or more of the following criteria. It must:

- Relate to the licensing objectives
- Raise issues noted in this our gambling policy
- Raise issues under the Gambling Commission's Code of Practice
- Relate to the premises that are the subject of the application

AND

- Neither be frivolous, vexatious nor will certainly not influence the authority's determination of the application.



### Licensing Authority

The Local Authority for the area, which is responsible for licensing matters and issuing licences.

### Licensing committee

A committee of the Licensing Authority constituted of elected members, which will hear applications where relevant representations are made and not withdrawn. In Manchester, this will be the Licensing and Appeals Committee.

### Licensing objectives

Objectives in accordance with which licensing decisions are made. The three objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

### Lottery

See 'Gambling'.

### Non-commercial gaming

See 'Private or non-commercial gaming'.

### Occasional Use Notice

An Occasional Use Notice is for use by tracks where there is betting on eight days or less in a calendar year. In these circumstances, betting may be permitted by an Occasional Use Notice without the need to apply for a full premises licence.

### Operating licence

Operating licences enable the licence holder of different premises types to operate that type of gambling premises. See Gambling Commission for details. There are ten types of operating licences:

*Casino operating licence* – enables holder to operate a casino

*Bingo Operating Licence* – enables holder to provide bingo facilities

*General Betting Operating Licence* – enables holder to provide betting facilities other than pool betting

*Pool Betting Operating Licence* – enables holder to provide pool-betting facilities

*Betting Intermediary Operating Licence* – enables holder to act as a betting intermediary

*Gaming Machine General Operating Licence* – enables holder to make gaming machines available for use in either an *Adult Gaming Centre* or *Family Entertainment Centre*

*Gaming Machine Technical Operating Licence* – enables holder to manufacture, supply, install, adapt, maintain or repair gaming machines within Categories A-D

*Gambling Software Operating Licence* – enables holder to manufacture, supply, install or adapt gambling software

*Lottery Operating Licence* – enables holder to promote a lottery

*Remote Operating Licence* – enables holder to carry on activities in respect of remote gambling or by means of remote communication.

### Personal Licence

Licence required by at least one person occupying a management office for gambling premises. Exceptions are for members' clubs and small-scale operators (to be confirmed). This person will be named on the operating licence. An operating licence cannot be issued without a personal licence holder.

Applications for personal licences must be made through the Gambling Commission. A personal licence lasts indefinitely unless it lapses or is surrendered, forfeited or revoked.

### Pool betting

For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings:

- Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the persons betting
- Shall be divided among the winners or
- Shall or may be something other than money.

For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.

### Premises

'Premises' is defined in the Gambling Act as 'any place'. In light of this, only one premises licence may be issued for any particular premises at any one time (except in the case of track where there can be more than one premises licence provided each licence relates to a specific area of the track). It is for the Licensing Authority to decide on a case-by-case basis whether different parts of a building can be properly regarded as being separate premises. The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can properly be regarded as different premises.

Vessels are also considered to be premises for the purposes of the Act. The definition of a vessel is:

- Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water;
- A hovercraft; or
- Anything, or part of any place, situated on or in water.

The vessel must not be permanently moored or berthed. Other types of vessel are not permitted to allow commercial gambling.

### Premises licence

A licence that allows a premises (including a vessel as defined below) to carry out gambling activities. Premises licences will not be time-limited. There are five types of premises licence:

- Casino Premises Licence
- Bingo Premises Licence
- Adult Gaming Centre Premises Licence
- Family Entertainment Centre Premises Licence
- Betting Premises Licence

Please note: Holding an operating licence is a precondition of being granted a premises licence. The only exception is with respect to betting premises licences, which allow tracks to be used for accepting bets without the requirement of holding an operating licence.

Prize gaming

Gaming is prize gaming for the purposes of the Act if neither the nature nor the size of the prize played for, is determined by reference to the numbers of persons playing or the amount paid for or raised by the gaming.

