

# Oldham Borough Council



**Council Meeting  
Wednesday 22 May 2019**



## OLDHAM BOROUGH COUNCIL

To: ALL MEMBERS OF OLDHAM BOROUGH COUNCIL,  
CIVIC CENTRE, OLDHAM

Tuesday, 14 May 2019

**You are hereby summoned to attend a meeting of the Council which will be held on Wednesday 22 May 2019 at 12 noon in the Council Chamber, Civic Centre, for the following purposes:**

- 1 To receive apologies for absence
- 2 To elect the Mayor for the 2019/20 Municipal Year
- 3 To elect the Deputy Mayor for the 2019/20 Municipal Year  
  
(At this juncture the Mayor will adjourn the meeting for lunch. It is anticipated that the meeting will reconvene at 3.30pm).
- 4 To order that the minutes of the meeting of Full Council held on 20th March 2019 be approved as a correct record (Pages 1 - 32)
- 5 To receive declarations of interest in any matter to be determined at the meeting
- 6 To deal with matters which the Mayor considers to be urgent business
- 7 To receive communications relating to the business of the Council
- 8 To note the report of the Returning Officer containing the results of the Local Elections which took place on 2nd May 2019 (Pages 33 - 34)
- 9 Leader of the Council - To note the appointment agreed by Council 23rd May 2018 (Pages 35 - 38)
- 10 Appointment of Deputy Leader, Cabinet Members and Deputy Cabinet Members and allocation of Portfolios and Delegation of Executive Functions (Pages 39 - 40)  
  
Appendix to follow.
- 11 Opposition Nominations to the Shadow Cabinet 2019/20  
  
To follow.
- 12 Reviewing District Working in Oldham (Pages 41 - 52)
- 13 GM Transport Committee - Role and Responsibilities (Pages 53 - 92)  
  
Appendix to follow.
- 14 Appointment to Committees and Composition of Political Groups 2019/20 (Pages 93 -

100)

15 Appointment to Outside Bodies 2019/20 (Pages 101 - 102)

Appendices to follow.

16 Council Meetings and Municipal Calendar 2019/20 (Pages 103 - 120)

a) To confirm the meetings of Full Council will be held on the undermentioned dates during the 2019/20 Municipal Year, Commencing at 6.00pm unless otherwise shown:

10<sup>th</sup> July 2019

11<sup>th</sup> September 2019

6<sup>th</sup> November 2019

11<sup>th</sup> December 2019

26<sup>th</sup> February 2020

28<sup>th</sup> March 2020

b) To approve the calendar of meetings for the 2019/20 Municipal Year.

17 Notice of Administration Business

*(time limit 30 minutes)*

None received.

18 Notice of Opposition Business

*(time limit 30 minutes)*

None received.

19 Update to the Constitution and Amendments (Pages 121 - 150)

20 Members Allowance Scheme 2019/20 (Pages 151 - 154)



**Carolyn Wilkins**  
**Chief Executive**

**PROCEDURE FOR NOTICE OF MOTIONS**  
**NO AMENDMENT**

MOTION – Mover of the Motion to MOVE



MOTION – Secunder of the Motion to SECOND – May reserve right to speak



DEBATE ON THE MOTION: Include Timings



MOVER of Motion – Right of Reply



VOTE – For/Against/Abstain



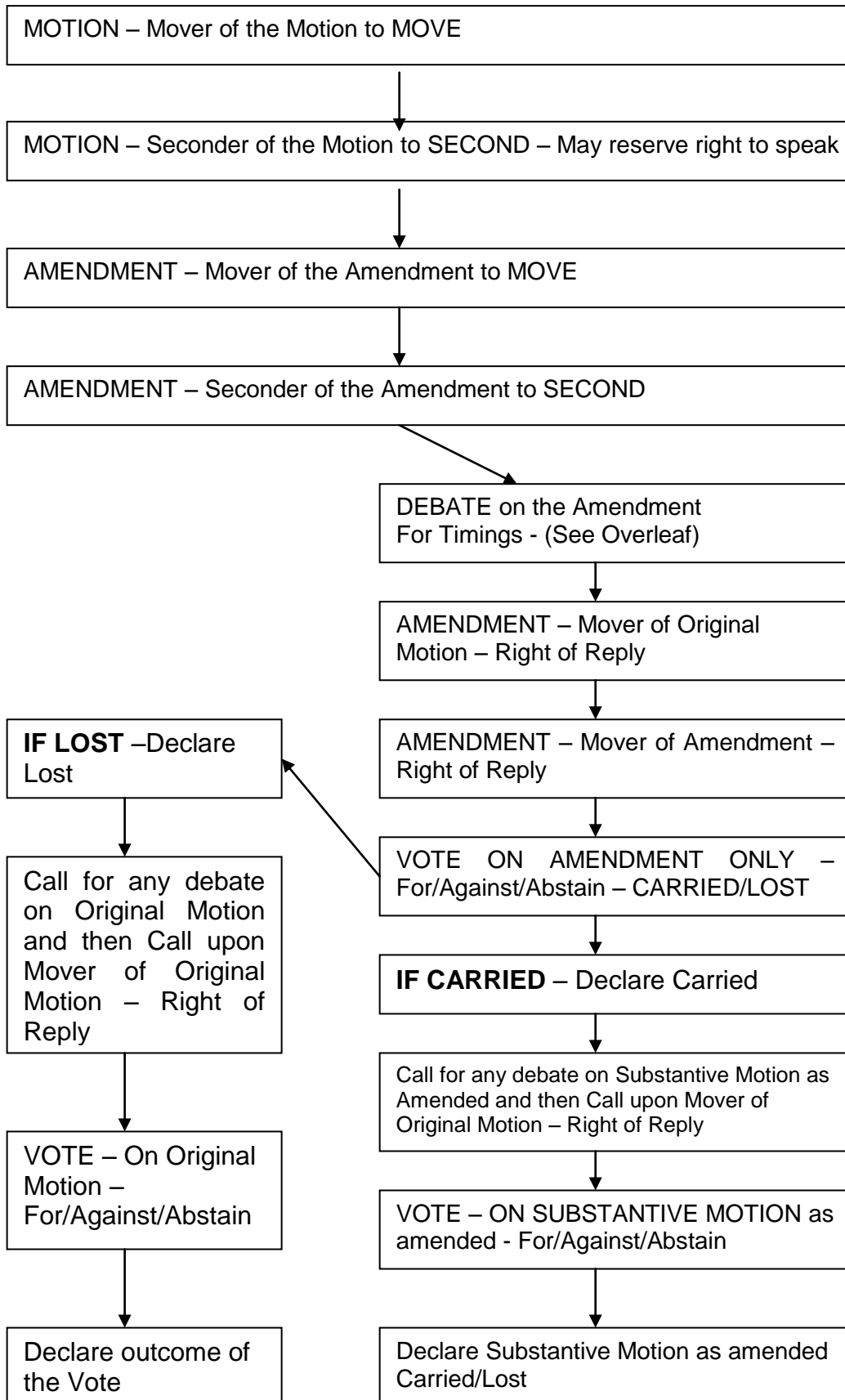
Declare outcome of the VOTE

**RULE ON TIMINGS**

(a) No Member shall speak longer than four minutes on any **Motion or Amendment**, or by way of question, observation or reply, unless by consent of the Members of the Council present, he/she is allowed an extension, in which case only one extension of 30 seconds shall be allowed.

(b) A Member replying to more than question will have up to six minutes to reply to each question with an extension of 30 seconds

## WITH AMENDMENT





**COUNCIL**  
**20/03/2019 at 6.00 pm**

**Present:** The Mayor – Councillor Iqbal (Chair)

Councillors Ahmad, Akhtar, A. Alexander, G. Alexander, Ali, Azad, Ball, M Bashforth, S Bashforth, Briggs, Brownridge, Byrne, Chadderton, Chauhan, Cosgrove, Curley, Davis, Dean, Fielding, Garry, C. Gloster, H. Gloster, Goodwin, Haque, Harkness, Harrison, Heffernan, Hewitt, Hudson, F Hussain, Jabbar, Jacques, Jacques, Judd, Leach, Malik, McLaren, Moores, Murphy, Mushtaq, Phythian, Price, Qumer, Rehman, Roberts, Salamat, Shah, Sheldon, Shuttleworth, Stretton, Sykes, Taylor, Toor, Ur-Rehman and Williams

**1            CIVIC APPRECIATION AWARD**

A presentation took place for Mr. Alan Noble and Mr. Trevor Warren in recognition of their significant voluntary contribution and dedication to the borough and community of Oldham.

Councillors Fielding and Sykes gave congratulatory speeches to Mr. Noble and Mr. Warren.

Mr. Noble and Mr. Warren were then presented with their awards and made short acceptance speeches to the Council.

**2            QUESTIONS TO CABINET MEMBERS FROM THE PUBLIC AND COUNCILLORS ON WARD OR DISTRICT ISSUES**

The Mayor advised that the next item on the agenda in Open Council was Public Question Time. The questions had been received from members of the public and would be taken in the order in which they had been received. Council was advised that if the questioner was not present, then the question would be read out by the Mayor.

The following questions had been submitted:

**1.            Question received from Charles Garrity via email:**

“I am an avid watcher of Council meetings on youtube. I would refer to full Council meeting 12<sup>th</sup> December regarding the insulting and abusive utterings of a senior member of the council, Opposition Leader Howard Sykes. This person when making reference to persons that used their democratic right to make a vote in the EU Referendum, that did not concur with his own views, were referred to as ‘swivel eyed loonies’. As the Mayor did not bring Councillor Sykes to task for this insulting remark {Councillors Code of Conduct Respect for Others}, I would remind the Council this meeting was streamed live. I would ask the following question: Does this Council condone the use of insulting remarks when describing constituents of the borough in the meetings of the

Council. I would also ask that Councillor Sykes be instructed to make a full apology for his remarks at the next full Council meeting.”



Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Enterprise responded that there was a Standards Hearings procedure which existed for this purpose. The Leader recalled that the matter under discussion was Brexit which had inflamed tensions. The Leader also responded that he was not in a position to ask the Leader of the Opposition to respond.

The Mayor invited Councillor Sykes to speak.

Councillor Sykes, Leader of the Opposition, addressed Full Council and provided a personal explanation.

2. Question received from Syed Maruf Ali via Twitter:

“Can you please raise this question at the full council meeting and I would like the Mayor to read the question out. Unemployment has always been high in Town Centre Base area. Most economically developed nations are now multi-ethnic, and, given current demographic trends, there is reason to believe that societies will continue to become more ethnically and culturally diverse. We the residents of Town Centre base would like to know what percentage of Oldham Council, NHS and Greater Manchester Police workforce are employed within 2 miles radius of civic centre/council offices? How many senior managers are employed by Oldham Council within 2 miles radius of civic centre? Oldham Town centre area have one of the highest number of NEETS, Unemployment and benefit claimants in England. Many Town Centre residents CANNOT access good/outstanding attainment School due to individual School oversubscription criteria. There has been increase in population in Town Centre area putting pressure on housing, school places and infrastructure. What's the attraction to migrants especially from EU to one of the poorest wards in Oldham with the highest unemployment & the lowest paid economy in GM? We urgently need the local authorities to invest in infrastructure in town centre base area such as Education, Employment, Training, access to employment, improve the local roads etc.”

Councillor Mushtaq, Cabinet Member for Employment and Skills, responded that data was only immediately available for council staff. 39.8% of council staff lived in post codes of which at least part is within 2 miles of the Civic Centre. Eighteen senior managers lived within 2 miles of the Civic Centre (a total of 166 although the latter hadn't been asked for). Senior Manager was defined as earning over £45.6k FTE. Within the UK and internationally, new migrant groups would always (or almost always) move to the lowest rent areas available,



which were typically deprived inner-city areas. As their communities became embedded and typically more prosperous, they would tend to move away from inner-city areas to more affluent but connected areas, often to be replaced by the next migrant group. This pattern had been repeated many times through the history of Oldham. Inner areas of Oldham and other towns had some of the lowest rents in Greater Manchester, and low house prices had increased the size of the private rented sector. It was expected that this would attract migrant groups. While employment opportunities would be more limited than elsewhere, affordable housing would tend to be more of an immediate factor.

3. Question received from Ruji Surjan via email:

“The welfare benefit cuts that has been brought in by the current Tory government, including freezing Child Benefits for the last 4 years, has led to a massive increase in Child Poverty in Oldham and in particular my ward - Coldhurst. What I'd like to ask is, what can Oldham Council, working with other key partners, do to tackle child poverty and create better chances for our young people?”

Councillor Chadderton, Cabinet Member for Children's Services responded that children's poverty was a priority for the Council. Meeting had been held and she referred the response to the Leader of the Council.

Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Enterprise responded that child poverty was unacceptable in Oldham. The UK economy was the 5<sup>th</sup> largest in the world and the UN who had drawn attention to the poverty in Oldham. Despite the financial cuts, the Council had continued to invest in services and programmes. The range of schemes included Get Oldham Working and the Career Advancement Service which continued to provide employment opportunities, the Warm Homes Oldham continued to pull people out of fuel poverty every year with an estimated 5,600 people helped so far. The Council had taken a decision to make Oldham a living wage employer and pay a genuine living wage, the Oldham Education Commission and the Opportunity Area Oldham continued to develop approaches to improve social mobility and holiday hunger schemes aimed to match food provision with holiday enrichment activity to help families during the holidays. Over 3,500 meals had been delivered in the summer last year and it was planned to roll this out to more sites this year and to ensure all year provision. The Leader referred to poverty proofing and tackling poverty in schools through the 'voice of the child'. Tackling poverty and inequality was a part of everything done by the Council despite the massive funding challenges.



4. Question received from Stephen Kenyon via email:

“Has the Leader of Oldham Council seen the YouTube footage of the Oldham Council Full meeting 12/12/19 where he falsely stated that YouTube footage was not edited to cover up Oldham Council's endeavours to hide the truth from the citizens of Oldham? Cllr Feilding also at this meeting suggests that I am lacking in respect for Oldham council and councillors. May I respectfully suggest to him that if he and his council were to become more respectable and adhere to their codes of conduct then I would gladly show them more respect? Does Sean Fielding feel ashamed and/or embarrassed that the sound was obviously switched off so that this simulacrum of a council could carry on hiding their misdemeanor's, collusion and cover-up from the public?”

At this point in the proceedings, the Leader was constantly interrupted by a member of the public and a disturbance occurred. The Mayor, as Chair of the meeting gave repeated warnings. The meeting was adjourned at 18.33 and reconvened at 18.34.

Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Enterprise responded that, at the risk of sounding like John Bercow, Speaker of the House of Commons, Mr. Kenyon had asked the same question again with no substantial difference from last time. The Leader was aware of what was said at the meeting on 12<sup>th</sup> December 2018 because he had given the response. The Leader had given an account of what had happened and explained that, during the time of around 20 seconds when the audio went quieter, only the Mayor spoke and he had simply stated that there was a time limit for questions and that all questioners, in accordance with the rules, should stick to the text of the question they had originally submitted and that he needed to move on with the next public question. The Leader again clarified that it appeared that by having to appeal across the back of the stage to Mr. Kenyon – with his microphone turned off – the words of the Mayor were subsequently very quiet on the clip, but they could still be made audible by using a more powerful speaker. The Leader reiterated that there was not cover-up, no video or audio editing and no conspiracy. If Mr. Kenyon had stuck to the respect of asking the question that had been originally submitted then there would be no problems. Because the questioner did not like the factual answer provided, did not make it a conspiracy. For the avoidance of doubt, there would be no point in asking the question for the third time again and expecting a different answer. The webstream was run by a third party for Oldham Council. The picture coverage remained live, councillors' heads were moving on it and the sound had merely become muffled.



5. Question received from Melanie Platt via email:

“Please would the council undertake a policy measure to ensure that the old routes of railways are not blocked or compromised by new building work. It is now widely recognised that the Beeching axe went too far and some of these lines could be reactivated for rapid light transport in the future – providing they have not been blocked by new development. One such is the Oldham to Saddleworth line, which if converted to Metrolink through Clarksfield, Lees, Springhead, and Grotton would provide much needed traffic relief and also do much to lessen Oldham’s worst pollution blackspot at Bottom Of th’moor. This is not a plea to re-open the line, just that the possibility remains to do so for the future.”

Councillor Shah, Deputy Leader of the Council and Cabinet Member for Neighbourhood Services, responded that the Council’s Local Plan already contained a policy which sought to protect former railway lines that may have an existing or potential transport use from development. That included use as a pedestrian footpath, cycle or bridleway or on to which a new public transport facility or an extension to an existing network might be introduced in the future. Former railway lines would continue to be protected under Local Plan Policy 17 on Gateways and Corridors unless an overriding need for the development can be demonstrated or they are already protected or allocated for another use in the Local Development Framework. The Local Plan document contained this policy and was available on the Council’s website at

[www.oldham.gov.uk/downloads/file/1445/development\\_plan\\_document-joint\\_core\\_strategy\\_and\\_development\\_management\\_policies](http://www.oldham.gov.uk/downloads/file/1445/development_plan_document-joint_core_strategy_and_development_management_policies))

At this point in the meeting the Mayor advised that the time limit for this item had expired. The Mayor reminded members that the Council had previously agreed that questions would be taken in an order which reflected the political balance of the Council. The following questions were submitted by Councillors on Ward or District matters:

1. Councillor Davis asked the following question:

“All the Councillors in Failsworth and Hollinwood have been working to get the CCTV cameras along the A62 corridor which runs through Failsworth West, back up and running. Could the relevant Cabinet Member please give an update on progress?”

Councillor Shah, Deputy Leader of the Council and Cabinet Member for Neighbourhood Services confirmed that the cameras on the A62 corridor were now back up

and running and thanked the Councillors for their patience whilst the issue was resolved.



**Oldham**  
Council

2. Councillor Judd asked the following question:

“Residents of Cherwell Close in Hollinwood have experienced varying amounts of flooding in recent years, the worst of which occurred in 2016 where 3 homes were flooded causing extensive damage. This occurs when the main combined sewer is at full capacity leading to surcharging of the road gullies. United Utilities have a responsibility of ensuring their assets are designed to cope with a 1 in 30 year flooding event however the road gullies are surcharging with every event of heavy rain. Can anything be done to get United Utilities to assess and confirm the integrity of their assets on both Cherwell Close and the connecting Roman Road?”

Councillor Shah, Deputy Leader of the Council and Cabinet Member for Neighbourhood Services responded that the highways gullies and associated pipework was adequate in terms of capacity. However, due to the amount of rainfall (an average month of rain fell in 24 hours), and deficiencies with the overall combined United Utilities sewer into which the highways system flowed, the water exceeded the capacity of the systems. Discussions with United Utilities were ongoing and a meeting scheduled on 26 March 2019. The Council had approached the Environment Agency for additional external funding for an extensive study in relation to Cherwell Close to be undertaken.

3. Councillor Malik asked the following question:

“Car parking for residents living near Oldham Royal Hospital has been an issue for a long time now, in particular on Godson Street and on Sandringham Park Estate. Hospital staff park their cars in the surrounding area causing major problem for the residents. Can the relevant Cabinet Member raise this matter with Oldham Royal Hospital and see whether a subsidised car parking scheme can be developed for its staff to alleviate the problem on around those streets on Coldhurst?”

Councillor Shah, Deputy Leader of the Council and Cabinet Member for Neighbourhood Services responded that the Council had raised the issue with the Royal Oldham Hospital (ROH) on numerous occasions in the past with the hope that some form of action would be taken to alleviate the problem which had been acknowledged by ROH. The matter had also been elevated to the Hospital’s Estate Management Team who were currently working on a future master planning exercise for the hospital to see if this matter could be factored into any future site designs to address these parking issues.



4. Councillor H. Gloster asked the following question:

“Whilst on our Chief Exec’s ward visit in October 2018, we came across a derelict property at 5 Queen Street, Shaw which has a Section 215 notice in the window of the property dated 2014. To my knowledge this property has been empty and derelict for at least 20 years. Can I ask the relevant Cabinet Member when we can expect this property to be brought back into use to provide a home for someone in need?”

Councillor Roberts, Cabinet Member for Housing, confirmed that the property at 5 Queen Street in Shaw was a long-term empty property and the Council had carried out works in 2014 in default of a legal notice served on the property. The owners were currently untracable and the cost of the works had been placed as a charge on the property. The Council was keen to bring this and other long-term empty properties back into use and officers would be asked to explore all options to bring the property back into use and report back promptly to inform of the outcome.

5. Councillor Moores asked the following question:

“In April 2018, Shop Direct announced plans to close three sites located in Greater Manchester, and to relocate their operations to a purpose-built and automated facility in the East Midlands Gateway Development at Castle Donnington, Leicestershire. This will have a huge impact on the local economy with the loss 549 jobs at the Chadderton site (413 Shop Direct employees and 136 agency staff) and 1,341 jobs at the Shaw site (705 Shop Direct employees and 636 agency staff). Could the Cabinet Member for Employment and Skills, assure us that Oldham Council are taking steps to try and minimise the impact on individual employees, their families and the local economy. Could he also tell us if Central Government are offering any form of support?”

Councillor Mushtaq, Cabinet Member for Employment and Skills responded that the Council, working with the Mayor’s office set up a task force to create a programme of activity to support those affected by the relocation. The Task Force included representatives from Bolton, Rochdale and Salford Councils, Shop Direct, DWP, USDAW and Growth Company. A lot of support had been provided to date and included 1-to-1 information advice and guidance sessions, 700 staff completed National Careers Service conversations creating individualised learning plans, 176 staff had enrolled onto apprenticeships, 350 staff had upskilled with health and safety, forklift truck refreshers, manual handling, etc., 583 staff had begun digital learning programmes and Maths and English would be launched by the end of March.



Shop Direct agreed to offer a package of time off work to pursue training activity (45 hours for functional skills, 20% of work time for apprentices). Get Oldham Working, Rochdale Employment Links and the Growth Company had been delivering sessions 7 days a week to align with shift patterns. The Council continued to work with Shop Direct seeking replacement commercial usage of the sites in Oldham. Unfortunately, whilst the Government announced a task force for employees affected by the closure of Honda in Swindon (Conservative), the Government had yet to make any offers of support for those affected in Oldham. The MPs had requested that Richard Harrington visit Shaw to provide support to those affected in Oldham. The visit had been scheduled for 14<sup>th</sup> March.

6. Councillor Dean asked the following question:

“I have received representations from parents expressing their concern regarding exam results at Waterhead Academy, could the Cabinet member assure them that every effort is being made to work with the Academy to improve the recent results.”

Councillor P. Jacques, Cabinet Member for Education and Culture, responded that Waterhead Academy was part of the South Pennine Multi-Academy Trust who held accountability for the Academy’s outcomes. As a Local Authority, the Council worked closely with the Trust and all schools to support improvements in outcomes for Oldham’s children and young people. There were a huge range of accountability measures that schools and Academies were judged on and historically the measure that had been used included a number of A\* - C grades. The equivalent measure under the new performance framework was the percentage of pupils who achieved a standard pass (grades 9 to 4) in mathematics and English. In this measure Waterhead Academy achieved 42.0%, a slight increase on the previous academic year. The Local Authority was driving forward a number of school improvement initiatives across Oldham. Waterhead Academy, for the reasons highlighted, was one of the schools receiving a range of support from the Local Authority and other school improvement partners. This support had a particular focus on improving the attainment of disadvantaged students, particularly disadvantaged boys. The Trust continued to work hard to improve outcomes at the Academy and recent visits had shown that there was a calm and peaceful atmosphere around the academy. The evident positive ethos, supported by interventions from the Trust, the Local Authority and financially supported through Opportunity Area investment was expected to have a positive impact on the 2019 results.

7. Councillor Harrison asked the following question:

“About ten years ago, some blocks of flats were partially built on Near Birches Parade, Holts. For whatever reason, the developer abandoned them before completion. Over the years, the buildings and surrounding site became a target for fly tipping, vandalism and anti-social behaviour. Consequently, I've received many valid complaints from Holts residents. Recently, the site was cleaned up and the entrance to the site boarded to keep people out. Can the cabinet member tell me if this is a sign that the flats are about to be developed to a habitable standard and made available as much needed homes.”

Councillor Roberts, Cabinet Member for Housing responded that the site in question was in private ownership and was therefore unfortunately outside of the direct control of both the Council or any local Registered Provider. In such circumstances, the Council only had powers to act in the event that the property was not kept in a safe and secure condition, otherwise the Council was entirely reliant on the existing owner bringing the property into use. However, officers would continue to monitor the condition of the property and take any appropriate action as required.

8. Councillor Sykes asked the following question:

“The changing rooms at New Barn Playing Fields continue to fall in to rack and ruin, would the Cabinet Member for Economy and Enterprise tell me the plans for the future with this building? And would the Cabinet Member for Neighbourhood Services please tell me what efforts are being made to get the building used again?”

Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Enterprise responded that the changing rooms at New Barn playing fields were included in the Council's Sports Pitch Strategy which was aimed at growing grass roots football in the borough. The Pitch Strategy was a requirement by the Football Foundation which enabled Oldham to secure funding for playing field projects. Sadly, this building had been the target of a spate of vandalism over recent months which had left the building with limited use until such time as building repairs could be undertaken. Approval was being sought to commit capital expenditure to resolve the issues in time for the new football season.

9. Councillor Hewitt asked the following question:

“The Council should note that local businesses in Saddleworth West and Lees, working with Greater Manchester Police and councillors, have formed a fully-constituted committee to realise the ambition to turn Lees High Street into a go-to area, rather than a drive through

place, taking good practice from the successes of other villages in the area. We ask that the member with special responsibilities for communities attend a forthcoming meeting of the Lees, Springhead and Grotton business hub and fully support our ambitions.”



Councillor Ur-Rehman, Cabinet Member for Policing and Community Safety responded that the Business Group had been working with Council officers and Ward Members who had attended meetings to support the development and establishment of the group. The group were also being supported by Council Officers in preparing an application to the Lees Business Improvement Grant Scheme. This was an excellent example of local councillors and communities getting together in a cooperative way of working. The project could be highlighted as good practice.

10. Councillor Shuttleworth asked the following question:

“There have been a number of requests from Chadderton South residents for support with their appeal against the school placement of their children, and no doubt other members will be experiencing the same. I shall quote from one such frustrated parent from an email received on Sunday evening, but I have changed the name of the child.

'We have spent an enormous amount of time researching the schools in the borough and considered our application best suited to Sylvia's academic acumen. We assumed Sylvia would be given at least one of her three preferences. We also know there are children who have not asked for Radclyffe School within their application, however, they have been placed at our daughters preferred school. How is this lottery drawn? ' May I request that the Cabinet member for education explains how circumstances such as I have just highlighted can come about, i.e. one child not getting their preferred choice yet another being placed at that same school which they didn't apply for, and also request confirmation that each area of the borough has been treated equally and fairly when it comes to school placement.

Councillor P. Jacques confirmed that there were no redirected admissions to The Radclyffe School. All pupils offered The Radclyffe School had The Radclyffe as one of their preferences. The Radclyffe School was oversubscribed on offer day. Once a school had more applications than it had spaces, the publicly available over-subscription criteria was used. Oldham Local Authority were not the admissions authority for all but on secondary school in Oldham, Saddleworth School, therefore the local authority only set the oversubscription criteria for Saddleworth. All the other schools set their own oversubscription criteria. All the details on the schools' policies were available both on the schools



website and the Oldham Council website at [http://www.oldham-council.co.uk/school\\_admissions/index.php/oldham-schools/](http://www.oldham-council.co.uk/school_admissions/index.php/oldham-schools/)



Once the Local Authority/school had ranked each application into a criteria, the system allowed all the schools oversubscription criteria to be applied to all preferences from all pupils. On the lead up to offer day, the system ranked all applicants in order of criteria and then worked out who was to be offered a place. It was set out how many pupils each school could take and the system then offered that set amount of places. Anyone not offered a preference was added to the waiting list. If a preference could not be offered, the pupil would be redirected (allocate a place not requested) to a school to ensure a place was allocated for that pupil. All on time applications were looked at first. If a pupil had applied on time and had been redirected, it meant that the schools for which they had made preferences were full with on-time applicants and that the pupil in question was not high enough up the criteria to be offered a place. The pupil would be added to the waiting lists of their preferences and then redirected to the nearest school with a space. The late applications were then look at and the same process applied. All applications were treated fairly and equally. All applications were treated fairly and equally. All applications were looked at against the same criteria using the exact same system. The oversubscription criteria differed from school to school but it was noted that oversubscription criteria only came in play if a school received more applications that it has places to offer. Preferences could not be guaranteed and the schools which were popular filled quickly. The frustration was understood and the authority was looking to expand places.

11. Councillor Pythian asked the following question:

“Please can the relevant Cabinet member inform us of progress on the investigation works being carried out in the Grasmere Road area of Royton North which are intended to find the cause of flooding in this area?”

