

CABINET Agenda

Date Monday 22 July 2019

Time 6.00 pm

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

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

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

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Wednesday, 17 July 2019.

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

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

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MEMBERSHIP OF THE CABINET IS AS FOLLOWS:

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

Item No

- 1 Apologies For Absence
- 2 Urgent Business
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 1 - 10)
The Minutes of the meeting of the Cabinet held on 24th June 2019 are attached for approval.
- 6 Special Education Needs (SEN) Transport Service (Pages 11 - 52)
- 7 Proposed Public Spaces Protection Order - Saddleworth Moor (Pages 53 - 74)
- 8 Library Fines (Pages 75 - 86)
- 9 Treasury Management Review 2018/19 (Pages 87 - 112)



CABINET
24/06/2019 at 6.00 pm

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

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Jabbar.

2 **URGENT BUSINESS**

The Cabinet gave consideration to an item of urgent business in relation to Establishing a Local Improvement Fund for Districts. The reason for urgency was to avoid delay to any projects seeking funding.

At Annual Council on the 22nd May it had been agreed to abolish District Executives, including the attached Capital and Revenue funding. To continue investing in local projects, Council agreed that a Local Improvement Fund (LIF) should be established. The LIF was a £500k fund that all elected Members and District Teams could access through a bidding process. This would be a community-based approach to create long-term local impact.

The funding would 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.

The LIF would be overseen by a Cabinet Sub-Committee made up of:

- The Council Leader
- The Deputy Leader (Statutory)
- The Cabinet Member for Finance and Human Resources
- A nominated Shadow Cabinet Member would attend in a non-voting capacity.

Members of the Senior Management Team would advise as appropriate and would have no voting rights.

The Sub-Committee would consider applications for LIF funding and its terms of reference were set out for consideration.

An advisory panel would be established to review the LIF applications and make recommendations to the Sub-Committee on which projects should be funded. The advisory panel would be made up of:

- Two Members from the administration
- One Member from the main Opposition group



The advisory panel would assess potential projects using the process and scoring criteria outlined. The terms-of-reference for the LIF advisory panel were set out for consideration, along with the process and scoring criteria.

Cabinet noted that a toolkit would be available to advise Members on how to access funds and submit bids.

Options/Alternatives considered:

Option1 – Do nothing

Option 2 - Approve the establishment of a Cabinet sub-committee to oversee the LIF application process and approve successful grant applications. Agree the LIF application process and scoring criteria. Approve the establishment of an advisory panel to review the LIF applications and make recommendations to the Cabinet sub-committee on which projects should be funded.

RESOLVED that:-

1. The establishment of a Cabinet Sub-Committee to oversee the LIF application process and consider grant applications be agreed.
2. The LIF application process and scoring criteria be agreed.
3. The establishment of an advisory panel to review the LIF applications and make recommendations to the Sub-Committee on which projects should be funded be agreed.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting of the Cabinet held on 15th April 2019 be approved as a correct record.

6 **NEW SAFEGUARDING ARRANGEMENTS FOR CHILDREN**

The Cabinet gave consideration to a report of the Interim Director of Children's Services which set out the new governance arrangements for safeguarding children. Under the Children and Social Work Act 2017 the arrangements needed to be approved and published by 29 June 2019 and in place by 29 September 2019. The approval of the governance bodies of the three statutory partners would facilitate a three-month period for the preparation for implementation of the new safeguarding partnership arrangements.

Cabinet were informed that the current Local Safeguarding Children's Board (LSCB) would be disbanded. The new arrangements sought to ensure that all local relevant agencies continued to engage with the three statutory partners in effective safeguarding activities, whilst building stronger linkages with the Oldham Adult Safeguarding Board and allied partnerships and governance groups.



The new arrangements would consist of a new Safeguarding Children Strategic Partnership (to replace the current Board) to provide strategic vision, leadership, scrutiny and accountability. This would be supported by a Children's Safeguarding Executive Group that would be responsible for the delivery of the Partnership's strategic business plan (to replace the current executive group). Sub-groups of the Executive would undertake the detailed work on implementation of the safeguarding business plan with respect to services, service developments, performance monitoring and quality assurance. A stronger role for the voice and vision of the child was proposed in service planning and scrutiny.

New arrangements for challenge, scrutiny and commitment to continuous improvement amongst the statutory partners and relevant agencies were proposed, along with revised accountability forums.

Options/Alternatives considered:

Options and alternatives had been considered by the statutory partners in their deliberations. The option of not changing the current arrangements was not available. Careful consideration had been given to the emergent options being developed at both a GM and national level. The option of joining the children and adults safeguarding governance arrangements had been considered in depth.

RESOLVED - That the proposals for the new arrangements be approved to enable them to be published by 29 June 2019 and effectively implemented by 29 September 2019.

7

REQUEST FOR AN EXTENSION TO THE RIGHT START SERVICE CONTRACT PROVIDED BY BRIDGEWATER COMMUNITY HEALTHCARE NHS TRUST

Consideration was given to a report of the Strategic Director of Reform requesting and extension to the current contract.

