

## ***CABINET Agenda***

Date Monday 22 October 2018

Time 6.00 pm

Venue Crompton Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

Notes 1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Sian Walter-Browne in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Sian Walter-Browne Tel. 0161 770 5151 or email [sian.walter-browne@oldham.gov.uk](mailto:sian.walter-browne@oldham.gov.uk)

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Wednesday, 17 October 2018.

4. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti social behaviour will always be filmed.

Any member of the public who attends a meeting and objects to being filmed for the Council's broadcast should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Members of the public and the press may also record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

### MEMBERSHIP OF THE CABINET IS AS FOLLOWS:

Councillors Chadderton, Chauhan, Fielding (Chair), Jabbar, Jacques, Mushtaq, Roberts, Shah and Ur-Rehman

Item No

- 1 Apologies For Absence
- 2 Urgent Business  
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest  
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time  
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 4)  
The Minutes of the Cabinet meeting held on 17<sup>th</sup> September 2018 are attached for approval.
- 6 Highways Investment Programme - Key Principles (Pages 5 - 10)
- 7 Disposal of land known as 'Plateau 1', situated between Salmon Fields and Turf Lane, Royton (Pages 11 - 14)
- 8 Empty Homes (Pages 15 - 24)
- 9 Request for Additional Funding and Contract Award: Crompton House C of E School Expansion (Pages 25 - 32)
- 10 Unity Partnership Shareholder Committee Terms of Reference: Cabinet Sub-Committee (Pages 33 - 56)
- 11 Proposed Changes to Registrars' Service Fees and Charges 2018/19 (Pages 57 - 60)
- 12 Exclusion of the Press and Public  
That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they contain exempt information under paragraph 3 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.
- 13 Disposal of land known as 'Plateau 1', situated between Salmon Fields and Turf Lane, Royton (Pages 61 - 72)



**Oldham**  
Council

- 14 Empty Homes (Pages 73 - 90)
- 15 Request for Additional Funding and Contract Award: Crompton House C of E School Expansion (Pages 91 - 98)

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**CABINET**  
**17/09/2018 at 6.00 pm**

**Present:** Councillor Fielding (Chair)  
Councillors Chauhan, Jabbar, Jacques, Mushtaq, Roberts, Shah  
and Ur-Rehman

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Chadderton.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF THE CABINET MEETING HELD ON 20TH AUGUST 2018**

RESOLVED – That the minutes of the Cabinet meeting held on 20<sup>th</sup> August 2018 be approved as a correct record.

6 **REVENUE MONITOR AND CAPITAL INVESTMENT PROGRAMME 2018/19 QUARTER 1 – JUNE 2018**

The Cabinet gave consideration to a report of the Director of Finance, which sought to provide the Cabinet with an update on the Council's 2018/19 forecast revenue budget position at Annex 1 and the financial position of the Capital Programme as at 30<sup>th</sup> June 2018 (Quarter 1) together with the revised capital programme 2018/22 as outlined in section 2 of the report at Annex 2.

Revenue Position

The current forecast outturn position for 2018/19 was a projected favourable variance of £0.100m after allowing for approved and pending transfers to and from reserves.

The most significant area of concern was the People and Place Portfolio, due to the transfer of Children's Social Care into this area. The major issues driving the projections within the portfolio area were detailed within Annex 1 paragraphs 2.10.11 to 2.10.17.

Action was being taken and would continue for the remainder of the financial year to address variances and mitigation as detailed within the report.

The overall corporate position was being managed by offsetting favourable variances, notably from capital, treasury and corporate account budgets and the availability of additional treasury management income and unringfenced grants not allocated to service budgets.

The Quarter 1 position of the Dedicated School Grant and Housing Revenue Account and Collection Fund were also



outlined in the report, with no significant issues of concern, however the DSG continued to be an area facing significant financial challenge.

#### Capital Position

The most up to date capital spending proposals for 2018/22 were provided to Members. The Capital programme budget was £60.022m at the close of quarter 1, a net decrease of £29.636m from the original budget of £89.658m. Actual expenditure to 30 June 2018 was £4.200m (7.00% of forecast outturn).

It was reported that at this stage in the financial year, the forecast position would continue to change with additional re-profiling into future years.

Options/Alternatives considered

Option 1 – To approve the forecast revenue and capital positions presented in the report including proposed changes.

Option 2 – To approve some of the forecasts and changes detailed within the report.

Option 3 – Not to approve any of the forecasts and changes detailed within the report.

RESOLVED – That:

1. The forecast revenue outturn for 2018/22 at Quarter 1 being a £0.100m under spend be approved.
2. The forecast positions for both the Housing Revenue Account and Collection Fund as detailed within the report be approved.
3. The use of reserves as detailed in Appendix 1 to Annexe 1 of the report be approved.
4. The revised capital programme for 2018/22 as at Quarter 1 be approved.

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### **ROYTON TOWN HALL AND LIBRARY**

The Cabinet gave consideration to a report of the Interim Director of Economy and Skills, which provided the Cabinet with details of the progress on the refurbishment of Royton Town Hall and Library buildings.

The report presented a summary of the detailed work carried out to date in bringing forward the project including:

- Assumed costs
- Additional surveys
- Desktop work to confirm the foundation of the design

An exhaustive value engineering exercise had been undertaken to drive down costs as much as possible without compromising the integrity of the project.

Options/Alternatives considered

Option 1 – Do nothing.

Option 2 – Joint Venture/Private Partner

Option 3 – Increase prudential borrowing

Option 4 – De-prioritise other capital projects or allocate currently uncommitted resources.

Members welcomed the proposals stating that the refurbishment would preserve the historical Town Hall building allowing relocation of the library to the main building and create greater accessibility for members of the public.

RESOLVED – That the Cabinet would consider the commercially sensitive information contained at Item 10 of the agenda.

8 **CORPORATE PERFORMANCE REPORT - JUNE 2018**

The Cabinet gave consideration to a report of the Head of Business Intelligence which provided a review of Council performance for June 2018.

The report provided the Cabinet with an overview of the Council's performance against priorities outlined within the Corporate Plan, which had been monitored in the period April to June 2018.

This was the first report presented in a new format in line with the administration priorities.

The rated measures detailed within the report 56% had met the target and 81% of the Corporate Plan Actions for this month were on track or had been met.

Options/Alternatives considered

To note the Council performance April to June 2018.

RESOLVED – That the Council Performance Report March 2018 be noted.

9 **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** that, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they contain exempt information under paragraphs 3 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.

10 **ROYTON TOWN HALL AND LIBRARY**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 7 – Royton Town Hall and Library.

RESOLVED – That the recommendations as detailed within the report be approved.

The meeting started at 6.00pm and finished at 18.13pm.

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**Report to CABINET**

## **Highways Investment Programme – Key Principles**

**Portfolio Holder:**

Cllr Sean Fielding, Leader and Cabinet Member for Economy and Enterprise

**Officer Contact:**

Helen Lockwood, Deputy Chief Executive – People and Place

**Report Author:** Carol Brown - Director Environmental Management  
**Ext.** 4452

**22 October 2018**

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### **Reason for Decision**

This report identifies the approach and principles to be applied for delivery of the highways investment programme, based on good practice and ensuring best value for future investment.

### **Recommendations**

Members are recommended to agree approach to a capital investment of £12m on highways over the next 3 years.

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## Highways Investment Programme – Key Principles

### 1 Background

- 1.1 Highways Improvement Programme 2018 (HIP18) - An £18m 3 year Programme was originally developed to combine reactive and preventative maintenance using condition data. The Programme was subsequently re-modelled into a £6m one year Programme designed to achieve £5m of savings. This Programme was designed to give maximum return on the investment based on a preventative approach on the classified network.
- 1.2 This approach is in line with Oldham Council's Asset Management Framework, Policy and Strategy. The Strategy was developed to ensure that funding was prioritised to the Classified Network, removing the highest costs and disruption from the revenue Programme. Whilst this approach results in best value for money and a well maintained Classified Network, the unclassified Network continues to deteriorate without additional significant investment.
- 1.3 The criteria that have been used to optimise Programmes to this point have been developed from best practice methods found in "Well Managed Highway Infrastructure – A Code of Practice". The data used to inform the Programme is as follows:
- Network Hierarchy – Road Classification and vehicle usage
  - Condition Data – The category of Maintenance / Intervention Level
  - Risk – Accident and SCRIM (skid) data
  - Value for Money – Savings available from early intervention
  - Coverage – length of carriageway able to be treated with available funding
  - Network Management – Combining different assets
  - Member Priorities – Local knowledge input / ward spend
  - Customer Complaints – Data logged in the system
  - Works Orders – Defects identified through inspection
- 1.4 A weighting is applied to each priority to ensure that a Programme is developed to meet the current needs of the Council. This results in a Programme designed to match the aspiration of the Council. It is recognised that in some of our more deprived areas there are poorly maintained highways which are not necessarily reflected through the number of customer complaints therefore this will be taken into account in future programming.
- 1.5 Planned Highway Maintenance can be broken down in to two main categories, Reactive and Preventative.
- 1.5.1 Reactive Maintenance – is maintenance carried out on roads that have failed and contain significant defects. This is generally a road that requires full resurfacing and the cost of repair is its maximum and will not increase if works are delayed within the programme. It removes a high volume of customer complaints and provides a high reduction in revenue costs but has the lowest opportunity for cost saving and results in a high level of disruption.
- 1.5.2 Preventative Maintenance – is maintenance carried out on roads that are showing signs of failure. This is generally a road that requires surface replacement or surface treatment to extend the residual life of the carriageway. It provides best value for money long term, with high opportunity for cost saving as it delays surface failure to the carriageway with minimal site disruption whilst reducing the likelihood of revenue repairs but if a revenue

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backlog exist elsewhere then it provides a low customer satisfaction and low reduction in revenue cost.

- 1.5.3 Good Asset Management techniques will provide an appropriate balance between the two types of maintenance to ensure all priorities are best met.

## **2 Condition Survey**

- 2.1 Work has been commissioned to undertake a full survey of the full Highway Network on completion of HIP18 to provide an accurate status, and costs required for future maintenance. However, there is a need to be clear with regard to the principles as described in Section 1 to be adopted for future investment before this data can be used to build a future Programme, recognising that the state of the highways asset requires investment beyond available funding. Therefore the principles of prioritisation need to be agreed and understood prior to Programme development, in order to inform the programme development itself.
- 2.2 In previous years the survey used to collect the condition data, only provided the condition of the road with a rating and no recommended treatment. This made it difficult to prioritise for a resurfacing Programme as a further visual inspection was required to determine the exact treatment. The 2018 survey will be an Annual Engineering Inspection (AEI), providing a proposed treatment from current condition. This will provide a much more accurate maintenance backlog estimate directly from the survey as it currently has to be calculated using assumed worst case scenario rates.

## **3 Addressing the Unclassified Network backlog**

- 3.1 The existing approach to the Classified Network has been successful in improving condition, reducing revenue repairs, reducing disruption and providing efficiency savings within maintenance. However, the subsequent lack of Capital Investment in the Unclassified Network is now becoming a burden on the revenue budget and a new balance needs to be identified.
- 3.2 To achieve £5m of saving, based on life-cycle costs, within HIP18, the proposed Classified Network Programme for 2019-21 was brought forward planned to be delivered in the 2018-19 financial year. This provides an opportunity to allocate any additional capital investment to the Unclassified Network without compromising approach to maintaining the Classified Network based on the Asset Management Strategy.

## **4 Allocating budget**

- 4.1 Building on a proposed investment over the next three years of £4m each year totaling £12m, it is suggested that a proportion of the budget be allocated to local schemes enabling a programme informed by condition survey results and local Member knowledge.
- 4.2 Until the condition survey results are returned, exact condition figures are not available and due to the size difference of each District and the difference in numbers of wards, allocating a fixed figure to each would severely unbalance the road condition boroughwide.
- 4.5 Allocating funding using condition data alone is a simplistic approach which takes no account of need and accessibility.
- 4.6 It is therefore proposed that an informed view is taken on the allocation of resource to each District following receipt of the survey results and using information as identified in paragraph 1.3 above.

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4.6 This approach is also designed to leave £1.5m of funding per annum to invest in strategic schemes and projects designed to attract additional external funding.

## **5 Local Member Involvement**

5.1 To further inform the position the views of local Members will be sought to understand local priorities. Subsequently this will enable the programme to be built based on a full understanding of both the localised impact and future condition of the network in each District

5.2 The proposed approach optimises opportunities for cost savings and use of economy of scale and larger coverage.

5.3 A more informed approach to local asset management, maintenance and materials will result in a Programme that aligns with the current strategy but also helps reduce localised pressures.