Councillor Shah, Deputy Leader of the Council and Cabinet Member for Neighbourhood Services responded that the study was currently underway in this area was part of an official detailed process to gather information according to multi-staged Environment Agency (EA) policies and requirements and this investigative stage was itself funded by the EA. The Council had been successful in gaining this initial funding already. This study comprised actual physical investigative works with subsequent detailed analysis and calculations was to be completed in May 2019 and issued to the EA for further consideration against other similar studies submitted

across the UK. After consideration, the EA could make further funding available for actual site construction of the necessary works. The Council, in its capacity as Lead Local Flood Authority (LLFA) had significant success in gaining additional funding from the EA for flood alleviation schemes across the Borough over the last few years, but it was noted that receiving funding from the EA was not guaranteed and was given according to their timeframes.

12. Councillor Curley asked the following question:

“Last Summer we had to deal with the horrendous fires on Saddleworth Moor. At the time much was made of efforts to combat the then current situation and to plan for possible future eventualities. However, the worst fears of the community were realised much earlier this year with the unseasonably warm period in February heralding more fires which were even described by Sky News as “Apocalyptic”. The situation at Dovestone reservoir has been a constant source of worry and frustration with access problems and the potential for further fires and environmental damage a constant danger. Dovestone is frequently referred to by OMBC as one of the centrepieces of the tourist attractions for the borough. Through the provision of the Dovestone Marshalls we have seen that Marshalls can alleviate much of this problem. The funding for this however was only supposed to be temporary, yet Councillors were again asked to commit more of their individual budgets this year and have now committed 20% of their budgets for this purpose. Will the Cabinet member responsible provide guaranteed future funding for Marshalls and other measures as well as leading in seeking funding from other stakeholders such as United Utilities, The Peak Park Authority and in particular Hollow Oak Limited (a company of the Purico group) as the Marshalls ensure that there is safe access to the properties at Heytop and New Barn for the residents there who are tenants of the properties owned by Hollow Oak. It is only fair therefore that Hollow Oak pay towards the safety of their tenants so we can help safeguard the homes, farms and local environment. After all this area is of huge significance to the whole Borough and Gtr Manchester. It is only right that OMBC must lead on financing these measures.”

Councillor Jabbar, Deputy Leader of the Council and Cabinet Member for Finance and Corporate Resources responded that the Council recognised the good work undertaken by the marshalls last year and was mindful of the damage caused by the recent fires. The Council was supportive of the initiative and would assess the level of resources required to support its continuation and positively seek external contributions. All parties would be contacted to assess the best approach going forward including the deployment of resources as appropriate.

13. Councillor Briggs asked the following question:

“One of my constituents is experiencing great difficulty in negotiating the very poor condition of the pavements close to his house, in his wheelchair, rendering him virtually housebound. While I appreciate the vast amount of this Labour council’s investment in repairing and resurfacing our roads, please can the relevant cabinet member advise me of the plans for investment in our pavements?”

Councillor Shah, Deputy Leader of the Council and Cabinet Member for Neighbourhood Services responded that within the Council’s proposed highways investment programme over the next three years, there was an overall allowance of £300K to carry out some targeted footway resurfacing works – this would be used for tackling footways on a purely condition based approach at present, and any issues of a Disability Discrimination Act (DDA) nature, e.g. damaged dropped kerbs, damaged tactile paving where fitted would be repaired. In terms of initial implementation of DDA compliant facilities at junctions across the whole Borough, generally these are only implemented as part of an appropriate related capital improvement scheme and not currently as a complete programme across the borough.

At this point in the meeting, the Mayor advised that the time limit for this item had expired.

**RESOLVED** that the questions and responses provided be noted.

**NOTE:** Councillor G. Alexander left the meeting during this item.

3 **TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Larkin, Councillor Turner and Councillor Williamson.

4 **TO ORDER THAT THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 12TH DECEMBER 2018 AND 27TH FEBRUARY 2019 BE SIGNED AS A CORRECT RECORD**

**RESOLVED** that the minutes from the Council meeting held on 12<sup>th</sup> December 2018 and the Budget Council meeting held on 27<sup>th</sup> February 2019 be approved as a correct record.

5 **TO RECEIVE DECLARATIONS OF INTEREST IN ANY MATTER TO BE DETERMINED AT THE MEETING**

In accordance with the Code of Conduct, elected members declared the following interests:

Councillor M. Bashforth declared a personal interest in Item 15b by virtue of her appointment to the MioCare Board.

Councillor Chauhan declared a personal interest in Item 15b by virtue of his appointment to the MioCare Board.

Councillor Heffernan declared a personal interest in Item 15b by virtue of his appointment to the MioCare Board.

Councillor F. Hussain declared a personal interest in Item 15b by virtue of his appointment to the MioCare Board.

Councillor Garry declared a pecuniary interest in Item 15a by virtue of her husband's employment by Greater Manchester Police.

Councillor C. Gloster declared a pecuniary interest in Item 15a by virtue of his employment by Greater Manchester Police.

Councillor H. Gloster declared a pecuniary interest in Item 15a by virtue of her husband's employment by Greater Manchester Police.

Councillor Mushtaq declared a personal interest in Item 13 by virtue of his appointment as a Governor at the Oldham College.

Councillor Roberts declared a personal interest in Item 12(d) by virtue of her appointment as at Trustee on Positive Steps Oldham.

Councillor P. Jacques declared a personal interest in Item 12(d) by virtue of his appointment as at Trustee on Positive Steps Oldham.

6 **TO DEAL WITH MATTERS WHICH THE MAYOR CONSIDERS TO BE URGENT BUSINESS**

There were no items of urgent business.

7 **TO RECEIVE COMMUNICATIONS RELATING TO THE BUSINESS OF THE COUNCIL**

The Mayor advised that Councillor Heffernan would be retiring at the end of the current Municipal Year.

Councillors Sykes and Williams paid tribute to the work of Councillor Heffernan. Councillor Heffernan responded.

**NOTE:** Councillor Rehman left the meeting during this item.

8 **TO RECEIVE AND NOTE PETITIONS RECEIVED RELATING TO THE BUSINESS OF THE COUNCIL**

The Mayor advised that four petitions had been received for noting by Council:

People and Place

Reference 2019-01: Petition regarding Kershaw Street area – Access to Chamber Road (Shaw Ward) received on 2 January 2019 with 53 signatures

Reference 2019-02: Petition for Speed Restriction on Den Lane, Springhead (Saddleworth West and Lees Ward) received on 15 January 2019 with 257 signatures.

Reference 2019-03: Petition regarding Limited Waiting Restrictions, North Side, Beal Lane (Shaw Ward) received on 15 January 2019 with 248 signatures

Reference 2019-06: Petition regarding the Condition of the Footpath from Crossley Estate to Dairy Street (Chadderton Central Ward) received on 8 March 2019 with 476 signatures



**RESOLVED** that the petitions received since the last meeting of the Council be noted.

9

## **OUTSTANDING BUSINESS FROM THE PREVIOUS MEETING**

### Suffrage and Peterloo

Councillor Roberts MOVED and Councillor Chadderton SECONDED the following motion be WITHDRAWN.

“In 2018 Oldham has celebrated the centenary of women’s parliamentary suffrage and the 90<sup>th</sup> anniversary of universal adult suffrage.

This Council welcomes the installation of Annie Kenney’s statue in Parliament Square and the unveiling on the 14<sup>th</sup> December 2018, the anniversary of the first general election when women could stand as candidates and vote.

This Council recognises that the struggle for equality and the right to vote was long and hard fought. We reaffirm our commitment to commemorating the Peterloo Massacre of 16<sup>th</sup> August 1819 as a significant contribution to the struggle.

This Council resolves to:

1. Thank everyone who has contributed to commemorative and celebratory activities, events and everyone who has helped to raise the money to pay for Annie Kenney’s statue.
2. To invite Oldham residents and community organisations to join with the Council in commemorating Peterloo and the fight for equal rights.”

**RESOLVED** that the MOTION be WITHDRAWN.

10

## **YOUTH COUNCIL**

There were no items submitted by the Youth Council.

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## **LEADER AND CABINET QUESTION TIME**

The Leader of the Main Opposition, Councillor Sykes, raised the following two questions:

Question 1: More Oldham Children Being Failed

“Tonight I would like to return to an issue that I have raised many times in the past – educational performance in this borough. Or to be blunt the lack of it! I was recently dismayed to hear that another school in Oldham has failed an Ofsted inspection – the Oasis Academy Oldham – and that both Oasis and Waterhead Academy still fall way below the minimum standards expected. Both schools are listed by the Department of Education as amongst the worst 346 schools in the country – hardly an accolade that the or we should be proud of. Oldham Council and its educational partners have had years to turn around Oldham’s academic performance. But, yet again, we



see another negative report of an Oldham school rated 'inadequate' and in need of 'improvement' in several key areas, including the quality of teaching, learning and assessment. When the Oldham Education and Skills Commission Chair Baroness Estelle Morris stated in the publication of its long-awaited report in January 2016, that 'we are on the edge of being able to achieve great things here in Oldham', her words did not containe 'but not yet'. Three years on and we are still 'not yet'. This Labour Administration has promised time and again that the findings of the Commission, and the work of the Partnership that was established to deliver them, would bring about a transformation in our educational attainment, but we have yet to feel or see any real change. In his foreword to the 2016 Education and Skills Commission report, former leader Jim McMahon said: 'We should not be satisfied with anything less (than a good education for all of our children) but, sadly, far too many children are still not reaching their full potential.' What is most saddening and maddening is the case of Oasis is that the most able pupils are report to have 'underachieved significantly'. It is not these children who have failed, it is we who have failed them for this represents a major failing on the part of the Academy, our education and this Administration. Can the Leader tell me tonight what has been done, will be done and when, to ensure that we do not fail any more children at the Oasis and Waterhead Academies, or indeed at any of our secondary educational establishments in this Borough?"

Councillor Fielding, Leader of the Council, responded that he shared the passion for getting education right in the borough. The Leader acknowledged that standards, particularly in the secondary sector, were not in a place where the Council wanted them to be and had not allowed children to realise their full potential. The central focus of the new Administration since May was education. Considerable pledges had been made on turning around the fortunes of schools. The pledges were incredibly difficult to realise and achieve given the fragmentation of the education system and the pressure that both the schools and the Council faced in terms of funding school improvement. The two schools, Waterhead Academy, which had had a change of sponsor as a result of its performance being below what was liked and the Oasis Academy, as a result of its Ofsted Inspection and the results which had been given back in the summer, had been served with a termination notice to the sponsor and so the central focus of Oldham's Labour Administration was to improve the educational outcomes in the borough. The Leader expressed regret at the focus on 2 academy schools because of the reality that the picture within Oldham, when considered as a whole, was much more positive. The three pledges on education which had been made less than 12 months ago were already reaping benefits in terms of the number of children that attended a good or outstanding school. There were more children attending schools in good or outstanding places than there were when the Leader assumed his role. A commitment had been made to invest significant amounts of money in improving the environment that young people were taught in as one barrier to young people achieving was the quality of their

environment. The Leader expressed his pleasure regarding a recent visit to Saddleworth School that day after the Planning Committee had approved the planning application to build the new school facility the children had been waiting for. The Leader also referred to the commitment of every child being school ready prior to entering the schools gates on their first day of primary school. Oldham had been recognised across Greater Manchester for achievements on this front with more children making more progress than any other borough. There had also been recognition nationally, Propps Hall Primary School had recently been recognised as being in the top 3% of primary schools in the country. There was a positive picture of change in Oldham on Education and it was a picture that would continue. The ripples of that positive change would be ensured to reach Oasis and Waterhead Academies.

#### Question 2: Save Shaw's High Street

"I am sure that the Leader will be well-aware of the recent incident around midnight on 20/21 February involving the partial collapse of the roof of the historic St. Paul's Methodist Church in Shaw. The collapse led to masonry and brickwork being cascaded onto surrounding streets and on an adjoining nursery. For the record, I would like to place on record my thanks to those Council officers and emergency service staff who responded so quickly and professionally in assessing the danger to the public and in making the site safe. St. Paul's is not, however, unique. It is one of several significant buildings in Shaw which now lie empty and forlorn. In addition to the church, there are our four former banks – Barclays, Midland, Yorkshire and the Royal Bank of Scotland and the Old Post Office and the former Butterworths building, once a thriving DIY store left for decades that is presently a haven for an increasing number of pigeons and anti-social activities. These empty buildings were part of our ward walk with the Chief Executive before Christmas. All the above buildings are in need of a new purpose and my worry is that as time passes their deterioration will escalate. We also have a market that is on its uppers and a high street that appears to be attracting more and more charity shops. I have written recently to the Leader in connection with the concerns that I have to save the shops on our high streets in Oldham town centre and in the district centres of Uppermill, Lees, Chadderton, Royton, and Failsworth as well as Shaw. Can I suggest to the Leader that the Council and its partners look to develop a Daytime Economy Taskforce to compliment the new Night-time group. They would work to devise a strategy to revitalise the daytime retail and leisure economies on our high streets. Can I suggest that we take a hard look at the recommendations of the recent reports published by Sir John Timpson and the Institute of Place Management and Manchester Metropolitan University. I have also suggested that we bid for monies from the Government's new Future High Streets Fund. I am at least pleased that we are doing that, but I am disappointed that the Council has not chosen to bid for Shaw. With this money we could have returned the empty buildings back into use, possibly into much needed homes. This would also bring more footfall

into our district centre. In light of this latest disappointment, can the Leader offer me any consolation in at least agreeing to assign senior Council officers to work with the Shaw and Crompton elected members and local partners to try to find a workable solution to Shaw's empty buildings and improving the retail and high street offer?"

Councillor Fielding, Leader of the Council shared the concerns of the changing nature of the high streets and the prevalence of empty buildings on High Streets throughout the borough. The Leader had made a significant pledge around improvements to town centres and in adapting them so that the centres could thrive and be successful with the decline of the retail sector. Shaw was not the only place to have a significant number of heritage assets for which a suitable alternative use had not yet been found. The Leader was keen to look at the opportunities for more leisure and dining in the town centres, opportunities for more residential to support the footfall at all times of the day to get away from town centres becoming desolate after 6.00 p.m. Significant plans had been drawn up to take forward regeneration intentions for the town centres, particularly in Oldham at this time within which residential development would play a major part. Outside of Oldham there had been significant investment in Royton Town Centre which had been nominated for the Mayor's Town Centre Challenge and a range of support leveraged from the Town Centre Challenge. The Leader announced that a very strong bid had been made to the £675m High Street Funds which had been made available by the Government. It was hoped to bring more money into Oldham to bring empty units back into use and get more people choosing Oldham and the other town centres as a place to live and visit and a place to enjoy. The Future High Street Fund was not the only funding available. Consultation had recently closed on the Accessible Oldham Fund which was £6m of funding devolved down to Greater Manchester which was about improving connectivity around Oldham Town Centre so that people could get around more easily and visit a whole range of things on offer when the development was completed. The Leader shared concerns about the nature of the High Street. It was acknowledged that bids were submitted to every fund available. There were plans to ensure that the borough's town centres continued to thrive and be successful places in the future.

Councillor Hudson, Leader of the Conservative Group asked if a satisfactory conclusion could be brought about regarding Dawson's Field being handed over to the Saddleworth Parish Council. Councillor Hudson informed the Leader that Councillor Judd promised to speak to Councillor Sheldon regarding handing over the field. Councillor Hudson said that he would leave it with Councillors Sheldon and Judd to bring about a satisfactory conclusion.

Councillor Fielding, Leader of the Council, responded with thanks to Councillor Hudson regarding his remarks and hoped that a positive response would be provided.



The Mayor reminded the meeting that the Council had agreed that, following the Leaders' allocated questions, questions would be taken in an order which reflected the political balance of the Council.

1. Councillor Leach asked the following question:

“As part of its drive for greater efficiency, the Council is encouraging residents and businesses to use on-line facilities. However, there are many residents, especially older people and the most vulnerable, who may not be able to use on-line services. Would the responsible Cabinet Member please explain what will be done to ensure that everyone will continue to be provided the services they need and answers to any questions they may need to have answered?”

Councillor Jabbar, Deputy Leader of the Council and Cabinet Member for Finance and Corporate Resources responded that he was pleased the councillor had attended some of the workshops on Resident First and seen the issues that were debated. The Council was committed to making sure anyone who could not access online services that there were alternatives. Those alternatives were available at various locations throughout the whole of the borough, but the main face-to-face service was at Access Oldham, based on the ground floor of the Civic Centre. Elected Members and service users would continue to be consulted on the roll out of Resident First, Members were encouraged to attend workshops and provide view on what was proposed.

2. Councillor Williams asked the following question:

“The news that development of a new Lidl food store and hotel at Oldham Mumps is planned is welcome. However, residents of Oldham could justifiably be sceptical since previous proposals for this site have barely left the concept stage. Could the relevant cabinet member confirm the likely timeline of the development at Prince's Gate to reassure Oldhamers that this will actually happen?”

Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Enterprise agreed with concerns about premature announcements being made before certainty to deliver them. The Council exchanged contracts for a sale of the site at Prince's Gate at Mumps with Lidl at the end of February. Lidl were currently finalising the terms of an agreement with a hotel operator which should be completed shortly. Following this agreement Lidl were aiming to submit a planning application for the scheme in late April. Subject to this being approved, works on site were planned to

commence in the Autumn with the Lidl and the hotel opening in late 2020. This was the beginning of an exciting time and there would be no more announcements until it could be done. The area was a gateway to Oldham for people who travelling from the Saddleworth area, up Ripponden Road and from Shaw and Crompton. Something prestigious would need to be done as part of the development. As a result of conversations with a number of developers about possible residential schemes, other retail schemes or leisure schemes, there was significant interest particularly with the certainty on the deal with Lidl and the hotel. The new hotel at Prince's Gate was the first step. The Leader responded that this was happening soon and would act as a catalyst for wider development in the area which included significant interest of other high quality hotel providers to set up in Oldham and take advantage of transport links.

3. Councillor Brownridge asked the following question:

“The Leader has expressed a desire to see residential developments take place in Oldham Town Centre as part of the revised plans for regeneration. Could the relevant cabinet member confirm the number of residential properties that are currently planned to be developed in Oldham Town Centre? Oldham Town Centre has a number of brownfield sites which could be brought online as part of the Greater Manchester Spatial Framework to reduce the overall green belt allocation.”

Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Enterprise responded that he would like to see more residential development in Oldham Town Centre and capitalise on the transport links and out location close to Manchester City Centre and being on the edge of the Peak District in the same way as hotel opportunities as stated in the previous response. Currently, the Council had found 2007 potential new residential dwellings that were located in Oldham Town Centre and recently concluded the consultation on Greater Manchester Spatial Framework (GMSF) at which a number of those who had expressed opinions on that consultation not just in outright opposition to some of the proposals but there were also many constructive suggestions from residents about other brownfield sites that had the potential to be brought online as residential developments, many in Oldham Town Centre. The Leader was clear that the 2007 figure was an absolute minimum. Oldham Town Centre could be a fantastic place to live in the way that many other satellite towns around major cities already were, capitalise on assets and maximise the residential opportunities in Oldham to support the retail, leisure and dining economy and hopefully, a by-product of that would be a reduction of the

pressure on the green belt which were a part of the proposals under GMSF.



**Oldham**  
Council

4. Councillor C. Gloster asked the following question:

“According to the Office for National Statistics, knife crime last year has risen to its highest level for a decade up 8% 39,818 offences, and sadly 739 people have lost their lives to knives. One of the highest rates in offending is Greater Manchester with 112 offences per 100,000 population, about half as much again as the average rate for England and Wales. Like the Metropolitan Police Commissioner Cressida Dick, I recognise that a chronic underfunding of Police numbers under this government reduce the chances of an offender being detected or apprehended, and so reduce the deterrent effect, but the fact is that people, mostly young people, for their own reasons are making a choice to go out equipped with a knife in the first place. Please can the Cabinet Member tell me what is being done to educate our young people about the dangers posed to others, and to themselves, when they choose to carry a knife?”

Councillor Ur-Rehman, Cabinet Member for Policing and Community Safety referred to the gross underfunding of the police forces across the UK which was affecting policing forces in dealing with not only knife crime but other crimes which were blighting society. In terms of the continued development of a robust offer of prevention, diversion for young people identified as being involved in the risk of serious violence including weapons related behaviour, was a priority for the Community Safety and Cohesion Partnership. Community Safety Services had a dedicated officer who was working with colleagues from the Local Safeguarding Children’s Board and across the wider partnership to delivery input to young people through schools on the dangers and legal implications of carrying weapons. In addition to a universal education offer, more targeted prevention work was available and being delivered by colleagues in Positive Steps. A new service had been developed which would work to contextualise safeguarding principles. The service, which was being run as a pilot, would work with schools and within neighbourhoods and would be running parallel to the rollout of the new scheme being introduced in Oldham by Greater Manchester Police to ensure schools had access to police officers. Also, knife crime was the top priority for Oldham Youth Council and the Council would work closely with the Youth Council to address their concerns about the dangers of knife crime.

5. Councillor Moores asked the following question:

“In 2013 this Council took the difficult decision to cease funding school crossing patrols throughout the borough and move to a traded service with schools, at that time OMBC employed approximately 40 lollipop men and women. We all know that since 2013 school budgets have become severely stretched and schools are finding it harder to balance the books, could the relevant Cabinet Member, please advise us how many school crossing patrols are currently in operation within Oldham?”

Councillor Mushtaq, Cabinet Member for Employment and Skills responded that the Council currently had 29 school crossing patrols in operation in Oldham, but there could be more as it was understood that some of the secondary school academy trusts had made their own arrangements to undertake this type of service themselves.

6. Councillor E. Jacques asked the following question:

“Following the recent Ofsted inspection of The Oldham College and consequent ‘GOOD’ rating along with the upcoming devolution of the Adult Education Budget can the cabinet member for employment and skills please tell me what the implications will be for the residents of Oldham.”

Councillor Mushtaq, Cabinet Member for Employment and Skills responded that the Council was committed to supporting all schools and colleges to be good or outstanding. The Council congratulated The Oldham College on being judged good – this was an important judgement for the College and the Borough. The Council was supporting The Oldham College as it embarked on a new strategic plan, which would hopefully be enhanced with a new Construction Skills Centre. The devolution of the Adult Education Budget meant that £92.3m of adult skills funding would be commissioned and managed by the Greater Manchester Combined Authority from August 2019. The Council would work with The Oldham College and other providers (including the Council’s Outstanding Lifelong Learning Service) and GMCA to create a new plan which would support the development and delivery of high quality adult supervision.

At this point in the meeting, the Mayor advised that the time limit for this item had expired.

**RESOLVED** that the questions and responses provided be noted.

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**TO NOTE THE MINUTES OF THE MEETINGS OF THE CABINET HELD ON THE UNDERMENTIONED DATES, INCLUDING THE ATTACHED LIST OF URGENT KEY DECISIONS TAKEN SINCE THE LAST MEETING OF THE COUNCIL, AND TO RECEIVE ANY QUESTIONS OR**

**OBSERVATIONS ON ANY ITEMS WITHIN THE MINUTES FROM MEMBERS OF THE COUNCIL WHO ARE NOT MEMBERS OF THE CABINET, AND RECEIVE RESPONSES FROM CABINET MEMBERS**



The minutes of the Cabinet meetings held on 19<sup>th</sup> November 2018, 17<sup>th</sup> December 2018, 28<sup>th</sup> January 2019 and 25<sup>th</sup> February 2019 were submitted.

Members raised the following questions:

1. Councillor Murphy, Cabinet Minutes 25<sup>th</sup> February 2019, Items 7 and 8, Fleet Replacement Programme and Waste Management Replacement Vehicle Fleet. Councillor Murphy asked if the vehicles purchased were eco-friendly and exempt from congestion charges.

Councillor Shah, Deputy Leader of the Council and Cabinet Member for Neighbourhood Services confirmed the vehicles were eco-friendly and efficient.

2. Councillor Heffernan, Cabinet Minutes 19 November 2018, Items 11 and 18, Eastern Gateway at Oldham Mumps. Councillor Heffernan raised the announcement that had been made about Marks and Spencer. Councillor Heffernan referred to Marks and Spencer closing stores and not opening new stores within 10 miles of an existing store. The announcement of Lidl opening a store at Princes Gate. How many more changes to regeneration were to come?

Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Enterprise referred to his previous answers about Princes Gate.

Members raised the following observations:

Councillor Harkness raised two observations:

1. Cabinet Minutes, 28 January 2019, Item 6, Pursuit of Accreditation by the Living Wage Foundation to be a Living Wage Employer. Councillor Harkness reminded Council of a previous Liberal Democrat motion to seek accreditation and welcomed the report but that it had taken longer than hoped.
2. Cabinet Minutes, 17 December 2018, Item 8, Single Use Plastics. Councillor Harkness welcomed the adoption of the policy.

**RESOLVED that:**

1. The minutes of the Cabinet meetings held on 19<sup>th</sup> November 2018, 17<sup>th</sup> December 2018, 28<sup>th</sup> January 2019 and 25<sup>th</sup> February 2019 be noted.
2. The questions and responses provided be noted.
3. The observations be noted.

**NOTICE OF ADMINISTRATION BUSINESS**Motion 1

Councillor P. Jacques MOVED and Councillor Ali SECONDED the following MOTION:

“This council notes the strong link between child poverty, educational performance and earnings in adult life. A rounded, high quality education, inside and outside the classroom, that equips young people with the tools to lead fulfilling and productive lives should be the expectation for all Oldham residents.

As a borough, we already have plenty to be proud of, including four out of five Oldham children attending a good or outstanding school, Oldham College’s recent good rating from Ofsted, improvements at Key Stages 1 and 2 across reading, writing and maths, and at Key Stage 5, with the percentage of Oldham students achieving grades A\* - C now within 1% of national averages.

There is still a lot to do, however, particularly in early years and at Key Stage 4. This work is made difficult by the fragmented nature of our education system, but this council remains committed to supporting all our young people, whether they attend a maintained school, academy or free school.”

Councillor Harkness spoke in support of the Motion.

Councillor Mushtaq spoke in support of the Motion.

Councillor H. Gloster spoke in support of the Motion.

Councillor E. Jacques spoke in support of the Motion.

Councillor Shah spoke in support of the Motion.

Councillor Jabbar spoke in support of the Motion.

Councillor Murphy spoke on the Motion.

Councillor S. Bashforth spoke in support of the Motion.

Councillor Fielding spoke in support of the Motion.

Councillor P. Jacques exercised his right of reply.

On being put to the vote, 52 votes were cast in FAVOUR of the MOTION and 0 votes were cast AGAINST with 2 ABSTENTIONS. The MOTION was therefore CARRIED.

**RESOLVED that:**

1. Investing in capacity building at good and outstanding schools be continued so that more of young people can attend the school of their choice.
2. Partner organisations and parents be worked with to ensure all children arrive on their first day of school ready to learn.
3. Support to schools be continued to work together and share best practice, learning from one another for the benefit of all our young people.



4. Work be expanded to tackle holiday hunger and create breakfast clubs in schools across the borough
5. Evidence be submitted to the forthcoming Housing, Communities and Local Government Committee inquiry into local government finance, highlighting the impact of funding cuts on services and restrictions this placed on the council's ability to support our schools and tackle the concerning levels of child poverty in the borough."

### Motion 2

The Mayor informed the meeting that the time limit for this item had expired.

Councillor Ur-Rehman MOVED and Councillor Williams SECONDED the following MOTION be put to the vote.

"This Council notes with concern the growing threat to our communities and particularly our young people from violent crime. Since March 2010 in Oldham, recorded violence with injury has increased by 64% and possession of weapons has increased by 124%, while violence without injury has increased by 441%. Some of this may be due to changes to reporting methods, but it is increasingly difficult to accept the Conservative government's argument that there is no correlation with police cuts that have seen 21,000 officers removed from service.

The New Economics Foundation have recently estimated that austerity has cost the UK economy £100 billion in lost economic growth. In this context, the government is asking residents to pay twice for their police force. The council condemns the government's agenda, pass the burden of police funding to local taxpayers via the police precept.

Whilst the decision of the Deputy Mayor to use the police precept goes some way to reversing Tory cuts, through the recruitment of at least 320 additional police officers and the introduction of more officers instead of PCSOs on the bus and tram network, it should not be necessary."

Councillor Ur-Rehman did not exercise his right of reply.

On being put to the vote, the MOTION was CARRIED UNANIMOUSLY.

### **RESOLVED that:**

1. The Chief Executive be requested to write to Nick Hurd MP, Minister of State for Policing and the Fire Service, highlighting the concerning rise in violence crime in Oldham and the need for fairer funding that reflects local need.
2. Stronger relationships be built between councillors, communities and the police by developing new district working methods.
3. Work in and with communities be built to understand the causes of and solutions to violent crime, taking a holistic

approach similar to that which has seen success in Scotland.