Prize gaming permit

A prize gaming permit authorises a person to provide facilities for gaming with prizes on specified premises.

Private or non-commercial gaming

Gaming is private where:

- It takes place in a private dwelling and on a domestic occasion
- There is no charge for participation
- It is equal chance gaming (this requirement is not applicable for domestic or residential gaming)
- It does not occur in a place to which the public have access

Betting is private where it is domestic betting or workers' betting. *Domestic betting* is that where the betting is made on premises in which each party lives. *Workers' betting* is betting made between persons who have a contract of employment with the same employer.

Gaming is non-commercial where it takes place at a non-commercial event. Such an event is where no part of the proceeds is used for private gain. There are specific additional requirements for non-commercial prize-gaming and non-commercial equal chance gaming. Betting is non-commercial where no party enters into the betting in the course of a business or holds himself/herself out as being in business in relation to the acceptance of bets.

Regulation

In the context of the Gambling Act, regulation is a means to ensure gambling is carried out in accordance with the principles outlined in this policy which itself is directed by the Gambling Act 2005 and guidance from the Department of Culture, Media and Sport and the Gambling Commission.

### Remote gambling

Gambling in which people participate using the Internet, a telephone, television, radio or other kind of technology for facilitating communication.

### Representation

A statement of opinion possibly including suggestions as to how any concerns may be addressed. Only those matters that are relevant to the promotion of the licensing objectives may be considered and in the case of interested parties where they are neither frivolous nor vexatious.

### Responsible authority

A public body that must be notified of applications and that is entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, premises licences. They may also request a review of the premises licence. In all cases, the representation/review must relate to the licensing objectives.

Responsible authorities are experts in various areas relating to the licensing objectives and as such are able to ensure commercial gambling premises maintain high standards. Under the Gambling Act 'responsible authorities' (as listed in Appendix G) are responsible for pursuing the licensing objectives in relation to commercial gambling premises.

### Second Appointed Day

The date on which licences granted under the Gambling Act 2005 took practical effect (1 September 2007).

### Spread betting

Spread betting is regulated by the Financial Services Authority (see Appendix H for contact details).

### Temporary Use Notice

A Temporary Use Notice allows the use of premises for gambling for up to 21 days in a 12-month period where there is no premises licence. The gambling operator (with an operating licence) may use any premises temporarily for providing facilities for gambling (e.g. a hotel, conference centre, sporting venue).

### Travelling fair

For the purposes of the Gambling Act, 'fair' means a fair consisting wholly or principally in the provision of amusements. It is a travelling fair if it is provided wholly or principally by persons who travel from place to place for the purpose of providing fairs and is at a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year.

### Tracks

Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

### Vexatious

See 'irrelevant'.

### Vessel

See 'Premises'.

### Vulnerable persons

While the Gambling Commission does not attempt to define 'vulnerable persons', it does offer a working category, which includes:

- People who gamble more than they want to;
- People who gambling beyond their means; and

People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. See Section 4.1 of this policy for further detail.

### Young persons

See 'Children and young persons'.

### Appendix J – Who we consulted with on publishing this Policy

The following parties were consulted in the development of this Policy:

- All operators of gambling establishments in Manchester
- All responsible authorities designated under s157 of the Gambling Act 2005
- Solicitors known to have represented gambling operators for premises in Manchester

- Strategic Neighbourhood Lead officers of Manchester City council
- All Manchester MPs and members of the Manchester City Council
- Gamcare
- Beacon Counselling Trust
- Gordon Moody Association
- South Manchester Credit Union
- Gamblers Anonymous
- Citizens Advice Manchester
- Cityco

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**Manchester City Council  
Report for Information**

**Report to:** Council – 28 November 2018

**Subject:** Standards Committee – Annual Report

**Report of:** City Solicitor

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**Summary**

The purpose of this report is to update members of the Standards Committee on the matters within the remit of the Committee since March 2018.