5.4 It is proposed that where Members fail to engage with the process then schemes in that District will be chosen based on condition data obtained via the survey.

## **6 Preferred Option**

6.1 The preferred option of how to allocate the potential funding should be chosen following the return of the AEI survey return. The exact programme then to be finalised following consultation with local Members ensuring a balance between existing strategy and local knowledge.

## **7 Consultation**

7.1 The proposed approach is predicated on local Member consultation

## **8 Financial Implications**

### Capital

8.1 This report is seeking to identify a preferred approach for the delivery and management of the Highways Investment Programme over the next 3 years.

8.2 The 2018 Annual Engineering Inspection (AEI) commissioned this year will provide a report both on current road condition and recommended treatments.

8.3 This report is proposing an approach based on the existing provision of £12m in the Capital Programme for Highways Investment currently showing as follows:

2019/20 £6m  
2021/20 £6m

And re-allocates this funding over a three year period as follows:

2019/20 £4m  
2020/21 £4m  
2021/22 £4m

8.4 The report proposes an allocation of £2.5m per annum for local schemes enabling a programme informed by condition survey results and local Member knowledge and £1.5m of funding per annum to invest in strategic schemes and projects based on priorities

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8.5 Budgets will be held within the Transport Capital Programme on the following capital cost centres: -

- M0941 – REP Secondary Corridor Schemes
- M0942 – REP Unclassified Network Schemes
- M0943 – REP Accident Reduction Schemes
- M0944 – REP Gateway Corridor Schemes

8.6 The proposal is for the local Members to be more actively involved in identifying priority schemes for their districts in collaboration with the Highways Team.

8.7 The method of allocation of funds to individual Districts is to be based on a combination of network length and condition data. Condition surveys are still outstanding. It is therefore not possible to calculate the impact of using condition surveys to inform detailed allocations at this point in time.

8.8 As this report is proposing to re-allocate funding within the existing capital programme there will be no additional call on resources.

#### Revenue

8.9 There are no additional revenue implications. (Sadrul Alam / Cath Conlon)

### **9 Legal Services Comments**

9.1 Under section 41 of the Highways Act 1980, the Council has a duty to maintain all highways which are maintainable at the public expense for which it is the highway authority. Consequently the Council will be liable in respect of damage resulting from its failure to maintain a highway maintainable at the public expense, unless the Council can rely on the special defence in section 58 of the Act and prove that it had taken such care as in all the circumstances was reasonably required to secure that the part of the highway to which the action relates was not dangerous for traffic. It is therefore necessary for the Council to continue to invest in appropriate reactive and preventative highway maintenance to reduce its liability for damage claims. (Alan Evans)

### **10 Co-operative Agenda**

10.1 The maintenance of safe highways can now be informed by the inclusion of defect repair service requests. Resident reports form an important part of maintaining the highway and they are encouraged to do so.

### **11 Human Resources Comments**

11.1 None

### **12 Risk Assessments**

12.1 None required at this stage

### **13 IT Implications**

13.1 None

### **14 Property Implications**

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14.1 None

**15 Procurement Implications**

15.1 N/A

**16 Environmental and Health & Safety Implications**

16.1 This work is designed to support an improved safe highway network.

**17 Equality, Community Cohesion and Crime Implications**

17.1 Improved highway condition is of value to all our communities.

**18 Equality Impact Assessment completed?**

18.1 N/A

**19 Key Decision**

19.1 Yes

**20 Key Decision Reference**

20.1 NEI-05-18

**21 Background Papers**

None

**22 Appendices**

None



## Report to CABINET

# Disposal of land known as 'Plateau 1', situated between Salmon Fields and Turf Lane, Royton [Royton South]

### Portfolio Holder:

Cllr Sean Fielding, Leader and Cabinet Member for Economy and Enterprise

### Officer Contact:

Helen Lockwood, Deputy Chief Executive – People and Place

**Report Author:** Mark Prestwich, Principal Development Surveyor  
**Ext.** 1660

**22 October 2018**

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### Reason for Decision

The purpose of the report is to provide an overview of the offers received by the Council following the recent open market advertisement of a Council owned opportunity at Salmon Fields, Royton.

### Recommendations

It is recommended that the Council seek to enter into an agreement subject to the provisionally agreed heads of terms detailed in the report in the restricted part of this agenda.

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**Disposal of land known as 'Plateau 1', situated between Salmon Fields and Turf Lane, Royton [Royton South]****1 Background**

- 1.1 The Council own an area of land at Salmon Fields, Royton (as shown edged red on the attached plan – Appendix One). The land measures circa 5.69 acres and forms part of Asset 2048. Whilst identified as a development opportunity, the site has been left vacant for a number of years, following the expiration of an option agreement with Northwest Industrial Limited.
- 1.2 In order to promote the site as a development opportunity again, in December 2017, the Council cleared all vegetation and shrubbery from the land. In addition, in January 2018, the Council agreed to advertise the potential loss of open space (<http://decisionrecording.oldham.gov.uk/ieDecisionDetails.aspx?ID=3182>). This statutory advertisement resulted in the Council receiving no objections and following the expiry of the objection period, in June 2018, the Council agreed to market the opportunity for sale (<http://decisionrecording.oldham.gov.uk/ieDecisionDetails.aspx?ID=3349>).

**2 Current Position**

- 2.1 Due to the relatively specialist nature of the industrial and logistics market, coupled with the potential interest from national operators, the Council appointed Manchester-based agents, Haughton Warburton, to market the site.
- 2.2 Marketing commenced in June 2018, with interested parties asked to submit an initial expression of interest in the opportunity. With sufficient interest generated by the Council and the third party marketing agents, a closing date for offers based on fixed heads of terms was set in August 2018. The marketing exercise produced 10 offers.

**3 Options/Alternatives**

- 3.1 There would be a range of options available to the Council and these are set out below;
- 3.2 Do Nothing - The Council could choose to do nothing and not accept any of the offers received. In proceeding with this approach, the Council would fail to generate a capital receipt, fail to facilitate development of the land and therefore miss any potential jobs and rates income that would otherwise be generated from a completed development.
- 3.3 Sell to any of the interested parties - Alternatively, the Council could choose to accept any of the offers received. In proceeding with this approach, whilst the Council would be facilitating development, the Authority could potentially fail to maximise the capital receipt. Under s.123 of the Local Government Act 1972, the Council are under a statutory obligation to obtain best value for any assets sold.

Sell to the party submitting the highest financial offer

- 3.4 Alternatively, the Council could choose to accept the offer submitted by the party submitting the highest financial offer. In proceeding with this approach, the Council would not only facilitate development, employment opportunities and potential business rate income, but also maximise the initial capital receipt received by the Authority.



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#### 4 **Preferred Option**

4.1 It is considered preferable for the Council to accept the bid submitted by the party offering the highest financial offer.

#### 5 **Consultation**

5.1 Officers have carried out a significant amount of consultation and this can be summarised as follows;

- Briefed Ward Councillors (from both Royton North and Royton South Wards) at regular intervals. As a result of such briefings, officers have amended the sales terms to reflect any concerns about the proposed development moving forward.
- Mailshot local residents prior to any marketing being undertaken.
- Advertised the proposed loss of open space in accordance with the Council's protocols.
- Openly marketed the site for sale, utilising the services of a third party agent in order to maximise the exposure of the opportunity.

5.2 In addition, moving forward, upon the Council entering into an agreement with the developer, it would be necessary for a planning application to be submitted. Any planning application would also be subject to statutory consultation by the Planning Authority, including site notices and a further letter drop to residents adjoining the site.

#### 6 **Financial Implications**

6.1 These will be provided in the report to be considered in the restricted part of this agenda.

#### 7 **Legal Services Comments**

7.1 By virtue of Section 123 of the Local Government Act 1972, the Council has the necessary statutory powers of disposal.

7.2 On a disposal of its land under Section 123, the Council is under a statutory obligation to obtain the open market value of the interest and best consideration that can reasonably be obtained unless the consent of the Secretary of State is obtained or an exemption applies. A tender process has been carried out which satisfies this obligation.

7.3 The Report author has confirmed that the Council's Land and Property Protocols have been observed. (Rebecca Boyle)

#### 8. **Co-operative Agenda**

8.1 None.

#### 9 **IT Implications**

9.1 None.

#### 10 **Property Implications**

10.1 These will be provided in the report to be considered in the restricted part of this agenda.

#### 11 **Environmental and Health & Safety Implications**

11.1 None.

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12 **Equality, community cohesion and crime implications**

12.1 None.

13 **Equality Impact Assessment Completed?**

14.1 No.

14 **Key Decision**

14.1 Yes.

15 **Key Decision Reference**

15.1 ECEN-12-18

16 **Background Papers**

16.1 None.

17 **Appendices**

17.1 None

## Report to CABINET

# Empty Homes

### Portfolio Holder:

Councillor Hannah Roberts, Cabinet Member for Housing and Planning

### Officer Contact:

Helen Lockwood, Deputy Chief Executive, People and Place

### Report author:

Albert Margai, Principal Housing Market Intervention Officer  
Ext. 6583

**22<sup>nd</sup> October 2018**

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## Reason for Decision

This report seeks approval for the introduction of a robust empty homes intervention to bring empty properties across the borough back into use. Approval would pave the way for Oldham to secure full investment for a pilot initiative from the Housing Revenue Account (HRA) and Homes England. This funding would underpin a holistic intervention package to support on-going work with empty home owners.

## Executive Summary

The current housing shortage across the Country has placed an obligation on Local Authorities across the Country to find innovative solutions to the current problem. Bringing empty homes back into use is one initiative as part of a wider strategy.

The housing market in Oldham has come under pressure from growing demand and high level of transience in central areas of the town. With growing demand for affordable housing and community challenges, an empty homes initiative could help deliver an innovative housing solution. The proposed solution forms a wider intervention package to deliver a wide range of benefits across the service and support key priorities and ambitions of Oldham Council.

## Recommendations

1. Approve the use of HRA funding along with gap funding from Homes England to provide investment for a pilot intervention initiative to bring 20 empty properties back into use in Oldham

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2. Approve the development of a lease management option to help administer the initiative by overseeing day to day property management, including repairs and maintenance
  3. Approve the development of an Empty Dwelling Management Order (EDMO) policy to provide the “stick” to a ‘carrot and stick’ approach
  4. Approve Delegated Authority to the Cabinet Member for Housing and Planning in consultation with the Deputy Chief Executive, People and Place to review the pilot project’s outcomes and grant approval to deliver an ongoing intervention

## Empty Homes

### 1 Background

- 1.1 Historically, the number of empty of properties in Oldham has been amongst the highest in the north-west region. From 2004 to 2016 Oldham reduced its percentage of empty homes from 2.6% to 1.3% of its housing stock (MHCLG live tables 2016), however despite this progress, Oldham recorded the joint highest number of empty properties among Greater Manchester (GM) boroughs in 2016. Furthermore, the Empty Homes Charity, Empty Homes in England 2018 report revealed the North West (1.21%) had the second highest percentage of long-term empty homes (vacant for at least 6 months) amongst all regions.

### 2 Current Position

- 2.1 The number of long-term empty homes (empty for more than six months) in Oldham currently stands at 1,129 (June 2018) showing an improvement of 69 properties brought back into use over the previous 12 months (June 2017 – 1,198).
- 2.2 Not all empty homes blight neighbourhoods, it is largely those that are neglected and unmaintained by owners which tend to cause a nuisance to neighbouring and adjoining properties. Considering Oldham's housing stock is comprised of dated pre 1919 terraced properties, default works under Section 80 of the Environmental Protection Act 1990 can be significant. Conditions such as dry rot and wet rot can pose a threat to adjoining properties and can be expensive for empty home owners to rectify, thus requiring the Council to take action under Section 80 of the 1990 Act for example. In most cases the Council would recover the costs by applying a land charge on the property following completion of the works and seek to recover the costs through an Enforced Sales Procedure (ESP) under Section 103 of the Law and Property Act 1925. Where the criteria are met, executing this process can be very time consuming and resource intensive. The use of ESP provides the means for the Council to recover costs resulting from default works undertaken; when an empty home owner fails to act upon a legal notice.
- 2.3 The Neighbourhoods, Public Protection Team are tasked with engaging and encouraging empty home owners to bring their properties back into use, as well as taking necessary action to ensure public safety. In the first instance the team would seek to establish contact with an empty home owner via a letter through the post to ascertain the intentions of the owner. This will closely be followed by a visit to conduct an external assessment of the property's condition; rule out any risks to public or community safety and once again deliver a letter by hand. This visit would largely determine the best course of action; between serving a legal notice or encouragement. Currently, the Council has a very robust enforcement process to ensure public safety however the encouragement tools could benefit from additional resources and incentives.
- 2.4 The empty homes list which is generated from Council Tax records, contains all long-term empty properties which are non-exempt, and therefore subject to full Council Tax liability at the Council's discretion. Exempt properties are not required to pay full Council Tax instead only a portion or in some cases full exemption for a period of time. These range from charity and housing association buildings to properties up for sale, properties where the owner is in care or administering care elsewhere. Furthermore, since 1 April 2013 local authorities can apply a maximum 150% Council Tax premium on properties empty for minimum 2 years; an example of the

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Government's commitment towards reducing the number of empty homes, and increasing supply across the country. In a further move to repair the housing market, in July 2018 Parliament announced an amendment to the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Bill that enable Council Tax to charge up to 300% premiums by 2021.