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## **NOTICE OF OPPOSITION BUSINESS**

### Motion 1 – Tackling Dog Fouling and Nuisance

Councillor C. Gloster MOVED and Councillor Murphy SECONDED the following MOTION:

“This Council notes that:

- Though most dog owners are law-abiding, a small number of irresponsible owners still fail to clean up after their dogs or control them in public places
- The law requires owners to clean up after their dogs in public places, to keep control of their pets, and to ensure their animal is micro-chipped and displays a dog collar with name and address of the owner
- Under powers granted to the Council under the Anti-Social Behaviour, Crime and Policing Act 2014, this Council introduced a borough-wide Public Space Protection Order to replace fix existing Dog Control Orders.

In October 2014, following the adoption of a motion by Council, the Overview and Scrutiny Board looked at additional measures to combat dog fouling and nuisance, however, none were adopted.

Council recognises that, with the passage of time, new innovative practices and the greater use of technology have in other local authorities had a proven impact in addressing these issues.

This Council wishing to more effectively prevent dog fouling and nuisance in this borough resolves to:

- Apply the maximum on-the-spot fixed penalty applicable under the law (currently £100) where offences occur within areas covered by the Public Space Protection Order
- Ask the Overview and Scrutiny Board to:
- Re-examine current examples of best practice, and the powers granted to it in recent legislation, to determine which can, and should, be adopted in this borough;
- Confer with The Dogs Trust to establish the ways in which the Council might work in partnership with them to address dog fouling, promote micro-chipping, or other improve animal welfare;

And then bring a report back on this matter to Council at the earliest opportunity.

In moving the Motion, Councillor C. Gloster explained that consultation to apply the maximum on-the-spot fixed penalty (currently £100) would have take place.

Councillor Hudson spoke against the Motion.



Councillor Fielding MOVED and Councillor Chauhan SECONDED the MOTION be put to the VOTE. The MOVE to the VOTE was AGREED.



Councillor C. Gloster exercised his right of reply.

On being put to the vote, 53 votes were cast in FAVOUR of the MOTION and 0 votes were cast AGAINST with 1 ABSTENTIONS. The MOTION was therefore CARRIED.

**RESOLVED that:**

1. Consultation be undertaken on the application of the maximum on-the-spot fixed penalty applicable under the law (currently £100) where offences occurred within areas covered by the Public Space Protection Order.
2. The Overview and Scrutiny Board be asked to:
  - a. Re-examine current examples of best practice, and the powers granted to it in recent legislation, to determine which could, and should, be adopted in this borough;
  - b. Confer with The Dog Trust to establish the ways in which the Council might work in partnership with them to address dog fouling, promote micro-chipping, or otherwise improve animal welfare;

And then bring a report back on this matter to Council at the earliest opportunity.

Motion 2 – Tackling Speeding

Councillor Harkness MOVED and Councillor H. Gloster SECONDED the following MOTION:

“Council notes that speeding continues to be a factor in road collisions and that a pedestrian is four times more likely to die if they are hit by a vehicle travelling at forty miles per hour than they are at 30 mph.

It is therefore imperative the Council working with the Police and residents seek to reduce excessive vehicular speeds in this borough, especially outside schools, on minor residential roads and in rural areas.

Council believes that we should work with our residents’ groups to deter and catch offenders and that we should employ mobile technology in order to do so.

Council therefore resolves to ask the Overview and Scrutiny Board to:

- Identify, with the assistance of District Executives, local police and the Council’s highways officers, locations not currently equipped with a speed camera which might benefit from one for consideration by the Drive Safe Greater Manchester Casualty Reduction Partnership.
- Explore the availability of funding to purchase and deploy mobile speed cameras to catch offenders, change driver behaviour and improve road safety.

- Investigate how the Council and the police can work with community and residents' groups to establish Community Speed Watch schemes and Community Concern speed enforcement sites in the Borough
- Explore the merits of establishing 'bus gates' at sites outside schools and look at establishing a pilot project. ('Bus gates' limit vehicular through traffic outside schools to cycles and local buses at the start and end of the school day, with a fixed penalty for transgressors.)

Councillor Chauhan MOVED and Councillor Chadderton SECONDED the MOTION be put to the VOTE. The MOVE to the VOTE was AGREED.

Councillor Harkness did not exercise his right of reply.

On being put to the vote, the MOTION was CARRIED UNANIMOUSLY.

**RESOLVED that** the Overview and Scrutiny Board be asked to:

- Identify, with the assistance of District Executives, local police and the Council's highways officers, locations not currently equipped with a speed camera which might benefit from one for consideration by the Drive Safe Greater Manchester Casualty Reduction Partnership.
- Explore the availability of funding to purchase and deploy mobile speed cameras to catch offenders, change driver behaviour and improve road safety.
- Investigate how the Council and the police can work with community and residents' groups to establish Community Speed Watch schemes and Community Concern speed enforcement sites in the Borough
- Explore the merits of establishing 'bus gates' at sites outside schools and look at establishing a pilot project. ('Bus gates' limit vehicular through traffic outside schools to cycles and local buses at the start and end of the school day, with a fixed penalty for transgressors.)

### Motion 3 – Pensions Scheme Divestment from Fracking and Fossil Fuels

Councillor Heffernan MOVED and Councillor Sykes SECONDED the following MOTION:

“Council notes that:

- Given the adverse impact of fracking, the Greater Manchester Combined Authority has recently agreed to put planning measures in place for a 'presumption' against fracking operations in Greater Manchester.
- Despite this, the Greater Manchester Pension Fund, as the largest in the country, has over £1.2 billion invested in coal, oil and gas companies, including over £150,000 invested with companies engaged in fracking operations in neighbouring Lancashire

Council therefore resolves to request the Chief Executive write to the Chief Executive of the Greater Manchester Pension Scheme and the Mayor of Greater Manchester asking them to review this position, and to take action to resolve this dilemma.”



Councillor Heffernan did not exercise his right of reply.

On being put to the vote, the MOTION was CARRIED UNANIMOUSLY.

**RESOLVED that** the Chief Executive write to the Chief Executive of the Greater Manchester Pension Scheme and the Mayor of Greater Manchester asking them to review this position, and to take action to resolve this dilemma.

- 15a To note the Minutes of the following Joint Authority meetings and the relevant spokespersons to respond to questions from Members

The minutes of the following Joint Authority meetings were submitted as follows:

Police and Crime Panel	29 <sup>th</sup> November 2018
Greater Manchester Combined Authority	30 <sup>th</sup> November 2018
	14 <sup>th</sup> December 2018
	25 <sup>th</sup> January 2019
	15 <sup>th</sup> February 2019
GMCA and AGMA Executive Board	11 <sup>th</sup> January 2019
Association of Greater Manchester Authorities (AGMA)	
Greater Manchester Health and Care Board	27 <sup>th</sup> July 2018
	9 <sup>th</sup> November 2018
	25 <sup>th</sup> January 2019
Transport for Greater Manchester	9 <sup>th</sup> November 2018
	10 <sup>th</sup> January 2019
National Park Authority	7 <sup>th</sup> December 2018
	1 <sup>st</sup> February 2019
Greater Manchester Combined Authority Waste and Recycling Committee	24 <sup>th</sup> January 2019

Members raised the following questions:

Councillor Murphy, Police and Crime Panel Minutes, 29<sup>th</sup> November 2018, PCP/18/24, Greater Manchester Police and Crime Plan – Forward Plan 2018/19. Councillor Murphy noted the brevity of the minutes and the only one further meeting was scheduled. Councillor Murphy asked if another set of meetings had been arranged and when the Policing Plan for 2020 be seen?

Councillor S. Williams, Deputy Cabinet Member for Policing and Community Safety and the Police and Crime Panel representative responded that there were two elements to the Police and Crime Panel which included the Panel and the Steering Group. The Steering Group dealt with the Plan. The Plan could be circulated. The Panel had received information on the precept at th meeting held on 29 January 2019.



There were no observations raised.

**RESOLVED that:**

1. The minutes of the Joint Authority meetings as detailed in the report be noted.
2. The question and response provided be noted.
3. Information related to the Police and Crime Panel be circulated.

- 15b To note the Minutes of the following Partnership meetings and the relevant spokespersons to respond to questions from Members

The minutes of the following Partnership meetings were submitted as follows:

Oldham Leadership Board	15 <sup>th</sup> November 2018
Health and Wellbeing Board	13 <sup>th</sup> November 2018
MioCare Board	12 <sup>th</sup> November 2018

There were no questions raised.

There were no observations raised.

**RESOLVED** that the minutes of the Partnership meetings as detailed in the report be noted.

16

**WELFARE REFORM UPDATE**

Councillor Jabbar MOVED and Councillor Fielding SECONDED a report of the Director of Finance which presented a status update on the Government's Welfare Reform Programme. The Government's Welfare Reforms continued to have an impact on the residents of Oldham. Most of the Government's cuts to the welfare budget as part of the wider austerity programme had been implemented. Universal Credit was yet to be implemented in full and 2019/20 would see the fourth consecutive year of the freeze on working age benefits. The report provided the current position with particular focus on the impact of the roll out of Universal Credit in the report.

The Welfare Reform dashboard which was detailed at Appendix 1 of the report set out the current position which detailed the number and location of benefit claimants and unemployment levels in the borough. This also included details of support provided by the Council to vulnerable residents which included awards of Discretionary Housing Payments to those who experienced difficulty in covering housing costs and awards made through the Local Welfare Provision (LWP) scheme to support those experiencing extreme financial hardship. The report also detailed Unemployment and Claimant levels, the claimant count as at December 2018 was 6,380 which was an increase of 51.5% since the implementation of Universal Credit full service in April 2017. The impact of Universal Credit was outlined in the report and benefits freeze. The report also

detailed the Council's commitment to seek national accreditation from the Living Wage Foundation.



Councillor Toor spoke on the report.  
Councillor Williams spoke on the report.  
Councillor Harkness spoke on the report.  
Councillor Goodwin spoke on the report.  
Councillor S. Bashforth spoke on the report.  
Councillor Roberts spoke on the report.  
Councillor Sykes spoke on the report.

Councillor Jabber exercised his right of reply.

**RESOLVED that** the Welfare Reform Update be noted.

17

### **UPDATE ON ACTIONS FROM COUNCIL**

Consideration was given to a report of the Director of Legal Services which informed members of actions that had been taken following previous Council meetings and provided feedback on other issues raised at the meeting. Members noted the lack of responses from Debbie Abrahams MP and Angela Rayner MP. Members also noted letter in response to Post Offices and the lack of assurances about the future of the Post Office. Members noted response from the Department for Work and Pensions related to the Universal Credit Motion.

Councillor Sykes spoke on the report.  
Councillor Taylor spoke on the report.  
Councillor Judd spoke on the report.

**RESOLVED that:**

1. The update on Actions from Council be noted.
2. Debbie Abrahams MP and Angela Rayner MP be contacted regarding responses to motions.

18

### **STATEMENT OF COMMUNITY INVOLVEMENT**

Consideration was given to the report of the Deputy Chief Executive – People and Place regarding the adoption of the Statement of Community Involvement (SCI). The SCI set out how the Council would involve the community in the preparation and revision of the Local Plan and the consideration of planning applications.

The Planning Compulsory Purchase Act 2004 required local planning authorities to prepare a Statement of Community Involvement (SCI). Oldham first adopted its SCI in April 2007. It was reviewed in 2010 and 2016 to take account of change to national planning guidance, legislation and reflect that the ten Greater Manchester authorities agreed to produce a joint Greater Manchester Spatial Framework (GMSF) in 2015.

Since the SCI was reviewed and adopted in 2016, the Neighbourhood Planning Act 2017, The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 and changes to the National Planning Policy Framework

(NPPF) and its guidance had been published. These required councils set out their policies for giving advice and assistance to neighbourhood planning groups and their policies for involving communities and other interested parties in the preliminary stages of plan making. It was also felt that the SCI needed refreshing as GMSF progressed and the Local Plan Review.

Consultation had taken place. The SCT had been updated to reflect comments and reflect that the NPPF had been updated.

#### Options/Alternatives

Option 1 – Adopt the SCI and make it available to view alongside the Schedule of Comments and the Equality Impact Assessment (EqIA). The advantage of this option was that it would provide certainty to residents, developers and other key groups and organisations as to the consultation methods the council would use. In addition, it would also ensure that planning consultations were carried out in accordance with the most up-to-date legislation and guidance. There were no disadvantages to this option.

Option 2 – Not to adopt the SCI and make it available to view alongside the Schedule of Comments and the EqIA. There were no advantages to this option. The disadvantages would be that the Council would have to rely on outdated SCI which did not reflect the latest legislation, national planning guidance and the Council's Corporate Plan and the Oldham Plan.

**RESOLVED** that the Statement of Community Involvement (SCI) 2019 be adopted and be made available to view alongside the schedule of comments and the Equality Impact Assessment (EqIA).

The meeting started at 6.00 pm and ended at 9.25 pm





## Report to COUNCIL

# Results of the Local Elections held on 2<sup>nd</sup> May 2019

## Report of the Returning Officer

**Officer Contact:** Paul Entwistle, Director of Legal Services

**Report Author:** Liz Droган, Head of Democratic Services  
Ext. 4705

**22<sup>nd</sup> May 2019**

### Reason for Decision

- Local Elections took place on the 2<sup>nd</sup> May 2019 and the following were elected to serve as members of the Council as shown:

Ward	Turnout	Councillor
Alexandra	32.95%	Jenny Harrison
Chadderton Central	29.61%	Eddie Moores
Chadderton North	37.34%	Mohon Ali
Chadderton South	25.74%	Graham Shuttleworth
Coldhurst	53.61%	Ruji Sapna Surjan
Crompton	32.20%	Louie Hamblett
Failsworth East	32.08%	Brian Hobin
Failsworth West	30.42%	Elaine Garry
Hollinwood	22.71%	Steve Williams
Medlock Vale	34.67%	Mohammed Alyas
Royton North	32.31%	Clint Phythian
Royton South	26.39%	Steven Bashforth
Saddleworth North	38.03%	George Hulme
Saddleworth South	37.15%	Graham Sheldon
Saddleworth West and Lees	33.63%	Sam Al-Hamdani
Shaw	29.54%	Chris Gloster
St. James	25.33%	Angela Cosgrove

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St Mary's	34.67%	Nyla Ibrahim
Waterhead	24.62%	Peter Dean
Werneth	46.33%	Javid Iqbal

## Recommendations

2. Council is asked to note the results of the Local Elections.





**Report to COUNCIL**

## **Appointment of the Leader of the Council**

**Officer Contact:** Paul Entwistle, Director of Legal Services

**Report Author:** Liz Drogan, Head of Democratic Services  
**Ext.** 4705

**22<sup>nd</sup> May 2019**

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### **Reason for Decision**

The appointment of the Leader of the Council is a Council function in accordance with provisions of the Local Government Act 2000 as amended.

### **Recommendations**

1. That Council note the appointment of Councillor Sean Fielding as the Leader of the Council from the 23<sup>rd</sup> May 2018 and ending on the day when the Council holds its first annual meeting of the Leader's normal day of retirement as Councillor as outlined at paragraph 1.2 of the report.

Appointment of Leader of the Council

**1 Background**

- 1.1 The Council on the 16<sup>th</sup> December 2009 agreed to adopt the Leader and Cabinet model of governance.
- 1.2 The Leader's term of office will end on the day when the Council holds the first annual meeting after the Leader's normal day of retirement as a Councillor unless:
- a) he or she resigns from the office or
  - b) he or she is no longer a Councillor or
  - c) he or she is removed from office by the resolution of the Council.
  - d) the appointment of a successor at a subsequent Annual Meeting of the Council
- 1.3 Under the arrangements, it shall be the responsibility of the Leader to determine the size and membership of the Cabinet (provided the membership comprises between two and nine Members, not including the Leader). The Leader shall also determine the remit of each portfolio. The Council does not have any decision-making role in this regard. The Leader will circulate a report for Council to note.
- 1.4 Under the arrangements, all Executive functions are vested in the Leader and it is his/her responsibility to determine how such functions shall be delegated. This responsibility can be a simple re-affirmation of the existing delegation of executive functions to the Cabinet, and Officers. The Council does not have any decision-making role in this regard. The Leader will circulate a report for Council to note.

**2 Current Position**

- 2.1 The Council appointed Councillor Sean Fielding as Leader of the Council from the 23<sup>rd</sup> May 2018 and ending on the day when the Council holds its first annual meeting of the Leader's normal day of retirement as a Councillor.

**3 Options/Alternatives**

- 3.1 N/A

**4 Appendices**

N/A

**4 Background Papers**

- 4.1 The following is a list of 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 the Act :

Local Government and Public Involvement in Health Act 2007 (published works available of the OPSI website)

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Localism Act 2011 (published works available of the OPSI website)  
Local Government Act 2000 (published works available of the OPSI website)

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**Report to COUNCIL**

## **Appointment of Deputy Leaders, Cabinet Members, Deputy Cabinet Members, Allocation of Portfolios to Cabinet Members and Determination of the Delegation of Executive Functions**

**Portfolio Holder:** Councillor Fielding , Leader of the Council, Cabinet Member for Economy and Enterprise

**Report Author:** Liz Drogan, Head of Democratic Services  
Ext. 4705

**22nd May 2019**

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### **Reason for Decision**

For the Leader to appoint the Deputy Leaders, Cabinet Members, Deputy Cabinet Members, Assistant Cabinet Members, allocate portfolios to Cabinet Members and determine the executive functions for 2019/20.

### **Recommendations**

For Council to note the appointment by the Leader of the Deputy Leader, Cabinet Members, Deputy Cabinet Members, allocation of portfolios to Cabinet Members and delegation of the executive functions for 2019/20.

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**Appointment of Deputy Leader, Cabinet Members, Deputy Cabinet Members, Allocation of Portfolios to Cabinet Members and Determination of the Delegation of Executive Functions****1 Background**

The Leader of the Council has responsibility for the appointment of members to the Cabinet, the allocation of portfolios and the delegation of executive functions. The scheme of delegation is made pursuant to the Local Government Act 2000 as amended by the Localism Act 2011. The Leader may in respect of those functions not specially allocated under the scheme of delegation discharge any of those functions himself or arrange for the discharge of those functions:

- a) by the Executive;
- b) by another Member of the Executive;
- c) by a Committee of the Executive;
- d) by an Area Committee
- e) by an officer of the Council.
- f) by a Joint Committee

In accordance with the Local Government Act 2000, the Cabinet is not required to be politically balanced.

The executive portfolios are detailed as attached at Appendix 1 to the report. The delegation of executive functions are confirmed to be:

- those described in the relevant sections of Part 3 of the Constitution (“Responsibility for Functions”)
- those amendments to the scheme of delegation as detailed in the report at Item 18 of the agenda – Review of the Constitution.
- To permit Executive Members to make key decisions individually in accordance with their portfolios areas in consultation with the relevant Chief Officer and make decision in relation to contracts which have a value of £100k-£400k in consultation with the relevant Chief Officer.





## Report to COUNCIL

# Reviewing District Working in Oldham

### Portfolio Holder:

Councillor Sean Fielding, Council Leader

**Officer Contact:** Rebekah Sutcliffe (Strategic Director of Reform)

**Report Author:** Jonathan Downs (Strategy, Partnerships and Policy Manager – Corporate)

**Ext.** 5691

**22 May 2019**

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### Reason for Decision

Oldham has a long history of District and Area working. The current District infrastructure has been in place since 2009. Since that time, a number of reviews have taken place that have resulted in changes being made, most notably to the ward footprint within Districts.

A further review has been undertaken, and this report sets out a number of recommendations.

### Recommendations

1. Dis-establish District Executives and establish a dedicated District Lead Elected Member role responsible for overall coordination of local activity and investment.
2. Increase individual elected member budgets from £5,000 to £6,000.
3. Create a £500k Local Improvement Fund to support District priorities.

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## Reviewing District Working in Oldham

### 1 Background

1.1 The purpose of the District Review was to:

- Review District Executives in the context of meaningful local democratic engagement, devolved decision making and support for elected members to secure local democratic engagement and strong leadership.
- Consider how elected members can be supported in their role as democratic leaders and in particular at a place based level.
- Review the resources allocated to Districts and district working.
- Consider district working in the context of the wider reform agenda, to ensure we operate in the most effective way to support elected members and deliver better outcomes for residents.

1.2 The approach taken has involved:

- A series of face-to-face consultations and workshops with key stakeholders, including:
  - o Elected members
  - o Directors of front line services
  - o District Teams
  - o Relevant strategy leads connected to reform and place based working
  - o Partner organisations, represented across the Oldham Partnership
  - o Multi-agency teams currently operating across the borough
- A desktop review of:
  - o District budgets
  - o District Team role descriptions
  - o Other models of district working across GM and nationally
  - o The links to Oldham Cares, including the knowledge gained by integrated health and social care teams around place based working

### 2 District Working – current arrangements

2.1 Oldham has a long history of area and District working with the current District infrastructure in place since 2009. The aim of the teams is to support ward councillors in their capacity as local leaders and members of the District Executives, and to join up with other services to ensure delivery meets the need of the local area.

2.2 The District Executive operates as the formal decision making element within area working, taking decisions about funding or other resources delegated to them by Council, as described in the District Executives Terms of Reference and Delegated Powers (under part 3 of the Council Constitution – Responsibility for Functions). The primary role of each District Executive is to set priorities and take decisions at a local level, and to promote the economic, social and environmental wellbeing of the area. They are responsible for

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developing a plan for their area, within the context of the Oldham Plan and allocating resources in support of this.

- 2.3 Elected members for the wards comprising the District Executive are all members of the District Executive. Each District Executive has a Chair and a Vice Chair, responsible for setting the agenda and overseeing the business of the District Executive. Each District has a dedicated team of staff including a District Coordinator, Member Support (caseworker) and a Community Development Officer.
- 2.4 District Executives were originally formed to champion their local area by raising issues of concern to residents and businesses with the Council and other organisations, and to influence how services are delivered and spending allocated in their local area.
- 2.5 District Executives (DEs) have decision making authority over a capital and revenue budget that is provisioned over a 5 year period and 2 year period respectively.
- 2.6 Each District Executive is allocated £10,000 revenue per ward and £10,000 capital per ward per year, to help meet the priorities set out in the District Plan. Each Ward Councillor has an allowance of £5,000 to fund local priorities. In some areas councillors also decide to pool their individual allowance to joint fund agreed projects. (Please see Appendix 1 for further details of Capital and Revenue budgets).

### **3 District Executives – feedback from the review**

- 3.1 District Executive meetings provide a formal decision making function within area working, taking decisions about funding or other resources delegated to them by Council. District Executive meetings comprise:
- 1) Public Questions.
  - 2) Petitions.
  - 3) Making decisions about local resources and services delegated to them by the Council.
- 3.2 When discussing District Executive meetings specifically, feedback from elected members was that these meetings fulfil a primarily ‘business function’ for deciding on budgetary spend and do not fulfil their intended community engagement function. Engagement with residents is typically through other interactions directly with individual councillors rather than via District Executive meetings.
- 3.3 The pattern of spend for both the Capital and Revenue budgets allocated to District Executives indicates that significant reserves have accumulated for both areas.
- 3.5 During consultation the funding of larger-scale improvements and projects in local areas was identified as a continuing priority. It is proposed that the implementation of a borough-wide Local Improvement Fund be established to respond to this. This fund would be available to all Districts, who would be required to submit expressions of interest for funding. A member panel would oversee the allocation of the money, inviting successful expressions of interest to submit a complete application for funding as detailed in Appendix 2: The Local Improvement Fund.
- 3.6 Each elected member has a personal annual budget of £5k. This can be used to support resident and community groups with local events and activities. This money is often used to meet short term, urgent priorities, for example, providing room hire for a mental health workshop or repairing vandalised church windows. Elected members felt that the value of this funding was in its flexibility, allowing them to act fast to make a difference in their local area.

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- 3.7 As part of the proposals for District working it is recommended that elected member budgets be increased to £6k, allowing members to continue to support local priorities.
- 3.8 The role of the Chair of the District Executive involves working closely with all elected members in their District to support them in their role as strong local leaders, encouraging and coordinating the contribution of all members across ward and District boundaries. The Chair also plays a vital role in championing the needs of the District. They provide leadership and ensure corporate and local priorities align.
- 3.9 It is proposed that the role of District Executive Chair is amended through the creation of a District Lead role. District Leads would still be responsible for supporting and championing their District but would also have a number of other responsibilities detailed in Appendix 3: District Lead Role Description.
- 3.10 The proposals in relation to District Executives are part of a wider programme of work. This will include:-
- A member development programme that will ensure members have the skills and support needed. The 2019/20 programme is currently being developed, with a new Learning Needs Analysis survey (to help identify any gaps in elected member skills and knowledge) sent to all members. Work is ongoing to engage elected members with the programme, with a cross-party elected member development group now established to support the development and promotion of the programme.
  - A review of how District Teams are connected into and supported by Council services. This will involve developing networks between Districts, the wider organisation and partners and reviewing governance arrangements to improve integration and joint working.
  - More effective ways of engaging with residents. It is recognised that a wider range of approaches to engagement are required.
  - A new Casework system to improve management of casework and communication.
  - Better tools and more systematic partnerships to identify the area priorities and to plan effectively for more integrated working with partners. Over the next twelve months work will continue to develop a placed based operating model of which Districts and elected members will be an integral part. This requires detailed work in the meantime, ensuring Districts are well placed to integrate with this developing place based model.

#### 4 Options/Alternatives

1.	Continue with District Executives as currently constituted for 2019/20, revisiting the option to remove once multi-agency decision making teams are in place.
2.	<p>Dis-establish District Executives with immediate effect, including the attached revenue and capital budgets.</p> <p>Establish the District Lead Role.</p> <p>Increase elected member budgets to £6k.</p> <p>Remove any unallocated additional revenue funding, totaling £225k.</p> <p>Create a £500k Local Improvement Fund to support District priorities,</p>

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	reprioritising the remaining £752k in the capital programme.
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## 5 Recommended Option

2.	Dis-establish District Executive functions with immediate effect, including the attached revenue and capital budgets.  Establish the District Lead Role.  Increase elected member budgets to £6k.  Remove any unallocated additional revenue funding, totalling £225k.  Create a £500k Local Improvement Fund to support District priorities, reprioritising the remaining £752k in the capital programme.
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## 6 Financial Implications

6.1 The recommended option is to remove the District Executive functions as per option 2 in paragraph 4.

### Revenue

Resources of £200k can be reassigned within the revenue budget for 2019/20. At the end of 2018/19, resources of £732k were available within a District Partnerships earmarked reserve. Work has been undertaken to determine that £508k of these resources are committed to approved projects leaving £224k available for other priorities.

### Capital

The capital programme for 2019/20 was approved with funds of £1.3m available over the period 2019/20 to 2023/24. It is proposed that the resources be realigned with a one-off fund of £500k created in 2019/20 for District Executives with the balance available to support other priority projects. (Anne Ryans)

## 7 Legal Services Comments

7.1 The Council Constitution does allow for the removal of the current District Executive functions including the revenue and capital budgets. Cabinet will however need to appoint a Sub-Committee to undertake the review of applications made to the Local Improvement Fund. The Sub-Committee will be subject to the Council's procedure rules, Cabinet procedure rules and the access to information procedure rules. (Alex Bougatef, Group Lawyer, Legal Services).

## 8 Co-operative Agenda

8.1 As a co-operative council, we are committed to reforming public services and encouraging innovation, leading to better outcomes and delivery. The District Review will ensure that Districts are best able to meet the needs of both elected members and the residents they represent. (Jonathan Downs – Strategy, Partnerships and Policy).

## 9 Human Resources Comments

9.1 None

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10	<b>Risk Assessments</b>
10.1	None
11	<b>IT Implications</b>
11.1	None
12	<b>Property Implications</b>
12.1	None
13	<b>Procurement Implications</b>
13.1	None
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	No
18	<b>Key Decision Reference</b>
18.1	N/A
19	<b>Background Papers</b>
19.1	None
20	<b>Appendices</b>
20.1	Appendix 1 – District Executive Budgets Appendix 2 - The Local Improvement Fund Appendix 2 – District Lead Role Description



## Appendix 1 – District Executive Budgets

### **Capital Budget:**

Each year £10k of capital funding becomes available per ward i.e. £200k capital funding total across all District Executives. Over the 5 year strategic period, this equates to £1m of capital funding across all District Executives. The capital programme includes £1.3m for the current strategic period (2019/20 to 2012/24).

Upon reviewing the capital budget over the past 5 years (2014/15 to 2018/19) at the combined district level, it has been noted that the resources have not been fully utilised in year. It is possible that this trend may continue in future years. As per the recommended option, £500k of this resource could be used to establish a new Local Improvement Fund to support District priorities for 2019/20 with the balance available to support other priority projects.

### **Revenue Budget:**

Every year £10k of revenue funding becomes available per ward i.e. £200k revenue funding across all District Executives. Unlike capital funding, the period for using revenue funding is 2 years i.e. if the revenue is not spent within 2 years it is reprioritised

At the end of 2018/19, resources of £732k were available within a District Partnerships earmarked reserve and this is available for use in 2019/20. Work has been undertaken to determine that £508k of these resources are committed to approved projects leaving £224k available for other priorities.