**Recommendation:**

1. To note the work done since March 2018 by the Committee and by the Council's Monitoring Officer this year to promote and maintain high standards of conduct by Councillors.
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**Wards Affected** All

Manchester Strategy outcomes	Summary of the contribution to the strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	Not directly applicable
A highly skilled city: world class and home grown talent sustaining the city's economic success	- Not directly applicable
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	This annual report provides an overview of the work undertaken by the Standards Committee from March 2018 to October 2018. This contributes towards promoting and maintaining high standards of conduct among members. The report sets out the procedure for complaints against members and lists the complaints received over the above time period. This contributes towards promoting fairness by members in their conduct towards members of the public and other Members. This also contributes to fairness, transparency and accountability when allegations are made that a member's behaviour has fallen below the expected standard.

A liveable and low carbon city: a destination of choice to live, visit, work	- Not directly applicable
A connected city: world class infrastructure and connectivity to drive growth	- Not directly applicable

**Full details are in the body of the report, along with any implications for**

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

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### **Financial Consequences – Revenue**

None directly.

### **Financial Consequences – Capital**

None directly.

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### **Background documents (available for public inspection):**

None.

## **1.0 Introduction**

- 1.1 The purpose of this report is to summarise the work undertaken by the Council's Monitoring Officer and the Standards Committee since the last Annual Report in March 2018.

## **2.0 The Roles of the Standards Committee and the Council's Monitoring Officer**

- 2.1 The role and functions of the Standards Committee and the Council's Monitoring Officer are set out in the Council's Constitution and reproduced for ease of reference in Appendix 1 to this Report. The Standards Committee meets 3 times a year, in March, June and November.

## **3.0 Matters considered by the Standards Committee since its last Annual Report**

- 3.1 Members will recall that the Committee agreed at a previous meeting to move the date of the report relating to the review of its work from March to November each year to better inform the Council's Annual Governance Statement (AGS) by collating at the most appropriate time assurances from this committee on matters within its remit. The last report covered the period to March 2018 and this report therefore covers a shorter period than usual. Future reports will review the work undertaken by the committee and the Monitoring Officer for the year to November.
- 3.2 The role of the Standards Committee under the AGS is to promote high standards of ethical conduct, advising on the revision of the codes of corporate governance and conduct for members.
- 3.3 The matters dealt with by the Standards Committee since at its meeting March and June 2018 meetings are set out below. The Committee has:
- Considered initial proposals regarding changes to the new members induction programme for 2018
  - Considered a report in relation to a review by the Committee on Standards in Public Life about intimidation in public life
  - Reviewed the operation and efficacy of the Social Media Guidance for Members
  - Considered revisions to the Council's Member/ Officer Relations Protocol, Use of Resources Guidance for Members and the Gifts and Hospitality Guidance for Members as part of the annual review of the Council's Constitution.
  - Responded to a consultation carried out by the Committee on Standards in Public Life reviewing Local Government Ethical Standards
  - Considered the draft AGS
  - Considered a report on the induction programme delivered to new Councillors in May 2018, the training provided to Councillors over the last 12 months and the proposed Member Development Strategy for new and existing Councillors

- Considered the Annual Report of this Committee
- Overseen the provision of an ethical guidance update for members which is produced every 6 months

