

**Public Document Pack**  
**CABINET**  
**26/02/2018 at 6.00 pm**



**Present:** Councillor Stretton (Chair)  
Councillors Akhtar, Brownridge, Chadderton, F Hussain, Jabbar,  
and Moores

1           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Harrison.

2           **URGENT BUSINESS**

There were no items of urgent business received.

3           **DECLARATIONS OF INTEREST**

Councillor Jabbar declared a personal Interest at Item 15 – Reshaping UPL, by virtue of his appointment to the Unity Partnership Board and Councillor Stretton by virtue of her appointment to the Unity Joint Venture Board.

4           **PUBLIC QUESTION TIME**

There were no public questions received.

5           **MINUTES OF THE CABINET MEETINGS HELD ON 11TH  
DECEMBER 2017 AND 22ND JANUARY 2018**

RESOLVED – That the minutes of the Cabinet meetings held on 11<sup>th</sup> December 2017 and 22<sup>nd</sup> January 2018 be approved.

6           **DEVELOPMENT OF OLDHAM CARES SINGLE  
COMMISSIONING FUNCTION**

The Cabinet gave consideration to a report of the Executive Director, Health and Wellbeing which outlined proposals that would drive development and improvements to the way health and care services were commissioned and delivered in the Borough of Oldham.

The creation of the new arrangements needed to be considered in a wider whole system context due to the interdependencies and further reports would be brought to Cabinet in due course. Oldham's ambition for integration was outlined in Oldham Locality Plan agreed in December 2015 and was built on a number of principles including focusing on improving health outcomes and performance, patient and public centred with effective engagement mechanisms in place to enable people to live healthy lives, enabling patient to make informed choices and reducing unwarranted interventions.

Since that time significant work had been carried out by the Council and Oldham Clinical Commissioning Group (CCG) to develop the vision, structures and processes that were needed to be put in place to make the vision a reality.

Oldham's Greater Manchester Transformation Fund agreement was a central part to the Borough's plans to increase the pace and scale of delivery, the Council, CCG and a number of key providers have aligned around the need for system-wide transformation in Health and Social Care and this had included a

high level agreement that a Local Care Organisation model would be core to future delivery.

This report provided an overview of the proposed Oldham Health & Care commissioning structures. The Oldham Cares outcomes framework was designed to set out the outcomes that wanted to be achieved in Oldham over the next decade. These will be the headline outcomes for the system which the Council and CCG will work together to deliver, with the aim of improving the health of the population and the way the local health and social care system operates. The outcomes framework would inform commissioning priorities and the performance management of the health and care system.

Agreeing the outcomes framework was a key step in moving towards an outcomes-based commissioning model, with a single budget for clearly defined populations that rewarded outcomes and not activity, promoted earlier investment and reduced duplication across the health and care system.

The proposed Health Care System structure was outlined within the report, a single commissioning arrangements, Alliance and an Integrated Care Organisation.

There were a number of significant proposed changes as to how the health & care system in Oldham operated. These changes were necessary to help the whole system meeting the ever growing depth and complexity of need for health & care services, whilst working to an ever more constrained financial envelope.

In order to facilitate the health integration agenda across the commissioning and provider element, the current health, care and wellbeing estate in Oldham had undergone a comprehensive review to ensure it was fit for purpose and was able to locate the reconfigured teams. There were four key aims to be considered in planning the use of the estate and that were all connected;

- To enable the Joint Commissioning team to locate at Ellen House
- An aim to use the Southlink site to provide accommodation for all children social care services. This would require the existing adult social care services to move out
- To establish estate in each geographical cluster to enable the newly formed health and social care teams to be located. The aim was for the teams to locate in one GP practice in each cluster
- To develop the plans for the Link Centre which would support the above and also enable community groups to continue to use part of the building.

Options/Alternatives considered

Option 1 - The establishment of the Commissioning Partnership Board, in shadow form, which is the joint committee between the Council and the CCG.

The proposed section 75 agreement for Commissioning Partnership Board that would enable a scaling up of the integration of health and care commissioning in Oldham.

The proposed early areas for integrated commissioning, which the Commissioning Partnership Board would focus on in

2018/19 and use to test how effective the new system was before further budgets and responsibilities were added in to the Section 75 agreement in future years.

The use of Adult Social Care capital funding for the refurbishment and refit of the Link Centre.

The temporary closure of the Link Centre and relocation of public facing services whilst this work was completed.

Option 2 – Partial Agreement. Cabinet can choose to approve a selection of the above points, and either ask for more information to be provided or refuse to agree any of the points

Option 3 – No Agreement. Cabinet could chose to agree to none of the above points.