### **3 Current Challenges**

- 3.1 Enforcement action alone is not always the most effective course of action when tackling empty properties, wider benefits can be achieved if a more holistic approach is adopted. A number of Greater Manchester boroughs have applied this method of approach by offering financial incentives in the form of grants and loans to encourage empty home owners to bring their properties back into use. This is reinforced by their robust enforcement procedures which they can call upon when required. Developing this method of approach would provide additional support for colleagues in Neighbourhoods, Public Protection Team to overcome barriers that arise from limited options. It will also enable Oldham to make better use of its housing stock, reduce community issues and support Oldham in reaching its affordable housing targets.

#### **Community Challenges**

- 3.2 Empty properties can be displeasing to the eye but, also act as a catalyst for activities and behaviours that may impact negatively on a neighbourhood. Colleagues in the Emerging Communities team have highlighted properties which have been boarded up multiple times by the Council because of community issues, placing unwanted and unnecessary pressure on Council resources. Reducing the number of empty homes could result in fewer community challenges, and impact positively on Oldham Council's resources that are deployed as solutions.

#### **Homelessness Pressures**

- 3.3 Legislative pressures placed on local authorities have seen an increase in homeless persons accessing Oldham Housing Advice Service (OHAS). Inevitably, this has led to additional demand for temporary accommodation.

### **4 Options/Alternatives**

- 4.1 The 4 options available to the Council are as follows:
- 4.2 **Option 1 – Approve all of the recommendations and support a pilot intervention project.**
- 4.3 Approval of this option would enable the creation of a range of products that would form an empty homes intervention package. The package would operate on the basis of a 'carrot and stick' approach, providing the means for Oldham Council to engage and encourage owners to bring their properties back into use. At the outset the intervention will be aimed at empty properties identified from Council Tax records to ensure action is taken to reduce the recorded number of long-term empty homes. However, both initiatives would not be restricted to this criteria, as available grant funding allows for action to be taken on all empty properties, irrespective of the length of time the property has been empty for. The pilot project would adopt this approach where it is necessary, to ensure a meaningful intervention.
- 4.4 The initial 'carrot' would be offered through two forms of investment; a Purchase and Repair (P&R) option and a Lease and Repair (L&R) option. The two methods of intervention are motivated by available grant funding from Homes England's Shared

Ownership and Affordable Homes Programme 2016-2021 (SOAHP). The programme invites local authorities to bid for funding to support initiatives designed to bring all empty properties (including those empty less than six months) back into use via a P&R model or L&R model. The SOAHP's funding method is to finance the shortfall between the full investment required for an intervention and the amount the local authority is able to borrow or fund directly. Essentially, the aim is to support local authorities gain full return on investment and minimise some of the potential risks associated with the two intervention models.

### **Housing Revenue Account Funding**

- 4.5 In respect of the pilot project, Oldham Council would front fund a portion of the project directly from the HRA. The HRA would not fund the full investment, but a portion of it, with the remaining sum grant funded from the SOAHP; subject to a successful application. The project aims to ensure full repayment to the HRA over the course of reasonable payback periods on each model of intervention. For both models the maximum funding attainable from the HRA is calculated against the level of income from affordable rent collection over the respective periods.

### **Purchase and Repair Model**

- 4.6 Through the P&R model Oldham Council would exercise powers under the Housing Act 1985 by acquiring houses for the provision of accommodation for customers in housing need. On completion of acquiring properties from the open market the units would be absorbed by the HRA and effectively become part of Oldham's social housing stock. All property purchases would be completed in consultation with Legal Services, to ensure transparent sales with fit and proper vendors that are not associated with the Council. Once acquired, properties will undergo a refurbishment and brought to a Decent Homes standard. In accordance with the Housing Act 1985, the purchased and refurbished properties would be subject to social housing rent and Right to Buy (RTB) scheme, including the discount as per legislation.
- 4.7 The acquired P&R properties would only be available via Choice Based Lettings (CBL) or Direct Offers in accordance with Oldham Council's Allocations Policy. Reclassifying the properties as social housing stock would enable the Council to meet its housing duty under sec.193 (2) of the Housing Act 1996. With the unprecedented shortage supply of social housing, the P&R offers a swift and timely solution to Oldham Council and households on the Housing Register.
- 4.8 The SWOT analysis below captures the potential benefits and caveats of P&R model.

<b>Strengths</b>	<ul style="list-style-type: none"> <li>Addressing the shortage of social housing by purchasing additional HRA stock</li> <li>Making use of existing housing stock would minimise planning and regeneration activities</li> </ul>
<b>Weaknesses</b>	<ul style="list-style-type: none"> <li>Unwillingness by empty home owners to sell their properties</li> <li>Increasing HRA stock would decrease the amount of available private rented stock</li> <li>Management of dispersed stock</li> </ul>
<b>Opportunities</b>	<ul style="list-style-type: none"> <li>Increase the number of family sized accommodation in Oldham Council</li> <li>Increase social housing tenures and provide more secured housing</li> </ul>

	<ul style="list-style-type: none"> <li>• Offer aspirational housing for tenants eligible for RTB</li> <li>• Create social housing in areas where tenants find it difficult to achieve home ownership i.e. mixed tenure neighbourhoods</li> </ul>
<b>Threats</b>	<ul style="list-style-type: none"> <li>• RTB implications</li> </ul>

Fig 4.

#### 4.9 Lease and Repair Model

The L&R model is essentially a voluntary leasing scheme, with the prime objective being, to acquire leases from empty property owners. As well as receiving an acquisition fee an empty home owner would also receive full refurbishment of their property. Upon completion of the lease the property would be assigned to a management company, procured in accordance with the Council's procurement guidelines, as a delivery partner to take on property management functions. Some of benefits and caveats are captured in the below SWOT:

<b>Strengths</b>	<ul style="list-style-type: none"> <li>• Increase housing supply and reduce number of empty properties in borough</li> <li>• Creation of more temporary accommodation</li> <li>• Meeting housing demands under the Homelessness Reduction Act 2017</li> </ul>
<b>Weaknesses</b>	<ul style="list-style-type: none"> <li>• Would owners commit to lease term</li> <li>• Restrictions on types of tenancies the Council can issue</li> </ul>
<b>Opportunities</b>	<ul style="list-style-type: none"> <li>• Potential to increase temporary accommodation at more competitive rate would reduce budgeting pressures and create additional supply</li> <li>• Change negative perception owners and landlords may have towards low income households. Potential for owners to offer fixed term tenancies at the expiration of initial lease agreement</li> </ul>
<b>Threats</b>	<ul style="list-style-type: none"> <li>• Owners may choose to go separate ways after lease term</li> <li>• Owners may get disgruntled by not receiving rent for duration of lease despite initial acquisition fee</li> <li>• Inadequacy of management delivery partner could cause reputational damage for the Council</li> <li>• Low equity</li> <li>• Mortgage default</li> <li>• Lender permission</li> </ul>

Fig 5.

4.10 As identified in the above SWOT as a potential threat, a lack of rent received by owners may have a negative effect on owners in later years. The inclusion of a financial arrangement that offers a portion of the lease acquisition cost upfront as a lump sum fee, with subsequent monthly instalments over the course the lease term would be more engaging to empty home owners. More importantly, this financial arrangement would remain within budget whilst offering owners regular income. Applying this type of flexibility would keep owners engaged through a continuous award of income with no management commitments.

4.14 Depending on the named Lessee on the agreement acquired from the owner the L&R model offers additional flexibility for Oldham to house its applicants under a variety of tenures, in contrast to the P&R model. As a LA Oldham can only offer secure or introductory tenancies to social housing tenants; otherwise known as



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lifetime tenancies. If Oldham is to become a Lessee, it would only be permitted to offer Licence Agreements to its tenants, and under the Housing Act 1996 Part 6 and 7 a LA cannot discharge its housing duty under a Licence Agreement. However, this restriction does not extend to registered housing providers who are able to offer a variety of tenancies, including assured shorthold tenancy (AST) agreements. Therefore, with a suitable delivery partner in place Oldham can assign the Lessee's responsibilities to the management company and use their capability to offer AST agreements to applicants in housing need.

- 4.15 The rent charged on L&R model will be in line with Local Housing Allowance (LHA) rate, introduced by the Welfare Reform Act 2012. The LHA is considered to be an affordable rate in the private sector and would support the Council in reducing the waiting time for housing experienced by applicants. Under the Homelessness Reduction Act (HRA) 2017, the Council can relieve homelessness with properties supplied via the L&R model.

### **EDMO**

- 4.16 Empty Dwelling Management Orders (EDMOs) under the Housing Act 2004 are effectively enforced leasing, applicable to long term empty properties (empty for a minimum of 6 months). There are two levels of EDMO:
- Interim EDMO – this last for a maximum of 12 months from the date the order is made. To gain an interim EDMO a local authority must seek authorisation from the Residential Property Tribunal (RPT). Once authorisation is granted the local authority may make the interim EDMO
  - Final EDMO – can be made at any time within the 12 months of an interim EDMO. Unlike the interim EDMO a LA is not required to seek authorisation from the RPT. The local authority simply serves the final EDMO on the owner(s) of the property. Once made the final EDMO can last up to 7 years.
- 4.17 An EDMO policy would supplement the package by serving as the 'stick' which supports the P&R and L&R options. It is not anticipated that an EDMO would be used abundantly, as this has not proven to be case amongst other LA's. However, it forms a vital component of an empty homes intervention package.

### **Delivery Partner**

- 4.18 The pilot project for both models is heavily dependent on the procurement of a suitable delivery partner. It is anticipated organisations would be invited to tender via the Chest for the opportunity to partner with Oldham Council on the pilot project. The project would require strong partnership working and would therefore invite partners to tender and work cooperatively to deliver a successful pilot project.

### **New Homes Bonus**

- 4.19 A holistic empty homes package would help the Council capitalise on the New Homes Bonus (NHB). The NHB scheme introduced by the Government in 2011 as added incentive for LA's to bring empty homes back into use, rewards Councils for delivering new homes; including those which were previously long term empty. The Government initially matched the Council Tax raised from each new home delivered for 6 years however, recent amendments to the NHB scheme in 2017 have reduced the amount of years LA's can capitalise on the incentives. From 2017-2018 NHB payment will be made for 5 years along with a further reduction to 4 years from 2018-2019. In addition to the environmental benefits, through the NHB payments Oldham

Council would be taking advantage of the economic benefits perpetuating from bringing long term empty homes back into use.

**4.20 Option 2 – Do not approve both interventions instead, only approve a P&R option and delay the development of an EDMO Policy**

4.21 This option would fail to capitalise on the opportunity to engage holistically with empty home owners. By neglecting to include a L&R option as part of a pilot, the opportunity to take advantage of the full options available via the SOAPH would be missed.

**4.22 Option 3 – Do not approve both interventions instead, only approve a L&R option and delay the development of an EDMO Policy**

4.23 This option would fail to capitalise on the opportunity to engage holistically with empty home owners in Oldham. The opportunity to take advantage of the full options available through the SOAPH would be missed, as well as a speedier method of increasing the supply of social housing in Oldham.

**4.24 Option 4 – Do nothing**

4.25 This option maintains status quo, at a time when housing supply is failing to meet the growing demand. With homelessness at a record high across Oldham and Greater Manchester, and Oldham's forecasted increase in population (shown below in fig 4.) selecting this option would not provide the required solutions.

Age Band	2014	2019	2024	2034	% increase 2014-2034
0-15	51,449	52,572	52,680	51,491	+ 0.08
16-64	141,309	142,336	143,858	143,792	+ 1.76
65+	36,007	39,109	42,380	51,284	+41.99
<b>Overall</b>	<b>228,765</b>	<b>233,835</b>	<b>238,729</b>	<b>246,411</b>	<b>+ 7.71</b>

Fig 7.