The Cabinet was informed that the early years period had a critical influence on future outcomes throughout life. The provision of high quality, effective services, which supported local residents at this critical time was therefore a priority. In recent years progress had been made in integrating public health and education services to provide a joined-up offer for families. As this model of children's services provision in Oldham was further developed, there were opportunities to consider how community, health and care services could be

more effectively joined up as part of a place-based model, to create a more seamless offer for children and families.



At its meeting on 15 December 2018 Cabinet agreed to extend the current contract for the delivery of Oldham's integrated early years offer – Right Start Service, up to 31st March 2020. The agreement was for a one-year extension at the same contract value.

Bridgewater had since informed the Council that the one-year extension at the same price was not a viable option for them and a further decision was needed about the future of the contract.

Options/Alternatives considered:-

Option 1 - Accept Bridgewater Community Healthcare NHS Trust rejection of the one year extension and move to new provider arrangements with immediate effect

Option 2 - Approve a two-year extension of the contract at increased contract value to account for increased service costs and demands.

RESOLVED that the Cabinet would consider the commercially sensitive information contained at Item 16 of the agenda.

8

OLDHAM TOWN CENTRE VISION

Consideration was given to a report of the Director of Economy seeking approval to recommendations relating to the new/refreshed vision and priority areas for the regeneration of Oldham Town Centre.

The Cabinet was informed that, by 2035, Greater Manchester aimed to be one of the world's leading sub-regions, driving sustainable growth across a thriving north of England. The Council wanted to ensure the sustainability of our town centre as a place to work, visit and enjoy: in addition, to be a place where people can live and work, and were able to take maximum advantage of the services, shops, skills and training they needed to enjoy an excellent quality of life.

The report provided an update on the vision for Oldham town centre: a vision that was aligned with national, regional and local strategic priorities and had a clear rationale, narrative and focus for everyone (residents, businesses, officers, stakeholders, politicians, partners et al) to embrace and own, to help drive forward the necessary changes through dedicated accountability and a strategic leadership.

The report highlighted the priority areas with an associated action plan, the processes through which the delivery methods would be assessed, and the potential decisions needed over the next twelve months in order to instigate the catalytic transformation of the town centre with the ambition for housing at its core.

Options/Alternatives considered

- Option 1 – Agree the recommendations
- Option 2 – Do not agree the recommendations



RESOLVED that:-

1. The new vision and priority areas for Oldham Town Centre be agreed.
2. The new style of the revised masterplan which allowed options to be considered at each point in time, in alignment with local policy and opportunities which arose be noted. It was envisaged that a more-refined masterplan would be presented to Cabinet as projects and opportunities were developed, so that Members could continually review and retain control over determining the future land uses in the town centre, linked with key decisions for investment, opportunities for partnership work, and new developments in the town centre.
3. The criteria against which future developments would be assessed to ensure they were aligned to the agreed vision, and the governance that would be aligned with the RIBA stage, be noted and agreed.
4. The anticipated decisions required for 2019/20 in support of project development and implementation be noted.
5. The procurement of additional consultants and specialist advisors to the extent they are required for the delivery of the projects within the revised masterplan be approved, and the negotiation and conclusion of any related appointments and associated documentation be delegated to the Cabinet Member for Economy and Enterprise in consultation with the Director of Economy, the Director of Finance and the Director of Legal Services
6. The use of Compulsory Purchase Order powers and appropriation powers be approved in principle, subject to all regulatory constraints and further approvals.
7. The use of Compulsory Purchase Order powers and appropriation powers on third party land be approved in principle, subject to all regulatory constraints and further approvals.
8. The Director of Legal Services or their nominated representative be authorised to sign and/or affix the Common Seal of the Council to all the documents and associated ancillary documents referred to above and/or required to give effect to the recommendations in this report.

9

ODEON LEASE AGREEMENT

Consideration was given to a report of the Deputy Chief Executive which sought approval for a (Deed of) Variation to the Lease agreement between the Council and Odeon Cinema, in Oldham Town Centre, following changes to the previously-agreed customer parking provision (in conjunction with the demolition of Hobson Street car park).

The Cabinet were informed that the Odeon and Oldham Council entered into a Lease Agreement on 21 March 2014, which

documented the construction and letting of the Cinema. There was a condition agreed whereby the Council had to nominate a car park (Hobson Street) to provide parking for use by Cinema customers within the town centre environment.

Unfortunately, Hobson Street car park had been condemned and, for health and safety reasons, had to be demolished. This resulted in the Council needing to find alternative car parking provision. This was currently being provided with the Town Square car park, but a long-term solution was now required under the Lease Agreement.

Options/Alternatives considered:-

These were set out in the report in the restricted part of this agenda.

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

10

ADOPTION OF THE HOUSING STRATEGY

The Cabinet gave consideration to a report of the Deputy Chief Executive which informed them that the previous Housing Strategy (2015- 2018) was approved by Cabinet in April 2015. It was a three-year document that reflected the key housing challenges and opportunities facing Oldham at that time.

Good practice dictated that housing strategies were reviewed every five years and no longer than every seven years. In addition, as a local authority, there was a statutory responsibility to periodically review the housing needs of the borough in relation to housing conditions and the needs of the local authority area. This statutory responsibility was usually articulated through the periodic publications of a housing strategy and housing stock condition surveys.