RESOLVED – That:

1. The establishment of the Commissioning Partnership Board, in shadow form, which would be the joint committee between the Council and the CCG be agreed.
2. The proposed section 75 agreement for Commissioning Partnership Board that would enable a scaling up of the integration of health and care commissioning in Oldham.
3. The proposed early areas for integrated commissioning, which the Commissioning Partnership Board would focus on in 2018/19 and use to test how effective the new system was before further budgets and responsibilities were added in to the Section 75 agreement in future years be agreed.
4. The use of Adult Social Care capital funding for the refurbishment and refit of the Link Centre be agreed.
5. The temporary closure of the Link Centre and relocation of public facing services whilst the work was completed be agreed.
6. The appointment of a Single Accountable Officer be noted.
7. The proposed Alliance provider structure to be developed between the key providers within Oldham be noted.

7

## **JOINT LOCAL AREA SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) INSPECTION IN OLDHAM 2 - 6 OCTOBER 2017**

Consideration was given to a report of the Executive Director, Economy and Skills and Neighbourhoods which sought to update the Cabinet on the recent Ofsted/CQC inspection on the provision of Special Educational Needs (SEND) support in Oldham and sought approval for the additional revenue required to support the service.

It was reported that the Local Authority together with the local Clinical Commissioning Group had responsibility under the Children's and Families Act 2014 for an effective SEND process and provision.

The recent inspection by Ofsted/CQC found that arrangements were not satisfactory and required the Council and the CCG to co-produce a Written Statement of Action (WOSA) by the 2<sup>nd</sup> March 2018.

The report provided details of the actions taken by the Council and CCG since the inspection and identified revenue funding requirements to develop a robust, effective and quality process

to support improvement in educational attainment of pupils within Oldham with SEND.

Options/Alternatives considered

Option 1 – To agree the proposed actions, revenue funding and final sign off of the WOSA to be delegated to the Executive Director Health and Wellbeing and Executive Director Economy Skills and Neighbourhoods and Oldham CCG .

Option 2 – No to agree the proposals.



RESOLVED – That:

1. The proposed actions to improve the outcomes for children and young people with Special Educational Needs and Disability in Oldham as set out in the report be agreed.
2. The additional permanent funding of up to £500,000 in order to increase the capacity of the Special Educational Needs Assessment Service undertaking the Education Health and Care Plan (EHCP) process to improve quality and timeliness and to provide the management oversight required to do so be agreed.
3. Delegation be given to the Cabinet Member for Education and Early Years together with the Executive Director Health and Wellbeing (as Director of Children's Services), the Executive Director Economy, Skills and Neighbourhoods and Oldham Clinical Commissioning Group for the final sign off on the Written Statement of Action in order for it to be submitted to Ofsted by 2 March 2018. A report containing the submitted Written Statement of Action together with any feedback from Ofsted would be brought back for Cabinet to note on 26 March 2018.

8 **RESHAPING UNITY PARTNERSHIP LIMITED**

This Item was to be heard in the restricted part of the agenda

9 **SCHOOL ADMISSION ARRANGEMENTS 2019-2020**

Consideration was given to a report of the Director Education and Early Years which provided the Cabinet with details of:

1. The Council's statutory obligations to determine the admission arrangements for community and voluntary controlled schools in Oldham for the academic year 2019-20.
2. The proposed Co-ordinated Scheme for admissions for 2019-20 as detailed at appendix A to the report.
3. To proposed admission arrangements for admission to community and voluntary controlled primary and secondary schools for the Academic year 2019-20 as detailed at Appendices B and C.
4. The continuation of the current arrangements for appeals to the Independent Appeal Panel.

Options/Alternatives considered

Option 1 – To approve the proposed coordinated scheme at Appendix A and the arrangements for admission to community and voluntary controlled primary and secondary schools as set out in Appendices B and C and continue the existing arrangements for Independent appeals.

Option 2 – To request changes to the proposed admission arrangements.

RESOLVED – That the Co-ordinated Scheme and arrangements for admissions to community and voluntary controlled primary and secondary schools, as set out in Appendices A to C and the current arrangements for appeals to the Independent Appeal Panel be approved for 2019-20.

10

**DISPOSAL OF FORMER COPSTERHILL ROAD DEPOT, COPSTERHILL ROAD, OLDHAM [MEDLOCK VALE]**

Consideration was given to a report of the Executive Director Economy, Skills and Neighbourhoods which provided the Cabinet with details of two offers received by the Council to purchase the Copsterhill Depot site following future clearance, the offers had been received following a restricted tender exercise.

Options/Alternatives considered

Option 1 – Reject the offer and advertise the opportunity on the open market.

Option 2 – Accept any of the offers submitted as a result of the restricted tender exercise.

Options 3 – Accept the most economically advantageous offer.