**5 Preferred Option**

**5.1 The preferred option is option 1.**

5.2 The preferred option would act on the aforementioned recommendation and deliver a holistic pilot empty homes intervention. The pilot project will complement the recently introduced Private Sector Bond Offer, ensure a collective engagement of Oldham's growing private sector and seek to deliver the below outcomes and benefits.

**5.3 Specified outcomes**

- Housing supply
- Reduction in blighting properties
- Reduce eyesore/poor image of the borough to visitors and investors
- Improved engagement with landlords/owners

**5.4 Assumed Benefits**

- Attract new residents to the borough through an improved housing offer
- Increase housing prices
- Reduce pressures on community

- Improve service efficiencies

## 6 Financial Implications

These are considered in the report in the restricted part of this agenda.

## 7 Consultation

7.1 Consultation has taken place with key stakeholders as listed below. It is essential to the project's success that consultation with these groups will continue in some capacity moving forward.

- Neighbourhoods, Public Protection Team
- Community Development/Emerging Communities Teams
- Local residents

Local residents in particular were keen to see some action taken against empty properties emerging in the neighbourhoods. Residents of Clarksfield described empty properties as unsightly and unpleasant. Some residents expressed their reluctance to invite friends and family to visit because they are ashamed and lack pride in their neighbourhood. Frustration also stemmed from home owners who had lost equity in their property and no longer have the flexibility they once had, hence, the option of moving elsewhere is no longer viable.

## 8 Legal Services Comments

8.1 Support Option 1 – Approve all of the recommendations and support a pilot intervention project. This seems a proactive approach at tackling the high level of empty properties in the borough and provide a useful tool for reducing homelessness in line with our current obligations. Management companies and tradesmen to be used in connection with the properties should be procured in the correct manner with a consideration for both best value and quality of service.

The use of the HRA for this purpose would be permissible under legislation, for example, S.9 of the Housing Act 1985 provides that a local authority may for the provision of providing housing accommodation, acquire houses, and they may alter, enlarge, repair or improve a house erected, converted or acquired. (Alex Bougatef)

## 9 Cooperative Agenda

9.1 In seeking to uphold Oldham's mantra as a Cooperative Borough, the pilot intervention would champion the keys themes outlined in the Oldham Plan 2017-2022; see below:

Corporate Values	Connection with Project Outcomes
Inclusive Economy	<ul style="list-style-type: none"> <li>• Investment in our residential offer to the borough</li> <li>• Improving communities to encourage new residents and visitors</li> </ul>
Co-operative Services	<ul style="list-style-type: none"> <li>• Closely working with establish partners initiatives as well as entering and creating new ones</li> <li>• Strategically target areas in need of intervention</li> </ul>
Thriving Communities	<ul style="list-style-type: none"> <li>• Community involvement in delivery outcomes</li> </ul>

	<ul style="list-style-type: none"> <li>• Provide housing solutions to tackle the associated challenges</li> <li>• Provide fast action grants to boost community outputs and local services</li> </ul>
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**10 HR Implications**

None

**11 Risk Assessment**

11.1 The report sets out how the Council can reduce empty properties utilising its own resources and government grant. Should the initiatives not be successful then there is a risk the housing revenue account will not be repaid in full for its investment. (Mark Stenson)

**12 IT Implications**

None

**13 Property Implications**

As contained in the body of the report.

**14 Procurement Implications**

14.1 Procurement will work with colleagues from Economy, Skills and Neighbourhoods to develop a strategy that will be attractive to the local market. There will then be a local supplier engagement exercise to warm the market up to ensure we maximise the social benefits from this project. (Steve Boyd)

**15 Environmental Health and Safety Implications**

None

**16 Equality and Community Cohesion and Crime Implications**

None

**17 Equality and Diversity Impact Assessment**

Yes

**18 Key Decision**

Yes

**19 Key Decision Reference**

HSG-03-18

**20 Background Papers**

No



## Report to CABINET

# Request for Additional Funding and Contract Award: Crompton House Cof E School Expansion

### Portfolio Holder:

Cllr Paul Jacques Cabinet Member for Education and Culture

**Officer Contact:** Andrew Sutherland (Director of Education and Early Years)

**Report Author:** Andy Collinge – (Head of School Support Services)

**Ext.** 4239

**22<sup>nd</sup> October 2018**

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### Reason for Decision

To seek approval to accept a successful tender, approve additional funding and award a contract to expand Crompton House Cof E School as part of the Basic Need Programme of works.

### Recommendations

1. To accept the recommended tender.
2. To enter into a contract to Design and Build a new 3 storey classroom block, dining room extension and internal alterations to existing building to enable a 4 form entry expansion
3. To approve additional funding of £ 2,829,000 from the Basic Need Grant.

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**Contract Award: Crompton House CofE School Expansion****1 Background**

- 1.1 As part of the Basic Needs Programme of Work and to address the increase demand and current shortfall of places it is proposed to expand Crompton House CofE School by an additional 4 form entry.
- 1.2 Cabinet report - Future Secondary Education Provision PartB. (Paula Green, Education Provision manager, 17th October 2016) issued approval of the following items:
- A programme of significant expansion at Crompton House School,
  - Approved a programme of expansion at the school funded from the Education Basic Needs grant funding allocated to Oldham Council.
  - Delegated authority to the Director of Education and Early Years to develop, consult, procure and arrange for the execution by the Director of Legal Services of any relevant contracts and incidental and ancillary documentation, in accordance with the agreed school expansions programme

**3 Options/Alternatives****3.1 Option 1 - Do nothing**

This is not an option as the local authority has a statutory duty to provide sufficient school places and these works are required to meet this duty.

**3.2 Option 2 - Procure through the proposed route and approve additional funding of £2,890,000 from the Basic Needs Grant.**

This is the recommended option as it will facilitate the delivery of the necessary pupil places.

**4 Preferred Option****4.1 Option 2 - Accept tender**

This is the recommended option as it will enable delivery of the required provision within the required timescales.

**5 Consultation**

- 5.1 Consultation has previously taken place with the Cabinet Members, Ward Members, head teacher, school governors, school access officers, Director Education & Early Years, Corporate landlord and procurement teams.
- 5.2 Statutory compliance public consultation is complete.

**6 Financial Implications****6.1 Capital Implications**

- 6.1.1 Expansion works to the school will be capital expenditure and will be a charge against the People and Place capital programme. The tendered cost of the expansion is £10.829m, which is £2.829m over the current allocation within the capital programme. The increase in costs can be met from within the balance of currently unallocated Basic Needs Grant.
- 6.1.2 The Council has a total Basic Needs Grant allocation of £48.1m for the period 2017/21 (£15.4m 2017/18, £22.8m 18/19, £9.9m 19/20 and nil in 20/21). The allocation of £31.260m (including this proposal) and the remaining amount of £16.837m are shown in the table below:-

<b>Capital Project</b>	<b>Basic Needs Grant Allocation (£m)</b>
Crompton House (original allocation)	8.000
Oldham Academy North	5.000
Feasibility Costs	0.100
Greenfield CP	1.862
Royton and Crompton	5.000
Holy Trinity	0.250
Oasis Academy – Dining Room	0.575
Oasis Academy – UTC adaptations	0.350
North Chadderton Expansion	3.400
Kingfisher (Expansion)	0.750
Kingsland School (Laurel Bank)	0.240
Clarksfield Primary (Oasis)	2.904
Crompton House Additional Allocation (this report)	2.829
<b>Total Allocated</b>	<b>31.260</b>
Total Grant	48.097
<b>Amount Available for Allocation</b>	<b>16.837</b>

- 6.1.3 The ESFA may use a portion of the remaining Basic Needs funding to cover the cost of building the new Oasis Free School (Leesbrook). The exact amount for the build costs and initial fit out of the school are not currently known. However, there will be ongoing negotiations with the ESFA and the impact on the Council's available Basic Need funding will be reported once known.
- 6.2 Revenue Implications
- 6.2.1 The revenue funding of the new school including expansion will have to be met from the Dedicated Schools Grant (DSG).
- 6.2.2 The Council will not receive any additional funding in the DSG for the estimated increase of 112 pupils in 2019/20 as the DSG settlement will be based on the October 2018 census and will not be re-determined in the 2019/20 financial year.
- 6.2.3 The cost for 112 new pupils for September 2019– March 2020 will be £323,215 with the same increase in resources required across future years. This will be funded from the growth fund as illustrated in the following table. .

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6.2.4 However, it should be noted that:

- a) As part of the DfE continuing work on the national funding formula for schools, it is developing the growth factor, to allocate funding to enable Local Authorities to respond to significant in – year pupil growth. For 2018/19 the growth factor has been allocated to Oldham on the basis of what Oldham planned to spend on its growth from the 2017/18 DSG, because it assumes future growth will follow the same pattern as historic growth. The allocation for Oldham is £1.106m.
- b) For 2019/20, there will be a new approach for allocating funding to Local Authorities to support schools with significant in-year growth in pupil numbers. Local Authorities will be funded according to actual levels of pupil number growth. Growth allocations will be protected so a Local Authority cannot see a decrease of greater than 0.5% of the Schools block of the DSG. For Oldham this is £939k. Therefore at this stage there is uncertainty about the level of funding that will be received after 2018/19. The table below assumes future growth funding will be allocated as it is currently. This may change following the DSG allocations in December 2018 after the review of growth funding in the National Funding Formula.
- c) Although the table indicates a £145k surplus funds in 2019/20, after the allocation of the current agreed basic need growth of £0.961m, as advised above, the assumed funding allocation of £1.106m may be reduced significantly. In such circumstances the allocation of growth as outlined in the table would be unaffordable. It would therefore be essential to review the method by which growth funding is allocated to schools within the available resources.

6.2.7 It is important to note that an updated DSG allocation for 2017 /18 was received 16th July 2018. The revised allocation now takes account of the January 2018 census data for Early Years and this is reflected in increased funding. The change to the Early Years block for 2017/18 totaled £0.751m and had not been allowed for in DSG funding presented previously. It therefore means this is an additional resource and at this stage it has been added to the Growth Fund for 2018/19.

6.2.8 The following overleaf shows the estimated cost of growth funding.



School	Additional Places	Cost 2018/19	Cost 2019/20	Cost 2020-21	Cost 2021/22	Cost 2022/23
		£	£	£	£	£
<b>Existing Approved Growth</b>						
Yew Tree	30	48,778	0	0	0	0
Greenfield	10	16,259	0	0	0	0
East Crompton St Georges	30	48,778	48,778	48,778	0	0
Mills Hill	30	48,778	48,778	48,778	0	0
Propps Hall	10	16,259	16,259	16,259	0	0
Watersheddings	15	24,389	24,389	24,389	0	0
Oasis Academy Limeside	30	48,778	48,778	48,778	48,778	0
St Herberts	5	8,130	8,130	8,130	8,130	8,130
Holy Trinity Dob Cross	5	8,130	8,130	0	0	0
Blue Coat	47	107,738	107,738	0	0	0
Crompton House	28	66,477	0	0	0	0
North Chadderton	30	68,769	0	0	0	0
Saddleworth School	10	22,923	22,923	22,923	22,923	0
Oasis Leesbrooke	65	106,428	0	0	0	0
Greenfield School	30	0	48,778	48,778	48,778	48,778
Oldham Academy North	60	0	137,538	137,538	137,538	137,538
Failsworth	10	22,923	0	0	0	0
North Chadderton	30	0	68,769	68,769	68,769	68,769
Clarksfield – to be approved	30		48,778	48,778	48,778	48,778
Budget Adjustments – significant growth		79,701				
To be allocated in future years		232,323				
Anticipated adjustment from Education and Skills Funding Agency		131,037				
Additional Growth Early Years still to be allocated		751,000				
<b>Crompton House</b>	<b>112</b>	<b>0</b>	<b>323,215</b>	<b>323,215</b>	<b>323,215</b>	<b>323,215</b>
<b>TOTAL Estimated Cost</b>	<b>587</b>	<b>1,857,598</b>	<b>960,981</b>	<b>845,113</b>	<b>706,909</b>	<b>635,208</b>
<b>Allocated Growth assuming same allocation as 18-19</b>		<b>1,106,599</b>	<b>1,106,599</b>	<b>912,203</b>	<b>796,335</b>	<b>658,131</b>
<b>Additional Growth Early Years</b>		<b>751,000</b>				
<b>Surplus</b>		<b>1</b>	<b>145,618</b>	<b>67,090</b>	<b>89,426</b>	<b>22,923</b>

(Liz Caygill)

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## 7 Legal Services Comments

7.1 The preferred option is lawful and the report demonstrates that a lawful process has been concluded. The proposed school expansion would assist the Authority to meet its statutory requirements to provide sufficient school places in the Borough. (Colin Brittain)

## 8. Co-operative Agenda

8.1 Objective 1: A productive place where business and enterprise thrive.

8.2 Outcome: Ensuring the creation of sufficient quality places and effective, inspiring learning environments. Ensuring that the Local Authority is adhering to their statutory duty of providing sufficient school places in the borough and ensuring a higher percentage of families can go to a school of their choice.