The Cabinet noted that Oldham had a diverse housing market: stretching out from a town centre surrounded by an inner ring of high density and compact terraced housing neighbourhoods which were increasingly areas of regeneration priority, to outer suburbs, semi- rural parish standalone settlements and dispersed smaller rural settlements within green belt and countryside.

There had been significant changes in the local housing market and the service operating model since the last housing strategy was refreshed. Devolution had occurred, with agreement to meet our housing targets through a Greater Manchester spatial planning process. Alongside this major shift and together with new burdens in national planning methodologies and standards, a completely new approach was needed as to how the statutory planning and housing responsibilities were met. This new housing strategy would complement the existing homelessness strategy, link to the 30-year housing revenue account business plan and set out the evidence base for the development of the new local plan.

The new housing strategy also responded to the travel of direction towards working in a new integrated health and social care service cluster model being driven by Oldham Cares. The housing strategy therefore picked up in one of its key themes the key function housing played in supporting health and social care integration and wider public service reform.

A key objective of the development of the new housing strategy had been to reset the housing delivery governance framework that could start to tackle the challenges identified in the evidence base. This would help meet the opportunities to achieve the housing priority themes acknowledged over the short, medium and long term. The accompanying delivery plan sought to begin to locate housing and place-shaping at the heart of Oldham's collective vision for the Borough.

The Cabinet were informed that the new housing strategy would, if adopted:-

- Enable the Council to determine priorities in each district or local housing market area as defined by the LHNA evidence base;
- Inform bids for both public and private funding to support the development of new homes in Oldham.
- Support the Council and its partners to make more informed People and Place making decisions about the targeting and future integrated commissioning priorities under for example the Integrated Care Organisation (Oldham Cares) and underpin external funding bids to support investment in existing housing services and stock in Oldham.
- Enable the Council to focus and develop new policies and ways of working that better fit the operating environment.
- Inform the Council to progress its energy conservation work, and to satisfy the Council's obligations under the Home Energy Conservation Act 1995 and subsequent guidance.

Options/Alternatives considered:-

Option1 – do nothing

Option 2 - adopt the new housing strategy

RESOLVED that the adoption of the new Housing Strategy and the accompanying delivery plan be approved.

11

COUNCIL PERFORMANCE REPORT MARCH 2019

The Cabinet gave consideration to a report of the Head of Business Intelligence which provided a review of Council performance to March 2019.

The report provided the Cabinet with an overview of the Council's performance against priorities outlined within the Corporate Plan, which had been monitored in the period January to March 2019.

The Cabinet noted the upward trend and that the measures would be changing for the future.

Options/Alternatives considered:-

To note the Council performance January to March 2019.

RESOLVED – That the Council Performance Report March 2019 be noted.

12

HIGHWAYS IMPROVEMENT PROGRAMME 2019/20 - 2021/22 (UPDATE)

The Cabinet received an update from the Transport Policy Officer.

On 25th March 2019 the Highways Improvement Programme 2019/20 – 2021/22 was approved by Cabinet. The report was appended with detailed programmes utilising both Prudential Borrowing (£12m over 3 years) as well as all other sources of funding available for highway maintenance including Local Transport Plan (LTP), Incentive Fund and Pothole Fund which brings the programme to ~£16m over the 3 years.

Since this it had become apparent that two unadopted streets had been included in the programme. These were included in error in the Annual Engineering Inspection (AEI) that was carried out in autumn 2018 and their condition meant they were included in the programme. The unadopted streets included were as follows:

- Hollins Avenue (Saddleworth West & Lees)
- Ashmond Road (Saddleworth West & Lees)

Following approval of the programme detailed inspections of all highways included were carried out by highway engineers to assess the scope of the scheme and clarify the type of works. It was at this stage that the above highways had been confirmed as unadopted and would therefore need to be excluded from the programme. The locations would be replaced by adjacent streets of a similar length and condition as follows:

- Hollins Avenue replaced by Hollins Road (Saddleworth West & Lees)
- Ashmond Road replaced by Wroe Street (Saddleworth West & Lees)

The whole programme had been thoroughly checked to ensure no further unadopted highways had been included and the website link to the page 'Highways Improvement Programme 2019/20' had been updated.

RESOLVED that the update be noted

13

UNITY PARTNERSHIP SHAREHOLDER COMMITTEE: CABINET SUB-COMMITTEE - APPOINTMENT OF MEMBERS

The Cabinet gave consideration to a report of the Head of Democratic Services seeking appointments to the Shareholder Sub-Committee.



Cabinet noted that the Shareholder Committee was a Sub-Committee of Cabinet and had the following high-level remit and responsibilities:

- Represented the Shareholder (the Council) and would meet quarterly.
- Set the tone and direction of the company to ensure that it fully supported the Council's co-operative agenda.
- Considered significant company resource issues.
- Sanctioned/approved decisions taken by the Unity Partnership Ltd Board of Directors and was able to call on the company Managing Director and members of the Unity Partnership Board to discuss specific items.
- Determined "reserved matters".
- Approved a waiver of any conflicts of interest relating to the Unity Partnership Ltd Board of Directors.
- Granted an indemnity to all Members and Officers acting as Directors on the company Board.