RESOLVED – That the Cabinet would consider the commercially sensitive information as detailed at Item 16 of the agenda.

11

**CONTRACT AWARDS FOR OLDHAM HEALTHWATCH AND NHS INDEPENDENT COMPLAINTS ADVOCACY SERVICES 2018**

The Cabinet gave consideration to a report of the Executive Director Health and Wellbeing which sought approval to award contracts for the provision of Healthwatch Oldham and the National Health Service Independent Complaints Advocacy service (NHS ICA).

The report also requested approval to extend the contract provision for Healthwatch Oldham and Oldham NHS ICA for one month to allow for an incumbent provider to implement the new contract and any TUPE implications.

Option/Alternatives considered

Option 1 – Approve the contract awards on the basis of the tender exercise for Healthwatch Oldham and NHS Independent Complaints Advocacy.

Option 2 – Do not approve contract awards on the basis of the tender exercise for Healthwatch Oldham and NHS Independent Complaints Advocacy.

RESOLVED – That the Cabinet would consider the commercially sensitive information contained at Item 17 of the agenda.

12

**REPORT ON OLDHAM MAGISTRATES' COURT**

The Cabinet gave consideration to a report of the Director of Economy, Skills and Neighbourhoods which sought approval to purchase and demolish the former Oldham Magistrates Court in

the context of Members 2035 regeneration vision and the Oldham Town Centre Masterplan.

Option 1 – Do not purchase the Oldham Magistrates Court building

Option 2 – Purchase the Magistrates Court building and land form the Homes and Communities Agency for immediate demolition of the building. This would enable the Council to manage the long term future of the site in line with the aims of the Oldham Town Centre Master Plan.

RESOLVED – that the Cabinet would consider the commercially sensitive information contained at Item 18 of the agenda before making a decision.

13

### **REQUEST FOR AN EXEMPTION TO EXTEND CURRENT CONTRACTS FOR THE PROVISION OF HOUSING-RELATED SUPPORT**

The Cabinet gave consideration to a report of the Executive Director, Health and Wellbeing which sought an exemption to the Contract Procedure Rules to extend three contracts providing supported housing for homeless people with additional support needs.

The Government had proposed significant changes to the funding received for short term supported and to proceed to a tender process at this time, could subject the Council to significant financial risk.

Options/Alternatives considered

Option 1 - To allow the existing contracts to end on 31 March 2018 and do not commission replacement provision. This was not the recommended option. With this option:

- Homelessness was increasing both nationally and locally. The provision of supported housing makes a significant contribution to the prevention and relief of homelessness: these services were also less costly than other options such as Temporary Accommodation/B+B or out of borough placements. Whilst Oldham had seen an increase in homelessness presentations and associated costs, it had not experienced the 400% increases seen by some (non-City) neighboring Local Authorities who have less supported housing provision.
- The provision of supported housing reduced from 146 units to 104 in 2016/17 to meet savings targets from these contracts: to cease provision would severely compromise the council's ability to meet its statutory homelessness obligations.
- In Oldham from 2015/16 to 2016/17 there was a 90% increase in the number of households at risk of homelessness, and the number of households owed a statutory duty increased from 47 in 2015/16 to 71 in 2016/17. From April - November 2017, 334 statutory homelessness decisions were taken, with 90 households owed the statutory duty. The number of households in Temporary Accommodation (TA) also increased: on 30 September 2015, there were 20 households in TA, increasing to 28 on 30 September 2016 and to 66 on 31 March 2017, including 30 households in B + B many

households accessing the services have a high degree of vulnerability/complexity and there would be negative impacts for them and potentially on the wider community if their housing and support needs are not met.

Option 2 - To allow the existing contracts to end on 31 March 2018 and competitively tender for new services to be in place by 1<sup>st</sup> April 2018. This is not the recommended option. With this option:

There was now not sufficient time to undertake a procurement process and have in place a new contract by 1<sup>st</sup> April 2018. It was the preferred option when Government was due to release its Green Paper in spring 2017, with details of each local authorities funding distribution expected in autumn 2017. However the delay to the Governments timetable (with the eventual release of revised proposals on 31<sup>st</sup> October 2017) created a 'limbo period' for local authorities, landlords and support providers, where risks couldn't be adequately scoped / costed by any party.

The revised Government proposals were subject to further consultation, and entail a more comprehensive change to the funding arrangements for short-term services.

The Homelessness Reduction Act 2017 would be enacted in April 2018. This change to Homelessness legislation impacts on pathways and processes which needed to be tested before incorporating into a new tender.

Option 3 - To allow extension of existing contracts from 01/04/18 to 30/06/19 at the current contract charges. This is the recommended option, with this option:

The extension could be accommodated within the councils Contract Procedure Rules as the proposed Modification is for an increase in value of not more than 50% of the initial contract value.