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### **Background:**

The Local Improvement Fund will be available to all elected members and District Teams to support District Priorities. The Fund will be made up of £500k capital funding in 2019/20. This funding will be reviewed annually.

The funding will support Districts to:

- Encourage the active participation of residents and local organisations in improving the quality of life in the local area.
- Improve community buildings, equipment and other facilities.
- Engage with residents to prioritise schemes that matter to them.

### **Local Improvement Fund Oversight:**

Applications to the Fund will be overseen by a Cabinet sub-committee made up of:

- The Council Leader
- The Cabinet Member for Neighbourhoods
- The Cabinet Member for Finance and Human Resources

In addition, a nominated Shadow Cabinet Member will attend in a non-voting capacity.

Advisory members:

- Members of SMT as appropriate – no voting rights

### **Local Improvement Fund Criteria:**

To submit an application to the Fund the following criteria must be met:

- A majority of elected members in each District must support the application for funding.
- In the first instance an Expression of Interest (EOI) should be submitted to the sub-committee for consideration. The EOI should be no longer than one side of A4, providing a summary of the proposed scheme; engagement with the local community; and the costs associated with delivery.
- If the EOI is successful you will be invited to submit a formal application for funding.
- The Fund sub-committee will meet quarterly to approve applications. Application submission dates will be published in the new municipal year.

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## Appendix 3: District Lead Job Description

### **Background**

The role of the District Lead is to work closely with all elected members in their district to support them in their role as strong local leaders. The role of the District Lead will replace the role of District Executive Chair, retaining any existing allowances.

The District Lead also plays a vital role in championing the needs of the district. They provide leadership across the district and ensure parallels exist between corporate and local priorities.

The role is a strategic position that requires vision and the ability to look beyond ward issues to those that affect the district as a whole. It is important that the District Lead is able to make decisions based on district priorities which may not always align fully with ward priorities.

### **Requirements of the District Lead**

1. To provide leadership within and beyond the district.
2. To support elected members in the district in their role as local leaders.
3. To engage with elected members across the district and encourage active contribution to district initiatives that take place.
4. To work with the District Team to develop the District Plan, ensuring it reflects both local and corporate priorities.
5. To champion the district as a place and represent the district in any discussions and/or negotiations at a borough level.
6. To lead of any applications to the Local Improvement Fund.
7. To Chair relevant working groups as appropriate.
8. To lead on the development of a district Community Engagement Strategy, ensuring all residents have an opportunity to contribute their ideas or concerns to the district.
9. To work as appropriate with the Executive Management Team, District Co-ordinator and District Team to plan and deliver against locally agreed priorities.
10. To liaise and work with other District Leads as and when required to deliver against priorities that cross district boundaries.

11. To liaise with and respond to the Chairs and Vice Chairs of the Overview and Scrutiny Committees as and when required.
12. To ensure that all actions and activities of the district are carried out in a socially inclusive way, in full acknowledgement and discharge of the equality legislation pertaining to all protected characteristics, and also legislation pertaining to the environment.
13. To work with the Cabinet Member for Neighbourhood Services to identify further opportunities for district working as appropriate.
14. To be the lead member in a district for corporate campaigns and ensure the involvement of Ward Members in supporting this activity.
15. To work, as appropriate, through formal and informal partnership with voluntary, private sector and other public sector interests to enhance the economic, social and environmental wellbeing of the local community.
16. To support the development of a strong Voluntary, Community and Faith sector which can work with the District Team in improving the quality of life of local people, and encouraging the active involvement of residents in this.
17. To promote the Voluntary, Community and Faith sector as a key driver of local productivity, recognising the contribution of this sector in improving the economy and enterprise of the district.
18. To champion events, festivals and celebrations across the district.
19. To provide leadership in building strong cohesive communities within and beyond the district.
20. To promote equality of opportunity and eliminate discrimination.



Report to COUNCIL

## GM Transport Committee – Role and Responsibilities

**Officer Contact:** Paul Entwistle, Director of Legal Services  
Liz Treacy – GMCA Monitoring Officer  
Rod Fawcett – TFGM

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### Purpose of Report

This report outlines the current GM transport governance arrangements. In the context of the Devolution Agreement and specifically the GMCA Transport Order 3, it then presents some broad revised terms of reference for a reconstituted GM Transport Committee, options for its structure, responsibilities and examples of how it might work in practice.

### Recommendations:

1. To approve the establishment of the new GM Transport Committee as a joint committee of the 10 districts, GMCA and Mayor.
2. To approve the Terms of Reference and Operating Agreement for the Committee as set out in Schedule 1 of the report.
3. To delegate the functions as set out in the Terms of Reference to the Transport Committee.

## Strategic Policy Context

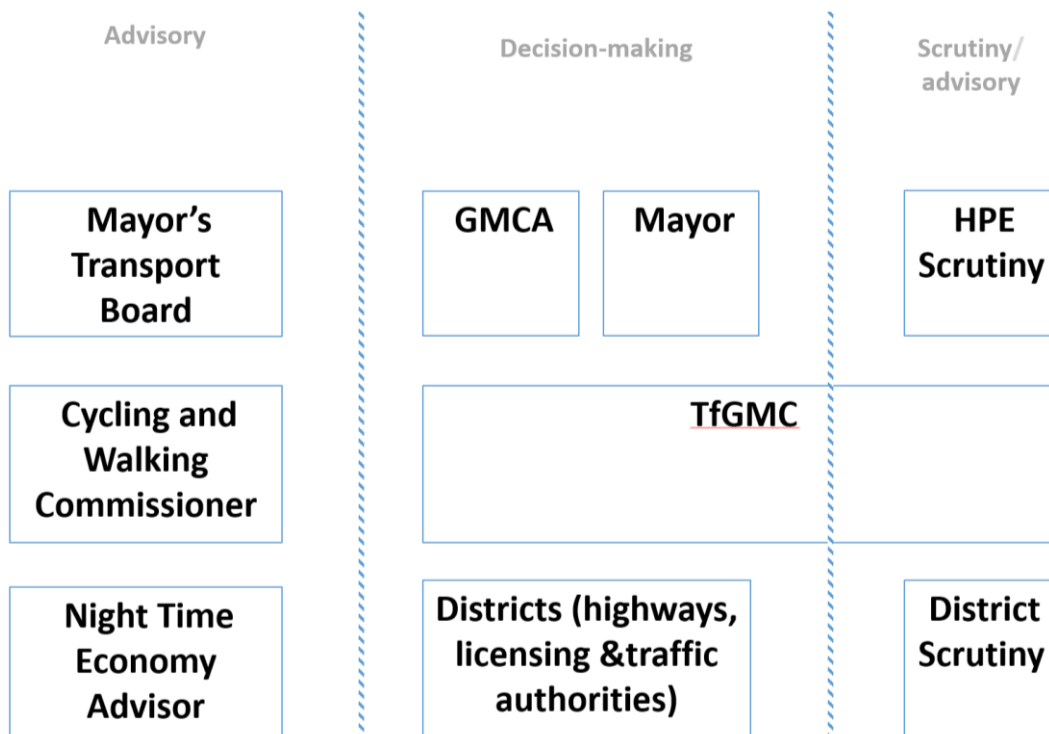
- 1.1 Greater Manchester (GM) has approached its growth and reform agenda from the principle of place-based integration of policy development and service delivery. This is echoed by GM's 2040 Transport Strategy, which promotes the development of one integrated transport system for the city-region that will maximize the impact of our transport assets in support of GM's economic, social and environmental ambitions.
- 1.2 Our ambition for integrated transport in support of place and people will be most efficiently achieved if managed by an accountable, efficient and well-informed governance system. Furthermore, transport infrastructure and services need to be managed and co-ordinated in a manner that directly supports GM's wider public policy agendas, such as spatial planning, health and housing, as set out in the Greater Manchester Strategy.
- 1.3 Given the long development periods required for transformative infrastructure and new regulatory structures to be delivered, any new system will need to provide stable governance to foster a long-term consensus over transport investment and policy.
- 1.4 To this extent then, it will be vital that the exercise of transport powers across all modes is undertaken collectively as far as is possible by the Mayor, GMCA and Districts acting in concert, bringing together their respective transport functions and budgets so they can be co-ordinated in a coherent manner.
- 1.5 The Transport Committee, as a joint committee comprising members from all of these bodies, has an important role to play as part of this, particularly in relation to operational oversight and performance monitoring of all transport modes (including highways) and scheme delivery
- 1.6 A joint committee of the GMCA, Mayor and District Councils enables the appropriate functions to be delegated from all of these bodies, equipping one body with broad and balanced elected member representation from across Greater Manchester to assess all modes of transport as a whole.
- 1.7 Accordingly, what is proposed as the basic structure for GM transport governance is as follows.
  - **Mayor and GMCA:** to continue to undertake all strategic decision-making in relation to policy, strategy (LTP), funding and scheme decision-making.
  - **New joint Transport Committee:** refocused role as transport user champion – performance monitoring / management of all modes and highway network, holding operators to account, oversight on delivery (eg capital and other schemes) and ensuring the integration of transport policy within the parameters set by the Local Transport Plan (ie Transport Strategy 2040) and existing policy. A well briefed and informed Committee will be in a strong position to make recommendations to the Mayor, GMCA and Districts, as appropriate
  - **Greater Manchester Scrutiny:** Scrutiny of Mayoral, GMCA and Transport Committee decisions as above, including wider integration with spatial issues, housing, environment, is currently undertaken by the Housing, Planning & Environment Overview and Scrutiny Committee. Transport budget issues are scrutinised by the Corporate Issues & Reform Overview and Scrutiny Committee.
- 1.8 The Transport Committee will continue to undertake decisions in relation to supported bus services, within agreed policy and budgets. This will require the bus functions that Order 3 transfers from the GMCA to the Mayor to be delegated to the new Transport Committee.
- 1.9 The proposed approach to transport governance outlined above will also provide greater clarity for the GM Scrutiny Committees, and in particular the Housing, Planning and

Environment Scrutiny Committee, which includes transport in its remit, in undertaking their scrutiny, functions.

- 1.10 This will enable elected members, be they decision-makers or those with a scrutiny role, to be clear about their role and that of the bodies they are appointed to, as well as understanding the roles of related bodies. This is increasingly important when elected members may have multiple and overlapping roles, for example serving on a Licensing Panel and the Transport Committee.
- 1.11 The clearer distinction between where major transport decisions are taken (GMCA and Mayor), and where transport performance and operational delivery and integration is monitored and operators are held to account (Transport Committee), will help ensure that Scrutiny processes and oversight at the city-region level can be exercised in an efficient manner that avoids duplication.

**2 Current Transport Governance Arrangements**

2.1 The diagram below shows the primary transport decision-making bodies in GM, alongside the various advisory and scrutiny bodies.



2.2 The above structures exist within a much broader set of GM governance arrangements, all of which are underpinned by GM-wide officer networks to support work programmes. TfGM's board structure also provides for Non-Executive Directors, who act in an advisory capacity. All TfGM Board appointments are made by GMCA.

2.3 The number and membership of the current Transport for Greater Manchester Committee was modelled on the GM Integrated Transport Authority, which was disestablished in 2011 with its functions, powers and responsibilities passed to the GMCA.

- 2.4 The existing terms of reference of the TfGMC Committee do make reference to it making recommendations to GMCA, for example in relation to formulating general policies, considering proposals to promote or oppose Bills, eTransport Committee. It is proposed to retain this broad scope of activities.

### **3 New Joint Transport committee – Revised Membership**

- 3.1 There has been significant change to GM governance since 2011, when the existing Transport for Greater Manchester Committee was established. In that time period, the mayoral combined authority has been established, major reforms of scrutiny arrangements and the former waste, fire and police authorities undertaken, and more recently the confirmation of GM Order 3 (which was agreed by all of the Districts) has specific implications for transport governance.
- 3.2 GM Order 3 represents a further step on the journey to equip GM with more robust governance arrangements better able to utilise existing and new powers and functions devolved to GM, and achieve the economic, social and environmental objectives in the GM Strategy.
- 3.3 As set out above these arrangements provide for the joining-up of the GM public policy agenda, within which transport is an essential supporting component, for example in relation to spatial planning, housing, skills and health.
- 3.4 The Order makes a series of changes, including conferring all operational bus powers on the Mayor, enables the Mayor to enter into joint arrangements with the GMCA and Districts in relation to transport functions and makes provision for a new joint Transport Committee.
- 3.5 All GM local authorities consented to the new Order in January 2019. In terms of membership arrangements, the Order states :
1. ‘—(1) Where a joint transport committee is established in accordance with article 6 the members of the joint transport committee must be appointed in accordance with paragraphs (2) to (5).
    - (2) The members appointed by the GMCA must be members or substitute members of that authority or members of the constituent councils.
    - (3) The members appointed by the constituent councils must be members of those councils.
    - (4) The members appointed by the Mayor must be members of the GMCA or of the constituent councils.
    - (5) In appointing members to the joint transport committee—
      - (a) the Mayor, the GMCA and the constituent councils must ensure that—
        - (i) the number of members of the committee does not exceed twenty three;
        - (ii) members are appointed to act as members of the joint transport committee in the absence of the members appointed under paragraph (1) (“substitute committee members”); and
      - (b) the GMCA and the constituent councils must ensure that the members of the committee appointed from among the members of the GMCA and the constituent councils, and any substitute committee members acting in place of those members, taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils.
- 3.6 In terms of constituting the new Joint Transport Committee, ensuring political, and geographical balance, the following is recommended:-

- Districts appoint to 11 places on the Joint Committee,
- The CA to appoint to one place on the Joint Committee,
- The Mayor to be a member of the Joint Committee and
- The remaining 10 members are appointed by Mayor and will be made to ensure political balance across GM is represented.
- That the committee shall select and recommend to the Mayor its own Chair

3.7 The Operating Agreement has been amended to reflect the Order and sets out how those appointments will be made. Clause 3.10 of the Agreement states that the appointments made by the Mayor to the 10 remaining places will reflect the wishes of the relevant political group as to the members to be appointed to the Committee allocated to that political group. This would mean that, if the political balance across GM remains the same as it is prior to the May 2019 local elections the 10 places would be made up of 4 labour members, 4 Conservative members and 2 Liberal Democrats. The three political parties will inform the Mayor of their preferences and they will be appointed by the Mayor.

#### 4 Revised Terms of Reference for the Transport Committee

4.1 The proposed Terms of Reference for the Committee are included in the Operating Agreement ( Schedule 1). They set out the key areas of work for the Committee and the delegations from the Mayor, GMCA and the districts. The Terms of Reference more accurately reflect the proposed role of the Committee and do not make any changes to the delegations from the Districts.

4.2 The three key areas of work for the new joint transport committee, which will comprise representatives from each District, the GMCA and the Mayor, will be to ensure:

- **Accountability:** active and regular monitoring of the performance of the transport network, including the highway network (including the operation of the GM Road Activities Permit Scheme, road safety activities, eTransport Committee) as well as all public transport modes. This role will include holding service operators, TfGM, highway authorities and infrastructure providers to public account, and
- **Implementation:** oversee the delivery of agreed Local Transport Plan commitments. This includes the active oversight of the transport capital programme, and as noted above, decisions over subsidised bus services network to be made within the context of policy and budgets set by the Mayor and the GMCA as appropriate, and
- **Policy Development:** undertake policy development on specific issues, as may be directed by the Mayor and / or the GMCA.

4.3 With regard to decisions about subsidised bus services, it is proposed that the new Transport Committee undertakes this function, given the local nature of such decision-making, within the policy context and funding as determined by the Mayor.

4.4 Specific policy development work that the Committee was asked to explore by the GMCA, the Mayor or the Districts could be undertaken by task and finish groups, comprising an appropriate selection of Transport Committee members. This group would undertake the policy development process outside of formal Committee meetings, supported by TfGM as appropriate, and provide recommendations for consideration by the whole Committee before subsequent presentation to the GMCA or the Mayor.

#### 5. Operating Agreement

5.1 The first Operating Agreement was entered into between GMCA and the districts in 2011. It set out how the Committee would be appointed to, the Terms of Reference of the

Committee, and other provisions relating to Transport Protocols, funding and scrutiny arrangements.

- 5.2 The proposed amendments update the membership and appointment process; include the Mayor as a signatory as he now has specific transport powers; deletes the references to a joint scrutiny committee as the CA now has Scrutiny functions; retains the same funding provisions and the Rules of Procedure.

## **6. Transport Committee training for members and work programme**

- 6.1 If the proposals for the new committee are approved it is recommended that officers are asked to organise and provide training for new members prior to its first meeting. This can include member involvement in developing and agreeing the Committee's overall work programme.

- 6.2 The following section elaborates, through examples, how a revised Transport Committee might work in practice, to better support the transport agenda being pursued by the Mayor, GMCA and GM local authorities to help cement an effective and long term consensus.

### **Example One: The Transport Committee is informed of large scale bus de-registrations from the commercial network.**

- 6.3 The standard report on changes to the bus network is received by the **Transport Committee**, and members' comments and the operator's response noted. **Transport Committee** informs the **Mayor's Transport Board**, such that the **Mayor** can seek explanations or action at a more senior level. The issue may also be raised at **GMCA**, to the extent that any service withdrawals requiring replacement will impact significantly on the Subsidised Bus budget. The **Transport Committee** may also wish to inform the **Housing, Planning & Environment Scrutiny Committee**, either formally or otherwise, to provide them with reassurance that the issue is being addressed.

### **Example Two: Tracking performance and patronage of public transport network.**

- 6.4 Regular, comparable and clear performance monitoring reports to **Transport Committee**. Operators attend, and are held to account for service delivery by members. Consistently inadequate performance that is beyond the remit or capacity of TfGMC to secure improvements to be referred to **Mayor's Transport Board** and **TfN** (if relating to rail).

### **Example Three: Policy Reviews**

- 6.5 Transport policy and strategy decisions are primarily for the **Mayor**, subject to the **GMCA's** agreement. For a formal revision of the LTP, a draft would be submitted by the mayor and would require approval by seven GMCA members in order to go forward to public consultation, then at least eight would be required to approve the post-consultation final version.

- 6.6 With regard to less significant transport strategy or policy measures, there may be a role for **Transport Committee** to consider and recommend any changes, if requested by the Mayor/GMCA, and then present its recommendations to GMCA. Examples might include revisions to School Bus policy, Metrolink bylaws, use of bus lanes.

## **Recommendations**

The recommendations appear on the front page of the report.

Risk Management – N/A

Legal Considerations – Compliant with the GMCA Transport Order

Financial Consequences – Revenue – N/A

Financial Consequences – Capital – N/A



**Background Papers:**

GMCA Transport Order

GMCA Constitution

TfGMC Terms of Reference and Operating Agreement

**OPERATING AGREEMENT**

This Agreement is made on[            ] 2019

between:

**(1) Greater Manchester Combined Authority (“the GMCA”)**

and

**(2) The Mayor for the area of the Greater Manchester Combined Authority (“the Mayor”)**

and

**(3) The Borough Council of Bolton, Bury Metropolitan Borough Council, The Council of the City of Manchester, Oldham Borough Council, Rochdale Metropolitan Borough Council, Salford City Council, The Metropolitan Borough Council of Stockport, Tameside Metropolitan Borough Council, Trafford Metropolitan Borough Council, Wigan Borough Council (“the Constituent Councils”)**

**WHEREAS:**

- (A) On 1<sup>st</sup> April 2011 the GMCA was established as a Combined Authority for the combined area and the Greater Manchester Integrated Transport Area was dissolved and the ITA abolished.
- (B) The functions of the GMCA are those functions conferred or imposed on it, or delegated to it, by the Greater Manchester (Combined Authority) Order 2011 (S.I. , (“the **GMCA Order**”) or by any other enactment, including all the transport functions of the former Greater Manchester Integrated Transport Authority (the “**GMITA**”) which transferred to the GMCA on the abolition of the GMITA.
- (C) The Constituent Councils were established as local authorities by the Local Government Act 1972 with all the functions of a metropolitan district council, and in particular the Constituent Councils are the local highway authority and local traffic authority for their area.
- (D) The functions of the GMCA conferred on it by the GMCA Order include those transport functions of the Constituent Councils delegated to the GMCA by article 8 of the 2011 Order.

- (E) Pursuant to the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions Order 2016 (SI 2016/448) provision was made for the election of a Mayor for the GMCA Area (and the GMCA became a “mayoral combined authority”). Pursuant to section 107D (Functions of mayors: general) of the Local Democracy, Economic Development and Construction Act 2009 (the “**LDEDCA**”) the Secretary of State may by order make provision for any function of mayoral combined authority to be a function exercisable only by the Mayor (“**Mayoral Functions**”).
- (F) On 4 April 2019 The Greater Manchester Combined Authority (Functions and Amendment) Order 2019 (SI 2019/793) (the “**GMCA Transport Order**”) came into force. Pursuant to article 4 of the GMCA Transport Order, the transport functions of the GMCA specified in Schedule 1 of the GMCA Transport Order are general functions exercisable only by the Mayor (“**Mayoral Transport Functions**”).
- (G) Pursuant to Part 3, articles 6 to 9 (inclusive) of the GMCA Transport Order provision was made for the Mayor to enter into arrangements jointly with the GMCA and with the Constituent Councils in accordance with section 101(5) of the Local Government Act 1972 for the discharge of the Mayoral Transport Functions which are listed at Schedule 2 GMCA Transport Order (the “**Joint Transport Committee**”, hereinafter referred to as “**GM Transport Committee**”).
- (H) Part 3, articles 6 to 9 (inclusive) of the GMCA Transport Order sets out the statutory requirements in relation to membership of the GM Transport Committee and voting arrangements for any questions to be decided by the GM Transport Committee.
- (I) The Parties wish to co-operate with each other in the exercise of their functions and in particular their transport functions and have entered into this Agreement in order to facilitate this co-operation and the operation of the GM Transport Committee.

**THIS AGREEMENT** witnesses as follows:

**1. Definitions**

In this Agreement –

- 1.1 **Constituent Councils**” mean the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford, and Wigan.
- 1.2 **“GMCA Order”** means the Greater Manchester Combined Authority Order 2011.
- 1.3 **“the GM Transport Committee”** means the Greater Manchester Transport Committee being a joint committee established by the Parties pursuant to the GMCA Transport Order.
- 1.4 **“the GMCA Transport Order”** means The Greater Manchester Combined Authority (Functions and Amendment) Order 2019.
- 1.5 **“the LDEDCA 2009”** means the Local Democracy, Economic Development and Construction Act 2009.
- 1.6 **“the LGA 1972”** means the Local Government Act 1972.
- 1.7 **“the LGA 2000”** means the Local Government Act 2000.
- 1.8 **“the LGHA 1989”** means the Local Government and Housing Act 1989.
- 1.9 **“the Mayor”** means the person elected as the Mayor of the GMCA pursuant to the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions Order 2016 (SI 2016/448)
- 1.10 **“the 2012 Regulations”** means the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 1.11 **“the Parties”** mean the GMCA, the Mayor and the Constituent Councils.
- 1.12 **“the Relevant Date”** in relation to a payment for a financial year means 30<sup>th</sup> June in the financial year which commenced two years previously.

- 1.13 “the Secretary” means such person as shall be appointed by the GMCA to discharge the role of Secretary on behalf of the GM Transport Committee..
- 1.14 “the TfGMC” means the Transport for Greater Manchester Committee being a joint committee established by the Parties.
- 1.15 “the **TfGM**” means Transport for Greater Manchester being the executive body of GMCA for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the LDEDCA 2009.

## **2. Interpretation**

- 2.1 Clause, Schedule and paragraph headings shall not affect the interpretation of this Agreement;
- 2.2 The Schedules form part of this Agreement and shall have effect as if set out in full in the body of this Agreement. Any reference to this Agreement includes the Schedules.
- 2.3 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 2.4 A reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 2.5 A reference to a statute or statutory provision shall include all subordinate legislation made from time to time.
- 2.6 A reference to “this Agreement” or to any other agreement or document referred to in this Agreement is a reference to this Agreement or such other document or agreement as varied from time to time.
- 2.7 References to clauses and Schedules are to the Clauses and Schedules of this Agreement and references to paragraphs are to paragraphs of the relevant Schedule.
- 2.8 No person other than a party to this Agreement shall have any rights to enforce any term of this Agreement.
- 2.9 This Agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation shall be governed by and construed in accordance with the law of England and Wales.

- 2.10 If any court or competent authority finds that any provision of this Agreement (or part of any provision) is invalid, illegal or unenforceable, that provision or part-provision shall, to the extent required, be deemed to be deleted, and the validity and enforceability of the other provisions of this Agreement shall not be affected.

### **3. Establishment of GM Transport Committee**

- 3.1 Pursuant to Section 101(5) of the LGA 1972, Section 20 of the LGA 2000, Regulations 3,4, 11 and 12 of the 2000 Regulations and articles 6, 7, 8 and 9 of the GMCA Transport Order,, the Parties agree to enter into arrangements to discharge certain of their functions relating to transport jointly and for this purpose to establish a joint committee to be called the Greater Manchester Transport Committee (the “**GM Transport Committee**”). The Mayoral Transport Functions which the Mayor may decide to arrange to be discharged by the GM Transport Committee are those listed in Schedule 2 of the GM Transport Order.
- 3.2 Pursuant to article 5(a)(i) of the GM Transport Order, the number of members of the GM Transport Committee shall not exceed 23.
- 3.3 Each Constituent Council (apart from Manchester City Council) shall appoint one of their elected members to be members of GM Transport Committee. Manchester City Council shall appoint two of their elected members to be members of the GM Transport Committee.
- 3.4 Each of the Constituent Councils are expected to appoint their district’s executive member with responsibility for transport to be a member of the GM Transport Committee.
- 3.5 Pursuant to article 5(a)(ii) of the GM Transport Order, each Constituent Council (apart from Manchester City Council) shall appoint one of their elected members to act as substitute member of the GM Transport Committee in the absence of the member appointed in accordance with clause 3.3 above. Manchester City Council is expected to appoint two of their elected members to act as substitute members of the GM Transport Committee in the absence of the members appointed in accordance with clause 3.3 above.
- 3.6 The GMCA will appoint one member of the GMCA to be a member of the GM Transport Committee.
- 3.7 Pursuant to article 5(a)(ii) of the GM Transport Order, the GMCA will appoint one member of the GMCA to act as substitute member of the GM Transport Committee in the absence of the member appointed in accordance with clause 3.6 above.

- 3.8 The Mayor will be a member of the GM Transport Committee.
- 3.9 Pursuant to article 5(a)(ii) of the GM Transport Order, the Mayor will appoint one member of the GMCA to act as substitute member of the GM Transport Committee in the Mayor's absence.
- 3.10 The Mayor will appoint ten additional members of the GM Transport Committee, comprising one elected member of each of the Constituent Councils. The appointments to the GM Transport Committee made by the Mayor under this clause 3.10 will be made so as to ensure that the members of the GM Transport Committee, taken as a whole, reflect as far as reasonably practicable the balance of political parties for the time being prevailing among the Constituent Councils when taken together as required by article 5(b) of the GM Transport Order. The appointments to the GM Transport Committee made by the Mayor under this clause 3.10 will reflect the wishes of the relevant political group as to the members to be appointed to any seat on the GM Transport Committee allocated to that political group.
- 3.11 Pursuant to article 5(a)(ii) of the GM Transport Order, the GMCA will appoint elected members of the Constituent Councils to act as substitute members of the GM Transport Committee in the absence of the members appointed in accordance with clause 3.10 above.
- 3.12. Pursuant to article 7(6) of the GM Transport Order, questions relating to the apportionment of membership under clause 3.10 require a unanimous vote in favour by all members, or substitute committee members acting in place of those members, of the GMCA to be carried.

## 4. Terms of Reference of the GM Transport Committee

### TRANSPORT COMMITTEE

#### Terms of Reference

##### 1. Overview

The Transport Committee, as a joint committee of the ten Greater Manchester district councils ('the Constituent Councils'), the GMCA and the Mayor, brings together the principal local transport decision-making bodies.

The primary role of the Transport Committee is not to replicate strategic decision-making functions, but to ensure that through its work, those bodies are able to make informed and co-ordinated decisions by being fully informed about the operation and performance of the transport system, its individual modes and the infrastructure it relies on, including the Key Route Network.

It also has an important role in helping shape the development of transport strategy and policies, and in advising the GMCA and the Mayor on specific transport issues, as directed by them. In relation to bus services, the Transport Committee will undertake the function of making decisions in relation to the supported bus network, which has been delegated by the Mayor.