8.3 Objective 3: A Co-operative council delivering good value services to support a co-operative borough.

8.4 Outcome: Delivery of statutory duties and services to a good standard and ensure they are value for money.

## 9 Human Resources Comments

9.1 There are no HR implications from a statutory perspective. Formation of new schools and expansion of existing provision will provide valuable employment opportunities in the borough. (Andy Collinge)

## 10 Risk Assessments

10.1 By implementing this expansion the risk of running short of school places will be reduced and the likelihood of creating high quality places will be increased. (Mark Stenson)

## 11 IT Implications

11.1 N/a

## 12 Property Implications

12.1 The proposed scheme will facilitate the expansion of the school and ensure that the council satisfies its statutory duty to ensure sufficient places are available.

12.2 The proposed project meets specifications of the required expansion.

## 13 Procurement Implications

13.1 The recommended contract has been tendered in line with the Councils Contract Procedure Rules.

## 14 Environmental and Health & Safety Implications

14.1 Jason Goodwin

- 
- 15 Equality, community cohesion and crime implications
    - 15.1 Admission authorities have a legal duty to comply with parental preference wherever possible. Consequently, Oldham's school place planning approach takes account of identified demand for places. In terms of equality the expansion will positively increase the supply of school places in the borough in a very oversubscribed school.
    - 15.2 The LA makes every effort to ensure that parents are fully informed regarding the choices that are available to them. The level of satisfaction in terms of the availability of places at the preferred school contributes directly to community cohesion.
  - 16 Equality Impact Assessment Completed?
    - 16.1 Yes
  - 17 Key Decision
    - 17.1 Yes
  - 18 Key Decision Reference
    - 18.1 EDC – 05-18
  - 19 Background Papers
    - 19.1 Cabinet Report: Future Secondary Education Provision Part B (17<sup>th</sup> October 2016)
  - 20 Appendices
    - 20.1 None

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**Report to CABINET**

## **Unity Partnership Shareholder Committee Terms of Reference: Cabinet Sub-Committee**

**Portfolio Holder:** Councillor Sean Fielding, Leader of the Council

**Officer Contact:** Ray Ward, Deputy Chief Executive, Corporate and Commercial Services

**Report Author:** Jane Whyatt, Audit and Counter Fraud Manager

**22 October 2018**

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### **Reason for Decision**

To seek approval for the Terms of Reference of the Unity Partnership Shareholder Committee and to appoint Cabinet Members onto the Shareholder sub-committee.

### **Recommendations**

That the terms of reference for the Unity Partnership Shareholder Committee are approved and that the Cabinet appoints Members of Cabinet to sit on this Shareholder Committee, with full delegated powers in relation to any matter to consider the interests of the Council following the acquisition of the Unity Partnership Ltd.

**Unity Partnership Shareholder Committee Terms of Reference:  
Cabinet Sub-Committee**

**1 Background**

- 1.1 The report entitled “Reshaping UPL” was approved by Cabinet on 26 February 2018. This set out the governance framework required to support the realignment of the Unity Partnership Ltd (UPL). One of the key components is the Shareholder Committee, which represents the Shareholder (the Council).
- 1.2 The Council acquired the shares, held in the Unity Partnership Ltd, by its joint venture partner, on 2 July 2018. The Council is now the sole shareholder of the company. The decision to create a company is taken by Cabinet and, once established, the Council’s Shareholder Committee has responsibility for exercising “shareholder control”, with regard to wholly owned Council companies.
- 1.3 The Shareholder Committee will safeguard the Council’s interest as shareholder, and take decisions in matters that require the approval of the Council as owner of the company. Decisions in relation to the day to day operation of the company are taken by the directors of the company.

The Shareholder Committee

- 1.4 It is recommended that four members of the Council’s Cabinet become the Shareholder Committee.
- 1.5 The Sub-Committee will be supported by officers of the Council, including the Section 151 Officer (Director of Finance) and the Monitoring Officer (Director of Legal Services), or their designated officers
- 1.6 The Shareholder Committee will meet at least quarterly and receive detailed and comprehensive information and briefings to support their decision-making. The extent of the role of the Shareholder Committee in decision-making will depend upon the Council’s shareholding, and upon terms included in the company’s articles of association, or in the other contractual documents
- 1.7 The Council’s Performance and Value for Money Select Committee has a scrutiny function in the relation to the decision-making of the Shareholder Committee and in respect of the performance of the Company, for which the Council is the sole shareholder.
- 1.8 The Performance and Value for Money Select Committee may wish to review any significant decisions taken by the Shareholder Committee but, in doing so, will need to take into account matters of confidentiality, and recognise that some information will be commercially sensitive in nature.
- 1.9 Cabinet has previously agreed (26 February 2018) that the Shareholder Committee, is a sub-committee of Cabinet, it replaces the Unity Partnership Joint Venture and the Partnership Boards, and it has the following high level remit and responsibilities:

- 
- Represents the Shareholder (the Council) and will be meeting quarterly.
  - Sets the tone and direction of the company to ensure that it fully supports the Council's co-operative agenda.
  - Considers significant company resource issues.
  - Sanctions / approves decisions taken by the Unity Partnership Ltd Board of Directors and is able to call on the company Managing Director and members of the Unity Partnership Board to discuss specific items.
  - Determines "reserved matters".
  - Approves a waiver of any conflicts of interest relating to the Unity Partnership Ltd Board of Directors.
  - Grant an indemnity to all Members and Officers acting as Directors on the company Board.

## **2 Current Position**

- 2.1 Given that the Cabinet has previously approved the establishment of the Shareholder Committee as a Cabinet Sub-Committee, the Shareholder Committee terms of reference are now required to be formally approved.
- 2.2 The Shareholder Committee will meet following a Cabinet meeting to ensure effective use of Members' time. Given this, the Cabinet is requested to appoint members to sit on the Shareholder Committee.
- 2.3 The terms of reference of the Shareholder Committee are attached at Appendix 1.

## **3 Options/Alternatives**

- 3.1 Two options are presented in relation to this matter. The two options are:
- Option 1 – Approve the proposed terms of reference for the Shareholder Committee and nominates, and appoints Members to sit on the Sub-Committee.
  - Option 2 – Do not approve the terms of reference for the Shareholder Committee. The Council would thus need to consider an alternative method, by which the Council would exercise its controlling interest in the Unity Partnership Ltd.

## **4 Preferred Option**

- 4.1 The preferred option is that the Cabinet accepts the terms of reference for the Shareholder Committee set out as Option 1 above, with full delegated powers and nominates and appoints Cabinet Members to the Shareholder Committee.

## **5 Consultation**

- 5.1 N/A

## **6 Financial Implications**

- 6.1 There are no additional financial implications arising from the matters contained in this report. (Mark Stenson)

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## 7 Legal Services Comments

7.1 In establishing a local authority controlled company, the Council has to ensure that it exercises control over the company so that the company can take advantage of the “Teckal” exemption granted by case law. The key requirements which need to be met include:

- The contracting local authority must exercise sufficient control over the separate entity (with the test applied being that the control should be similar to that which the contracting authority exercises over its own departments); and
- The separate legal entity must carry out the essential part of its activities for its owner authority/ies (“the essential activity test”).

7.2 The Teckal exemption has now been codified into law under Regulation 12 Public Contracts Regulations 2015. The Regulation has clarified the requirement that the company carries out the essential part of its activities for the local authority owner and confirmed that at least 80% of its activity must be for that authority.

7.3 Case law has further clarified some key points around Teckal compliance based upon court judgments:

- The Council has the power to issue directions to the LATC on “strategic matters or important issues of policy”.
- If the articles of the LATC say that non-authority board members could be appointed, the Council must retain the express right to remove any such directors at any time.
- The constitution of the company must consider the level of autonomy of the board and the authority must have the power to exert control over the LATC.
- That the local authority holds all of the share capital in the company will usually (but not always) be indicative of control.

7.4 The establishment of a Shareholder Committee for the purposes set out in the body of the report, with the terms of reference appended to this report including the rights to appoint and remove directors and to determine reserved matters, is a way in which the Council can demonstrate its control over a local authority controlled company. (Elizabeth Cunningham Doyle)

## 8 Cooperative Agenda

8.1 N/A.

## 9 Human Resources Comments

9.1 N/A.

## 10 Risk Assessments

10.1 The Council needs to manage its interest of being the Company Owner. It has decided to do this by creating a Shareholder Committee with different representatives to the Company Directors for this Council owned company. (Mark Stenson).

## 11 IT Implications



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11.1 N/A.

12 **Property Implications**

12.1 N/A.

13 **Procurement Implications**

13.1 N/A.

14 **Environmental and Health & Safety Implications**

14.1 N/A.

15 **Equality, community cohesion and crime implications**

15.1 N/A.

16 **Equality Impact Assessment Completed?**

16.1 N/A.

17 **Key Decision**

17.1 N/A.

18 **Forward Plan Reference**

18.1 N/A.

19 **Background Papers**

19.1 The following is a list of the background papers on which this report is based in accordance with the requirements of Section 100 (1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by that Act.

Background papers are provided at **Appendices 1 and 2**.

Officer Name: Jane Whyatt

Contact No: 0161 770 4773

20 **Appendices**

20.1 **Appendix 1:** Oldham Council Unity Partnership Shareholder Committee - Terms of Reference.

20.2 **Appendix 2:** Articles of Association of the Unity Partnership Limited including Majority Shareholder Reserved Matters.

## Oldham Council Unity Partnership Shareholder Committee

### Terms of Reference

#### Overview

1. The Council has established the Unity Partnership as a wholly owned company. The Council is the sole shareholder in the company. Shareholding is an executive function.
2. Under the Executive arrangements operated by the Council, executive power is vested in the Leader of the Council. The Leader of the Council therefore has the authority to determine how the Council is to be represented in its role as the shareholder of its companies.
3. The Leader of the Council has delegated responsibility for the shareholder function, in relation to the Companies, to the members of the Cabinet.
4. The members of the Cabinet will therefore form a Shareholder Sub-Committee to carry out this responsibility.
5. The Shareholder Committee will obtain advice from Council officers as required.
6. Responsibility for the day to day operation and management of the Companies (including the responsibility for internal processes and staffing matters) vests in that Company's Board of Directors, who must ensure that the Company's business is conducted in accordance with the terms of the Company's Shareholders' Agreement and its Articles of Association.

#### Terms of Reference of the Shareholder Committee

The Shareholder Sub-Committee will:

1. Safeguard the Council's investment in the Company and ensure the Company complies with the Council's corporate objectives and maximise outcomes in line with Council policy.
2. Approve the Shareholder's Agreement, where applicable.
3. Receive, review and comment on the annual report and financial accounts of the Council Company and agree how these are to be published and circulated.
4. Appoint (at least annually) and remove Company Directors and ensure directors operate in accordance with the Council Companies' objectives.
5. Agree the employment of any non-executive or external Directors and the basis on which these directors will be remunerated.
6. Appoint the Company auditors.
7. Determine the distribution of any surplus or the issue of any dividends from the Council Company, in accordance with the Shareholder's Agreement, and exercise any other strategic functions flowing from the Council's ownership of shares.
8. Approve any frameworks within which the Council interfaces with the Council Company (e.g. a code of conduct for how Council officers interact with the Company).
9. Exercise any reserved powers set out in the Company's Shareholder Agreement or Articles of Association.
10. Refer any conflicts arising between the Council Company and other Council-owned companies to the Cabinet for resolution.
11. Grant an indemnity to all Members and Officers acting as Directors on the company Board.

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## Meetings of the Shareholder Committee

1. Meetings will be operated in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, requiring that:
  - Agendas are published 5 clear working days in advance of meetings. Private meetings are notified 28 days in advance. Otherwise urgency
  - rules will apply, requiring the agreement of the Chair of Scrutiny. Key decisions will be notified 28 days in advance. Otherwise urgency rules will apply, requiring that the Chair of Scrutiny is informed (or if less than 5 clear days in advance, agrees).
  - Members of Council will be able to attend public and private parts of meetings.
  - Members of the public will be able to attend the public part of meetings.
  - Meetings will be scheduled at annually.
2. Extraordinary meetings can be called at any time by the Leader of the Council or the Board of Directors. The quorum is 3 and must include either the Leader of the Council or Deputy Leader.
3. Substitutions will not be allowed.
4. Meetings will be chaired by the Leader of the Council or in their absence, the Deputy Leader.
5. Meetings will also be attended by the Company Directors, the Company Secretary and the Shareholder Committee advisors.
6. At each meeting the Chair will approve the minutes of the previous meeting.
7. The Shareholder Committee will take decisions in respect of the Council's total holdings in the Company.
8. Decisions will be taken by consensus of those present unless any member of the Shareholder Group requires a vote, in which case a majority decision will be taken with each member present having a single vote. In the event of a tied vote the Chair will have a casting vote.