Options/Alternatives considered:-

Option 1 – Appoint Members to sit on the Sub-Committee.

Option 2 – Do not appoint Members to sit on the Sub-Committee

RESOLVED that the Leader and the Portfolio Holders with responsibility for Social Justice and Communities, Finance and Corporate Services, and Neighbourhoods Services be appointed to sit on the Shareholder Committee, with full delegated powers in relation to any matter to consider the interests of the Council following the acquisition of the Unity Partnership Ltd.

14

FAILSWORTH TRUST CABINET SUB-COMMITTEE - APPOINTMENT OF MEMBERS

The Cabinet gave consideration to a report of the Head of Democratic Services seeking appointments to the Failsworth Trust Cabinet Sub-Committee.

The Cabinet noted that the Failsworth Trust Committee was a Sub-Committee of the Cabinet which dealt with the land in Failsworth which was held by the Council on charitable trust.

The Cabinet had previously established a Sub-Committee of three Members to consider issues relating to the trust and appointments to the Sub-Committee were requested.

Options/Alternatives considered:-

Option 1 – Appoint Members to sit on the Sub-Committee.

Option 2 – Do not appoint Members to sit on the Sub-Committee

RESOLVED that the Leader and the Portfolio Holders with responsibility for Housing and Neighbourhoods Services, be appointed to sit on the Failsworth Trust Cabinet Sub-Committee with full delegated powers to consider the next steps for the land which is held on charitable trust.



15 **EXCLUSION OF THE PRESS AND PUBLIC**

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

16 **REQUEST FOR AN EXTENSION TO THE RIGHT START SERVICE CONTRACT PROVIDED BY BRIDGEWATER COMMUNITY HEALTHCARE NHS TRUST**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 7 – Request for an Extension to the Right Start Service Contract provided by Bridgewater Community Healthcare NHS Trust.

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

17 **ODEON LEASE AGREEMENT**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 8 – Odeon Lease Agreement.

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

The meeting started at 6.00 pm and ended at 6.40 pm



Report to CABINET

Special Education Needs (SEN) Transport Service

Portfolio Holder:

Councillor Shaid Mushtaq, Cabinet Member for Education and Skills

Officer Contact: Andrew Sutherland, Director of Education, Skills and Early Years

Report Author: Ben Holt, Senior Transport Officer
Ext. 3224

22nd July 2019

Reason for Decision

To advise on the process undertaken on the Transport Service Tender.

Executive Summary

The report details the recent tender allocation process. It also outlines the current provision of Home to School Transport, provided by the SEN Transport Team.

Recommendations

Cabinet is requested to both authorise the acceptance of the successful tenders and approve the award of the appropriate contracts.

Special Education Needs (SEN) Transport Service

1 Background

- 1.1 SEND has been undergoing an improvement journey since the Ofsted inspection in 2017. Transport was identified as a priority area in the Written Statement of Action (Oldham's response to the Ofsted judgement). A transport workstream was constituted as a task and finish group led by the Parent Carer Forum, POINT. An immediate action taken was to agree and implement a temporary, legally compliant transport policy. A new permanent policy is included on the agenda for this meeting. This should be read in conjunction with this report.
- 1.2 There are a high number of children and young people accessing home to school transport which correlate over time to the increase in children and young people who would have been statemented under the old system (circa 100 per annum) to the new system of Education, Health and Care Plans EHCP (circa 360 per annum) from 2014-2019.
- 1.3 As part of the improvement journey for EHCPs (priority three of the Written Statement of Action), the annual review process will now include a review of home to school transport arrangements annually in the context of the plan, to further assess need and review appropriate provision.
- 1.4 At present, there is a concurrent travel training contract in place with Pure Innovations to provide independent travel training to 20 children and young people per annum. This contract expires on 31st March 2020. New delivery models for providing a greater level of scale and pace for independent travel training will be considered before the financial year end as 20 per annum is deemed insufficient to meet potential demand/need and ensure best value for money. This will help to mitigate costs moving forwards as more children and young people may migrate to travel training from transport and/or assigned travel training in place of transport in the first instance.
- 1.5 Oldham is only local authority in GM that provides a home to school door to door service. As part of the implementation of the new policy, plans will be put in place to begin to migrate this approach to create generic pick-up points and financial assistance will be directed to parents/carers to arrange transport themselves if this meets need. This will help to reduce costs as there will be less journeys per contractors and passenger assistant.
- 1.6 Also in GM, Oldham is the only place where the CCG funds continuing care cases for children and young people with the most complex needs (where needs cannot be met by Personal Assistants, rather, qualified health professionals). This removes some costs from the Council Tax budget for long term need. This agreement is not subject to change and will not lead to any future increased costs to the LA.
- 1.7 The SEN Transport Team provides the current provision for Home to School Transport. The service currently transports approximately 700 pupils with either special educational needs, disabilities or because of their mobility issues. There are over 2,000 EHCPs in the borough and circa 8,000 children and young people 0-25 years on the SEN register equating to one in ten in the borough.
- 1.8 The transport service operates over 190 school days as determined by the School Holidays Calendar and considering other occasional days determined by individual

schools governing bodies. All pupils with SEN are provided with free travel assistance, in accordance with the Council's current Home to School Transport Policy (March 2018), IPSEA Legal guidance and the Education Act 1996.

