

CONSTITUTIONAL PANEL

MEETING, 11TH JANUARY, 2016

Present – Councillors Morris (Chairman), Mrs. Fairclough, Greenhalgh, A. Ibrahim, Peel and Mrs Thomas.

Also in Attendance

Mrs. M. Asquith	-	Chief Executive
Mrs. H. Gorman	-	Borough Solicitor
Ms. S. Johnson	-	Borough Treasurer
Mrs. V. Ridge	-	Deputy Democratic Services Manager

Councillor Morris in the Chair

12. MINUTES

The minutes of the proceedings of the meeting of the Constitutional Panel held on 9th November, 2015 were submitted and signed as a correct record.

13. AGMA BUSINESS RATES POOLING

The Borough Treasurer submitted a report which sought member's approval to the Council entering into a pooled business rates arrangement with AGMA and adjoining authorities.

Members were reminded that reforms introduced by the Local Government Resource Review (LGRR) allowed local authorities to retain an element of the Business Rates collected, together with any element of growth in Business Rates collected above an assumed baseline level. The retained Business Rate income was subject to a safety net and Local Authorities were protected at 92.5% of their baseline funding, which equated to assumed National Non Domestic Rates income and any top-up payments.

The LGRR also introduced the option for Local Authorities to pool their Business Rates meaning that monies which may have been paid over to Central Government could now be retained within the pool. This levy payment was typically made by Authorities with high levels of Business Rate income and 50% of any growth in income would be paid to Central Government. However, the risk with pooling was that if an Authority lost a large amount of Business Rates within a year then it would be hit by a safety net established by the Government to limit any in-year losses by individual councils. The safety net was currently triggered when there was a loss of more than 7.5% and in a pooling arrangement the loss of income above this was supported by the pool and not an additional payment from Central Government. Consequently, it was important to establish that no authorities were at risk of triggering a safety net claim when such arrangements were established.

A detailed analysis of the projected business rate position for AGMA authorities plus Cheshire East, Cheshire West & Chester had shown that no authorities were anticipating breaching the safety net in 2016/2017. Consequently, an application had been submitted to the Department for Communities and Local Government on the pooling of Business Rates. Each Authority needed to decide on whether it wished to be part of the pool within 28 days of the Local Government Finance Settlement which was announced on 17th December, 2015.

Any monies gained as part of the pooling arrangement would be retained by the pool for investment within Greater Manchester (through the existing governance structures of the Combined Authority) and the other Authority involved. Importantly, the establishment of the pool kept the money within the region. Without the pool, the money would have been passed over to central government.

It was anticipated that the pool would be administered by Manchester City Council.

Resolved – That approval be given to the Council entering into a pooling arrangement with other AGMA and adjoining Authorities for 2016/2017 as described in the report.

14. GREATER MANCHESTER DEVOLUTION - UPDATE

The Chief Executive submitted a report which updated members on the Cities and Devolution Bill and also the next steps for implementation.

Members were reminded that the Cities and Devolution Bill went through the report stage in the House of Commons on 7th December, 2015 and the Bill was going back into the House of Lords on 12th January, 2016. It was anticipated that it would receive Royal Assent shortly after. As previously stated, the Bill as currently drafted was enabling legislation and the detail of additional powers to be provided to the Elected Mayor and the Combined Authority would be set out in Orders confirmed by Parliament and any subsequent secondary legislation that might be required. The Bill in its current form did therefore meet the requirements of the Greater Manchester (GM) devolution.

In terms of the next steps, these were detailed in the report as follows, viz:-

- First Order – to create the GM Mayor role and to provide for the Mayor to exercise the functions of the Police and Crime Commissioner (PCC) for the GM police area. It also provided for the election of the Mayor in May, 2017 for an initial three year term and removed the requirement for a Greater Manchester PCC election in May, 2016. The Order required the consent of the Greater Manchester Combined Authority (GMCA) and the 10 constituent councils.
- Orders required for April, 2016 – GMCA would require the ability to exercise health related functions from April, 2016 to enable it to play a full part in health and social care devolution. It was proposed that this would be by way of providing for the GMCA to have the functions that all local authorities have under the Health and Social Care Act 2012 to take appropriate steps to improve the

health of people who live in their area. Further work was also taking place on other additional powers required to implement devolution from April, 2016. Appendix 1 to the report also outlined the powers agreed to date; and

- Full implementation – the totality of powers to be granted to the GMCA and Elected Mayor would need to be finalised by November, 2016 and this process would commence in March, 2016 and there would be a combination of Orders as there were a number of devolution deals across the country. Further reports would be submitted to the Cabinet as the work developed.