## Voting Procedures and Quorum

1. Each member of the Shareholder Committee shall have one vote, each vote carries equal weight and decisions of the Shareholder Committee shall be made on a majority vote. In the event of a tied vote the Chair shall have the casting vote.
2. The Shareholder Committee has legal capacity to make and implement decisions in its own right without the need for ratification by the Cabinet.
3. Decisions of the Shareholder Committee will be binding both on the said Committee and on Oldham Borough Council.

## Relationship to the Performance and Value for Money Select Committee (Overview and Scrutiny Committee)

1. The Council's Performance and Value for Money Select Committee(PVFM) retains its scrutiny function in relation to the Shareholder Committee.
2. The Committee will be able to call the Shareholder Sub-Committee and its advisors to account for the progress and performance of the Company in accordance with a scrutiny protocol.

NOTE: Company Directors act in a way that is legally independent from the Council, in order to promote the best interests of the company

Articles of Association of the Unity Partnership Limited including Majority Shareholder  
Reserved Matters

Company No. 05916336

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Articles of Association of The Unity Partnership Limited

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Incorporated 25 August 2006.  
Adopted by special resolution passed on 2 July 2018.

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**THE COMPANIES ACT 2006**

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**PRIVATE COMPANY LIMITED BY SHARES**

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**ARTICLES OF ASSOCIATION**

**OF**

**THE UNITY PARTNERSHIP LIMITED**

Adopted by special resolution passed on 2 July 2018

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1. **PRELIMINARY**

The regulations contained in Table A of The Companies (Tables A to F) Regulations 1985 as amended by The Companies (Tables A to F) (Amendment) Regulations 2007 (SI 2007/2541) and the Companies (Tables A to F) (Amendment) (No.2) Regulations 2007 (SI 2007/2826) ("**Table A**") shall not apply to the Company and these Articles alone shall constitute the regulations of the Company.

The model articles of association for private companies limited by shares contained in Schedule 1 to The Companies (Model Articles) Regulations 2008 in force on the date when these Articles become binding on the Company ("**Model Articles**") apply to the Company except in so far as they are excluded or varied by these Articles.

2. **INTERPRETATION**

In these Articles the following expressions have the following meanings unless inconsistent with the context:

<b>"2006 Act"</b>	the Companies Act 2006 (as amended from time to time)
<b>"these Articles"</b>	these Articles of Association as amended from time to time
<b>"Conflict Authorisation"</b>	any authorisation of any Conflict Situation by resolution of the shareholders in accordance with <b>Article 8.1</b>
<b>"Conflict Situation"</b>	any matter which would, if not authorised in accordance with the terms of the 2006 Act, constitute or give rise to a situation in which a director has, or can have, a direct or indirect interest which conflicts, or possibly may conflict, with the interests of the Company in breach of his duty under section 175 of the 2006 Act. A conflict of interest includes a conflict of interest and duty and a conflict of duties
<b>"electronic means"</b>	has the meaning given in section 1168 of the 2006 Act

<b>"eligible directors"</b>	has the meaning given in Model Article 8(3)
<b>"Interested Director"</b>	a Director who has an interest which gives rise to a Conflict Situation
<b>"Majority Shareholder"</b>	a shareholder or shareholders together holding a majority of the voting rights in the Company (within the meaning of section 1159(1) of and paragraph (2) of Schedule 6 to the 2006 Act)
<b>"Reserved Matters"</b>	the list of matters requiring the consent of the Majority Shareholder as set out in the Schedule to these Articles
<b>"Statutes"</b>	the Companies Acts as defined in section 2 of the 2006 Act and every other statute, order, regulation or other subordinate legislation in force from time to time relating to companies and affecting the Company
<b>"United Kingdom"</b>	Great Britain and Northern Ireland

Unless the context otherwise requires, words or expressions contained in these Articles bear the same meaning as in the Statutes but excluding any statutory modification of the same not in force when these Articles become binding on the Company.

References to any statute or statutory provision include, unless the context otherwise requires, a reference to that statute or statutory provision as modified, replaced, re-enacted or consolidated and in force from time to time and any subordinate legislation made under the relevant statute or statutory provision.

### 3. **UNANIMOUS DECISIONS OF DIRECTORS**

A decision of the directors may take the form of a resolution in writing, where each eligible director has signed one or more copies of it, or to which each eligible director has otherwise indicated agreement in writing. Model Article 8(2) shall not apply to the Company.

### 4. **CALLING A DIRECTORS' MEETING**

Any director may call a directors' meeting by giving notice of the meeting to the directors or by authorising the company secretary (if any) to give such notice. Model Article 9(1) shall not apply to the Company.

### 5. **NUMBER OF DIRECTORS**

Unless otherwise determined by ordinary resolution, the number of directors other than alternate directors shall not be the subject to any maximum but shall not be less than two.

### 6. **PARTICIPATION IN DIRECTORS' MEETINGS**

6.1 Subject to these Articles, directors participate in a directors' meeting, or part of a directors' meeting, when:

6.1.1 the meeting has been called and takes place in accordance with these Articles; and

- 6.1.2 they can each simultaneously communicate with and to the others participating in the meeting any information or opinions they have on any particular item of the business of the meeting.
- 6.2 In determining whether directors are participating in a directors' meeting, it is irrelevant where any director is or, subject to **Article 0**, how they communicate with each other.
- 6.3 If all the directors participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.
- 6.4 Model Article 10 shall not apply to the Company.
- 6.5 Model Article 9(2)(c) shall be amended by the insertion of the word "*simultaneously*" after the words "*how it is proposed that they should*" and before the words "*communicate with each other during the meeting*".

## **7. QUORUM FOR DIRECTORS' MEETINGS**

*The following shall be added as paragraph (4) to Model Article 11:*

*"(4) If, as a consequence of section 175(6) of the 2006 Act, a director cannot vote or be counted in the quorum at a directors' meeting then the following shall apply:*

- (a) *if the eligible directors participating in the meeting do not constitute a quorum then the quorum for the purposes of the meeting shall be reduced by one for each director who cannot vote or be counted in the quorum; and*
- (b) *if despite sub-paragraph (a) the eligible directors participating in the meeting still do not constitute a quorum or there are no eligible directors then the meeting must be adjourned to enable the shareholders to authorise any situation in which a director has a direct or indirect interest that conflicts, or possibly may conflict, with the interests of the Company."*

## **8. DIRECTORS' INTERESTS**

- 8.1 For the purposes of section 175 of the 2006 Act, the Majority Shareholder (and not the directors) shall have the power to authorise by resolution and in accordance with the terms of these Articles any Conflict Situation proposed to them in accordance with these Articles.
- 8.2 The Interested Director must provide the Majority Shareholder with details of the matter giving rise to the Conflict Situation (including the nature and extent of his interest).
- 8.3 Any Conflict Authorisation given may (whether at the time of giving the authorisation or subsequently):
- 8.3.1 extend to any actual or potential conflict of interest which may reasonably be expected to arise out of the Conflict Situation;
- 8.3.2 provide that the Interested Director is to be excluded from the receipt of documents and information prepared by, or for, the directors to the extent they relate to matters related to the Conflict Situation;
- 8.3.3 provide that the Interested Director is not to participate in discussions (whether at meetings of the directors or otherwise) related to the Conflict Situation;
- 8.3.4 provide that the Interested Director will not be an eligible director for the purposes of **Article 3** in respect of any future decision of the directors in relation to any resolution related to the Conflict Situation;



- 8.3.5 provide that the Interested Director may not vote (or be counted in the quorum) at any directors' meeting or any committee or sub-committee of the directors in relation to any resolution related to the Conflict Situation; and
- 8.3.6 be given on such other terms and subject to such other limits or conditions as the Majority Shareholder may determine.
- 8.4 Where any Conflict Authorisation is given:
- 8.4.1 the Interested Director will be obliged to conduct himself in accordance with any terms, limits or conditions imposed by the Majority Shareholder when giving the Conflict Authorisation;
- 8.4.2 where the Interested Director obtains, or has obtained (through his involvement in the Conflict Situation and otherwise than through his position as a director of the Company) information that is confidential to a third party, he will not be obliged to disclose that information to the Company, or to use it in relation to the Company's affairs where to do so would amount to a breach of that confidence;
- 8.4.3 the Interested Director may absent himself from the discussion of matters related to the relevant Conflict Situation at any meeting of the directors but will not be obliged to do so unless the terms of the Conflict Authorisation require it;
- 8.4.4 the Interested Director may make arrangements not to receive (or may excuse himself from reviewing) any documents and information prepared by, or for, the directors to the extent they relate to matters related to the relevant Conflict Situation but will not be obliged to do so unless the terms of the Conflict Authorisation require it;
- 8.4.5 the Interested Director will not infringe any duty he owes to the Company by virtue of sections 171 to 177 of the 2006 Act, provided he acts in accordance with such terms, limits or conditions (if any) as the Majority Shareholder imposes in respect of the Conflict Authorisation; and
- 8.4.6 the Majority Shareholder may, at any time, vary the terms or duration of any Conflict Authorisation (including any limits or conditions imposed on it) or revoke any Conflict Authorisation by resolution in accordance with these Articles but this will not affect anything done by the Interested Director in accordance with the terms of such Conflict Authorisation prior to such variation or revocation.
- 8.5 A director is not required, by reason of being a director (or because of the fiduciary relationship established by reason of being a director), to account to the Company for any remuneration, profit or other benefit which he derives from or in connection with a relationship involving a Conflict Situation which has been authorised by or in accordance with these Articles (subject in each case to any terms, limits or conditions attaching to that authorisation) and no contract will be liable to be avoided on such grounds.

## **9. APPOINTMENT AND REMOVAL OF DIRECTORS**

- 9.1 In addition to the powers granted by Model Article 17(1), the Majority Shareholder may at any time, and from time to time, appoint any person to be a director, either as an additional director or to fill a vacancy and may remove from office any director however appointed. Any such appointment or removal shall be effected by notice in writing to the Company signed by the Majority Shareholder or, if the Majority Shareholder is a body corporate, signed by one of its directors or duly authorised officers or by its duly authorised attorney.
- 9.2 Model Article 17(1)(b) shall be amended by the insertion of the words "subject to the prior approval in writing of the Majority Shareholder" before the words "by a decision of the directors".

## **10. TERMINATION OF DIRECTOR'S APPOINTMENT**

In addition to the circumstances set out in Model Article 18 (a) to (f) (inclusive) a person ceases to be a director as soon as that person is removed from office as a director pursuant to **Article 0**.

## **11. ALTERNATE DIRECTORS**

### **11.1 Appointment and removal of alternates**

11.1.1 Any director (the "appointor") may appoint as an alternate any other director, or any other person approved by the Majority Shareholder, to:

11.1.1.1 exercise that director's powers; and

11.1.1.2 carry out that director's responsibilities,

in relation to participation in directors' meetings and the taking of decisions by the directors in the absence of the alternate's appointor.

11.1.2 Any appointment or removal of an alternate must be effected by notice in writing to the Company signed by the appointor, or in any other manner approved by the Majority Shareholder.

11.1.3 The notice must:

11.1.3.1 identify the proposed alternate; and

11.1.3.2 in the case of a notice of appointment, contain a statement signed by the proposed alternate that the proposed alternate is willing to act as the alternate of the director giving the notice.

### **11.2 Rights and responsibilities of alternate directors**

11.2.1 An alternate director has the same rights, in relation to participation in directors' meetings and the taking of decisions by the directors and in relation to directors' written resolutions, as the alternate's appointor.

11.2.2 An alternate director may act as an alternate director for more than one appointor.

11.2.3 Except as these Articles specify otherwise, alternate directors:

11.2.3.1 are deemed for all purposes to be directors;

11.2.3.2 are liable for their own acts and omissions;

11.2.3.3 are subject to the same restrictions as their appointors; and

11.2.3.4 are not deemed to be agents of or for their appointors.

and, each alternate director shall be entitled to receive notice of all meetings of directors and of all meetings of committees of directors of which his appointor is a member.

11.2.4 A person who is an alternate director but not a director:

11.2.4.1 may be counted as participating for the purposes of determining whether a quorum is participating (but only if that person's appointor is not participating); and

- 11.2.4.2 may participate in a unanimous decision of the directors (but only if his appointor is an eligible director in relation to that decision, but does not participate).