- 1.9 The provision of transport is determined by the needs of the individual pupil. Those with severe and complex health, physical or educational needs can be transported by either individual taxis or adapted vehicles. Children or young people with less severe needs ordinarily travel via a multi-passenger minibus.

The SEN Transport Policy aims to ensure that all pupils eligible to access transport, will receive the appropriate provision which meets their needs. When assigning the appropriate provision to be provided, the Transport Moderation panel consistently applies the following principles:

- The aim of the service is to support parents, not absolve them of their responsibility to ensure their child attends school on time with regular attendance.
- The SEN Transport team ensures all arrangements put in place shall be cost-effective, so the Authority receives value for money.
- Wherever possible, the provision provided will look to build and promote independence, to help prepare children and young people for later life.
- The health, safety and well-being of the children and young people will remain paramount.

Both current providers and winning tenders are subject to relevant DBS checks. New providers will be required to also access safeguarding training.

2 **Current Position**

- 2.1 A dynamic purchasing system is used for procuring routes which is accessed via the Chest. Both a quality assurance score and price check are used to ensure that operators offer value for money for the local authority. Contractors are awarded routes via this process. Routes can change daily due to availability of personal assistants, change of school, change of home address and change of composition of group pick-ups.

- 2.2 In accordance with the Council's Procurement regulations and European Legislation, Oldham Council put out to tender routes for home to school transport for children and young. The tender process began in March 2019 with a deadline of 15th April 2019. The subsequent contracts are to commence in September 2019.

Bidders were requested to review and complete the following documents:

- Standard Questionnaire
- Mini Competition

The standard questionnaire looked to assess the quality aspect of bidders and their eligibility to perform the services. The table below outlines the criteria used:

SQ Section	Selection criteria	Weighting
Supplier information	For information only	N/A
Grounds for mandatory exclusion	Pass or Fail	N/A
Grounds for discretionary exclusion – Part 1	Pass or Fail	N/A
Grounds for discretionary exclusion – Part 2	Pass or Fail	N/A
Economic and Financial Standing	Pass or Fail	N/A
Technical and Professional Ability	Pass or Fail	N/A
Project specific questions to assess Technical and Professional Ability	Pass or Fail and the weightings stated against the questions: Safe & Appropriate Service – 35% Complaints – 30% Business Continuity – 30% Social Value – 5%	100%

Insurance	Pass or Fail	N/A
Compliance with equality legislation	Pass or Fail	N/A
Environmental Management	Pass or Fail	N/A
Health and Safety	Pass or Fail	N/A
Data Protection	Pass or Fail	N/A
Modern Slavery Act	Pass or Fail	N/A

In addition, the service requested information on each driver which included driver's license, operator's license, DBS checks, and vehicle insurance. If a bidder passed the first stage of checks, their mini competition submission was evaluated. The mini competition document was evaluated purely on price, with the bidder offering the lowest price awarded the highest marks.

- 2.3 All new contractors will comply with and sign, a contract for the provision of transport for children and young people in Oldham. In addition, they will have qualified through the Chest and signed the standard Council form of tender.
- 2.4 The contracts included in the tender were offered out for bids via the chest and broken down into separate lots for Adapted Vehicles, Multi Passenger Vehicles and Taxis.
- 2.5 The decision was taken to request written bids on both a price per mile and fixed price basis for all contracts.

-
- 2.6 All tender submissions were evaluated. The Council is able to award 104 of the 118 routes currently available (see Appendix 2)
- 2.7 14 routes were unable to be allocated to bidders for the below reasons:
- Some companies prepared bid a bid on routes through the tender process, but it transpired they could not contractually fulfil;
 - Some companies tendered for routes at an inflated price which would have a significant cost implication on the service.
- 2.8 Concurrently, for the remaining 14 routes, SEN Transport proposes to extend the current procurement arrangements as a limited exemption to meet need. This will be time limited to run alongside running a procurement exercise with new providers on the Chest.

3 **Options/Alternatives**

3.1 Option 1

Open the Dynamic Purchasing System under The Chest and re-tender the remaining 14 routes to the successful bidders on the System. This approach would;

- Allow the 14 routes not allocated via the initial tendering process to be allocated to different contractors via the Chest;
- Seek new tenders at a lower price than current;
- To minimise risk, extend contracts with the existing providers for the 14 routes pending the outcome of the re-tendering process.

Option 2

Approach the current supplier to continue undertaking the route previously tendered for the same price, over the contracted period. If this is not possible re-tender the 14 routes outside of the Dynamic Purchasing System. This approach would;

- Provide a continuation of service from September 2019;
- Increase cost of the routes to be operated at a higher price than if the routes were re-tendered through the chest; and,
- Operate outside of the guidelines set out in the Dynamic Purchasing System.

4 **Preferred Option**

- 4.1 Option 1 –retender the 14 routes under the Dynamic Purchasing System via the Chest and extend the contracts with the existing providers under an exemption from the Contract Procedure Rules.
- 4.2 This option will ensure the Council is operating within the guidelines set out in the Dynamic Purchasing System, by ensuring a fair and moderated tendering process has ensued. This will also maximise the opportunity to ensure the service operates in the most financially efficient way.