#### **4 Operation of Codes and Guidance relating to Members.**

- 4.1 The Committee at its last meeting requested a separate report on the operation and efficacy of the process for updating the Register of Members Interests to its March 2019 meeting (which will be its next meeting). This report therefore sets out the position in brief.
- 4.2 Members will be aware that whilst officers do provide advice to Members, if asked, on Members' interests it is the responsibility of individual members to comply with the requirements of the Code of Conduct. Reminders to Members regarding updating their Register of Interests are contained in the Ethical Governance Update sent to all Members and given by specific email reminders to all Members. The last email reminder regarding revision of existing register entries was sent to all Councillors in July 2018. 8 Councillors updated their Register of Interests in response to this reminder. 9 Councillors had already updated their Register during the course of 2018. The Register of Interests requirements are covered in New Member Induction and all new Councillors have registered their interests. The Monitoring Officer is of the view that this requirement is understood by Members and that if they have queries Members do routinely seek advice in relation to declaration of Interests.
- 4.3 The Code of Conduct for Members also requires Members to register any gifts and hospitality received with an estimated value of at least £100. This figure dates from the 2013 revision to the Code of Conduct following Localism Act changes. The form for Registration of Interests make provision for gifts and hospitality to be noted if applicable. No such interests have been registered since March 2018. The view of the Monitoring Officer is that, given the threshold, this is unsurprising and that there is no indication that Members are unaware of this requirement.
- 4.4 The Code of Conduct for Members, Planning Protocol for Members, Use of Resources Guidance for Members, Gift and Hospitality Guidance for Members and the Member/Officer Relations Protocol are as indicated above contained in the Council's Constitution and are reviewed annually in March by this Committee as part of the annual review of the Council's constitution. The Monitoring Officer is of the view that these protocols and guidance are well understood by Members and is not aware of any queries or issues that have not been addressed through existing procedures. A report regarding the Planning Protocol forms a separate item on the Committee's agenda.
- 4.5 As requested by the Standards Committee the Social Media Guidance for Members was circulated again to all Members in June 2018. Social Media Training arranged for September 2018 unfortunately has had to be rescheduled due to circumstances beyond the Council's control. It will be rescheduled as soon as possible.

- 4.6 Dispensations were issued by the Monitoring Officer this year to all Councillors in relation to participating and voting on the setting of the Council's Council Tax etc. and participating and voting on Members' Allowances on the basis that without the dispensation the number of Members prohibited from participating in this particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business at the Council's budget setting meeting. No other dispensations have been sought.

## **5. Complaints against Councillors**

- 5.1. There are 3 potential stages through which a complaint may proceed:

*Stage 1 - Initial Assessment stage where the Monitoring Officer, in consultation with the Council's Independent Person, will decide whether to reject the complaint, seek informal resolution of the matter or refer the complaint for formal Investigation.*

*Stage 2 - Where a complaint is referred for Investigation, the Monitoring Officer will appoint an Investigating Officer to investigate the matter.*

*Stage 3 - If the Investigating Officer's final report concludes that there is sufficient evidence of a failure by the Member to comply with the Code, the Monitoring Officer will consult with the Independent Person before either seeking a local resolution to the matter or sending the allegation before the Hearing Panel for determination.*

- 5.2 The Monitoring Officer has received 10 complaints about Manchester City Councillors between 1 April 2018 and 30 September 2018.
- 5.3 Two of these complaints are in the course of investigation. Two complaints were not pursued by the complainant. One complaint was withdrawn by the complainant. Five complaints have been concluded. All 5 were rejected at Stage 1 as set out in the table below.
- 5.4 Although 3 complaints relate to use of social media 2 of these largely related to postings made before the Member in question became a Councillor. Where they related to conduct in an official capacity the complaints were in connection with tweets made some considerable time before. It was considered in these circumstances unlikely that those involved would recollect the facts sufficiently clearly to warrant pursuing the matter further. 2 others related to actions undertaken when it was clear the Member was not acting in an official capacity and were rejected for this reason.
- 5.5 The Committee will recall that it approved revisions to the Procedure for dealing with Member Complaints ('The Arrangements') in March 2017. In terms of the efficacy of the procedure it is clear that persons who feel aggrieved are aware of the Procedure. The timeframes in the Arrangements are as follows:

- (a) The Monitoring Officer will acknowledge receipt of the complaint within 10 working days of all required information being provided and at the same time, the Monitoring Officer will write to the Subject Member with a copy of the complaint
- (b) The Subject Member may, within 10 working days of being provided with a copy of the complaint, make written representations to the Monitoring Officer
- (c) A decision regarding whether the complaint merits formal investigation or another course of action will normally be taken within 20 working days of either receipt of representations from the Subject Member or where no representations are submitted 20 working days of the expiry of the period mentioned in paragraph (b) above.