No alternate may be counted as more than one director for such purposes.

- 11.2.5 A director who is also an alternate director is entitled, in his absence of his appointor, to a separate vote on behalf of his appointor, in addition to his own vote on any decision of the directors (provided that his appointor is an eligible director in relation to that decision), but shall not count as more than one director for the purposes of determining whether a quorum is present.

- 11.2.6 An alternate director is not entitled to receive any remuneration from the Company for serving as an alternate director except such part of the alternate's appointor's remuneration as the appointor may direct by notice in writing made to the Company.

### **11.3 Termination of alternate directorship**

- 11.3.1 An alternate director's appointment as alternate terminates:

- 11.3.1.1 when the alternate's appointor revokes the appointment by notice to the Company in writing specifying when it is to terminate;

- 11.3.1.2 on the occurrence in relation to the alternate of any event which, if it occurred in relation to the alternate's appointor, would result in the termination of the appointor's appointment as a director;

- 11.3.1.3 on the death of the alternate's appointor; or

- 11.3.1.4 when the alternate's appointor's appointment as a director terminates.

## **12. ALTERNATE DIRECTORS' EXPENSES**

Model Article 20 shall be amended by the insertion of the words "*(including alternate directors)*" before the words "*properly incur*".

## **13. SHARES**

- 13.1 The directors are prohibited from exercising any of the powers conferred upon them by section 550 of the 2006 Act.

- 13.2 In accordance with section 567(1) and (2) of the 2006 Act, sections 561(1) and 562 (1) to (5) (inclusive) of that Act shall not apply to the Company.

## **14. TRANSFER OF SHARES**

Model Article 26(5) shall be amended by the addition of the following words: "*The directors may not refuse to register the transfer of a share made with the prior written approval of the Majority Shareholder. In any other case*" before the words "*the directors may refuse to register*".

## **15. Transmittees bound by prior notices**

Model Article 29 shall be amended by the insertion of the words "*, or the name of any person nominated under Model Article 27(2),*" after the words "*the transmittee's name*".

## **16. NOTICE OF GENERAL MEETINGS**

Every notice convening a general meeting shall:

- 16.1 comply with section 325(1) of the 2006 Act as to giving information to shareholders relating to their right to appoint proxies; and
- 16.2 be given in accordance with section 308 of the 2006 Act, that is in hard copy form, electronic form or by means of a website.

## **17. WRITTEN RESOLUTIONS**

- 17.1 A written resolution, proposed in accordance with section 288(3) of the 2006 Act, will lapse if it is not passed before the end of the period of 28 days beginning with the circulation date.
- 17.2 For the purposes of this **Article 0** "circulation date" is the date on which copies of the written resolution are sent or submitted to shareholders or, if copies are sent or submitted on different days, to the first of those days.

## **18. COMPANY COMMUNICATION PROVISIONS**

18.1 Where:

18.1.1 a document or information is sent by post (whether in hard copy or electronic form) to an address in the United Kingdom; and

18.1.2 the Company is able to show that it was properly addressed, prepaid and posted,

it is deemed to have been received by the intended recipient 24 hours after it was posted.

18.2 Where:

18.2.1 a document or information is sent or supplied by electronic means; and

18.2.2 the Company is able to show that it was properly addressed,

it is deemed to have been received by the intended recipient immediately after it was sent.

18.3 Where a document or information is sent or supplied by means of a website, it is deemed to have been received by the intended recipient:

18.3.1 when the material was first made available on the website; or

18.3.2 if later, when the recipient received (or is deemed to have received) notice of the fact that the material was available on the website.

18.4 Pursuant to section 1147(6) of the 2006 Act, subsections (2) (3) and (4) of that section shall be deemed modified by **Articles 0, 0 and 0**.

## **19. DIRECTORS' INDEMNITY AND INSURANCE**

19.1 Subject to, and so far as may be permitted by, the 2006 Act and without prejudice to any indemnity to which the person concerned may be otherwise entitled, the Company may indemnify every director, former director, alternate director, secretary or other officer of the Company or of any associated company (as defined in section 256 of the 2006 Act) against any liabilities incurred by him in the execution and discharge of his duties or the exercise of his powers or otherwise in relation to or in connection with his duties, powers

or office, including any liability which may attach to him in respect of any negligence, default, breach of duty or breach of trust in relation to anything done or omitted to be done or alleged to have been done or omitted to be done by him as a director, former director, alternate director, secretary or other officer of the Company or of any such associated company.

19.2 Subject to the 2006 Act the directors may purchase and maintain at the cost of the Company insurance cover for or for the benefit of every director, former director, alternate director, secretary or other officer of the Company or of any associated company (as defined in section 256 of the 2006 Act) against any liability which may attach to him in respect of any negligence, default, breach of duty or breach of trust by him in relation to the Company (or such associated company), including anything done or omitted to be done or alleged to have been done or omitted to be done by him as a director, former director, alternate director, secretary or other officer of the Company or associated company.

19.3 Subject to, and so far as may be permitted by, the 2006 Act, the Company shall be entitled to fund the expenditure of every director, former director, alternate director or other officer of the Company incurred or to be incurred:

19.3.1 in defending any criminal or civil proceedings; or

19.3.2 in connection with any application under sections 661(3), 661(4) or section 1157 of the 2006 Act.

## **20. REGISTERED OFFICE**

The Company's registered office is to be situated in England and Wales

## **21. RESERVED MATTERS**

Notwithstanding any other provision of these Articles, the Company may not and the Directors shall exercise their powers in relation to the Company to procure that the Company will not carry out, perform or agree to carry out or perform any of the Reserved Matters without the prior written consent of the Majority Shareholder.

## SCHEDULE

### MAJORITY SHAREHOLDER RESERVED MATTERS

1.	Pay any fees, remuneration or other sums to or in respect of the services of any director or vary any such fees or remuneration. For the avoidance of doubt this will not apply to the payment or reimbursement of reasonable expenses properly incurred by any statutory director in the course of carrying out his duties in relation to the Company nor to any payment under any indemnity by the Company to which the statutory director is entitled under any other provision of the Articles or under any relevant law.
2.	Alter any of the provisions of the Articles or alter any of the rights attaching to the Shares.
3.	Reduce or cancel any share capital of the Company, purchase its own shares, hold any shares in treasury, allot or agree to allot, whether actually or contingently, any of the share capital of the Company or any security of the Company convertible into share capital, grant any options or other rights to subscribe for or to convert any security into shares of the Company or alter the classification of any part of the share capital of the Company.
4.	With the exception to the formation of vehicles which are necessary for any transactional, operational or tax efficiency reasons in the sole opinion of the Board, any incorporation of any new subsidiary of the Company or any liquidation or winding up of the Company. Any acquisition of any shares in any company, whether through subscription or transfer, such that the company concerned becomes a subsidiary of the Company.
5.	Amalgamate or merge with any company, association, partnership or legal entity or acquire any business undertaking of any other person.
6.	Form any holding company of the Company.
7.	Any proposed programme of redundancies or rationalisation of a group of employees.
8.	Any proposed programme of relocation of a group of employees outside of the Oldham borough boundary.
9.	Give any guarantee, suretyship or indemnity outside the ordinary course of business to secure the liabilities of any person or assume the obligations of any person.
10.	Appoint or remove the auditors of the Company.
11.	Alter the Company's accounting reference date.
12.	Make any significant change to any of the Company's accounting or reporting practices.
13.	Create any Encumbrance over the whole or part of the undertaking or assets of the Company.
14.	Receive the annual accounts of the Company.
15.	Give or take any loans, borrowing or credit (other than normal trade credit in the ordinary course of business).
16.	Make any agreement or reach any settlement with any revenue authorities or any other taxing authority, or make any claim, disclaimer, election or consent of a material nature for tax purposes in relation to the Company, its business, assets or undertaking.
17.	Change the bankers of the Company.
18.	Pay or declare any dividend or other distribution to the shareholders or redeem or buy any

	Shares or otherwise reorganise the share capital of the Company.
19.	Admit any person whether by subscription or transfer as a member of the Company.
20.	Change the name of the Company.
21.	Change the status of the Company from a limited company to a public limited company or from a company limited by shares to any other form of legal entity.
22.	Appoint or remove any Managing Director.
23.	Appoint or remove any statutory director of the Company.
24.	Enter into or vary any agreement for the provision of consultancy, management or other services by any person which will, or is likely to result in, the Company being managed otherwise than by its directors or controlled otherwise than by its shareholders.
25.	Move the central management and control of the Company or the Company's tax residence outside of the UK.
26.	Change the registered office of the Company.
27.	Enter into or vary any contracts or arrangements with any of the Directors or any person with whom any Director is connected (whether as director, consultant, shareholder or otherwise).
28.	Commence or take steps to commence any insolvency proceedings under any law relating to insolvency anywhere in the world unless the Company is at the relevant time unable to pay its debts as they fall due or the value of its assets is less than its liabilities, including its contingent and prospective liabilities and the directors reasonably consider (taking into account their fiduciary duties) that it ought to be wound up or it ought to enter into administration.
29.	Enter into any partnership, joint venture or profit sharing arrangement with any person or create any share option scheme.
30.	Enter into or make any material variation to any agreement not in the ordinary course of business and/or which is not on an arm's length basis.
31.	Sell, lease (as lessor), licence (as licensor), transfer or otherwise dispose of any of its material assets.
32.	Enter into any contract which does not comply with Public Contract Regulations 2015 and the Majority Shareholder's Contract Procedure Rules.
33.	Enter into or vary any agreement to do any of the things referred to in the above paragraphs of this schedule.

## APPENDIX

The Company's name is "THE UNITY PARTNERSHIP LIMITED"

The Company's registered office is to be situated in England and Wales.

1. The Company's objects' are:
  - 1.1 To carry on business as a general commercial company, to carry on all or any of the businesses of general merchants and traders, manufacturers, assemblers, distributors, importers, exporters, merchants, factors, and shippers of, and wholesale and retail dealers in, goods, wares, product, products, commodities, fancy goods, handicrafts, and merchandise of every description, to act as agents for and to enter in to agreements and arrangements of all kinds on behalf of such persons, firms or companies as may be thought expedient, and to negotiate, assign and mortgage or pledge for cash or otherwise, any such agreements and the payments due thereunder and any property the subject thereof, to carry on all or any of the businesses of mail order specialists, credit and discount traders, cash and carry traders, manufacturers' agents, commission and general agents, brokers, factors, warehousemen, and agents in respect of raw materials and manufactured goods of all kinds, and general railway, shipping and forwarding agents and transport contractors, to create, establish, build up, and maintain an organisation for the marketing, selling, retailing, servicing, advertisement, distribution or introduction of the products, merchandise, goods, wares, and commodities dealt in or services rendered by any person, firm or company, and to participate in, undertake, perform and carry out, all kinds of commercial, trading and financial operations and all or any of the operations ordinarily performed by import, export and general merchants, factors, shippers, agents, traders, distributors, capitalists and financiers, either on the Company's own account or otherwise, and to open and establish shops, stalls, stores, markets and depots for the sale, collection and distribution of the goods dealt in by the Company.
  - 1.2 To provide services to Oldham Metropolitan Borough Council and to any other persons as may be thought appropriate and to contribute towards the realisation of the vision for the future of the Borough of Oldham set out in the document called "Oldham's Community Strategy 2005-20" and released by Oldham Metropolitan Borough Council and any future change, extension, consolidation or replacement of such document.
  - 1.3 To conduct the business of the Company in a manner that reflects the values underpinning the Community Strategy and the core values set out in Oldham Metropolitan Borough Council's Corporate Plan 2005-8 and any future change, extension, consolidation or replacement of such document.
  - 1.4 To promote community cohesion within the Borough of Oldham.
  - 1.5 To enhance and improve the social, economic and environmental wellbeing of the residents and the communities of the Borough of Oldham and other local authorities' areas.
  - 1.6 To assist Oldham Metropolitan Borough Council in security economy, efficiency and effectiveness in the delivery of its services.
  - 1.7 To enable Oldham Metropolitan Borough Council or any other local authority to do for a commercial purpose anything which they are authorised to do for the purpose of carrying on any of their ordinary functions.
  - 1.8 To carry on any other trade or business whatsoever which can, in the opinion of the Board of Directors, be advantageously earned on by the Company in connection with or ancillary to any of the above businesses or the general business of the Company, or further any of its objects.