5 **Consultation**

- 5.1 Consultation with the Commercial Procurement Unit (Emily Molden – Category Manager) and SEND Services (Ben Holt – Senior Transport Officer)
- 5.2 Prior to the commencement of the current tender process a customer engagement day was held on 15th February 2019. All current contractors were invited plus new potential providers via local Private Hire firms licensed within the Oldham borough. At the session a

joint presentation was produced by Transport and Procurement which outlined the plans for the service moving forward and changes to the procurement process and pricing model.

6 Financial Implications

6.1 The SEN Transport Service (Home to School Transport) has been experiencing significant demand increases over recent years resulting in budget pressures. The costs associated with awarding the contracts is estimated at £1.86m per annum. When this is taken in conjunction with the other activities of the Home to School Transport Service such as Passenger Assistants, Personal Allowances, Travel Training and anticipated additional routes needed over the year, the total costs of the service for the 2019/20 financial year are anticipated to be circa £3.21m, including estimated costs for the routes not currently awarded. This will result in a pressure of £0.47m when set against an available budget of £2.74m.

6.2 This pressure will be monitored and reported to Members over the year as part of the Revenue monitoring report. A revised Travel Assistance Policy for Children and Young People with SEND is contained elsewhere on the Cabinet agenda and contains some measures that may reduce the pressure on the service such as travel training and recognized pick-up and drop-off points. If costs cannot be reduced, then this on-going budget pressure will have to be factored into the budget setting process for 2020/21 and future years. (James Postle)

7 Legal Services Comments

7.1 The Council has followed its own Contract Procedure Rules and tendered the contract for a Dynamic Purchasing System via the Council's web portal The Chest. The Council has selected the most economically advantageous tenders for 104 of the available routes having evaluated the quality and price. However, unfortunately 14 of the routes are unallocated. The Council is proposing to re-open the Dynamic Purchasing System and offer the successful bidders the opportunity to bid for the 14 remaining routes. This would be in accordance with the process set out in the dynamic purchasing system.

7.2 The recommendation in Option 1 will require authority to grant an exemption from the Council's Contract Procedure Rules under Rule 21.3 (h) where an extension for a particular period can be justified. (Elizabeth Cunningham Doyle)

8. Co-operative Agenda

8.1 The Special Education Needs (SEN) Transport Service has been developed to support the Council's co-operative agenda. The service is focused on supporting children and young people to travel to school safely and ready to learn as well as enabling individuals to thrive in their local community.

9 Human Resources Comments

9.1 None – (Diane Thorpe)

10 Risk Assessments

10.1 The routes awarded as per the recommendations in this report give certainty on the price to be charged for the majority of routes. For those routes subject to a revised tender process estimated costs could either increase or decrease to that currently estimated. (Mark Stenson)

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- 11 **IT Implications**
- 11.1 None
- 12 **Property Implications**
- 12.1 Non
- 13 **Procurement Implications**
- 13.1 The Commercial Procurement Unit supports the approval of option 1 as the procurement has been carried out in line with Oldham Council's Contract Procedure Rules and EU Regulations. A robust due diligence process has been undertaken and the Commercial Procurement Unit will continue to support the SEN Transport Team in this if required. The Commercial Procurement Unit will also manage and support the Dynamic Purchasing System ensuring value for money is achieved. (Emily Molden)
- 14 **Environmental and Health & Safety Implications**
- 14.1 None (Laura Smith)
- 14.2 With a consultation currently out on a Clean Air Plan for Greater Manchester, future tendering of compliant vehicles with the Clean Air Zone needs to be part of the contract. All vehicles ie Adapted Vehicles, Multi Passenger Vehicles and Taxis will be affected by this i.e. a daily penalty if non-compliant but there is also a reputational risk to the organization. (Justine Addy)
- 15 **Equality, community cohesion and crime implications**
- 15.1 None
- 16 **Equality Impact Assessment Completed?**
- 16.1 Yes
- 17 **Key Decision**
- 17.1 Yes
- 18 **Key Decision Reference**
- 18.1 EDS-02-19
- 19 **Background Papers**
- 19.1 Oldham Council Home to School Transport Policy (March 2018)
- 19.2 Education Act (1996)
- 19.3 IPSEA Legal Guidance/SEND Code of Practice
- 20 **Appendices**
- 20.1 Appendix 1 - Travel Assistance Policy
- 20.2 Appendix 2 – List of successful companies
-

Travel Assistance Policy for Children and Young People with Special Educational Needs and Disabilities accessing Education.