In summary the three key areas of work for the Transport Committee will be to ensure:

- **Accountability:** active and regular monitoring of the performance of the transport network, including the Key Route Network, the operation of the GM Road Activities Permit Scheme, road safety activities, etc as well as all public transport modes. This role will include holding service operators, TfGM, highway authorities and transport infrastructure providers to public account, and to recommend appropriate action as appropriate;
- **Implementation:** oversee the delivery of agreed Local Transport Plan commitments. This includes the active oversight of the transport capital programme, and decisions over supported bus services network to be made within the context of policy and budgets set by the Mayor and the GMCA as appropriate; and
- **Policy Development:** undertake policy development on specific issues, as may be directed by the Mayor and / or the GMCA.



**2. Transport functions of the Greater Manchester Combined Authority ('GMCA') referred to the Transport Committee**

2.1 The following transport functions of the GMCA are not delegated but are referred by the GMCA or, as the case may be, the Mayor to the Transport Committee in order for the Transport Committee to make recommendations (where appropriate) to the GMCA or, as the case may be, the Mayor in respect of:

- (a) Considering proposals by TfGM to promote or oppose any Bill in Parliament pursuant to Section 10(1)(xxix) of the Transport Act 1968; and
- (b) Policy reviews and development on specific issues, undertaken by the Transport Committee on the direction of the Mayor and/or the GMCA.

**3. Transport functions of the GMCA delegated to the Transport Committee**

3.1 The following transport functions of the GMCA are delegated by the GMCA or, as the case may be, the Mayor to the Transport Committee, subject to the Transport Committee exercising these functions in accordance with any transport policies of the GMCA and the Mayor, the Local Transport Plan and the agreed transport budget and borrowing limits (and without prejudice to the GMCA's or, as the case may be, the Mayor's right to discharge such functions directly):

- (a) Monitoring and overseeing the activities and performance of TfGM (and where appropriate recommending that the GMCA exercise the power pursuant to Section 15(6) of the Transport Act 1968 to give to TfGM such directions as appear to the Transport Committee to be appropriate to secure the observance of the rights of the GMCA);
- (b) Ensuring that the TfGM secures the provision of appropriate public passenger transport services pursuant to Section 9A(3) of the Transport Act 1968;
- (c) Considering what local bus information should be made available, and the way in which it should be made available pursuant to Sections 139 to 143 of the Transport Act 2000;
- (d) Ensuring that the TfGM implements those actions delegated to it for promoting the economic, social and environmental well-being of Greater

Manchester and its residents pursuant to Section 99 of the Local Transport Act 2008;

- (e) Monitoring performance against the Local Transport Plan and other transport policies of the Mayor and the GMCA;
- (f) Formulating, developing and monitoring procedures for public consultation on the GMCA's and the Mayor's transport policies;
- (g) Active promotion of Greater Manchester's transport and travel interests as set by the GMCA and the Mayor;
- (h) Determining the operation, performance, contract management and development of tendered bus services, bus stations/stops, and passenger transport services;
- (i) Determining the operation, performance and development of the GMCA's accessible transport provision pursuant to Sections 106(1) and 106(2) of the Transport Act 1985; and
- (j) Monitoring the operation and performance of Metrolink, bus and local rail services and initiating appropriate action, including making recommendations to the GMCA and/or the Mayor.

3.2. The following transport functions of the GMCA, which are delegated by the Constituent Councils to the GMCA, are sub-delegated by the GMCA to the Transport Committee, subject to the Transport Committee exercising these functions in accordance with any transport policies of the GMCA or the Mayor, the Local Transport Plan and the GMCA's agreed transport budget and borrowing limits:

- (a) In respect of those functions:
  - (i) under section 23 of the Road Traffic Regulation Act 1984 (pedestrian crossings) so far as it relates to Pelican and Puffin crossings as defined by regulation 3(1) of the Zebra, Pelican and Puffin Crossings Regulations 1997; and
  - (ii) under section 65 (placing of traffic signs) of the Road Traffic Regulation Act 1984 so far as it relates to traffic signs that are traffic light signals where

“traffic light signals” means a traffic sign of the size, colour and type prescribed by any of the following regulations of the Traffic Signs Regulations 2002:

- Regulation 33 – Light signals for the control of vehicular traffic – standard form
- Regulation 34 – Green arrow light signals for the control of vehicular traffic
- Regulation 37 – Light signals for control of vehicular traffic entering or proceeding on motorways and all purpose dual carriageway
- Regulation 39 – Light signals to control traffic at level crossings etc.
- Regulation 41 – Light signals for the control of tramcars
- Regulation 44 – Light signals for lane control of Vehicular traffic
- Regulation 45 – Warning light signal for motorways and all-purpose dual carriageway roads
- Regulation 46 – Matrix signs for motorways and all purpose dual carriageway roads
- Regulation 47 – Light signals at signal controlled pedestrian facilities
- Regulation 48 – Light signals at equestrian crossings
- Regulation 49 – Light signals at toucan crossings
- Regulation 52 – Light signals for pedestrian traffic at level crossings

the GMCA delegates to the Transport Committee responsibility for:

(i) Making recommendations to the GMCA in respect of:

- the development of policies relating to the installation, maintenance, and management of Traffic Light Signals that take both strategic and local strategies and frameworks into account; and
- the GMCA’s budget for Traffic Light Signals.

(ii) Making arrangements for the discharge of the functions to be carried out in relation to Traffic Light Signals by TfGM.

(iii) Monitoring and overseeing the activities and performance of TfGM in relation to the Traffic Light Signal function.

(b) In respect of those functions under section 2 of the Road Traffic Reduction Act 1997 (“the Transport Studies Function”) the GMCA delegates to the Transport Committee responsibility for:

(i) Making recommendations to the GMCA in respect of:

- producing and updating policies in respect of the Transport Studies Function which are consistent with the Greater Manchester Strategy, the GM Local Transport Plan objectives and GMCA's and the Constituent Council's budgets;
- settling budgets in respect of the Transport Studies Function

(ii) Making arrangements for the discharge of the functions to be carried out in relation to the Transport Studies Function by TfGM.

(iii) Monitoring and overseeing the activities and performance of TfGM in relation to the Transport Studies Function.

3.3 In respect of functions under section 39 (2) and (3) of the Road Traffic Act 1988 ('the road safety function'), which may be exercised concurrently with Constituent Councils, the GMCA delegates to the Transport Committee responsibility for:

(a) Producing and developing policies in relation to the road safety function.

(b) Drawing up budgets in relation to the road safety function insofar as it is exercised by the TfGM. Determining the tasks to be carried out in relation to the road safety function by TfGM.

(c) Making recommendations to the GMCA and the Mayor in respect of the development of policies for the promotion and encouragement of safe transport to, from and within its area under s108 Transport Act 2000.

(d) Monitoring and overseeing the activities and performance of TfGM.

#### **4. Transport functions of the Constituent Councils delegated directly to the Transport Committee**

4.1 The following transport related functions of the Constituent Councils will be delegated directly to the Transport Committee subject to the Transport Committee exercising these functions in accordance with any policies of the GMCA (as local transport authority), the Local Transport Plan and the terms of the delegation from the Constituent Councils:

- (a) Carrying out actions to facilitate the performance by local traffic authorities of their duty to manage their road traffic on their on their own roads and facilitating the same on other local authorities' roads pursuant to Sections 16 and 17 (except for sub-sections 17 (2) and (3)) of the Traffic Management Act 2004, including in particular –
  - (i) establishing processes for identifying things (including future occurrences) which are causing or have the potential to cause road congestion or other disruption to the movement of traffic on the road network;
  - (ii) determining specific policies and objectives in relation to strategic roads;
  - (iii) monitoring the effectiveness of traffic authorities in managing their road network.
- (b) Preparing and carrying out a programme of measures designed to promote road safety, including carrying out road safety studies, studies into accidents, accident prevention campaigns, the dissemination of information and advice relating to the use of roads and arranging for the giving of practical training to road users pursuant to Sections 39(2) and 39(3)(a) and (b) of the Road Traffic Act 1988.

#### **4. GM Transport Committee – Other Provisions**

- 5.1 The GM Transport Committee may establish sub-committees.
- 5.2 When establishing a sub-committee, the GM Transport Committee will determine -
  - (i) the terms of reference of the sub-committee
  - (ii) the size and membership of the sub-committee
  - (iii) the Chair (and Vice-Chair, if any) of the sub-committee
  - (iv) any delegated powers of the sub-committee
  - (v) the period (where appropriate) for which the sub-committee will remain constituted.
- 5.3 Appointments to sub-committees will be made in accordance with the principles of political balance set out in Section 15(5) of the LGHA 1989.
- 5.4 The GM Transport Committee and any sub-committee of the GM Transport Committee may, in respect of a function delegated to the GM Transport

Committee by the GMCA under the GM Transport Committee Terms of Reference arrange for its discharge by an officer of one of the Constituent Councils or by TfGM.

- 5.5 The GM Transport Committee and any sub-committee of the GM Transport Committee may, in respect of a Mayoral Transport Function listed in Schedule 2 of the GMCA Transport Order which the Mayor has delegated to the GM Transport Committee under the GM Transport Committee Terms of Reference arrange for its discharge by an officer of one of the Constituent Councils or by TfGM.
- 5.6 The GM Transport Committee and any sub-committee of the GM Transport Committee may, in respect of a function delegated to them by the Constituent Councils under the GM Transport Committee Terms of Reference, arrange for its discharge by an officer of one of the Constituent Councils and may enter into agreements with TfGM for the provision of services by TfGM.
- 5.7 The GM Transport Committee will establish a scheme of delegation to sub-committees and officers and will review the scheme annually.
- 5.8 The GM Transport Committee will conduct its business in accordance with this Agreement, including the Rules of Procedure set out in Schedule 1.

## **6. Transport Protocols**

- 6.1 The Parties will draw up and agree detailed Protocols in relation to the operation and discharge of those functions –
  - delegated from the Constituent Councils to GMCA pursuant to Article 8 of the GMCA Order, and
  - delegated by the Constituent Councils to the GM Transport Committee by virtue of the GM Transport Committee Terms of Reference.
- 6.2 The Parties will keep the Protocols under regular review and may revise them from time to time, such revisions to be agreed by the Chief Executives of the Constituent Councils, the Head of Paid Service of the GMCA and the Chief Executive of TfGM.
- 6.3 Protocols drawn up, agreed or revised under this Clause will not override anything provided for or required by this Agreement and will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the LGA 1972 and the 2012 Regulations.

**7. Funding of Constituent Council Transport Functions delegated by the GMCA Order**

7.1 For the financial year beginning on 1<sup>st</sup> April 2011, the Constituent Councils will meet the costs of the GMCA reasonably attributable to the exercise of those transport functions of the Constituent Councils delegated to the GMCA by virtue of Article 8 of the GMCA Order.

7.2 The amount payable by each of the Constituent Councils is to be determined by apportioning the costs of the GMCA referred to in Clause 7.1 between the Constituent Councils in such proportions as they may agree or, in default of agreement, in proportion to the total resident population on 30<sup>th</sup> June 2009 of the area of each council concerned as estimated by the Register General.

7.3 In the financial year beginning on 1<sup>st</sup> April 2012 and in subsequent financial years the costs of the GMCA referred to in Clause 7.1 shall be recovered from the Constituent Councils as part of the levy issued to those councils pursuant to the Transport Levying Bodies Regulations 1992, as amended, except where and to the extent that all the Constituent Councils agree that costs should be defrayed by the Constituent Councils and not the GMCA pursuant to Article 8(4) of the GMCA Order.

7.4 Without prejudice to the generality of Article 8(4) of the GMCA Order, it is agreed that each Constituent Council will be responsible for defraying the costs of the initial installation of traffic signs that are traffic light signals or pelican or puffin crossings in their area, except insofar as such costs are met by the third parties pursuant to agreements under Section 278 of the Highways Act 1980 or otherwise.

**8. Amendments to this Agreement**

8.1 This Agreement may be amended following a resolution approved by all the Parties.

8.2 The operation of this Agreement will be subject to an annual review.

**9. Dispute Resolution**

9.1 Any dispute between the Parties arising out of this Agreement which cannot be settled shall be referred to the Head of Paid Service of the Parties to the dispute who will negotiate to resolve the matter in good faith.

**10. Notices**

- 10.1 Any notice, demand or other communication required to be served on the GMCA under this Agreement shall be sufficiently served if delivered personally to or sent by pre-paid first class recorded delivery post to the GMCA's Monitoring Officer at First Floor, Churchgate House, 56 Oxford Street Manchester M1 6EU If so sent, any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the GMCA's Monitoring Officer at the time of personal delivery or on the second working date after the date or posting as the case may be.
- 10.2 Any notice, demand or other communication required to be served on the Mayor under this Agreement shall be sufficiently served if delivered personally to or sent by pre-paid first class recorded delivery post or email or facsimile transmission to the Office of the GM Mayor at First Floor, Churchgate House, 56 Oxford Street Manchester M1 6EU the Town Hall, Manchester M60 2LA. If so sent, any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the Mayor at the time of personal delivery or on the second working date after the date or posting or transmission as the case may be.
- 10.3 Any notice, demand or other communication required to be served on one or more of the Constituent Councils under this Agreement shall be sufficiently served if delivered personally to or sent by pre-paid first class recorded delivery post to the monitoring officer(s) of the Constituent Council(s) concerned at the principal office of the Constituent Council or such other address as has been notified to the Parties. If so sent, any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the Constituent Council(s) concerned at the time of personal delivery or on the second working date after the date of posting as the case may be.

**IN WITNESS** whereof the Parties have caused this Agreement to be executed the day, month and year first before mentioned.

Signed by **GMCA**

Authorised Signatory

Dated

Signed by the **GMCA Mayor**



Dated

Signed by **The Borough Council of Bolton**

Authorised Signatory

Dated

Signed by **Bury Metropolitan Borough Council**

Authorised Signatory

Dated

Signed by **The Council of the City of Manchester**

Authorised Signatory

Dated

Signed by **Oldham Borough Council**

Authorised Signatory

Dated

Signed by **Rochdale Metropolitan Borough Council**

Authorised Signatory

Dated

Signed by **Salford City Council**

Authorised Signatory

Dated

Signed by **The Metropolitan Borough Council of Stockport**

Authorised Signatory

Dated

Signed by **Tameside Metropolitan Borough Council**

Authorised Signatory

Dated

Signed by **Trafford Metropolitan Borough Council**

Authorised Signatory

Dated

Signed by **Wigan Borough Council**

Authorised Signatory

Dated

**GM Transport Committee**

**Rules of Procedure**

**1. Interpretation, Suspension and Variation/Revocation of Rules of Procedure**

- 1.1 The ruling of the Chair on the interpretation of these Rules in relation to all questions of order and matters arising in debate shall be final.
- 1.2 References in these Rules to the “Chair” means the member of the GM Transport Committee for the time being presiding at the meeting of the GM Transport Committee , and a meeting of the GM Transport Committee. References in these Rules to the “Secretary” means the officer of the GMCA who is appointed to discharge the role of the Secretary to the GM Transport Committee.
- 1.3 These Rules shall apply to the GM Transport Committee and any Sub Committee of the GM Transport Committee , and any reference to the GM Transport Committee shall accordingly include reference to a Sub Committee of the GM Transport Committee.
- 1.4\* Except for those provisions which accord with the provisions of the Local Government Acts (and which are indicated with an asterisk \*) any Rule may be suspended at a meeting of the GM Transport Committee with the consent of the majority of the whole number of members of the GM Transport Committee but not otherwise.
- 1.5\* These Rules (except for those Rules marked with asterisk\*) may be varied or revoked by a decision of a two-thirds majority of the GM Transport Committee and any motion to vary or revoke any of these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the GM Transport Committee which shall determine the matter having considered a report of the secretary to the GM Transport Committee on the proposed variation or revocation.

**2. Chair and Vice-Chairs**

- 2.1\* The Chair of the GM Transport Committee will be appointed annually by the Mayor from among its members and shall, unless they resign, cease to be members of the

GM Transport Committee or become disqualified, act until their successor becomes entitled to act as Chair.

2.2\* The appointment of the Chair, for recommendation to the Mayor shall be the first business transacted at the Annual Meeting of the GM Transport Committee.

2.3\* On a vacancy arising in the office of Chair for whatever reason, the GM Transport Committee shall recommend an appointment to fill the vacancy at the next ordinary meeting of the GM Transport Committee held after the date on which the vacancy occurs, or, if that meeting is held within 14 days after that date, then not later than the next following meeting. The member appointed shall hold such office for the remainder of the year in which such vacancy occurred.

### **3. Meetings**

3.1\* The Annual Meeting of the GM Transport Committee shall be held in June or the month after local elections on a date and at a time determined by the GM Transport Committee.

3.2\* Ordinary meetings of the GM Transport Committee TfGMC for the transaction of general business shall be held on such dates and at such times as the GM Transport Committee shall determine.

3.3\* An Extraordinary Meeting of the GM Transport Committee may be called at any time by the Chair .

### **4. Notice of Meetings**

- 4.1 At least five clear days before a meeting of the GM Transport Committee or one of its Sub Committees:
- (a) notice of the time and place of the intended meeting shall be published by the Secretary and posted at Churchgate House, Oxford Street, Manchester, M1 6EU; and
  - (b) a summons to attend the meeting, specifying an agenda for the meeting, shall be sent by electronic email to the usual email address of each member of the GM Transport Committee, or any other email address notified to notified to the Secretary by a member of the GM Transport Committee.
- 4.2\* Lack of service on a member of the GM Transport Committee of the summons shall not affect the validity of a meeting of the GM Transport Committee.
- 4.3\* A member of the GM Transport Committee may require a particular item of business, including any motion, which is relevant to the powers of the GM Transport Committee, to be discussed at an ordinary meeting of the GM Transport Committee subject to at least eight clear days notice of such intention being given to the Secretary in writing, signed by the member concerned and specifying the business to be discussed. The Secretary shall set out in the agenda for each meeting of the GM Transport Committee the items of business requested by members (if any) in the order in which they have been received, unless the member concerned has given prior written notice to the Secretary prior to the issue of the agenda for the meeting, for it to be withdrawn. If the member concerned is not present at the meeting when an item of which they have given notice comes up for discussion, this item shall, unless the GM Transport Committee decides otherwise, be treated as withdrawn. A member shall not have more than one item of business, or motion, standing in their name to be discussed at any meeting of the GM Transport Committee.
- 4.4 No motion by way of notice to rescind any resolution which has been passed within the preceding six months, nor any motion by way of notice to the same effect as any motion which has been negatived within the preceding six months, shall be in order, unless the notice thereof shall have been given in time for inclusion on the agenda for the meeting, in accordance with paragraph 4.3 above, and the notice shall have been signed by four other members in addition to the member who is to propose the motion.

- 4.5\* Except in the case of business required by these Rules to be transacted at a meeting of the GM Transport Committee, and other business brought before the meeting as a matter of urgency, and of which the Secretary shall have prior notice and which the Chair considers should be discussed at the meeting, no business shall be transacted at a meeting of the GM Transport Committee other than that specified in the agenda for the meeting.

## **5. Chair of Meeting**

- 5.1\* At each meeting of the GM Transport Committee the Chair, if present, shall preside.
- 5.2\* If the Chair is absent from a meeting of the TfGMC, the Secretary shall invite the members present to elect a member to preside for the duration of the meeting or until such time as the Chair joins the meeting.
- 5.3 Any power or function of the Chair in relation to the conduct of a meeting shall be exercised by the person presiding at the meeting.

## **6. Quorum**

- 6.1\* No business shall be transacted at any meeting of the full GM Transport Committee unless at least 8 of the members are present).
- 6.2\* The quorum for any meeting of a Sub Committee of the GM Transport Committee shall be one third of the membership of that body.
- 6.3 If at the time for which a meeting is called, and for 15 minutes thereafter, a quorum is not present, then no meeting shall take place.
- 6.4 If during any meeting of the GM Transport Committee the Chair, after counting the number of members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the GM Transport Committee.

## **7. Order of Business**

- 7.1 At every meeting of the GM Transport Committee the order of business shall be to select a person to preside if the Chair is absent and thereafter shall be in

accordance with the order specified in the agenda for the meeting, except that such order may be varied -

- (a) by the Chair at his/her discretion, or
- (b) on a request agreed to by the GM Transport Committee

7.2 The Chair may bring before the GM Transport Committee at their discretion any matter that they consider appropriate to bring before the GM Transport Committee as a matter of urgency.

## **8. Submission of Sub Committee Proceedings**

8.1 Except where a Sub Committee appointed by the GM Transport Committee is acting under delegated authority, the Minutes of the proceedings of each of the GM Transport Committee's Sub Committees shall be submitted to the GM Transport Committee for confirmation. Confirmation by the GM Transport Committee of those Minutes shall constitute approval of the proceedings of those Sub Committees.

8.2 The Chair of a Sub Committee, or other member of the Sub Committee acting in their place, shall deal with matters arising during any debate on the proceedings of the Sub Committee.

8.3 A Chair of a Sub Committee, or other member of the Sub Committee acting in their place, may, with the consent of the GM Transport Committee, withdraw any item on the Minutes of that Sub Committee, or correct any factual inaccuracy, which might otherwise result in the GM Transport Committee being misinformed on any item in the Sub Committee's Minutes.

8.4 When considering the Minutes of the proceedings, no motion or amendment shall be made or proposed, or any discussion allowed upon any matter which, although within the province of the Sub Committee, does not appear in the Minutes of the proceedings.

## **9. Rules of Debate**

### **Motions**

9.1 A Motion (or amendment) shall not be discussed unless it has been proposed and seconded. It shall, if required by the Chair, be put in writing and handed to the Chair, who shall determine whether it is in order before it is further discussed or put to the meeting.



- 9.2 A member when seconding a Motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate. No member may, except at the discretion of the Chair, address the GM Transport Committee more than once on any Motion. The mover of the original Motion may reply but shall confine such reply to answering previous speakers and shall not introduce any new matter into the debate. After the reply the question shall be put forthwith.
- 9.3 A member when speaking shall address the Chair. If two or more members signify their desire to speak, the Chair shall call on one to speak: the other or others shall then remain silent. While a member is speaking no other member shall intervene unless to raise a point of order or by way of personal explanation.
- 9.4 A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes except by consent of the Chair.

#### **Amendments to Motions**

- 9.5 An amendment shall be relevant to the Motion and shall be either:-
- (a) to refer a subject of debate to a Sub Committee for consideration or reconsideration: or
  - (b)
    - (i) to leave out words from the Motion
    - (ii) to leave out words from, and insert or add others to, the Motion:
    - (iii) to insert words in, or add words to, the Motion:
- but such omission, insertion or addition of words shall not have the effect of negating the Motion before the GM Transport Committee.
- 9.6 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. The mover of an amendment shall read the same before speaking to it.
- 9.7 If an amendment is negated, other amendments may be moved on the original Motion. If an amendment is carried, the Motion as amended shall take the place of the original Motion and shall become the substantive Motion upon which any further amendment may be moved, except any amendment which would be inconsistent with that already carried. The right of reply under paragraph 9.2 above shall not extend to the mover of an amendment which, having been carried,

has become the substantive Motion. No member shall move more than one amendment on any Motion.

9.8 A member may, with the consent of the GM Transport Committee, signified without discussion:-

- (a) alter a Motion of which they have given notice
- (b) with the consent of their seconder alter a Motion which they have moved:

if in either case the alteration is one which could be made as an amendment thereto.

9.9 A Motion or amendment may be withdrawn by the mover with the consent of the GM Transport Committee (which shall be signified without discussion) and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.

9.10 When a Motion is under debate no other Motion shall be moved except the following:-

- (a) That the Motion be amended
- (b) That the GM Transport Committee proceed to the next business
- (c) That the question be put
- (d) That the debate be adjourned
- (e) That the meeting be adjourned
- (f) That the member named be warned
- (g) (By the Chair under paragraph 11.2 below) That the member named leave the meeting, or
- (h) That the press and public be excluded (in accordance with Section 100A of the Local Government Act, 1972)

9.11 A member who has not already spoken on the item under consideration may move without comment at the conclusion of a speech of another member "That the GM Transport Committee proceed to the next business", "That the question be put", "That the debate be adjourned" or "That this meeting of the GM Transport Committee be adjourned" and on the seconding of that Motion the Chair shall proceed as follows:

- (a) on a Motion to proceed to the next business, unless in their opinion the original Motion or amendment has been insufficiently discussed, they shall first give the mover of the original Motion a right of reply, and then put to

the vote the Motion to proceed to the next business; if this latter Motion is carried, the original Motion or amendment under discussion shall be deemed to be withdrawn

- (b) on a Motion that the question be put, unless in their opinion the Motion or amendment before the meeting has not been sufficiently discussed, they shall first put to the vote the Motion that the question be put and, if it is carried, they shall then give the mover of the original Motion their right of reply under paragraph 9.2 above, before putting the Motion or any amendment then under discussion to the vote
- (c) on a Motion to adjourn the debate, if, in the Chair's opinion, the Motion or amendment before the meeting has not been sufficiently discussed, and cannot reasonably be sufficiently discussed on that occasion, they shall put to the vote a Motion to adjourn the debate to the next meeting of the GM Transport Committee, or to a time stated, without giving the mover of the original Motion their right of reply on that occasion; if the adjournment Motion is carried, then, on the resumption of the debate, the Chair shall reintroduce the Motion or amendment before the meeting at the time the debate was adjourned, and the member who moved the adjournment of the debate shall be entitled to speak first
- (d) on a Motion to adjourn a meeting of the GM Transport Committee until a specified date and time, the Chair shall forthwith put such a Motion to the vote without giving any right of reply to the mover of any Motion under discussion and, if the Motion is carried, the remaining business of the day shall stand adjourned until the date and time stated in the Motion. On the resumption of the meeting of the GM Transport Committee the procedure in paragraph 9.11(c) above shall apply

9.12 No member may move any of the Motions in paragraph 9.11 above on more than one occasion at each meeting and, when such a Motion is not carried, a second Motion of the like nature shall not be made within half an hour unless, in the opinion of the Chair, the circumstances of the question are materially altered.

### **Points of Order**

9.13 A member may, with the permission of the Chair, raise a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of the Rules of Procedure or statutory provision and the member shall specify which part of the Rules of Procedure or statutory provision and the way in which they consider it has been broken. A

personal explanation shall be confined to some material part of a former speech by the member which they consider to have been misunderstood in the present debate.

- 9.14 The ruling of the Chair on a point of order, or the admissibility of a personal explanation, shall not be open to discussion.
- 9.15 Whenever the Chair intervenes during a debate a member then speaking or offering to speak shall give way.

#### **Motion to exclude the Press and Public**

- 9.16 A Motion to exclude the press and public in accordance with Section 100A of the Local Government Act, 1972 may be moved, without notice, at any meeting of the GM Transport Committee during an item of business whenever it is likely that if members of the public were present during that item there would be disclosure to them of confidential or exempt information as defined in Section 100A of the 1972 Act.

#### **10. Voting**

- 10.1 Whenever a vote is taken at meetings of the GM Transport Committee it shall be by a show of hands. On the requisition of any member of the GM Transport Committee, supported by four other members who signify their support by rising in their places, and before the vote is taken, the voting on any question shall be recorded so as to show whether each member present gave their vote for or against that question or abstained from voting.
- 10.2\* In the case of an equality of votes, the Chair shall have a second, or casting, vote.
- 10.3\* A member may demand that his/her vote be recorded in the Minutes of the meeting.

#### **11. Conduct of Members at meetings**

- 11.1 If at a meeting any member of the GM Transport Committee, misconducts him or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the GM Transport Committee, the Chair or any other member may move "That the member named be warned" and the Motion if seconded shall be put and determined without discussion.

11.2 If the member named continues such misconduct after a Motion under the foregoing paragraph has been carried, the Chair shall either:-

- (a) move “That the member named leave the meeting” (in which case the Motion shall be put and determined without seconding or discussion)
- (b) adjourn the meeting of the GM Transport Committee for such period as they consider expedient

11.3 In the event of general disturbance, which in the opinion of the Chair, renders the due and orderly dispatch of business impossible the Chair, in addition to any other power vested in him or her may, without question put, adjourn the meeting of the GM Transport Committee for such period as he or she considers expedient.

## **12. Disturbance by Members of the Public**

12.1 If a member of the public interrupts the proceedings at any meeting the Chair shall warn him or her. If they continue the interruption the Chair shall order his or her removal from the room. In the case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.

## **13. Interests of Members**

13.1\* A member must have regard to the Code of Conduct for Members of the local authority for which they are an elected member and their obligations in relation to the disclosures of, and possible withdrawal from a meeting, for reason of personal and prejudicial interests.

## **14. Appointment of Sub Committees**

14.1 The GM Transport Committee shall at the Annual Meeting appoint such Sub Committees as it has at that, or any earlier meeting, resolved to establish; may, at any time, appoint such other Sub Committees as are necessary to carry out the work of the GM Transport Committee; and may, at any time, dissolve a Sub Committee or alter its membership.

14.2 The terms of reference of Sub Committees shall be approved by the GM Transport Committee and shall be subject to review at each Annual Meeting.