- 1.9 To purchase, take on lease or in exchange, hire or otherwise acquire and hold any estate or interest in any lands, buildings, easements, rights, privileges, concessions, patents, patent rights, licences, secret processes, machinery, plant, stock-in-trade, and any real or personal property or any kind for such consideration and on such terms as may be considered expedient.
- 1.10 To erect, construct, lay down, enlarge, alter and maintain any roads, railways, tramways, sidings, bridges, reservoirs, shops, stores, factories, buildings, works, plant and machinery necessary or convenient for the Company's business, and to contribute to or subsidise the erection, construction and maintenance of any of the above.
- 1.11 To borrow or raise or secure the payment of money for the purpose of or in connection with the Company's business, and for the purposes of or in connection with the borrowings or raising of money by the Company to become a member of any building society.
- 1.12 To mortgage and charge the undertaking and all or any of the real and personal property and assets, present or future, and all or any of the uncalled capital for the time being of the Company, and to issue as par or at a premium or discount, and for such consideration and with and subject to such rights, powers, privileges and conditions as may be thought fit, debentures or debenture stock, either permanent or redeemable or repayable, and collaterally or further to secure any securities of the Company by a trust deed of other assurance.
- 1.13 To issue and deposit any securities which the Company has power to issue by way of mortgage to secure any sum less than the nominal amount of such securities and also by way of security for the performance of any contracts or obligations of the Company or of its customers or other persons or corporations having dealings with the Company, or in whose businesses or undertakings the Company is interested, whether directly or indirectly.
- 1.14 To receive money on deposit or loan upon such terms as the Company may approve, and to guarantee the obligations and contracts of any person or corporation.
- 1.15 To make advances to customers and others with or without the security and upon such terms as the Company may approve, and generally to act as bankers for any person or corporation.
- 1.16 To grant pensions, allowances, gratuities and bonuses to officers, ex-officers, employees or ex-employees of the Company or its predecessors in business or the dependents or relations of such persons, to establish and maintain or concur in establishing and maintaining trusts, funds or schemes (whether contributory or non-contributory) with a view to providing pensions or other benefits for any such persons as aforesaid, their dependents or relations, and to support or subscribe to any charitable funds or institutions, the support of which may, in the opinion of the Directors, be calculated directly or indirectly to benefit the company or its employees and to institute and maintain any club or other establishment or profit sharing scheme calculated to advance the interest of the Company or its officers or employees.
- 1.17 To draw, make, accept, endorse, negotiate, discount and execute promissory notes, bills of exchange and other negotiable instruments.
- 1.18 To invest and deal with the moneys of the Company not immediately required for the purposes of its business in or upon such investments or securities and in such manner as may from time to time be determined.
- 1.19 To pay for any property or rights acquired by the Company, either in cash or fully or partly paid-up shares, with or without preferred or deferred or special rights or restrictions in respect of dividend, repayment of capital, voting or otherwise, or by any securities which the Company has power to use, or partly in one mode and partly in another, and generally on such terms as the Company may determine.

- 1.20 To accept payment of any property or rights sold or otherwise disposed of or dealt with by the Company, either in cash, by instalments or otherwise, or in fully or partly paid-up shares of any company or corporation with or without deferred or preferred or special rights or restrictions in respect of dividend, repayment of capital, voting or otherwise, or in debentures or mortgage debentures or debenture stock, mortgage or other securities of any company or corporation, or partly in one mode and partly in another, and generally on such terms as the Company may determine, and to hold, dispose of or otherwise deal with any shares, stock or securities so acquired.
- 1.21 To become a member of any limited liability partnership or enter into any partnership or any limited partnership (either as a general partner or as a limited partner) or joint-purse arrangement or arrangement for sharing profits, union of interest or co-operation with any company, firm or person.
- 1.22 To carry on the business of an investment company or to act as a holding company and to acquire and hold, sell, deal with or dispose of shares, stock or securities of anybody corporate and to guarantee the contracts or liabilities of, or the payment of the dividends, interest or capital of any shares, stock or securities of and to subsidise or otherwise assist any body corporate.
- 1.23 To establish or promote or concur in establishing or promoting any other company whose objects shall include the acquisition and taking over of all or any of the assets and liabilities of the Company or the promotion of which shall be in any manner calculated to advance directly or indirectly the objects or interests of the Company, and to acquire and hold or dispose of shares, stock or securities of and guarantee the payment of the dividends, interest or capital of any shares, stock or securities issued by or any other obligations of any such company.
- 1.24 To purchase or otherwise acquire and undertake all or any part of the business, property, assets, liabilities and transactions of any person, firm or company carrying on any business which the Company is authorised to carry on.
- 1.25 To sell, improve, manage, develop, exchange, let on lease, or otherwise, mortgage, charge, sell, turn to account, grant licences options, easements and other rights in or over, and in any other manner deal with or dispose of the undertaking and all or any of the property and assets for the time being of the Company for such consideration as the Company may think fit.
- 1.26 To amalgamate with any other company, whether by sale or purchase (for fully or partly paid up shares or otherwise) of the undertaking, subject to liabilities of this or any such other company as aforesaid, with or without winding up, or by sale or purchase (for full or partly paid-up shares or otherwise) of all or a controlling interest in the shares or stock of this or any such other company as aforesaid, or in any other manner.
- 1.27 To distribute among the members in specie any property of the Company, or any proceeds of sale or disposal of any property of the Company, but so that no distribution amounting to a reduction of capital be made except with the sanction (if any) for the time being required by law.
- 1.28 To insure against losses, damages, risks and liabilities of all kinds which may affect the Company and to purchase and maintain for any officer of the Company or the auditors of the Company insurance against any liability to the extent permitted by the law.
- 1.29 To do all or any of the above things in any part of the world, and either as principals, agents, trustees, contractors or otherwise, and either alone or in conjunction with others, and either by or through agents, trustees, sub-contractors or otherwise.
- 1.30 To do all such other things as are incidental or conducive to the above objects of any of them.

And it is hereby declared that (a) the objects set forth in each sub-clause of this clause shall not be restrictively construed but the widest interpretation shall be given thereto, and (b) the word "company" in this clause, except where used in reference to the Company, shall be deemed to include any partnership or the body of persons, whether corporate or unincorporated and whether domiciled in the United Kingdom or elsewhere, and (c) except where the context expressly so requires, none of the several paragraphs of this clause, or the objects therein specified, or the powers thereby conferred shall be limited by, or be deemed merely subsidiary or auxiliary to, any other paragraph of this clause, or the objects in such other paragraph specified, or the powers thereby conferred.

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## Report to Cabinet

# Proposed Changes to Registrars' Service Fees and Charges 2018/19

### Portfolio Holder:

Councillor Arooj Shah, Cabinet Member for Neighbourhood Services

### Officer Contact:

Paul Entwistle, Director of Legal Services

### Report Author:

Marina Brown Registration Services Manager  
Ext. 8963

**22<sup>nd</sup> October 2018**

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### Reason for Decision

To adjust fees set for ceremony charges in the 2018/19 Council budget.

### Recommendations

Wedding ceremony fees be changed for the following:

- Wedding/Civil Partnership ceremonies at external non- religious venues Monday-Thursday £361.00
- Wedding/Civil Partnership ceremonies at external non-religious venues Friday-Saturday £375.00
  
- Wedding/Civil Partnership ceremonies in the Oak Room at Chadderton Town Hall Monday-Thursday £175
- Wedding/Civil Partnership ceremonies all rooms at Chadderton Town Hall Friday/Saturdays AM £196
- Wedding/Civil Partnership ceremonies all rooms at Chadderton Town Hall Saturdays PM £375.00
  
- Wedding/Civil Partnership ceremonies in the Green Room at Chadderton Town Hall Monday-Thursdays £110
- Wedding/Civil Partnership ceremonies in the Green Room at Chadderton Town Hall Fridays/Saturday AM £126
- Wedding/Civil Partnership ceremonies in the Green Room at Chadderton Town Hall Fridays and Saturdays £130

No Change proposed to fees charged on Sundays and Bank Holidays – all venues charged £421 for wedding/civil partnership ceremony (This also includes Christmas Eve and New Year's Eve)

**1 Background**

- 1.1 Fees set in the budget process for 2018/19 for registrars service resulted in a greater increase than in previous years, being a £79 increase on fees charged for wedding and civil partnership ceremonies both at external venues and the Oak Room at Chadderton Town Hall. Fees set for the Green Room at Chadderton Town Hall have also seen a higher than usual year on year increase.

The resulting feedback from couples, some of which had booked their venue two years in advance, suggests that the price rise has resulted in difficulties making the payments which were not expected and therefore not budgeted for in their plans, and as such, for some couples, as resulted in hardship.

**2 Current Position**

- 2.1 As a result, the service has undertaken some market analysis and a comparison of its Greater Manchester competitors, along with a review of the current bookings for this financial year. The conclusion reached is that, should the fees remain as set at the start of the financial year, then the service would not be competitive with similar service providers. This may result in a loss of business over the financial year and consequently a loss of income, rather than an increase in the income generated from ceremonies. This may also have a detrimental effect on external venues, who may lose business if couples choose to hold their ceremonies in other venues in neighbouring authorities to save money.

**3 Options/Alternatives**

Option 1 - Leave the fees as set in the 2018/19 budget  
Option 2 - Change the fees listed, as per the proposals

**4 Preferred Option**

- 4.1 Fees charged for ceremonies be reduced in line with the recommendations in order to encourage more bookings and generate income

**5 Consultation**

No consultation undertaken. An exercise in gathering fees charged by other GM offices has been carried out.

**6 Financial Implications**

- 6.1 The table in Appendix 1 details the charges in 2017/18, the agreed charges at Council in February for 2018/19 and the proposed changes with a comparison by change in price and percentage.

The income target for the registrar's service will continue to be met should the changes be approved, as the market analysis shows the number of weddings booked will improve on lower priced days and the Friday afternoon wedding market is growing where there has been an increase in price from £361 to £375 per wedding. (Sam Smith)

**7 Legal Services Comments**

- 7.1 None (Colin Brittain)

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8	<b>Co-operative Agenda</b>
	None
9	<b>Human Resources Comments</b>
	N/A
10	<b>Risk Assessments</b>
	N/A
11	<b>IT Implications</b>
	N/A
12	<b>Property Implications</b>
	N/A
13	<b>Procurement Implications</b>
	N/A
14	<b>Environmental and Health &amp; Safety Implications</b>
14.1	None
15	<b>Equality, community cohesion and crime implications</b>
15.1	None
16	<b>Equality Impact Assessment Completed?</b>
16.1	No
17	<b>Key Decision</b>
17.1	Yes
18	<b>Key Decision Reference</b>
18.1	NEI-06-18
19	<b>Background Papers</b>
	None
20	<b>Appendices</b>
20.1	Appendix 1 List of Proposed changes to fees

## Appendix 1

	2017/18	2018/19 Agreed at Council Feb 2018	2018/19 Proposed charge	Change (£)	Change (%)
<b>WEDDINGS AT EXTERNAL VENUES</b>					
• Monday to Friday	346.00	361.00		(361.00)	(100.00%)
• Monday to Thursday			361.00	361.00	100.00%
• Saturdays	346.00	425.00		(425.00)	(100.00%)
• Fridays and Saturdays			375.00	375.00	100.00%
• Sundays and Bank Holidays	401.00	421.00	421.00	0.00	0.00%
<b>REGISTER OFFICE CEREMONIES</b>					
<b>WEDDINGS / CIVIL CEREMONIES MONDAY - THURSDAY</b>					
• Register Office (party max 6)	46.00	46.00	46.00	0.00	0.00%
• Green Room (party max 20) Chadderton Town Hall	106.00	110.00	110.00	0.00	0.00%
• Oak Room – Former Council Chamber (max 100) Chadderton Town Hall	166.00	175.00	175.00	0.00	0.00%
<b>SATURDAY (AM)</b>					
• Green Room (party max 20) Chadderton Town Hall	106.00	126.00	126.00	0.00	0.00%
• Oak Room – Former Council Chamber (party max 100) Chadderton Town Hall	166.00	196.00	196.00	0.00	0.00%
<b>FRIDAY AND SATURDAY (PM)</b>					
• Weddings at Chadderton Town Hall - Green Room	346.00	425.00	130.00	(295.00)	(69.41%)
• Civil Partnerships at Chadderton Town Hall - Green Room	346.00	425.00	130.00	(295.00)	(69.41%)
• Weddings at Chadderton Town Hall - Oak Room	346.00	425.00	375.00	(50.00)	(11.76%)
• Civil Partnerships at Chadderton Town Hall - Oak Room	346.00	425.00	375.00	(50.00)	(11.76%)
<b>SUNDAYS AND BANK HOLIDAYS</b>					
• Weddings at Chadderton Town Hall - Green or Oak Room	401.00	421.00	421.00	0.00	0.00%
• Civil Partnerships at Chadderton Town Hall - Green or Oak Room	401.00	421.00	421.00	0.00	0.00%



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