July 2019 (DRAFT V5)

Section	
1	Introduction
2	Section A - Eligibility, Provision and Application Process
3	Section B - Post 16 Travel
4	Section C - Appeals
5	Section D - Legislation, Additional Information and Quality Standards

1 Introduction

- 1.1 This policy outlines the travel assistance available for children and young people with Special Educational Needs and Disabilities (SEND) living within the boundaries of Oldham to access education or training.
- 1.2 The aim of the Council's travel assistance policy is to ensure that all children and young people lead lives that are independent and as free from restriction as possible.
- 1.3 The provision of travel assistance by the Council will be based on individual needs and circumstances and have regard to the efficient use of resources. As a general rule, the Council believes that the majority of children and young people with SEND will be able to travel free on public transport.
- 1.4 This policy is set out in four sections as follows:

SECTION 2 – Eligibility and Provision

SECTION 3 – Post 16 Travel

SECTION 4 - Appeals

SECTION 5 – Legislation, Additional Information and Quality Standards

- 1.5 Wherever possible, in the provision of travel assistance, the Council will consider travel options that reduce the number and length of vehicle journeys.
- 1.6 This policy explains:
 - Who is eligible for travel assistance from Oldham Council.
 - The statutory basis for the provision of travel assistance by local authorities.
 - What kind of travel assistance may be provided.
 - How applications for travel assistance are made and assessed; and how parents/carers can appeal against decisions made by the Council
 - The Council's transport service standards.

2 Eligibility and Provision

- 2.1 Suitable Travel Assistance based upon a child or young person's specific needs will be provided for pupils who, because of their special educational needs, disability or mobility difficulties, cannot reasonably be expected to walk to their nearest qualifying school¹.
- 2.2 In considering whether a child or young person can reasonably be expected to walk to school, the Council will consider their specific needs and determine whether they can walk to school. Wherever possible, the Council expects parents/carers of children and young people to make arrangements for their child to attend school in the same way as for parents/carers of children or young people without SEN or disabilities, as this is an important factor in developing independence, social and life skills.

¹ Paragraph 30, Home to School Travel and Transport Guidance, July 2014.

2.3 The Council reserves the right to make an assessment to determine eligibility for travel assistance under this policy². Assessments are carried out at the Travel Assistance Moderation Panel. Terms of Reference for the panel can be found in Appendix 1.

2.4 Travel assistance will not be provided for the following;

- Children or young people taken ill during the day;
- Any type of appointments including medical or any other specialists;
- Children or young people who have been excluded during the school day;
- Breakfast or after school clubs;
- Journeys from / to alternative addresses that incur further transport costs

The Council's policy on the provision of travel assistance for additional journeys is described in more detail at Section D.

What travel assistance may be offered?

2.5 Once a child or young person's eligibility for travel assistance has been agreed, the Council will decide what type of assistance will be offered. This decision will be based on the most suitable type of Travel Assistance to meet the identified needs of the individual child or young person and will take account of the Council's duties to make the best use of its resources.

It should be noted that the type of travel assistance offered will be reviewed at least annually and may change as the needs of the child or young person change, whilst continuing to ensure the most suitable Travel Assistance is provided to meet individual needs and the best use of the Council's resources.

2.6 For children attending school on a daily basis, travel assistance will usually only be provided for the beginning and end of the school day.

2.7 A child boarding on a weekly basis where the school is closed at weekends will be provided with travel assistance at the beginning and end of the school week, other periods of closure and during term time only. A child boarding on a termly placement where the school is not closed at weekends will be provided with travel assistance limited to the start and end of the school term, half terms and for periods of whole school closure only. Any other journeys required will be the responsibility of parents/carers including attendance at annual reviews, additional home visits at weekends or any other time.

2.8 The Council's policy on the provision of travel assistance for additional journeys in various circumstances is explained in Section D.

2.9 The Council will always consider forms of travel assistance that help to develop independent travel skills to enable children and young people to lead independent lives as they grow older.

2.10 The options that will be considered when assessing the travel assistance that will be provided will include, but are not limited to:

² Section 508B, Education Act 1996.

Independent travel training:

In order to enable children and young people to travel independently, Oldham Council will first consider the suitability of Independent Travel Training as their travel assistance offer.

The training will support a child or young person to be taught the necessary skills that will allow them to effectively deal with and resolve a range of scenarios that they might encounter when travelling on public transport.

- Timetables (including time management)
- Orientation
- Road Safety
- Accessibility (access to transport, exits and purchasing tickets)
- Communication
- Personal Safety (including what-if scenarios)
- Travel Preparation

If the SEND Travel Assistance team identify through a transport application, the statutory assessment process or an annual review that a child or young person may have the potential to be supported to travel independently through a travel training programme, then they will arrange for their travel training provider to conduct an assessment in the first instance to decide if training is a suitable option for the individual. If it is decided as a suitable option, then arrangements will be made to begin training, at the earliest opportunity. If a child or young person is in receipt of an EHC Plan, the agreed training and outcomes will be included in Section B and F of the EHC plan.

A trainer from our commissioned travel training provider, will initially contact the parent/carer to arrange an assessment and discuss the offer. This assessment process is undertaken by a qualified Travel Trainer and involves contributions from the young person and their parents, school staff and other professionals. It is expected that where independent travel training is offered as a travel solution, a child or young person will take this up.

Top up training will be available to support children and young people with transition when moving schools and on social routes during school holidays.

Personal Travel Budget (PTB):

Once it is agreed that a child or young person is eligible for travel assistance, it may be possible for the Council to provide parents/carers with an amount of money to enable them to provide personalised travel arrangements that best and most flexibly meets the needs of their child and family.