14.3 The GM Transport Committee shall at each Annual Meeting, or whenever there is a vacancy in such office, appoint the Chair of each Sub Committee.

14.4 The GM Transport Committee may at any time remove a member from the office of a Sub Committee and appoint another member to fill the resultant vacancy.

- 14.5 A member may resign from the office of Chair of a Sub Committee by notice in writing delivered to the Secretary, the resignation to take effect from the time of receipt of such notice.
- 14.6 Wherever possible, a programme of dates and times of Sub Committee meetings for the ensuing year shall be approved at the Annual Meeting of the GM Transport Committee, or, on the first appointment of a Sub Committee, at any other meeting of the GM Transport Committee. Such a programme shall, however, be capable of variation by the GM Transport Committee, and, in case of urgency, by the Chair of the Sub Committee.
- 14.7 GM Transport Committee members may attend a meeting of any Sub Committee of which they are not a member, but shall not, without the consent of the Chair, take part in any proceedings. They shall not, in any event, move any Motion or amendment, or vote at such a meeting. Such members may attend a Sub Committee meeting during consideration of any business indicated on the agenda as likely to be considered when the public have been excluded, provided advance written notice has been given to the Secretary of the member's intention to attend for the discussion of such business, and his or her reasons for so doing.
- 14.8 A member of the GM Transport Committee who has moved a Motion that has been referred to any Sub Committee shall have notice of the meeting of the Sub Committee at which it is proposed to consider the Motion. They shall have the right to attend the meeting and if the member attends, they shall be afforded an opportunity of explaining the Motion.

## **15. Publication of Reports**

- 15.1\* Reports or other documents for the consideration of the GM Transport Committee or a Sub Committee shall be marked "Private & Confidential Not for Publication" only if the Secretary, as Proper Officer under Section 100B(2) of the Local Government Act 1972 determines that this should be done on one or more of the grounds specified in the Act.
- 15.2 A Member of the GM Transport Committee or a member of the public may request that an item of business containing exempt information should be taken in private and such a request should be dealt with by the meeting at which the item is to be considered in private as the first item on the agenda. The procedure for dealing with such requests is set out in Rules 16 and 17 below.
- 15.3\* Copies of the agenda of meetings of the GM Transport Committee or its Sub Committees, including prints of reports or other documents to be submitted to the

GM Transport Committee or Sub Committees (other than reports or other documents marked "Not for Publication") shall be furnished prior to the meeting to representatives of the press, radio and television and shall also be furnished at the meeting to members of the public attending such meetings. Such documents shall also be made available for public inspection, at least five clear days before any meeting, at Churchgate House, Oxford Street, the Town Hall, Manchester, M1 6EU.

- 15.4\* Where an item or report has been added to an agenda, any revised agenda or additional report shall be available for public inspection as soon as the item or report has been added to the agenda, provided copies are also, at that time, available to members of the .

## **16. Access to Information Procedure Rules**

- 16.1 Except as otherwise indicated, these rules apply to all meetings of the GM Transport Committee and its Sub Committees.
- 16.2 The Rules in Section 16 do not affect any more specific rights to information contained elsewhere in these Rules of Procedure or the law.
- 16.3 The GM Transport Committee will supply copies of:
- (a) any agenda and reports that are open to public inspection
  - (b) any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda
  - (c) if the Secretary thinks fit, copies of any other documents supplied to members in connection with an item
  - (d) to any person on payment of a charge for postage and any other costs.
- 16.4 The GM Transport Committee will make available copies of the following for six years after a meeting:
- (a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information
  - (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
  - (c) the agenda for the meeting
  - (d) reports relating to items when the meeting was open to the public

16.5 The relevant Chief Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report that in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information

**17. Exclusion of access by the public to meetings**

**(a) Confidential information – requirement to exclude public**

17.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

17.2 Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons stated in Article 6.

**(b) Meaning of confidential information**

17.3 Confidential information means information given to the GM Transport Committee by a Government department on terms that forbid its public disclosure or information that cannot be publicly disclosed by reason of a Court Order or any enactment.

**(c) Meaning of exempt information**

17.4 Exempt information means information falling within the following categories (subject to any qualifications):

- (i) information relating to any individual
- (ii) information which is likely to reveal the identity of any individual
- (iii) information relating to the financial or business affairs of any particular person (including the authority holding that information)



- (iv) information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the GM Transport Committee or a Minister of the Crown and employees of, or office holders under, the GM Transport Committee
- (v) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
- (vi) information which reveals that the GM Transport Committee proposes a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment
- (vii) information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

**(e) Exclusion of Access by the public to reports**

- 17.5 If the Secretary thinks fit, the GM Transport Committee may exclude access by the public to reports which in his/her opinion relate to items during which the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed.





## Report to COUNCIL

# Appointment of Committees and Composition of Political Groups

**Officer Contact:** Paul Entwistle, Director of Legal Services

**Report Author:** Liz Drogan, Head of Democratic Services  
**Ext.** 4705

**22<sup>nd</sup> May 2019**

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### Reason for Decision

The Council is asked to review the political composition of committees and to note the composition of the political groups as previously notified under Regulation 8 (1) of the Local Government (Committees and Political Groups) Regulations 1990 and under Section 15 and 16 of the Local Government and Housing Act 1989. The Council is asked to constitute and appoint members to serve on the several Committees detailed in the constitution and listed in Appendix 1 to this report.

### Recommendations

- (a) The composition of the political groups as shown in paragraph 1.1 be noted;
- (b) The several Committees detailed at paragraph 1.5 be constituted with the Terms of Reference and delegated powers as detailed in the Constitution and it is proposed that the health scrutiny function is fulfilled by a standalone Health Scrutiny Committee rather than a sub-committee of the Overview and Scrutiny Board with the existing Terms of Reference as detailed within the Constitution.
- (c) The number of seats on the various Committees for the 2019/20 Municipal Year be as detailed in paragraph 1.6 be approved;
- (d) Council confirms the allocation of seats to the political groups and makes appointments to fill the seats in accordance with Sections 15 and 16 of the Local Government and Housing Act 1989, as detailed in Appendix 1;

- 
- (e) Council appoints a Chair and Vice-Chair of each of the various Committees for the 2019/20 Municipal Year, as detailed in Appendix 1, with the exception of the Selection and Appeals Committees and appoints a District Lead for each of the District Areas.
  - (f) The Co-opted Members detailed at paragraph 1.9 of the report be appointed to the Overview and Scrutiny Board and the Statutory Co-optees be given full voting rights in respect of education matters only;
  - (g) Council to confirm that the Traffic Regulation Order Panel remains outside political balance
  - (h) That Council agrees as in previous years to waive the political balance rules in relation to the Standards Committee to ensure appropriate representation.
  - (i) Any outstanding appointments to be delegated to the Chief Executive in consultation with the Leader of the Council and Leader of the main opposition group;

## Appointment of Committees and Composition of Political Groups

### 1 Background

The Council is asked to review the political composition of committees and to note the composition of the political groups as previously notified under Regulation 8 (1) of the Local Government (Committees and Political Groups) Regulations 1990.

#### 1.1 Political Groups

Council is asked to note that the composition of the political groups, as previously notified under Regulation 8 (1) of the Local Government (Committees and Political Groups) Regulations 1990, is:-

(i)	The Labour Group	45 Members
(ii)	The Liberal Democrat Group	8 Members
(iii)	The Conservative Group	4 Members
(iv)	Independent	3 Members

#### 1.2 Terms of Reference and Delegated Powers

Council is asked to constitute and appoint members to serve on the several Committees detailed in the Constitution and listed in Appendix 1 to this report, namely:-

- (i) The Regulatory Committees:-  
Licensing  
Planning  
Appeals  
Commons Registration  
Traffic Regulation Order/Petitioners Committee. In 2018 Council agreed to waive political balance for this Committee. The current Membership is 4 elected Members. The Council is asked to agree Membership of 2 Labour, 2 Lib Dem with 4 substitutes.
- (ii) The Overview and Scrutiny Bodies:-  
Overview and Scrutiny Board  
Performance and Value for Money Select Committee  
Health Scrutiny Committee – Council is asked to agree that the Health Scrutiny Committee becomes a stand-alone Committee with its original Terms of Reference and a Membership of 8 places.
- (iii) The Audit Committee
- (iv) The Standards Committee  
Council agreed in 2016 to waive political balance for the Standards Committee. The current membership is 5 elected members, 2 Parish Councillors and 4 independent persons. The Quorum for the Committee is three Members, including one independent person. The Council is asked to agree to Membership of 3 Labour and 1 Liberal Democrats and 1 Conservative in addition to Parish Councillors and Independent Members.

The terms of reference, and delegated powers where applicable, be as detailed in the Council's Constitution.

Council is also asked to ratify the Leader's nominations to the Health and Well-being Board. The Board is not a politically balanced Committee of the Council and is listed in Appendix 1 to this report.

### 1.3 Political Balance

There are four statutory principles of political balance which have to be applied in filling appointments to Committees. These are contained in S15(5) of the Local Government and Housing Act 1989.

The principles have to be applied in priority order as follows:-

- (a) that not all seats on the body are allocated to the same political group;
- (b) that the majority of the seats on the body are allocated to a particular political group if the number of persons belonging to that group are a majority of the Authority's membership;
- (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant Authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that Authority as is borne by the number of members of that group to the membership of the Authority; and
- (d) subject to paragraphs (a) to (c) above, that the number of seats on the body which are allocated to each political group bears the same proportion to the same number of all seats on that body as is borne by the number of members of that group to the membership of the Authority.

The political group sizes as a percentage of the total membership of the Council are:-

Labour Group	$45/60 \times 100 = 75\%$	$86 \text{ seats} \times 75\% = 64.6$	<b>65 seats</b>
Liberal Democrat Group	$8/60 \times 100 = 13.33\%$	$86 \text{ seats} \times 13.33 = 11.46$	<b>12 seats</b>
Conservative Group	$4/60 \times 100 = 6.67\%$	$86 \text{ seats} \times 6.67\% = 5.73$	<b>6 seats</b>
Independent	$1/60 \times 100 = 1.66\%$	$86 \text{ seats} \times 1.66\% = 1.43$	<b>1 seat</b>
Independent	$1/60 \times 100 = 1.66\%$	$86 \text{ seats} \times 1.66\% = 1.43$	<b>1 seat</b>
Independent	$1/60 \times 100 = 1.66\%$	$86 \text{ seats} \times 1.66\% = 1.43$	<b>1 seat</b>

\* Each of the Calculations have been adjusted to ensure the total number of seats are apportioned

- 1.4 The application of these percentages to the number of seats on individual Committees gives the following allocation of seats:-

COMMITTEE SIZE	LABOUR (L)	LIBERAL DEMOCRATS (LD)	CONSERVATIVE (C)	IND (I)	IND (I)	IND (I)
15	11.25	2.00	1.00	0.25	0.25	0.25
14	10.50	1.87	0.23	0.23	0.23	0.23
13	9.75	1.73	0.22	0.22	0.22	0.22
12	9.00	1.60	0.20	0.2	0.2	0.2
11	8.25	1.47	0.73	0.18	0.18	0.18
10	7.50	1.33	0.67	0.17	0.17	0.17
9	6.75	1.20	0.60	0.15	0.15	0.15
8	6.00	1.07	0.53	0.13	0.13	0.13
7	5.25	0.93	0.47	0.12	0.12	0.12
6	4.50	0.80	0.10	0.10	0.10	0.10
5	3.75	0.67	0.08	0.08	0.08	0.08
4	3.00	0.53	0.07	0.07	0.07	0.07
3	2.25	0.40	0.05	0.05	0.05	0.05
2	1.50	0.27	0.03	0.03	0.03	0.03

- 1.5 Under the political balance rules after these percentages have been applied to the total number of seats on Committees of the Council any remaining seats must be allocated to members who are not Members of any political group.

Applying political balance as detailed above, the allocation of seats, to the current committee structure, would be as follows:-

Committee	Seats	L	LD	C	I	I	I
Licensing	14	11	2*	0	0	0	0
Planning	14	11	2	0	0	0	0
O&S Performance & Value for Money Select Committee	8*	7*	1	0	0	0	0
O&S Board	8*	7*	1	0	0	0	0
Health Scrutiny	8*	7*	1	0	0	0	0
Audit Committee	9*	7*	1	0	0	0	0
Local NJC	7*	5	1	0	0	0	0
Selection Committee	5	4	1	0	0	0	0
Commons Registration	5	4	1	0	0	0	0
Charitable Trust Committee	5	4	1	0	0	0	0
Appeals Committee	3*	2	0	0	0	0	0
<b>Total</b>	<b>86</b>	<b>69*</b>	<b>12</b>	<b>0*</b>	<b>0*</b>	<b>0*</b>	<b>0*</b>

\* The above calculation leaves 6 committee places to be reallocated and 8 places to be allocated.

- 1.6 Adjustment of Seats

In accordance with the rules of political balance the number of seats must be allocated to accord with the rules above. It is therefore proposed that the number of seats on the various Committees for the 2019/20 Municipal Year be fixed as follows:-

<b>Committee</b>	<b>Seats</b>	<b>L</b>	<b>LD</b>	<b>C</b>	<b>I</b>	<b>I</b>	<b>I</b>
Licensing	14	11	1	1	1	0	0
Planning	14	11	2	1	0	0	0
O&S Performance & Value for Money Select Committee	8	6	1	1	0	0	0
O&S Board	8	5	1	1	0	1	0
Health Scrutiny	8	6	1	1	0	0	0
Audit Committee	9	6	1	1	0	0	1
Local NJC	7	6	1	0	0	0	0
Commons Registration	5	4	1	0	0	0	0
Selection Committee	5	4	1	0	0	0	0
Charitable Trustee Committee	5	4	1	0	0	0	0
Appeals Committee	3	2	1	0	0	0	0
<b>Total</b>	<b>86</b>	<b>65</b>	<b>12</b>	<b>6</b>	<b>1</b>	<b>1</b>	<b>1</b>

The Health and Well Being Board is not included in the calculation above. Although the Committee is appointed by Council, the Local Authority (Public Health and Well Being Boards and Health Scrutiny) Regulations 2013 provide for the disapplication of Section 15 and 16 of the Local Government and Housing Act 1989. Council is asked to agree to extend the Membership of the Health and Wellbeing Board to include the 'Executive Nurse' role as an advisory/non-voting member.

Council are also asked to appoint a District Lead for each District Area.

- 1.7 Substitutes are to be appointed by the political groups in accordance with the Substitute Scheme contained in the Constitution. Substitutes for Overview and Scrutiny Boards may be nominated up to a maximum of the number of Members of that Group serving on the Board. Substitutes are not permitted for Licensing. For the Planning Committee, up to 14 substitutes are to be nominated in accordance with the political balance of each Committee.  
Council is also asked to appoint substitutes to the Traffic Regulation Order Panel.
- 1.8 Council is asked to review the political composition of the Committees; to determine the allocation of seats to political groups; and to make the appointments to fill the seats in accordance with Sections 15 and 16 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations.
- 1.9 The Overview and Scrutiny Board has Co-opted Members serving as follows:

**Statutory Co-opted Members (with voting rights)**

Cannon Jean Hurlston	Manchester Church of England Diocese
Mr V Hall	Salford Roman Catholic Diocese
Mr C Maude	Parent/Governor Primary School
Vacant	Parent/Governor Secondary Schools

Council is asked to approve that the Co-opted Members listed above be re-appointed. Statutory Co-opted members may attend for the whole of the meeting and may speak on all matters if they so wish.

**1.10 Background Papers**



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The following is a list of 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 include documents which would disclose exempt or confidential information as defined by the Act:

Local Government (Committees and Political Groups) Regulations 1990.

Local Government and Housing Act 1989.

Contact Liz Drogan [tel:0161 770 4705](tel:01617704705), Level 4 Civic Centre

Oldham

OL1 1 IL

## 1.11 **Appendices**

Appendix 1 – Membership of Committees.

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**Report to COUNCIL**

## **Appointments to Outside Bodies 2019/20**

**Officer Contact:** Paul Entwistle, Director of Legal Services

**Report Author:** Liz Drogan, Head of Democratic Services

**22<sup>nd</sup> May 2019**

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### **Reason for Decision**

Appointments as nominated by the Political Groups to be made to Outside Bodies for the 2019/20 Municipal Year.

### **Recommendations**

1. That appointments be made to the Outside Bodies listed in Appendix 1(1)-(4), for the 2019/20 Municipal Year be agreed.
2. That any outstanding appointments be delegated to the Chief Executive in consultation with the Leader of the Council and the Leader of the main opposition Group.

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## **Purpose of the Report**

- To make appointments as nominated by the Political Groups to Outside Bodies for the 2019/20 Municipal Year (except where stated otherwise).

## **Background Papers**

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.

Outside Bodies 2019/20 File

Any person wishing to inspect copies of the above background papers should contact:-  
Constitutional Services Tel: 0161 770 5151



**Report to COUNCIL**

## **Council Calendar 2019/20**

**Officer Contact:** Paul Entwistle, Director of Legal Services

**Report Author:** Liz Drogan, Head of Democratic Services  
**Ext.** 4705

**22<sup>nd</sup> May 2019**

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### **Reason for Decision**

This report sets out the calendar of meetings for the 2019/20 Municipal Year.

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### **Recommendations**

It is recommended that:

1. The Council's calendar of meetings for 2019/20 be approved, as set out at Appendix 1 subject to the approval of the District Working report.
2. Approval of any outstanding dates or changes to dates to be delegated to the Chief Executive in consultation with Group Leaders.

**Council Calendar 2019/20**

**1 Background**

- 1.1 This report sets out the Calendar for the 2019/20 Municipal Year. An earlier version of the Council was agreed at Council on 7<sup>th</sup> November 2018, however, there have been amendments to that version.

**2 Options/Alternatives**

- 2.1 The Council is entitled to amend any of the dates in the calendar, but should note it is required to approve a version of the calendar at its annual meeting. Approval of any outstanding dates or changes to dates are to be delegated to the Chief Executive in consultation with Group Leaders.

**3 Preferred Option**

- 3.1 To approve the calendar as set out in Appendix 1.

**4 Consultation**

- 4.1 Consultation has taken place with relevant officers and councillors.

**5 Financial Implications**

- 5.1 n/a

**6 Legal Services Comments**

- 6.1 There are no legal comments (Paul Entwistle).

**7 Human Resources Comments**

- 7.1 There are no human resources issues.

**8 Risk Assessments**

- 8.1 A risk assessment is not required.

**9 IT Implications**

- 9.1 There are no IT implications.

**10 Property Implications**

- 10.1 There are no property implications.

**11 Procurement Implications**

- 11.1 There are no procurement implications.

**12 Environmental and Health & Safety Implications**

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12.1 There are no environmental or health and safety implications.

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

13.1 There are no community cohesion implications.

14 **Equality Impact Assessment Completed?**

14.1 No

17 **Key Decision**

17.1 No

18 **Key Decision Reference**

18.1 n/a

19 **Background Papers**

19.1 The following is a list of 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 the Act:

Council's calendar of meetings 2019/20  
Liz Drogan tel:0161 770 4705  
Level 4 Civic Centre  
Oldham  
OL1 1 IL

20 **Appendices**

20.1 Appendix 1 – Council Calendar 2019/20

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# **CALENDAR OF MEETINGS**

**1 MAY 2019 - 28 MAY 2020**

*DRAFT CALENDAR 2.0 WITHOUT DISTRICT EXECUTIVES*

**MAY, 2019**

<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
		<b>1</b>	<b>2</b> Elections	<b>3</b>
<b>6</b> Bank Holiday	<b>7</b>	<b>8</b> 5.30 pm Liberal Democrat Group (AGM)	<b>9</b>	<b>10</b>
<b>13</b>	<b>14</b> 2.00 pm Members Training  Members Induction	<b>15</b> 6.00 pm Members Training	<b>16</b>	<b>17</b>
<b>20</b> 5.30 pm Liberal Democrat Group 7.30 pm Saddleworth Parish – Annual Meeting 7.30 pm Shaw & Crompton Parish – Annual Meeting	<b>21</b>	<b>22</b> 12.00 pm (Annual), Council	<b>23</b>	<b>24</b>
<b>27</b> Bank Holiday Half-Term Starts	<b>28</b>	<b>29</b>	<b>30</b> 1.00 pm Commissioning Partnership Board	<b>31</b> Half-Term Ends

# JUNE, 2019

Monday	Tuesday	Wednesday	Thursday	Friday
<b>3</b>	<b>4</b> 9.30 am Licensing Committee	<b>5</b> 6.00 pm Planning Eid al Fitr	<b>6</b> 9.30 am Appeals 5.30 pm TRO 6.00 pm Audit Committee	<b>7</b>
<b>10</b> 3.30 pm Leadership 7.30 pm Shaw & Crompton Parish Council	<b>11</b> 9.30 am Licensing Driver Panel	<b>12</b> 2.00 pm Members Training	<b>13</b>	<b>14</b>
<b>17</b> 6.00 pm Members Training	<b>18</b> 9.30 am Licensing Panel 6.00 pm Overview & Scrutiny Board	<b>19</b>	<b>20</b> 2.00 pm Members Training 6.00 pm Standards	<b>21</b>
<b>24</b> 3.30 pm Leadership 6.00 pm Cabinet 7.30 pm Saddleworth Parish Council	<b>25</b> 2.00 pm Health and Wellbeing Board 6.00 pm Members Training 6.00 pm Audit Committee (Final Accounts)	<b>26</b> Youth Mayor Making (TBC)	<b>27</b> 1.00 pm Commissioning Partnership Board 6.00 pm PVFM	<b>28</b>

# JULY, 2019

Monday	Tuesday	Wednesday	Thursday	Friday
<b>1</b>	<b>2</b> 6.00 pm Health Scrutiny LGA Conference	<b>3</b> LGA Conference	<b>4</b> 9.30 am Appeals LGA Conference	<b>5</b>
<b>8</b> 3.30 pm Leadership 7.30 pm Shaw & Crompton Parish Council	<b>9</b> 9.30 am Licensing Driver Panel 2.00 pm Local NJC	<b>10</b> 6.00 pm Council	<b>11</b>	<b>12</b>
<b>15</b>	<b>16</b> 9.30 am Licensing Panel	<b>17</b> 6.00 pm Planning	<b>18</b>	<b>19</b> Summer term starts
<b>22</b> 3.30 pm Leadership 6.00 pm Cabinet	<b>23</b> 2.00 pm Health & Wellbeing Board (Development Session) 6.00 pm Overview & Scrutiny Board	<b>24</b> 2.00 pm Members Training	<b>25</b> 1.00 pm Commissioning Partnership Board 5.30 pm TRO	<b>26</b>
<b>29</b> 7.30 pm Saddleworth Parish Council Recess Starts	<b>30</b>	<b>31</b>		

<b>AUGUST, 2019</b>				
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
			1	2
5	6	7	8	9
12 Eid Al Adha	13	14	15	16 Recess Ends
19 3.30 pm Leadership 6.00 pm Cabinet	20	21 6.00 pm Planning	22 6.00 PVFM	23
26 Bank Holiday	27	28	29 1.00 pm Commissioning Partnership Board	30

## SEPTEMBER, 2019

Monday	Tuesday	Wednesday	Thursday	Friday
<b>2</b> 3.30 pm Leadership	<b>3</b> 6.00 pm Health Scrutiny Summer term ends	<b>4</b> 6.00 Members Training	<b>5</b> 9.30 am Appeals 6.00 Charitable Trust Committee	<b>6</b>
<b>9</b> 7.30 pm Shaw & Crompton Parish Council	<b>10</b> 9.30 am Licensing Driver Panel 2.00 pm Members Training 6.00 pm Overview and Scrutiny Board	<b>11</b> 6.00 pm Council	<b>12</b> 6.00 pm Audit	<b>13</b>
<b>16</b> 3.30 pm Leadership 6.00 pm Cabinet  Liberal Democrat Party Conference	<b>17</b> 9.30 am Licensing Panel 2.00 pm Local NJC  Liberal Democrat Party Conference	<b>18</b> 6.00 pm Planning  Liberal Democrat Party Conference	<b>19</b> Liberal Democrat Party Conference	<b>20</b>
<b>23</b> 7.30 pm Saddleworth Parish Council Labour Party Conference	<b>24</b> 2.00 pm Health & Wellbeing Board Labour Party Conference	<b>25</b>  Labour Party Conference	<b>26</b> 1.00 pm Commissioning Partnership Board 5.30 pm TRO Panel Labour Party Conference	<b>27</b>
<b>30</b> Conservative Party Conference				

**OCTOBER, 2019**

<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
	<b>1</b>  Conservative Party Conference	<b>2</b>  Conservative Party Conference	<b>3</b> 9.30 am Appeals 6.00 pm PVFM  Conservative Party Conference	<b>4</b>
<b>7</b> 3.30 pm Leadership 7.30 pm Shaw & Crompton Parish Council	<b>8</b> 9.30 am Licensing Driver Panel	<b>9</b>	<b>10</b>	<b>11</b>
<b>14</b>	<b>15</b> 9.30 am Licensing Panel 6.00 pm Health Scrutiny	<b>16</b> 6.00 pm Planning	<b>17</b> 2.00 pm Members Training 6.00 pm Standards	<b>18</b>
<b>21</b> 3.30 pm Leadership 6.00 pm Cabinet	<b>22</b> 6.00 pm Overview & Scrutiny Board	<b>23</b> 6.00 pm Members Training	<b>24</b>	<b>25</b>
<b>28</b> 7.30 pm Saddleworth Parish Council Half-term Starts	<b>29</b>	<b>30</b>	<b>31</b> 1.00 pm Commissioning Partnership Board	

# NOVEMBER, 2019

Monday	Tuesday	Wednesday	Thursday	Friday
				1 Half-Term ends
<b>4</b> 3.30 pm Leadership	<b>5</b> 9.30 am Licensing Committee  (Bonfire Night)	<b>6</b> 6.00 pm Council	<b>7</b> 9.30 am Appeals 6.00 pm PVFM (Administration Budget)	<b>8</b>
<b>11</b> 7.30 pm Shaw & Crompton Parish Council	<b>12</b> 9.30 am Licensing Driver Panel 2.00 pm Health and Wellbeing Board	<b>13</b> 2.00 pm Members Training	<b>14</b> 5.30 pm TRO 6.00 pm Audit Committee	<b>15</b>
<b>18</b> 3.30 pm Leadership 6.00 pm Cabinet	<b>19</b> 9.30 am Licensing Panel 6.00 pm PVFM (Opposition Budget)	<b>20</b> 6.00 pm Planning	<b>21</b>	<b>22</b>
<b>25</b> 7.30 pm Saddleworth Parish Council	<b>26</b> 6.00 pm Overview and Scrutiny Board	<b>27</b> 2.00 pm Members Training	<b>28</b> 1.00 pm Commissioning Partnership Board	<b>29</b>



## DECEMBER, 2019

Monday	Tuesday	Wednesday	Thursday	Friday
<b>2</b> 3.30 pm Leadership 6.00 pm Budget Cabinet	<b>3</b>	<b>4</b>	<b>5</b> 9.30 am Appeals TOP Awards	<b>6</b>
<b>9</b> 7.30 pm Shaw & Crompton Parish Council	<b>10</b> 9.30 am Licensing Driver Panel 2.00 pm Health and Wellbeing Board (Development Session) 6.00 pm Health Scrutiny	<b>11</b> 6.00 pm Council	<b>12</b> 6.00 pm PVFM	<b>13</b>
<b>16</b> 3.30 Leadership 6.00 pm Cabinet 7.30 pm Saddleworth Parish Council	<b>17</b> 9.30 am Licensing Panel 2.00 pm Local NJC	<b>18</b> 6.00 pm Planning	<b>19</b> 6.00 pm Audit	<b>20</b> Half-term starts
<b>23</b>	<b>24</b>	<b>25</b> Bank Holiday Christmas Day	<b>26</b> Bank Holiday Boxing Day	<b>27</b>
<b>30</b>	<b>31</b>			

# JANUARY, 2020

Monday	Tuesday	Wednesday	Thursday	Friday
		1	2	3 Half-term ends
6 7.30 pm Shaw & Crompton Parish Council	7	8	9	10
13 3.30 pm Leadership	14 9.30 am Licensing Driver Panel	15 2.00 pm Members Training 6.00 pm Planning	16 9.30 am Appeals	17
20 10.00 am Independent Remuneration Panel 6.00 pm Audit Committee	21 9.30 am Licensing Panel 6.00 pm Overview and Scrutiny Board	22	23 6.00 pm PVFM (Administration Budget)	24
27 3.30 pm Leadership 6.00 pm Cabinet 7.30 pm Saddleworth Parish Council	28 2.00 pm Health and Wellbeing Board 6.00 pm Health Scrutiny	29 6.00 pm Members Training	30 5.30 pm TRO	31

<b>FEBRUARY, 2020</b>				
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<b>3</b> 3.30 pm Leadership (Budget)	<b>4</b> 9.30 am Licensing Driver Panel 6.00 pm PVFM (Opposition Budget)	<b>5</b> 2.00 pm Members Training	<b>6</b> 9.30 am Appeals 6.00 pm Standards	<b>7</b>
<b>10</b> 3.30 pm Leadership 6.00 pm Budget Cabinet 7.30 pm Shaw & Crompton Parish Council	<b>11</b> 9.30 am Licensing Panel 6.00 pm Members Training	<b>12</b> 6.00 pm Planning	<b>13</b>	<b>14</b>
<b>17</b> Half-term starts	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b> Half-term ends
<b>24</b> 3.30 pm Leadership 6.00 pm Cabinet 7.30 pm Saddleworth Parish Council	<b>25</b>	<b>26</b> 6.00 pm Council (Budget)	<b>27</b>	<b>28</b> Mayor's Ball

**MARCH, 2020**

<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
<b>2</b>	<b>3</b> 9.30 am Licensing Committee 6.00 pm Overview and Scrutiny Board	<b>4</b>	<b>5</b> 9.30 am Appeals	<b>6</b>
<b>9</b> 3.30 pm Leadership 7.30 pm Shaw & Crompton Parish Council	<b>10</b> 9.30 am Licensing Driver Panel	<b>11</b> 2.00 pm Members Training 6.00 pm Planning	<b>12</b> 6.00 pm PVFM	<b>13</b>
<b>16</b>	<b>17</b> 9.30 am Licensing Panel 2.00 pm Health and Wellbeing Board	<b>18</b> 6.00 pm Council	<b>19</b> 5.30 pm TRO	<b>20</b>
<b>23</b> 3.30 pm Leadership 6.00 pm Cabinet 7.30 pm Saddleworth Parish Council	<b>24</b> 2.00 pm Local NJC 6.00 pm Health Scrutiny	<b>25</b> 6.00 pm Standards	<b>26</b> 6.00 pm Audit Committee	<b>27</b>
<b>30</b>	<b>31</b> 6.00 pm Members Training			

<b>APRIL, 2020</b>				
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
		<b>1</b>	<b>2</b>	<b>3</b>
<b>6</b> 3.30 pm Leadership Half-term starts	<b>7</b> 9.30 am Licensing Driver Panel	<b>8</b> 6.00 pm Planning	<b>9</b>	<b>10</b> Bank Holiday Good Friday
<b>13</b> Bank Holiday Easter Monday	<b>14</b> 9.30 am Licensing Panel	<b>15</b>	<b>16</b>	<b>17</b> Half-term ends
<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b> Ramadan Starts	<b>24</b>
<b>27</b> 7.30 pm Saddleworth Parish Council	<b>28</b>	<b>29</b>	<b>30</b>	

<b>MAY, 2020</b>				
<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>
				1
<b>4</b> Bank Holiday	<b>5</b>	<b>6</b>	<b>7</b> Elections	<b>8</b>
<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>
<b>18</b> 7.30 pm Saddleworth Parish - Annual Meeting 7.30 pm Shaw & Crompton Parish – Annual Meeting	<b>19</b>	<b>20</b> 12.00 noon Annual Council	<b>21</b>	<b>22</b>
<b>25</b> Bank Holiday Half-term starts	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b> Half-term ends



**Report to COUNCIL**

## **Update to the Constitution and Amendments**

**Officer Contact:** Paul Entwistle, Director of Legal Services

**Report Author:** Liz Drogan, Head of Democratic Services  
**Ext. 4705**

**22<sup>nd</sup> May 2019**

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### **Reason for Decision**

To present to the Full Council proposed changes/Amendments to the Constitution.