The majority of cases that have been dealt with at Stage 1 have been completed broadly in line with this timeframe and complainants have been kept informed of the position as needed.

**Complaints Summary: Decisions on Complaints made between 1st April 2018 and 30th September 2018**

Complaint No.	Provision of the code alleged to have been breached	Outcome
CCM2018.03	Bringing office into disrepute – historic posting on social media	Rejected at stage 1 following consultation with the Council’s Independent Person (IP) - Part of complaint outside of the scope of the Code of Conduct –as it related to postings made before the Member became a Cllr in 2011. The remainder of the complaint related to tweets pre-dating November 2017 and it was considered in these circumstances that given the time that had elapsed between the event and the complaint there was little benefit in pursuing the matter. In addition, the complaint was submitted on 9 <sup>th</sup> April 2018 (during the Purdah period preceding the May 2018 local elections) and may therefore be politically motivated. The subject member has now deleted their twitter account.

CCM2018.04	Bringing office into disrepute– historic posting on social media	Rejected at stage 1 following consultation with the IP - Part of complaint outside of the scope of the Code of Conduct –as at the time of these postings (before May 2011) the Subject Member was not a Cllr. Remainder of complaint regarding one tweet from 2015 was rejected as the tweet was over 3 years old. Not in the public interest to expend further resources on investigation
CCM2018.05	Bringing office into disrepute – posting on social media	Rejected at stage 1 following consultation with IP - conduct complained of was not serious enough to warrant an investigation and not in the public interest to expend further resources on investigation
CCM2018.06	Bringing office into disrepute – conflict of interest	Rejected at stage 1 following consultation with IP – conduct complained of did not breach the Code of Conduct as when attending the Committee in question the Subject Member made it clear they were attending as a representative of a Neighbourhood Forum and as such had acted in line with their duty to participate in local forums to represent their local communities. The Cllr was not a decision maker for the application in question. Wholly disproportionate and not in the public interest to expend further resources on investigation
CCM2018.07	Yet to be confirmed	Ongoing. Complaint made by telephone to Member Services. Conduct complained of was Cllr not attending an appointment with a constituent and did not notify them of the cancellation. A letter was sent to the complainant, to request further clarification. There has been no response from the complainant to date.

CCM2018.08	Bullying/abusive behaviour & bringing office into disrepute – conduct at a public meeting	Rejected at Stage 1 following consultation with IP - conduct complained of did not breach the Code of Conduct as the Cllr was not acting as a councillor at the time of the complaint. The Cllr stated on attendance at a local meeting that they were not attending as a councillor, but as a resident of the area
CCM2018.09	Bullying/abusive behaviour & bringing office into disrepute – abusive conduct at a public event	Withdrawn.
CCM2018.10	Using position as a member improperly to confer on yourself an advantage	Complaint not pursued – an acknowledgement letter was sent to the complainant’s address, as given on the online form for complaints that was submitted. The complainant responded to the acknowledgement letter to say that they had not made a complaint and someone must have used their identity to make the complaint.
CCM2018.11	Bringing office into disrepute	Complaint not pursued – no response from complainant to request for further information, despite initial letter and reminder being sent to them.
CCM2018.12	Bringing office into disrepute	Ongoing.

- 5.5 The Committee is aware that complaints about failure to register a DPI are subject to criminal sanction. The Monitoring Officer is not aware of any action having been taken by the Police in relation to DPI requirements.