Resolved – (i) That the progress of the Cities and Devolution Bill and the next steps required for implementation be noted.

(ii) That delegated authority be given to the Chief Executive, in consultation with the Leader of the Council, to consent to the terms of the Order required to establish the role of Greater Manchester Combined Authority Elected Mayor and to provide for the Mayor to exercise the functions of the Police and Crime Commissioner in relation to the Greater Manchester Police area.

(iii) That delegated authority be given to the Chief Executive, in consultation with the Leader of the Council, to consent to the terms of orders required to enable Greater Manchester Combined Authority to carry out health related functions from April, 2016.

15. PUBLIC ATTENDANCE AT MEETINGS OF FULL COUNCIL

The Chief Executive submitted a report which updated members on proposed arrangements for the Council meeting in February, 2016 and sought approval to stream the meeting to an alternative venue.

The report outlined the incidents/disruptions which had occurred at previous meetings of the Council and the impact this had on conducting the meetings in an orderly fashion. Furthermore, it was explained that a review of security

arrangements generally had been carried out following incidents during 2015 to ensure the safety of elected members, staff and members of the public in Council buildings.

In view of the above and the fact that it was anticipated that a large number of protestors would be attending the budget setting Council meeting on 24th February, 2016 with a potential to disrupt the meeting, the following was proposed, viz:-

- Limit the seating in Lecture Theatre 1 to the first section to the rear of the theatre which would provide seating for 43 persons;
- That due to the number of public being restricted in Lecture Theatre 1 to provide live coverage by streaming the meeting to an alternative venue which was currently being identified; and
- Members of the public be asked to provide proof of identity.

In conclusion, members were advised that whilst the level of disruption to date would appear to provide the Council with sufficient grounds to exclude members from future meetings of the full Council, it was felt that the meeting in February, 2016 would attract a broader cross section of the community and, therefore, a blanket exclusion of all members of the public would appear unreasonable.

Resolved – (i) That the constraints on numbers of the public to attend the next meeting of full Council be noted.

(ii) That it be agreed that members of the public be asked to provide identification confirming their name and address before being allowed entry into the meeting.

(iii) That the live streaming of the meeting of the full Council on 24th February, 2016 be approved.

(iv) That delegated authority given to the Chief Executive, in consultation with the Leader of the Council, on the alternative venue for members of the public to view the streaming of the meeting.

16. ESTABLISHMENT OF THE BOLTON CARE AND SUPPORT STEERING COMMITTEE – URGENT ITEM

In accordance with Regulation 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, Councillor I. Ibrahim the Chairman of the Corporate and External Issues Scrutiny Committee agreed that the following matter was urgent and could not wait until the next meeting of Council as the Steering Committee needed to be established prior to the date of the next meeting.

Councillors Mrs. Fairclough, A. Ibrahim and Mrs. Thomas declared an interest in the undermentioned item.

The Borough Solicitor submitted a report which sought approval to the establishment of the Bolton Care and Support Steering Group and to confirm the appointment of its members.

Members were reminded that the Cabinet had agreed to the incorporation of three local authority trading companies to deliver a number of Council Services. Three companies were also necessary to meet legal requirements relating to taxation, procurement rules and state aid issues. The Council was the sole shareholder for Bolton Care and Support Limited and the Cabinet had previously agreed the responsibilities of the Shareholder Bold (SHB) which were detailed in the report.

The report advised that at the initial development session for the Shareholder Board it was agreed that a more accurate description for the group would be the Bolton Care and Support Steering Committee and this should operate as a Committee of the Council as opposed to the Local Authority Trading Company. However, the responsibilities as outlined in the report would be retained.

It was also proposed that the Borough Solicitor, Borough Treasurer and Director of Children's and Adult Services should be advisers to the Board as opposed to officers of the Board which had previously been agreed.

Resolved – (i) That the proposal to the change in name to the Bolton Care and Support Steering Committee being a Committee of the Council be approved.

(ii) That the terms of reference for the Steering Committee as detailed in the report be confirmed.

(iii) That Councillors Mrs. Thomas, Cunliffe, A. Ibrahim and Mrs. Fairclough be confirmed as members of the Bolton Care and Support Steering Group.

(iv) That the Borough Solicitor be authorised to amend the Constitution accordingly.