### **Recommendations**

1. That the proposed amendments/changes to the Constitution as detailed within the report are approved.
2. To agree that any future changes to the Specific Officer Functions be delegated to the Monitoring Officer and reported to the next available Council.

## Update to the Constitution and Amendments

### 1 Background

Some work has been undertaken with the Constitutional Working Group to create a more accessible and simpler Constitution to ensure accessibility, openness and transparency. The changes proposed are:

1.2 If Full Council agrees to the District Working report recommendations the following amendments are required:

#### **District Executives**

- Part 1 – Summary and Explanation deleted reference
- Part 2 – Article 10 removed and replaced with District Lead as per District Working Report All references to District Executives removed
- Part 3 – Responsibility for Functions – 2 (b). Responsibility for Council Functions – Council Committees -Reference to District Executives to be removed
- Ward Member Budgets to be amended to £6,000

### 1.3 Council Procedure Rules – Part 4 – Rules of Procedure

The Constitutional Working Group has also considered changes to Full Council to ensure the meeting is more coherent.

The following changes are put forward:-

- The 'Outstanding Business' section be removed from the agenda. The effect of this is that if a motion is not considered at the meeting, it would automatically fall, but could be resubmitted at the next meeting.
- All questions to be consolidated into one section. Therefore, this would mean that Public questions, questions to Leader and Cabinet members and questions on Joint arrangements /Partnerships be considered in the 75 minute section.
- After a question has been submitted, a member could ask one supplementary question or make an observation which must relate to the original question or response.
- The Youth Council section to be considered higher on the agenda.
- There should be no distinction between Open Council and formal Council.
- The proposals and time limits would give, subject to time used at communication and urgent business, approximately 40 minutes for consideration of reports.
- The only proposed amendments to the annual Council meeting agenda is the removal of 'Outstanding Business' for consistency.

#### **Proposed New Agenda for Council Meetings**

- 1) Minutes from Previous Meeting
- 2) Declaration of Interests
- 3) Urgent Business
- 4) Communications
- 5) Petition
- 6) Youth Council (20 minutes)
- 7) Question Time
  - Public Questions – (15 minutes)
  - Questions to Leader and Cabinet – (30 minutes)
  - Questions on Cabinet Minutes – (15 minutes)
  - Questions on Joint Arrangements / Partnerships – (15 minutes)



- 
- 8) Administration Motions – (30 minutes)
  - 9) Opposition Motions – (30 minutes)
  - 10) Other Business Including Reports

#### 1.4 **Health Scrutiny**

Further to agreement of a stand-alone Health Scrutiny Committee, it is necessary to change the wording from a Sub-Committee to Committee.

Part 2 – Article 6 – amended accordingly.

Part 3 – Overview and Scrutiny amend wording amended accordingly.

Part 4 – Overview and Scrutiny Procedure Rules wording amended accordingly.

#### 1.5 **Contract Procedure Rules – Part 4 – Rules of Procedure**

The Constitutional Working Group have agreed to the following proposed amendments the Contract Procedure Rules. The changes are detailed at Appendix 1 to the report.

- Change the term Executive Director to Deputy Chief Executive or Strategic Director to reflect the change in the Council’s leadership team which no longer refers to Executive Directors.
- Change the name of the Commercial Services Team to the Commercial Procurement Unit
- Rule 4.1 include a reference to a Dynamic Purchasing System
- Amendments to the table in Rule 4.1 for clarification
- Rule 5.2 change to the value for quotations to be advertised on The Chest
- Deleted Rule 5.7 referring to the use of Construction Line as a route to market
- Changing the rule relating to the advertisement of Concession Contracts in Rule 7.5.1
- Amendment to Rule 17.1 (b) to remove the reference to an increase in value of 50%
- Amendment to the wording in Rule 20.1 to address the resource issue in the Commercial Procurement Unit which no longer has a dedicated resource for contract management.
- Change of name from Contract Manager to Contract Owner.
- Amending the threshold for publication of contracts in Rule 20.10 to reflect the Local Government Transparency Code 2015.
- Amending the hierarchy for the approval of exemptions in Rule 21.4.1 to address a concern arising from approval of exemptions.
- Inserting Rules 21.6 and 21.7 to address issues which have arisen in connection with exemptions.

#### 1.6 **Charitable Trust Committee – Part 3 – Responsibility for Functions**

To amend the Terms of Reference to include a new piece of land. The Terms of Reference for the Charitable Trust Committee be extended to include Bishop’s Park, Ripponden Road, Oldham which is held as a charity under the auspices of the Public Health Acts 1875 to 1925 as an open space for the use and benefit of the inhabitants of the Borough of Oldham and 439 Middleton Road, Chadderton, to the Council for the use of old age pensioners and people of a like age, to be used as a meeting place for reading and conversational purposes.

#### 1.7 **References to Deputy Chief Executive generic delegations to include Strategic Director of Reform (apart from specific delegations to the Deputy Chief Executive relevant portfolio)**

Any reference in the Constitution to generic delegations in relation to the Deputy Chief Executive Role to be applicable to the Strategic Director of Reform.

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2      **Options/Alternatives**

- 2.1      Option 1 – Approve the recommendations subject to agreement of other reports on the agenda.  
Option 2 – Do not approve the recommendations and provide alternatives to the proposals.

3      **Legal Services Comments**

- 3.1      The legal issues are covered in the body of the report.

4      **Background Papers**

- 4.1      Oldham Council Constitution

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**1. APPLICATION/COMPLIANCE WITH CONTRACT PROCEDURE RULES**

- 1.1 These Contract Procedure Rules are made under Section 135 of the Local Government Act 1972 and apply to all Contracts for the Procurement of Goods, Works, Services or Concessions made in the name of the Council.
- 1.2 Where in these Rules “the Council” is referred to, the term shall include the reference to School Governing Bodies by virtue of the Scheme for Financing Schools.
- 1.4 Every Contract entered into by the Council shall be entered into pursuant to or in connection with the Council’s functions and shall comply with:
  - 1.4.1 All relevant statutory provisions;
  - 1.4.2 The relevant European Procurement rules (the EC Treaty, the general principles of community law and the European Union’s Public Procurement directives implemented by the UK Regulations);
  - 1.4.3 The Council’s Constitution including these Contract Procedure Rules, the Council’s Financial Procedure Rules and the Officer and the Executive Member Scheme of Delegation; and
  - 1.4.4 The Council’s strategic objectives and policies including, amongst others, the Corporate Plan.
- 1.5 These Contract Procedure Rules apply to all Contracts awarded by the Council for Goods, Works, Services or Concessions, regardless of the source of funding for the Contract. They apply to Procurement by any form of official Council order and equally to Contracts awarded by any person, firm or body on the Council’s behalf.
- 1.6 No Contract shall be entered into unless the appropriate ~~Executive Director~~Deputy Chief Executive or Strategic Director is satisfied that there is adequate budget provision and all necessary consents to the expenditure have been obtained.
- 1.7 Where a Contract involves the making of a Key Decision as defined in Article 15.3.2 -15.3.3 of the Constitution, the ~~Executive Director~~Deputy Chief Executive or Strategic Director shall ensure that the Director of Legal Services and the Director of Finance are consulted throughout the procurement process.
- 1.8 For any Contracts above the £50,000 threshold a Pre-Procurement Approval Form must be completed and signed by the appropriate Officer(s). ..
- 1.9 It shall be a condition of any Contract between the Council and any persons (not being Officers of the Council) who are required to supervise a Contract

## Appendix 1

on the Council's behalf, that in relation to such Contract, those persons shall comply with the requirements of these Contract Procedure Rules as if they were Officers of the Council.

### 1.10 These Contract Procedure Rules shall not apply to:

- 1.10.1 Contracts of employment.
- 1.10.2 Contracts for personal social care or educational need where in the opinion of the appropriate ~~Executive Director~~Deputy Chief Executive or Strategic Director (following consultation with Director of Legal Services) there is a demonstrable individual need, which renders Procurement impractical.
- 1.10.3 Contracts for the purchase or sale of land or securities, or Contracts for the taking or granting of any interest in land, unless such Contracts involve details of the Council's specific requirements and or the Procurement of Goods, Works or Services.
- 1.10.4 Contracts for Goods to be brought to auction and the Director of Finance has agreed in writing that the Council's interests will best be served by purchase through auction and has similarly agreed an upper limit for bids.
- 1.10.5 Contracts for the use of counsel or other legal representation where the Director of Legal Services considers that a Procurement exercise would be impractical and would not protect the Council's interests. All contracts for the use of counsel or other legal representation must be commissioned and/or approved by Legal Services.
- 1.10.6 Contracts for Works of art or theatre, which are genuinely exclusive.
- 1.10.7 An existing Purchasing Consortia which has been procured under public procurement rules broadly comparable with these Contract Procedure Rules where the Council is a named Contracting Authority.
- 1.10.8 Existing nationally negotiated Contracts or Framework Agreements which are available to the Council as a named Contracting Authority.
- 1.10.9 The sale or provision of services delivered by the Council.
- 1.10.10 Grants received by the Council and grants distributed by the Council provided the grant is not for the provision of a service for the Council .

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- 1.11 Any failure to comply with any of the provisions of these Contract Procedure Rules shall be reported to the relevant ~~Executive Director~~Deputy Chief Executive or Strategic Director and may result in disciplinary action.
- 1.12 The ~~Executive Director~~Deputy Chief Executive or Strategic Director shall take immediate action in the event of a failure to comply with these Contract Procedure Rules and shall inform and consult with the Director of Legal Services.
- 1.13 Any dispute regarding the application of these Contract Procedure Rules shall be referred to the Directors of Finance and Legal Services for advice.
- 1.14 The final arbiter for resolution of disputes regarding the application or interpretation of these Contract Procedure Rules shall be the Director of Legal Services whose decision shall be binding and final.
- 1.15 Persistent breach of the Contract Procedure Rules will also be reported to Council Members.

## **2. COMMISSIONING & PROCUREMENT PLANNING**

- 2.1 For each financial year, the Council shall create a strategic procurement forward plan setting out its current Contracts and Contracts to be procured for the forthcoming financial year. The coordination and updating of this plan will be the responsibility of the ~~Commercial Services Team~~Commercial Procurement Team Unit. The strategic procurement forward plan will be published on the Oldham Council website.
- 2.2 The Council must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness in accordance with Section 3 Local Government Act 1999 (" Best Value"). This includes consultation with representative groups of payers of Council tax and business rates, stakeholder(s) and any other relevant interested groups prior to commissioning services.
- 2.3 The Council must consider its obligations under the Public Services (Social Value) Act 2012 and have regard to economic, social and environmental well-being in connection with public services contracts and for connected purposes in its planning and commissioning processes.
- 2.4 The Council must consider ~~the~~its obligations with regard to data protection under the General Data Protection Regulation and the Data Protection Act 2018 and in particular its responsibilities and that of the supplier in relation to the processing of personal data through the outsourcing of its services, including specifying the conditions for processing and retaining personal data.
- 2.5 The Council must ensure that any collaborative arrangements/agreements with other public bodies to procure Goods, Works or Services must comply

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with public procurement legislation and ensure value for money and that the Council's interests are fully protected.

- 2.6 The Public Contract Regulations 2015 permit soft market testing provided it does not distort competition and is transparent and non-discriminatory.
- 2.7 Where an organisation has been involved at a pre-procurement stage (whether in soft market testing or otherwise, e.g. incumbents), the Council must ensure that there is a level playing field when the tender process starts such as making information which has been made available at a pre-procurement stage available to all bidders.
- 2.8 A bidder may be excluded from the procurement process altogether in circumstances where its prior involvement would distort the competition in the market.

### 3. CALCULATION OF CONTRACT VALUES

- 3.1 The estimated value of a Contract shall be the total consideration payable, net of value added tax, which the Council expects to be payable under the Contract.
- 3.2 The total Contract Value shall be calculated as follows:
  - 3.2.1 Where the Contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period including any permitted extension.
  - 3.2.2 Where the Contract period is indefinite or uncertain, by taking the monthly price payable under the Contract multiplied by 48.
  - 3.2.3 In relation to a Framework Agreement with no guaranteed commitment, the Contract Value will be the estimated value of Goods, Works or Services over the full duration of the Contract.
  - 3.2.4 Where the Council has a single requirement for Goods, Works or Services, and a number of Contracts have been entered into, or are to be entered into, the total Contract Value is the aggregated value of each of these Contracts.
- 3.3 Under Regulation 46 of the Public Contracts Regulations 2015, Contracting Authorities may divide tenders into smaller lots to encourage small and medium sized business enterprises to submit bids and must provide reasons for not doing so.
- 3.4 Contracts ~~should~~ not be artificially under or overestimated or divided into two or more separate Contracts where the ~~purpose~~ effect is to avoid the application of these Contract Procedure Rules.

#### 4. PROCUREMENT PROCEDURES

- 4.1 Where an existing Contract, ~~or~~ Framework Agreement, Dynamic Purchasing System or in-house service is available to meet the Council's specific Procurement requirements and offers value for money it should be used unless there are particular exceptional circumstances which justify an alternative route to market.
- 4.2 An E-auction process may form part of the overall Tender process and shall be used in conjunction with the Open or Restricted Procedures or Competitive Dialogue or Competitive Procedures with Negotiation. The Contract Notice or Advertisement and the Invitation to Tender documentation shall state that an E-auction will form part of the Tender process.
- 4.3 If Rule 4.1 does not apply, the Council must comply with ~~The~~the procurement table below, which sets out ~~for different contract values,~~ the required procedure ~~for different contract values that must be followed to procure contracts,~~ the minimum number of tenders that must be invited and how invitations to tender must be publicised.

Contract Value	Procurement Activity	Instructions	Minimum Requirement for Advertising the Opportunity
0 - £9,999	1 Written Quotation.	Service Area to obtain at least 1 written Quote following the instructions in Rule 4.4 below and file ready for audit inspection. Local Supply Chain including SMEs to be considered where practical.	N/A
£10,000 - £24,999	Minimum of 3 Written Request for Quotations.	Service Area to contact Strategic Sourcing who will instruct the appropriate procurement procedure and facilitate the process using the Council's E-Procurement System (The Chest). Local Supply Chain including SMEs to be considered – at least 1 local supplier (where practical) to be included.	The Chest



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<p><del>£25,000 – £49,999 for Goods &amp; Services/ £25,000 to £99,999 for Works up</del></p>	<p><del>Minimum of 3 Written Open Request for Quotations or an agreed complaint Framework.</del></p>	<p><del>Service Area to contact Strategic Sourcing who will instruct the appropriate procurement procedure to follow in accordance with these Contract Procedure Rules and facilitate the process using the Council's E-Procurement System (The Chest) Local Supply Chain including SMEs to be considered – at least 1 local supplier (where practical) to be included.</del></p>	<p>The Chest and Contracts Finder (if appropriate)*</p>
<p><del>£50,000 Goods &amp; Services/ £100,000 Works up to EU Threshold</del></p>	<p>Or;</p> <p>Formal Tender Process <u>or an agreed complaint Framework.</u></p>	<p>Service Area to contact Strategic Sourcing who will instruct the appropriate procurement procedure to follow in accordance with these Contract Procedure Rules and facilitate the process using the Councils E-Procurement System (The Chest).</p>	<p>The Chest and Contracts Finder</p>
<p>EU Thresholds and Above</p>	<p>Full EU Procurement Procedure or Framework.</p>	<p>Service Area to contact Strategic Sourcing who will instruct the appropriate EU procurement procedure to follow and facilitate the process using the Councils E-Procurement System (The Chest) and Contracts Finder.</p>	<p>Open advert mandated in OJEU and Contracts Finder with the exception of Framework competitions.</p>

- **\*The Council must be mindful of the EU Treaty Principles set out in Rule 4.4 below and advertise all procurement opportunities in accordance with the table in Rule 4.3 above unless an exemption from the Contract Procedure Rules has been granted in accordance with Rule 21 below.**

4.4 Where, in the above table, the Council is at liberty to select which suppliers are invited to bid, due consideration must be given to the EU Treaty principles in Rule 4.5 below and the principles of fair trading, competition and value for money so as to extend the opportunity to bid for local government contracts to as wide as possible market to afford equal opportunity.

4.5 The rules relating to the required process and timescales shall be observed for all Contracts as shall the EC Treaty and the general principles of EC law including equal treatment and non-discrimination, transparency, mutual recognition and proportionality.

**5. QUOTATION PROCESS**

5.1 Written Quotation(s) shall be obtained from Contractor(s) pursuant to the procedure set out in the table in Rule 4.3 before a formal purchase order can be issued. A formal purchase order shall be issued after the Quotation(s)

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have been received and shall specify the Goods, Works or Services to be provided or Concession to be granted and set out the price and terms of payment and incorporate the Council's relevant standard terms and conditions of contract (either by inclusion on the purchase order or by reference).

- 5.2 Quotations over ~~£25,000~~10,000 for goods and services must to be advertised on the Council's E-procurement system (The Chest) and any Quotations over £25,000 which have been advertised must also be advertised on Contracts Finder.
- 5.3 At least one local supplier/service provider should be included in each Request for Quotation, where possible.
- 5.4 Where fewer than three Contractors are considered suitable to supply the required Goods, Works or Services or to be granted a Concessions, those Contractors shall be invited to Quote.
- 5.5 The standard Council templates for Quotations shall be utilised for all Procurement activity.
- 5.6 All Quotation(s) sought shall be recorded in writing for audit purposes via the Council's Finance Management System (AGRESSO or Framework<sup>i</sup>) and/or equivalent systems as agreed by Council.

~~5.7 Where the Contract Procedure Rules permit and a framework contract under Rule 8 cannot be utilised, Constructionline may be accessed. Suppliers can be accessed as pre-qualified providing a valid, current and relevant Constructionline supplier number is in place prior to inclusion in the tendering process. Should membership lapse, at any stage during the tendering process, this will be grounds for mandatory exclusion.~~

### 6. TENDER PROCESS – Below EU Procurement Threshold

~~6.1 Where these Contract Procedure Rules permit, Tenders should follow an Open Procedure.~~

#### ~~6.2 Open Procedure~~

~~6.2.1 These Contract Procedure Rules shall apply to all those persons or bodies who have replied to a Procurement opportunity.~~

6. ~~12.2~~ All Tendering opportunities should be advertised via the Council's E-procurement system (The Chest) and Contracts Finder where appropriate (See table Rule 4.3). The Invitation to Tender, should include all of the information listed in Rule 9.2 below.

6.2.3 Any Procurement opportunity advertised shall:

6.2.13.4 Specify the details of the Contract into which the Council wishes to enter;

6.2.23.2 Invite persons or bodies to express an interest in Tendering;

6.2.33.3 Specify a date or time limit, being not less than 14 days within which such Tenders are to be submitted.

6.2.43.3 Be advertised in Contracts Finder if the contract value exceeds £25,000.

## 7. TENDER PROCESS – Above the EU Procurement Threshold

7.1 Where an estimated Contract Value exceeds the current EU procurement thresholds, then the Contract shall be Tendered in accordance with the Public Contract Regulations 2015 or the Concession Contracts Regulations 2016. Under the Public Contract Regulations 2015, the Contract may be Tendered under Open, Restricted, Competitive Dialogue, Competitive Procedure with Negotiation or Innovation Partnerships Procedure.

7.2 A Contract Notice or a Prior Information Notice in the prescribed form shall be published in the Official Journal of the European Union in order to invite Tenders or expressions of interest.

7.3 All Official Journal of the European Union (OJEU) Notices shall be published by the ~~Commercial Services Team~~ [Commercial Procurement Team Unit](#).

### 7.4 Competitive Dialogue

7.4.1 A Competitive Dialogue procedure [or Competitive Procedure with Negotiation](#) may be beneficial in circumstances where greater flexibility is needed, e.g. for highly complex and risky projects where bidders will have a major role in defining the solution or where an Open or Restricted Procedure may not deliver the expected outcomes.

7.4.2 A Competitive Dialogue procedure allows the Council to negotiate proposed solutions with bidders to achieve a desired outcome.

7.4.3 The Council must publish the minimum requirements, the award criteria and their weightings, which should not be changed during the negotiation process. During the dialogue, the Council must ensure equal treatment of all participants and must not provide information in a discriminatory manner which may give any participant an advantage over others.

7.4.4 Advice from Legal Services must be sought prior to embarking upon a Competitive Dialogue Process.

## 7.5 Concession Contract

7.5.1 ~~There is no prescribed procurement process under the Concession Contracts Regulations 2016, but the EU Treaty principles of (equality of treatment, non-discrimination and transparency) apply. There are certain procedural guarantees which must be met: award criteria must be published in descending order of importance and the contract evaluation made in accordance with them; minimum time limits for the receipt of tenders and the mandatory and discretionary exclusion criteria must be applied. An OJEU notice must be published for over threshold tenders with concession documents.~~

Commented [EC1]: Steve Boyd to consider fresh wording

The European Concession Contracts Regulations 2016 (CCR's) state that any Concession Contract over the value of £4.1m must be advertised in the European Journal. As such there are certain procedural guarantees which must be met: award criteria must be published in descending order of importance and the contract evaluation made in accordance with them; minimum time limits for the receipt of tenders and the mandatory and discretionary exclusion criteria must be applied. An OJEU notice must be published for over threshold tenders as per the CCR guidelines.

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## 8 FRAMEWORK AGREEMENTS

### 8.1 CALL OFF ORDERS

- 8.1.1 Where an order (Call Off) is proposed for a Procurement under an existing Framework Agreement, that has been established by a consortium, collaboration, the Council or other public body, the Council may consider using this Framework Agreement if:
- a. The Agreement has been established by an entity, and via a process, which permits the Council to access those arrangements lawfully;
  - b. The Council is a named Contracting Authority.
- 8.1.2 Before undertaking a Call-Off under any Framework Agreement, thorough due diligence should be undertaken and advice sought from the ~~Commercial Services Team~~ Commercial Procurement Unit Team and Legal Services to confirm it is able to be used and whether it is appropriate to use it.
- 8.1.3 Call-off orders must be awarded based on the evaluation criteria identified in the Framework Agreement.
- 8.1.4 Where the Call-Off is undertaken via a direct award process (which is prescribed in the Framework Agreement), the Contractor must be requested, in writing, to supply a written submission, that is verified to confirm it can meet the requirements of the Council in accordance with the terms and conditions

and the pricing established in the Framework Agreement, in advance of executing a call-off order.

- 8.1.5 Subject to the due diligence confirming the suitability of the Framework Agreement, it can be used as a potential route to market without going down one of the procedures outlined in Rule 4

## **8.2 ESTABLISHING A FRAMEWORK AGREEMENT**

- 8.2.1 Where the Council is establishing a Framework Agreement which may be accessed by other named Contracting Authorities, the estimated Contract value must take account of all potential work that may be put through the agreement (see Rule 4) and follow the procedures set out in these Contract Procedure Rules.
- 8.2.2 If the Council is establishing a Framework Agreement in accordance with Contract Procedure Rule 8.2.1, reference must be made within the procurement documents explaining that the Framework Agreement is intended for a wider use and advice should be sought from Legal Services to ensure the terms upon which other Contracting Authorities access those arrangements are clear and offer appropriate protection to the Council.
- 8.2.3 In establishing a Framework Agreement, the total duration (including any extensions) cannot exceed four years except in exceptional circumstances relating to the subject matter. . Any proposal to establish a Framework Agreement with a duration exceeding four years should be referred to the ~~Commercial Services Team~~ [Commercial Procurement Team Unit](#) and Legal Services for advice.
- 8.2.4 Where, taking into account the above, the estimated value of the Framework Agreement is above the relevant EU threshold, the authorised officer must ensure that the names of the other public bodies (Contracting Authorities) are included in the OJEU notice either individually or by an identifiable class.
- 8.2.5 In establishing a Framework Agreement, the Council must ensure that the terms of the Framework Agreement make the process clear by which call-off orders under the Framework Agreement are to be entered into.

## **9. TENDER DOCUMENTATION**

- 9.1 The standard Council templates for Tendering shall be utilised for all Procurement activity.
- 9.2 As a minimum, Tender documents shall include details of the Council's requirements for the particular Contract including:
- 9.2.1 A description of the Goods, Works or Services being procured or Concessions granted now or in the future;

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- 9.2.2 The Procurement timetable including the Tender return date and time, which shall allow a reasonable period (a minimum of 14 days) for applicants to prepare their Tenders to submit electronically;
- 9.2.3 For tenders over the EU Procurement threshold, the timetables prescribed by the Public Contract Regulations 2015 should be used;
- 9.2.4 A detailed specification and instructions on whether any variant bids are permissible;
- 9.2.5 The Council's Terms and Conditions of Contract;
- 9.2.6 The evaluation criteria to be used including any weightings as considered appropriate, together Social Value questions;
- 9.2.7 Pricing mechanism and instructions for completion;
- 9.2.8 Whether the Council is of the view that TUPE will apply (if applicable);
- 9.2.9 The pension arrangements for existing/former Council employees;
- 9.2.10 Form and content of method statements to be provided (if applicable);
- 9.2.11 Rules for submitting of Tenders; and
- 9.2.12 Any further information, which will inform or assist Tenderers in preparing Tenders.