The contracts contain a 'no fault' termination clause and the Council may tender the services sooner if Government release details / make changes sooner than expected.

The opportunities potentially afforded by a funding transfer to the Local Authority were less likely to be compromised.

This option carried the risk of needing to have arrangements that cut across two different funding regimes: if funding transferred was less than the actual costs of provision, such that cannot be resolved by negotiated service reconfiguration, there may be the need for another competitive tendering exercise within a short period.

Option 4 - To allow extension of existing contracts from 01/04/18 to 31/03/20 at the current contract charges. This is not the recommended option.

This would be the preferred option, however as the proposed extension cannot be accommodated within the council CPRs - as the proposed Modification would be for an increase in value of more than 50% of the initial contract value - there are greater legal risks with this option.

This would maximize opportunities potentially afforded by a funding transfer to the Local Authority, and avoid the need to have arrangements that cut across two different funding regimes - which carries a risk of incurring costly use of Council resources for a contract that could potentially be relevant for a very short

period, if funding transferred is less than the actual costs of provision.

There would be less risk to the council of taking decisions on service redesign and pricing, as the policy and funding landscape was likely to be clearer and its implications for the Council and for service provision better scoped.

The council had a 'no fault' termination clause which could be utilized if Government make changes sooner than expected.

RESOLVED – That the Cabinet would consider the commercially sensitive information at Item 19 of the agenda before making a decision.

14 **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.

15 **RESHAPING UNITY PARTNERSHIP LIMITED**

The Cabinet gave consideration to a report of the Executive Director, Corporate and Commercial Services which outlined the basis of the changes necessary to realign the Unity Partnership Ltd with the strategic direction of the Council, to continue to assure sustainability and performance of services provided by it to the Council.

The report followed on from recommendations agreed by the Cabinet at the meeting held on 23<sup>rd</sup> October 2017.

Options/Alternatives

Due the commercial sensitivity of the report it was not in the public interest to disclose the options and alternatives because of the commercial sensitivity with respect to the discussions.

RESOLVED – That the recommendations 1-4 as detailed within the report be agreed with an amendment to recommendation 3 b, the first sentence, to remove the words 'to take such steps as necessary to:' and replace with 'if necessary'.

16 **DISPOSAL OF FORMER COPSTERHILL ROAD DEPOT, COPSTERHILL ROAD, OLDHAM [MEDLOCK VALE]**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 16, Disposal of former Copsterhill Road Depot, Copsterhill Road, Oldham [Medlock Vale].

RESOLVED – That the recommendation as detailed within the commercially sensitive report be agreed.

17 **CONTRACT AWARDS FOR OLDHAM HEALTHWATCH AND NHS INDEPENDENT COMPLAINTS ADVOCACY SERVICES 2018**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 17, Contract Awards for Oldham Healthwatch and NHS Independent Complaints Advocacy services 2018.



RESOLVED – That:

1. The contract awards for the Healthwatch and NHS Independent Complaints Advocacy Service contract, following a tender process be agreed.
2. The extension of the existing contract arrangements and Action Together for the provision of Healthwatch Oldham and the NHS Independent Complaints Advocacy Service, for one month (1<sup>st</sup> April-30<sup>th</sup> April 2018), allowing the new contract to commence 1<sup>st</sup> May 2018, concluding 31<sup>st</sup> March 2021 be agreed.

18 **REPORT ON OLDHAM MAGISTRATES' COURT**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 18, Report on Oldham Magistrates' Court

RESOLVED – That:

1. The purchase of land and former Oldham Magistrates Court, located at West Street Oldham OL1 1QE from the Homes and Communities Agency (HCA) be approved.
2. The subsequent demolition of the former Oldham Magistrates Court building be approved.

19 **REQUEST FOR AN EXEMPTION TO EXTEND CURRENT CONTRACTS FOR THE PROVISION OF HOUSING-RELATED SUPPORT**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 19, Request for an Exemption to extend current contracts for the provision of housing-related support

RESOLVED – That:

1. The extension of existing contracts from 1<sup>st</sup> April 2018 to 30<sup>th</sup> June 2019 at the current contract charge be approved.
2. Work be undertaken with partners to ensure supported housing options for vulnerable people are maximized and fit for purpose.

20 **DISPOSAL OF LAND AT WARD LANE DIGGLE**

Cabinet considered a report that was agreed under emergency powers detailed within the Land and Property Protocol, in relation to Land at Ward Lane Diggle.

The decision was taken due to commercial risk and was agreed and signed by the Executive Director, Economy, Skills and Neighbourhoods.

RESOLVED – That the decision taken under emergency powers in relation to Land at Ward Lane Diggle be noted.

The meeting started at 6.00pm and finished at 6.24pm

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