## APPENDIX 1

### The role of the Standards Committee

Promoting and maintaining high standards of conduct by Councillors, Co-opted Members and church and parent governor representatives;

Assisting Councillors, Co-opted Members and church and parent governor representatives to observe the Council's Code of Conduct for Members;

Advising the Council on the adoption, revision or replacement of the Council's Code of Conduct for Members and the Council's Arrangements for dealing with Complaints that Council Members and Co-opted voting members of the Health and Wellbeing Board have failed to comply with the Council's Code of Conduct for Members ("the Council's Arrangements");

Monitoring the operation of the Council's Code of Conduct for Members and the Council's Arrangements;

Advising, training or arranging to train Councillors and Co-opted Members and church and parent governor representatives on matters relating to the Council's Code of Conduct for Members and other issues relating to Standards and Conduct;

To take decisions in respect of a Council Member who is found on a hearing held in accordance with the Council's Arrangements to have failed to comply with the Council's Code of Conduct for Members ("the Subject Member") following referral by the Monitoring Officer for a Hearing conducted by a subcommittee of the Standards Committee.

To grant dispensations from section 31(4) of the Localism Act 2011 (after consultation with one of the Council's Independent Persons) if having had regard to all relevant circumstances, the Standards Committee:

- considers that granting the dispensation is in the interests of persons living in the Council's area; or
- considers that it is otherwise appropriate to grant a dispensation.

To determine appeals against the Monitoring Officer's decision on the grant of dispensations;

To deal with any reports from the Monitoring Officer on any matter which is referred to it for determination;

To deal with reports of the Monitoring Officer regarding breaches of the protocols/guidance to Members accompanying the Council's Code of Conduct for Members which do not in themselves constitute a breach of that Code;

To report from time to time to Council on ethical governance within the City Council.

To overview the Council's whistle blowing policy;

To consider the Code of Corporate Governance and the Annual Governance Statement.

### **The Responsibilities of the Council's Monitoring Officer**

The Monitoring Officer role is to support the Standards Committee, to handle complaints about Members and promote and maintain high standards of conduct. She has delegated authority under the Council's constitution:

- To act as the Council's Proper Officer to receive complaints that Council members have failed to comply with the Council's Code of Conduct for Members.
- To determine, after consultation with the Independent Person and in accordance with the Council's Arrangements for dealing with complaints that Council Members have failed to comply with the Council's Code of Conduct for Members ("the Council's Arrangements") whether to reject or informally resolve or investigate a complaint.
- To seek informal resolution of complaints that Council Members have failed to comply with the Council's Code of Conduct for Members wherever practicable.
- To refer decisions dealing with a complaint against a Council Member to the Standards Committee in exceptional circumstances.
- To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with the Independent Person) determine that a complaint merits formal investigation.
- To issue guidance to be followed by an Investigating Officer on the investigation of complaints.
- To determine, after consultation with the Independent Person and in accordance with the Council's Arrangements, to confirm an Investigating Officer's finding of no failure to comply with the Council's Code of Conduct for Members.
- Where an Investigating Officer's report finds that the Subject Member has failed to comply with Council's Code of Conduct for Members, to determine, after consultation with the Independent Person and in accordance with the Council's Arrangements, either to seek a local resolution or to send a matter for local hearing.
- To make arrangements to advertise a vacancy for the appointment of
  - i Independent Persons and
  - ii Co-Opted Independent Members;

- to make arrangements, in consultation with the Chair of the Council's Standards Committee for short-listing and interviewing candidates for appointment as Independent Persons and to make recommendations to Council for appointment.
- To prepare and maintain a Council Register of Member's Interests to comply with the requirements of the Localism Act 2011 and the Council's Code of Conduct for Members, and ensure that it is available for inspection and published on the Council's website as required by the Act.
- To prepare and maintain a register of Member's interests for Ringway Parish Council to comply with the Localism Act 2011 and the Code of Conduct adopted by Ringway Parish Council and ensure that it is available for inspection as required by the Act.
- To grant dispensations from Section 31(4) of the Localism Act 2011 if, having had regard to all relevant circumstances, the Monitoring Officer:
  - (i) considers that without the dispensation the number of persons prohibited by section 31(4) of the Localism Act from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;  
or
  - (ii) considers that without the dispensation each member of the Council's Executive would be prohibited by section 31(4) of the Localism Act from participating in any particular business to be transacted by the Council's Executive.
  - (iii) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.

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