### 10. CONTRACT TERMS AND CONDITIONS

- 10.1 All written Contracts and Purchase Orders shall include the Council's terms and conditions for Works, Goods and/or Services or Concessions (as appropriate) and the Invitation to Tender or Quotation shall state that the Contract will be subject to the Council's terms and conditions. These are available to view on the Council's webpage: [Procurement | Oldham Council](#).
- 10.2 Any amendments required to the Council's standard terms and conditions shall be approved by Legal Services prior to issuing as part of the Tender process. Legal Services will review and draft the terms and conditions for any bespoke contracts.
- 10.3 All written Contracts shall include the following:
  - 10.3.1 Every Contract shall, as a minimum, unless there is good and sufficient reason to the contrary, require that all goods, and materials used or supplied and all workmanship shall, if applicable, be in accordance with the relevant standard or equivalent European or International standard without prejudice to any higher standard required by the Contract.

10.3.2 A clause empowering the Council to cancel or terminate the Contract if the Contractor offers an inducement or reward in relation to the procurement of any Contract by the Council, to- exclude the Contractor from the tender, under mandatory grounds or discretionary grounds for a serious infringement of the Public Contracts Regulations 2015 European laws, and to recover from the Contractor the amount of any loss resulting from such cancellation or termination.

## **11. RECEIPT AND OPENING OF TENDERS**

### **11.1 Electronic Tenders**

- 11.1.1 Requests for Quotations and Invitations to Tender shall be transmitted by electronic means where possible. Quotations and Tenders shall be submitted by electronic means provided that:
  - 11.1.1.1 Evidence that the transmission was successfully completed is obtained and recorded; and
  - 11.1.1.2 Electronic Tenders are kept in a separate secure folder in the E-procurement system (The Chest), which are not opened until the deadline has passed for receipt of Tenders.
- 11.1.2 Legal Services will open all Tenders with a value of £50,000 or over.
- 11.1.3 A member of The Head of the Commercial Services Team Commercial Procurement Team Unit will open all requests for Quotations with a value in excess of £10,000.00 but below the EU Threshold.

## **12. PRE AND POST TENDER CLARIFICATIONS**

- 12.1 It is permitted to provide pre tender clarification to potential or actual tenderers. All responses should be published on The Chest.
- 12.2 Post tender clarification may be undertaken with tenderers only where it is essential to clarify an obvious error in the tender submission before completion of the evaluation process. This includes abnormally low bids where specific legal advice is required.
- 12.3 All pre and post tender clarifications must be conducted in writing or in a meeting with written minutes. All correspondence or notes of meeting must be documented and retained on The Chest. Where a meeting is required, there must always be more than one Officer present.
- 12.4 At all times during the clarification process the Council shall consider and implement the principles of non-discrimination, equal treatment and transparency.
- 12.5 Unless otherwise permitted by the Public Contracts Regulations 2015, in no circumstances are post award negotiations permitted.

**13. TENDER EVALUATION**

- 13.1 All Tenders subject to the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016 shall be evaluated in accordance with the relevant EU Procurement Regulations and the evaluation criteria set out in the Invitation to Tender. All other Tenders shall be evaluated in accordance with the evaluation criteria set out in the Invitation to Tender.
- 13.2 The evaluation team must ensure that the bid is compliant and that the tenderer is not excluded from bidding under any of the mandatory or discretionary grounds listed in the Public Contracts Regulations 2015.
- 13.3 The evaluation criteria shall be predetermined and approved by the appropriate Officer(s) and listed in the Invitation to Tender documentation, in order of importance. In addition, the evaluation criteria shall be strictly observed (and remain unchanged) at all times throughout the Contract Award procedure.
- 13.4 All Tenders shall be awarded on the basis of being the “Most Economically Advantageous”.
- 13.5 All tenders must be evaluated in accordance with the following principles:
- Transparency – there should be no departure from the award criteria.
  - Equal treatment - there should be an identical approach to the evaluation of each tender
  - Manifest error – do check the scores and calculations to ensure that there is no manifest error.
  - Record keeping – all original records should be kept together with handwritten comments to complete the audit trail.
- 13.6 Tenderers should be offered individual written feedback comparing their bid with that of the successful bid giving the characteristics and relative advantages of the successful bid in relation to each scored question to assist them in preparing future bids.

**14. AWARDING CONTRACTS**

- 14.1 All Contracts shall be awarded in accordance with the published evaluation criteria and in accordance with the Officer and Executive Member Scheme of Delegation in the table below and the decision notice recorded and published on Modern.gov:

<b>Contract Value</b>	<b>Procedure</b>	<b>Awarded By</b>	<b>Decision Recorded on</b>
<b>Less than £10,000</b>	Contract Procedure Rules (CPR)  1 written Quote	Authorised Officer (as per Departmental Scheme Delegation)	Related spend is recorded (Purchase Order) via Finance Management System (AGRESSO)



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<b>Between £10,000 and £25,000</b>	Contract Procedure Rules (CPR)  3 written Quotes	Authorised Officer (as per Departmental Scheme Delegation)	Related spend is recorded (Purchase Order) via Finance Management System (AGRESSO)
<b>Between £25,000 and £100,000</b>	Contract Procedure Rules (CPR)  <del>3 written Quotes</del> or Open Tender process or an agreed complaint Framework	Authorised Officer (as per Departmental Scheme Delegation)	E-procurement System (The Chest) and Modern Governance System and Contracts Finder for Contracts with a value over £25,000.00.
<b>Between £100,000 and £400,000</b>	<del>3 written Quotes</del> or Open Tender process or an agreed complaint Framework	Executive Member in consultation with the <del>Executive Director/Deputy Chief Executive</del> or Strategic Director, DAS or Director of Children's Services over £100K and less than £400K	E-procurement System (The Chest) Modern Governance System or equivalent and Contracts Finder
<b>Over £400,000 or over</b>	<del>3 written Quotes</del> or Open Tender process or an agreed complaint Framework	Cabinet or Sub-Committee including Commissioning Partnership Board	E-procurement System (The Chest) and Modern Governance System or equivalent and Contracts Finder

Commented [EC2]: Liz Drogan to consider

14.2 No Contract may be awarded unless budget release has been obtained in accordance with the Financial Procedure Rules and a Modern Gov report and Decision Notice is published authorising any spend of £25/50K or more confirming that the approved expenditure will be constantly monitored.. A copy of the final version of the Modern Gov report must be forwarded to the ~~Commercial Services Team~~ Commercial Procurement Team Unit at [strategic.sourcing@oldham.gov.uk](mailto:strategic.sourcing@oldham.gov.uk). to upload on The Chest.

Commented [EC3]: Did we say that the threshold should be £25K?

Commented [SB4]: Think we should leave it at £50k

14.3 Where the Tender is not within the relevant approved budget but additional budgetary provision is available, the Contract may be awarded, with the approval of the Chief Finance Officer having ensured compliance with the Financial Procedure Rules.

## Appendix 1

- 14.4 A Contract which has a contract value above the Public Contracts Regulations 2015 thresholds can only be awarded after a notice of the proposed award has been given to all unsuccessful Bidders and the 10 day standstill period has elapsed from the date the notice was given. If the 10 days expire on a non-working day, then the notice period will be deemed to have lapsed on the next working day.
- 14.5 Once the decision to award a Contract is made, each Bidder must be notified in writing of the outcome. All Bidders must be notified simultaneously and as soon as possible of the intention to award the Contract to the successful Bidder(s) and this should be done via The Chest. The letters must include a description of the characteristics and relative advantages of the successful Tender.
- 14.6 A Contract Award letter will be sent to the successful bidder incorporating the Council's advertised standard terms and conditions of Contract unless the parties have agreed to use a bespoke Contract. The terms and conditions of the bespoke Contract may not be varied post award save for minor amendments
- 14.7 A Contract Award notice must be published in the OJEU and on the Council's website no later than 30 days after the date of award of the Contract (48 days in the case of a Concession Contract) where the Contract value exceeds the Public Contracts Regulations/Concession Contracts Regulations threshold. A Contract Award notice must also be published on Contracts Finder. ~~A decision to award a contract must be notified on Contracts Finder.~~
- 14.8 Contracts (and any subsequent variations) with a value of £50,000 or more shall be executed under the Council's common seal by Legal Services.
- 14.9 All Contracts over £5,000 shall be published on and embedded in the Council's Contracts Register maintained by the ~~Commercial Services Team~~ Commercial Procurement Team Unit.
- 15. FINANCE MANAGEMENT SYSTEM**
- 15.1 The Council's Finance Management System (AGRESSO), or equivalent, shall be used to place all orders with suppliers. This includes all orders placed after Quotations are received or a Tender process has been undertaken.
- 15.2 To set up a new supplier, refer to the intranet for further information.
- 16. PERFORMANCE BONDS AND GUARANTEES AND LIQUIDATED DAMAGES**
- 16.1 The Director of Finance shall determine the degree of security (if any) required to protect the Council from a Contractor default and will advise if this needs undertaking whilst providing financial comments in the Modern.gov report or equivalent. This may be liquidated damages, a performance bond,

parent company guarantee, retention or some other form of financial or performance guarantee as considered appropriate.

- 16.2 A retention should be written into the terms and conditions of any contract for Works, with a value in excess of £50,000, unless the Director of Legal Services agrees to waive the specific requirement.

## 17. MODIFICATIONS

- 17.1 Subject to Rule 17.2 a Modification may be permitted if any of the limited criteria below applies:

- (a) the original tendered Contract contains clauses allowing such Modifications provided that such clauses:
  - i) List the scope and nature of possible Modifications as well as the conditions under which they may be used, and
  - ii) do not provide for Modifications that would alter the overall nature of the Contract or the Framework Agreement;
- (b) the Modification is for additional Goods, Services or Works by the original Contractor that have become necessary and were not included in the initial procurement, where a change of Contractor:
  - i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, or
  - ii) would cause significant inconvenience or substantial duplication of costs for the Council,

~~provided that any increase in price does not exceed 50% of the contract value.~~

- (c) where all of the following conditions are fulfilled:
  - i) the need for the Modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
  - ii) the Modification does not alter the overall nature of the Contract;
  - iii) any increase in price does not exceed 50% of the original contract value.
- (d) where a new Contractor replaces the one to which the Council had initially awarded the Contract as a consequence of:

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- i) a clause or option in conformity with Rule 17.1(a); or
  - ii) a takeover of the Contractor following corporate restructuring, including takeover, merger, acquisition or insolvency, by another Economic Operator that fulfils the criteria for qualitative selection initially established, provided that this does not entail any other substantial Modifications to the Contract;
- (e) provided that the proposed Modification, irrespective of its value, is not substantial within the meaning of Rule 17.3.

17.2 A Modification of a Contract or a Framework Agreement during its term shall be considered substantial for the purposes of Rule 17.1 where one or more of the following conditions is met:

- (a) the Modification renders the Contract or the Framework Agreement materially different in character from the one initially concluded;
- (b) the Modification introduces conditions which, had they been part of the initial procurement procedure, would have:
  - i) allowed for the admission of other candidates than those initially selected,
  - ii) allowed for the acceptance of a Tender other than that originally accepted, or
  - iii) attracted additional participants in the procurement procedure;
- (c) the Modification changes the economic balance of the Contract or the Framework Agreement in favour of the Contractor in a manner which was not provided for in the initial Contract or Framework Agreement;
- (d) the Modification extends the scope of the Contract or Framework Agreement considerably;
- (e) a new Contractor replaces the one to which the Council had initially awarded the Contract in cases other than those provided for in Rule 17.3(d).

17.3 For the purposes of Rule 17.2, if several successive Modifications are made, the value shall be assessed on the basis of the net cumulative value of the successive Modifications.

### 17.4 Procedure for Modifications

- 17.4.1 A Modern.gov report must be completed which provides full details of the Modification and any supplementary documentation to enable

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the relevant Decision Maker ( see table in Rule 14.1) giving the approval to make a fully informed decision.

- 17.4.2 In giving approval, the Decision Maker must take account of any advice given by the Head of the ~~Commercial Services Team~~Commercial Procurement Team Unit and the Director of Legal Services and must ensure that such advice is included in any report to the Decision Maker.
- 17.4.3 Written approval must be obtained to any Modification in accordance with the Council's Officer and Executive Member Scheme of Delegation.
- 17.4.4 No commitment should be made to a potential Contractor prior to approval.
- 17.4.5 The Head of the ~~Commercial Services Team~~Commercial Procurement Team Unit is responsible for ensuring that a complete record of all Modifications is kept and a record of the decision approving a Modification and the reasons for it must be stored electronically in Modern.gov and on The Chest.
- 17.4.6 A notice of the Modification of a contract with a value over an OJEU Threshold must be published in the Official Journal of the European Union.

### 18. TERMINATION OF CONTRACTS

- 18.1 The Director of Legal Services shall be consulted with regard to any termination or proposed termination of any Contract or Framework Agreement.

### 19. CLAIMS ARISING FROM CONTRACTS

- 19.1 Officers shall inform the Director of Legal Services immediately of any claims (or anticipated claims) by or against Contractors that are the subject of a dispute between the Council and the Contractor.
- 19.2 Claims arising in respect of matters not clearly within the terms of any existing Contract shall be determined by the appropriate ~~Executive Director~~Deputy Chief Executive or Strategic Director after having taken the advice of the Director of Legal Services and the Director of Finance.
- 19.3 Where completion of a Contract is likely to be delayed, resulting in claims under the Contract, the appropriate ~~Executive Director~~Deputy Chief Executive or Strategic Director shall inform the Director of Legal Services and the Director of Finance of the action taken or proposed.

## 20. MONITORING CONTRACTS

- ~~20.1 The Commercial Services Team shall ensure that all Contracts over £50,000 are monitored throughout the term of the Contract and that the expenditure and the Contractor's performance is reviewed regularly.~~
- 20.2 All Contracts must have a Council Contract Owner. ~~Manager ("Contract ManagerContract Owner") or equivalent for the entirety of the Contract. In the event that there is no named Contract Manager the SRM Team or equivalent function will fulfil the role of Contract Manager.~~
- 20.3 The ~~Contract ManagerContract Owner~~ will be responsible for reviewing, monitoring and evaluating the Contract to ensure that its provisions and the Goods, Services or Works (or Concession) within it are being followed and performed as they should be. The ~~Contract ManagerContract Owner~~ should understand the Specification, contractual terms and the performance framework and must manage activity ensuring that Contracts do not require any extensions beyond the permitted or planned expiry.
- 20.4 During the life of the Contract, the ~~Contract ManagerContract Owner~~ should monitor the Contract in respect to the following:
- (a) Performance (against agreed KPIs where relevant) ensuring that where performance falls below expected standards this is managed promptly;
  - (b) Compliance with the Specification and Contract;
  - (c) Cost, ensuring that there are no unanticipated variations in price or spend;
  - (d) Any Social Value requirements;
  - (e) Risk Management ensuring risks associated with the Contract are identified and managed and any risk registers are kept up to date;
  - (f) Safeguarding where appropriate; and
  - (g) User satisfaction.
- 20.5 The final certificate for payment for any capital Contract should not be paid until the ~~Contract ManagerContract Owner~~ has performed a reconciliation of all Works completed against the approved costs of the scheme.
- 20.6 Where any sum or damages is payable to the Council as a result of the default of a Contractor, for example where completion of Works is delayed beyond the contractual completion date, it shall be the duty of the ~~Contract ManagerContract Owner~~ to claim whatever liquidated or other damages may be due under the terms of the Contract and no waiver of such sum or

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damages may be given without the approval of the Director of Legal Services and the Chief Finance Officer.

- 20.7 Where a contractor is in breach of its performance of a Contract, a default notice should be issued under the terms and conditions of the Contract to enable the Council to exercise its discretion to claim damages and/or terminate the Contract and exclude the tenderer from any future tender process.
- 20.8 Where the Contract is to be re-let, any information gathered by the ~~Contract Manager~~Contract Owner should be available to inform the approach to re-letting the next Contract.
- 20.9 The ~~Contract Manager~~Contract Owner should provide advice and support on good practice in performance management of Contracts.
- 20.10 All Contracts with a value in excess of ~~£540,000~~ must be included and published on the Contracts Register maintained by the ~~Commercial Services Team~~Commercial Procurement Team~~Unit~~ in line with the Local Government Transparency Code 2015<sup>4</sup>. This is a mandatory requirement and it is the responsibility of the ~~Executive Director~~Deputy Chief Executive or Strategic Director for each service to ensure that they have informed the ~~Commercial Services Team~~Commercial Procurement Team ~~Unit~~ of the Contracts they are responsible for and provided them with the information necessary to update the Contracts Register.

### 21. EXEMPTION FROM THE CONTRACT PROCEDURE RULES

- 21.1 These Rules are mandatory but, in limited circumstances, it may be necessary to seek an Exemption from these Rules and guidance from the Commercial Procurement Team~~Unit~~ must be sought before any Procurement Activity commences for which an Exemption may be required.
- 21.2 An Exemption cannot be given where this would contravene the Public Contracts Regulations 2015, the Concession Contracts Regulations 2016 or any other legislation.
- 21.3 Exemptions will only be considered in exceptional circumstances namely:
- (a) Proprietary or patented goods or services are proposed to be purchased which are only obtainable from one person and it can be demonstrated that no reasonably satisfactory alternative to those proprietary or patented Goods or Services is available;
  - (b) No genuine competition can be obtained in respect of the purchase of particular Goods, Services or execution of Works;

## Appendix 1

- (c) The Services or execution of Works are of such a specialist nature that they can only be carried out by one person (e.g. statutory undertakers);
- (d) Goods are proposed to be purchased by or on behalf of the Council at a public auction;
- (e) Goods or Services are proposed to be purchased which are of a specialist or unique nature (such as antiquities for museums or a particular performance artist);
- (f) Repairs or parts if the only option is to repair or buy new parts for existing equipment or buildings, and there is only one supplier;
- (g) To comply with a change in legal requirements;
- (h) The Contract is for Goods, Services or the execution of Works which are required in circumstances of extreme urgency for example where immediate repairs are required to buildings, structures and other assets damaged by fire, bad weather or vandalism;
- (i) The provision of a service is urgently required because of the failure of a Contractor through unsatisfactory performance or the appointment of an administrator, receiver or liquidator to administer its affairs. The Contract should be re-let at the earliest opportunity in compliance with these Rules;
- (j) Where an extension for a particular period can be justified, for example where a service review includes the intention to co-terminate relevant Contracts within a reasonable period; or
- (k) Where fewer than the required numbers of Tenders have been received and it is considered unlikely that a further tendering exercise will result in more Tenders being received.

### 21.4 Procedure for Exemptions

- 21.4.1 To apply for an Exemption a Modern.gov report must be completed and signed by either the Deputy Chief Executive or Strategic Director who does not have direct line management responsibility for the service seeking the exemption. ~~relevant Decision Maker (see table Rule 14.1).~~
- 21.4.2 The Modern.gov report must provide full details of the request and any supplementary documentation to support the request and refer to the specific ground for the Exemption.
- 21.4.3 No commitment should be made to a potential Contractor prior to authorisation.



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21.4.4 The Head of the ~~Commercial Services Team~~ Commercial Procurement Team Unit is responsible for ensuring that a complete record of all Exemptions is maintained. A copy of the signed delegated/Cabinet decision approving an Exemption and the reasons for it must be forwarded to the ~~Commercial Services Team~~ Commercial Procurement Team Unit at [strategic.sourcing@oldham.gov.uk](mailto:strategic.sourcing@oldham.gov.uk)

21.4.5 In circumstances of extreme urgency, the relevant decision maker in 21.3 (h) & (i) above, may authorise an Exemption in writing without the need to complete a Modern.gov report. As soon as practicable a Modern.gov report must be submitted and approved in accordance with this Rule.

21.4.6 The written authorisation must be provided in accordance with this Rule 21.4.5 and must be stored electronically on The Chest.

21.5 All Exemptions granted will be reported to the Audit Governance and Improvement Review Committee as part of the Annual Procurement and Commissioning Report.

21.6 A direct award following an exemption should comply in all other respects with the Council's Contract Procedure Rules and the Council's terms and conditions of contract should be used.

21.7 The Council cannot use an exemption to depart from EU Procurement Rules and a Voluntary Transparency Notice may be required to inform the market of a direct award.

## 22. **DECLARATIONS OF INTEREST and ANTI-BRIBERY and CORRUPTION**

22.1 The Council's reputation with regards to Procurement activity is important and should be safeguarded from any imputation of dishonesty or corruption. All elected Members of the Council and Officers are reminded of their responsibilities in relation to gifts, hospitality and any conflicts of interest and should ensure that they comply with the obligations set out in the Council's Members' Code of Conduct and the Officers' Code of Conduct respectively and any other relevant policies, guidance or strategies relating to bribery, fraud and corruption issued or endorsed by the Council from time to time.

22.2 Any Officer or Member must declare any interest which could influence their judgement in relation to Procurement activity in accordance with the Council's Codes of Conduct.

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- 22.3 No gifts or hospitality should be accepted from any Bidders involved in Procurement activity except in accordance with the Council's Codes of Conduct. Relevant interests, gifts and hospitality should be registered on the Council's e-register.

### **23. DEFINITIONS**

Within the Contract Procedure Rules, the following definitions are used:

- 23.1 "Concession" means a contract under which a contracting authority outsources works or services to a contractor or provider, who then has the right to commercially exploit those works or services in order to recoup its investment and make a return on the proviso that the contractor or provider bears the operating risk and has no guarantee of recouping its investment or operating costs.
- 23.1.2 "Contract" means an agreement in writing for consideration (money or money's worth) between the Council and a Contractor for the provision of Goods, Works or Services by the Contractor or the granting of a Concession;
- 23.1.3 "Contractor" includes any sole trader, partnership or company (limited or unlimited) or any duly incorporated trade, consortiums or unincorporated bodies, professional or commercial body or voluntary body; (although the Council must only contract with legal entities)
- 23.1.4 "Contracts Register" means a comprehensive list of all term/framework Contracts that the Council procures, detailing key attributes such as type, term, value and Contractor and Procurement/ Directorate contact details;
- 23.1.5 "Contract Value" means the amount the Council pays to the Contractor under the Contract excluding VAT;
- 23.1.6 "Director of Finance" means the Chief Officer designated under section 151 Local Government Act 1972 or his/her nominated representative;
- 23.1.7 "Director of Legal Services" means the Council's Principal Solicitor;
- 23.1.8 "E-auction" is a means of carrying out purchasing negotiations via the Internet. It is a real time event that occurs online, allowing multiple Contractors in different geographic regions to place bids and modify simultaneously;
- 23.1.9 "E-procurement System" means Council's e-tendering portal, The Chest (or equivalent);
- 23.1.10 "EU Procurement Regulations" means the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016 and such other

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UK regulations implementing its provisions as may be made from time to time.

- ~~23.1.11 “Executive Director” means an Officer defined as such in the Council’s Constitution and shall include all Chief Officers;~~
- 23.1.12 “Grant” means an award of money from the Council to another organisation for the purpose of giving a benefit to a third party which is not a Service for the Council. A grant can be made subject to conditions and the grant can be clawed back if the conditions are not met.
- 23.1.13 “Finance Management System” means the Council’s electronic purchasing and payments system, AGRESSO (or equivalent);
- 23.1.14 “Framework Agreement” means an agreement which allows the Council to execute Call-Off Orders for Services, Goods or Works from a Contractor in accordance with the terms of the agreement and includes Dynamic Purchasing Systems;
- 23.1.15 “Goods” covers an item(s) of equipment, materials, software or other similar object, whether inanimate or electronic, to be supplied or delivered by the Contractor and procured by Oldham Council and includes any documentation;
- 23.1.16 “Invitation to Tender” means a request for Contractors to submit a Tender to supply Goods, execute Works or provide Services at specified charges or rates of charges;
- 23.1.17 “Modification” means any variation to a Contract;
- 23.1.18 “Most Economically Advantageous” means that criteria including the period from completion or delivery, quality, aesthetic and functional characteristics, technical merit, after sales service, technical assistance, ease of maintenance and charges may be used as part of the evaluation of a Tender;
- 23.1.19 “Open Procedure” means a procedure for inviting Tenders by advertisement in which Tenders are sent to all Contractors who express an interest in Tendering;
- 23.1.20 “Officer” includes any employee of the Council;
- 23.1.21 “Pre-Procurement Approval Form” means the template form issued by the ~~Commercial Services Team~~ [Commercial Procurement Team Unit](#)
- 23.1.22 “Procurement” means the process leading to the award of a Contract;

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- 23.1.23 “Purchasing Consortia” means an organised and constituted body of individuals who jointly participate in the Procurement and award of a Contract;
- 23.1.24 “Quotation” means a formal offer to supply Goods, execute Works or provide Services at specified charges or rates of charges;
- 23.1.25 “Restricted Procedure” means a procedure for inviting Tenders where Contractors have been pre-qualified before being invited to submit a Tender;
- 23.1.26 “Scheme of Delegation” means the document described as such within the Constitution;
- 23.1.27 “Service” includes services for the provision of labour, advice, care and support services for people, installation, implementation, testing, management services (including project and programme management and consultancy services), maintenance, repair and support services;
- 23.1.28 “SRM” or “Strategic Relationship Management” is a comprehensive approach to Procurement managing and capturing the in life Contract value from key business relationships. SRM contributes to strategic procurement through collaboration;
- 23.1.29 “Tender” means a formal offer to supply or purchase Goods, execute Works or provide Services at a stated price or offer to be granted a Concession;
- 23.1.30 “Tenderer” shall mean any firm submitting a Tender;
- 23.1.31 “Tender Register” means a register of Tenders received in response to an advertised opportunity containing the information prescribed by the Contact Procedure Rules;
- 23.1.32 “Variation” means a change, amendment, variation or modification of the terms and conditions of a Contract;
- 23.1.33 “Works” means the carrying out of construction or undertaking of engineering or other practical work, which normally requires the provision of labour services and materials to build, construct or physically provide parts of Services during a project implementation period.

## Report to COUNCIL

# Members Allowance Scheme

**Officer Contact:** Paul Entwistle - Director of Legal Services

**22 May 2019**

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## 1 Background

- 1.1 Every year the Council is required to approve the Members Allowances Scheme. An independent remuneration panel is established to make recommendations on the level of members allowances.
- 1.2 The Panel considered information from the Leader and Leader of the Main Opposition Group on special responsibility duties.
- 1.3 The Panel also considered the members allowances schemes across Greater Manchester Councils.
- 1.4 The Panel made the recommendation that the members allowances for 2019/20 should remain the same as in 2018/19 but with increases linked to the officer pay increase. The relevant officer pay increase for 2019/20 is 2%. It is proposed that subject to the earlier report on District Working being approved, the District Executive Leads should receive the allowance specified in the appendix for District Executive Chairs.

## 2 Recommendations

- 2.1 Councils are asked to consider the recommendations of the Independent Remuneration Panel.

2.2 Councils are asked to agree a Members Allowance Scheme for 2019/20. Appendix 1 to this report details the proposed scheme based on the Independent Remuneration Panel recommendation.

## Appendix 1

Position	Index	Explanatory Note	Amount
All Members of the Council		BASIC ALLOWANCE	£9,709
<b>All Positions set out below</b>		<b>SPECIAL RESPONSIBILITY ALLOWANCE (SRA)</b>	
Leader	100%	Fixed point for the SRA's where indicated, to be set at 3 times the basic members allowance.	£29,128
		Combined Authority Element	£5,825
Deputy Leader	70%		£20,390
Main Opposition Leader	50%		£14,564
Deputy Main Opposition Leader	20%		£5,826
Executive Members	60%		£17,477
Chairs of: Licensing Planning Overview & Scrutiny Board Performance & Value for Money Board Health and Well-being Board Oldham care & Support Company Unity	30%		£8,738
Deputy Executive Member	25%		£7,282
Assistant to Cabinet Member	8%		£2,330
District Executive Chairs:			
Oldham East District			£6,990
Oldham West District			£6,118
Chadderton			£6,118
Saddleworth			£6,118
Failsworth & Hollinwood			£6,118
Royton			£5,243
Shaw & Crompton			£5,243
Vice-Chair of Oldham District			£2,620
Shadow Executive Members	10%		£2,913
Shadow Deputy Executive Member	5%		£1,456
Minority Opposition Leader (provided the group has 6 members)	15%		£4,369
Additional SRA: The Leader to notify the Chief Executive and the recipients of this allowance and the responsibilities undertaken. (Currently Labour 5, Lib Dem 2)	5%		£1,456
Co-opted/Independent Members of Audit and Standards Committee	n/a		£397
Chair of Audit Committee	n/a		£2,148
Chair of Standards Committee	n/a		£679

Refreshment Allowance		Subsistence when absent from normal place of residence	
		Breakfast	£7
		Lunch	£8
		Evening Meal	£14
Mileage			45p per mile for first 10,000 miles, outside the borough, per annum and a rate of 25p per mile over 10,000 miles
Mayoral Allowance	n/a		£15,233
Deputy Mayoral Allowance	n/a		£2,993

Council should note that while there is a normal rule of only one Special Responsibility Allowances per member given by the Council, there is an exception enabling a member to receive a SRA as Unity Chair and at the same time another SRA from the Council.