The sum provided will be based on the distance travelled from home to school and will not exceed the cost of direct provision of transport by the Council, or a share of that cost where the child would otherwise travel with other children in a shared vehicle.

It is the parent/carer's responsibility to ensure that travel arrangements made by them are safe and accessible and that school attendance is maintained. A PTB can be refused or withdrawn if these conditions are not met.

This offer must be appropriate for both the Council and the family.

Families are able to request this as an option by contacting the SEN Travel Assistance Team. This option may be of interest if:

- The parent/carer wants to take their child to school but needs support to make it financially viable
- The child or young person has very complex needs and the parent/carer wants to make their own travel arrangements
- The parent/carer wants to combine the council's contribution with their own personal finances to provide the child or young person with bespoke travel assistance to meet their needs and fit in with family circumstances

If a parent/carer is offered this form of travel assistance, it is their responsibility to ensure travel arrangements for the child or young person to:

- enable them to travel safely
- enable them to attend school regularly and on time; and
- enable them to be effectively educated once they arrive at school

The level of reimbursement offered would be as follows:

- the mileage of a return journey e.g. driving from home to school, dropping the child or young person off and returning home, calculated at 46p per mile
- the number of times the child or young person is transported to and from school (total number of return journeys)
- payment is processed each month during the academic year and will reach the parent/carer's account no later than the 15th of each month

Transport vehicles: Where assessed as essential, the Council may provide a vehicle to transport a child or young person to and from school. Where transport vehicles are provided, these will be provided by a suitably qualified and licensed commercial provider working to contractual standards set by the Council. Children and young people may be picked up and dropped off at a convenient location, within a reasonable distance from their home, which in many cases will be a recognised pick up and drop off point.

Whenever possible, children will travel together in buses. Where necessary these will be specially adapted to meet the needs of those travelling on them. Each route will be planned on the basis of school start and finish times and the shortest possible route for all children travelling on a particular vehicle.

Under very exceptional circumstances the Council may transport pupils in separate taxis or private hire vehicles based on the assessed needs of the child or young person. Arrangements of this kind will be kept under regular review and, where possible, the opportunity will be taken to move to an alternative suitable form of travel assistance to promote and encourage independent. ***Please note that where possible and appropriate, vehicles may collect children attending different schools to ensure an effective use of resources.***

Travel pass:

These are designed to enable a child or young person to travel to school accompanied, if necessary, by an adult via public transport solutions.

Note: This is not offered as alternative travel assistance for an eligible child or young person

Vehicle transport service standards and provision of passenger assistants

- 2.11 The vehicle transport service provided by the Council for children and young people will operate to the service standards described at Section D.
- 2.12 In some circumstances, where the Council has assessed that there is a need, a Passenger assistant may be provided to accompany pupils to school on transport provided by the Council. Passenger Assistants will be provided for the care of children or young people and to assist in the safe operation of the vehicle. A Passenger Assistant will not necessarily be provided simply because the pupil is school-aged or because he/she does not know the driver.
- 2.13 Travel assistance will be provided to meet the needs of a child/young person. There may be circumstances when the transport will need to be reviewed as it is not working effectively. Whilst it is acknowledged that the child/young person has SEND and this may impact upon their behaviour, if the conduct of the child/young person compromises the safety of anyone travelling with them, the Council reserves the right to suspend or withdraw the transport provision. In these cases, the Council will work with parent's / carers to try to find another travel solution for the child/young person. See Section D

Application and assessment process (all applicants)

- 2.14 Applications for travel assistance will fully consider the specific needs of the child or young person. Where it is agreed that a child or young person is eligible for travel assistance it will be implemented as soon as possible following the decision. In a situation where a new contract and/or a Passenger Assistant needs to be procured this time scale may be longer in order to fulfil procurement and recruitment processes and to ensure safe travel assistance. In all instances however, this process will be completed as soon as possible.
- 2.15 The application process is dealt with in three stages.

Stage 1: Initial Application

For all applicants the parent/carer must make a formal request for travel assistance before any support is considered. Application forms can be obtained from the Oldham Council website or by telephoning the Travel Assistance Team on 0161 770 3209. Applications will be acknowledged within five working days of receipt of the application. An initial evaluation of the application will then determine whether the child or young person is eligible for Travel Assistance

The parent/carer will be informed in writing of the outcome of the application.

Stage 2: Assessment

This stage will determine the specific needs of the child or young person. Where it is decided that Independent Travel Training may be suitable, the parent or carer will be required to undertake an assessment by an Independent Travel Trainer. This would include a home visit, consultation with the child or young person, their parent / carers, school, and any other relevant specialists.

This assessment will normally be completed within fifteen working days following the decision that a child or young person is eligible for Travel Assistance, depending on the complexity of the circumstances. If further evidence is required, this may delay the process and parents/carers will be notified in writing within ten working days. Where parents/carers are asked to provide additional evidence and do not do so within the required timescale the application may be declined. If the application is declined at this stage parents/carers may appeal against such a decision if they wish.

Stage 3: Implementation

Where the Council agrees to provide travel assistance it will decide what type of travel assistance would be most suitable and appropriate to meet the needs of the child or young person.

The parent/carer will receive a Travel Assistance agreement before the travel assistance is provided. If a parent/carer does not accept the travel assistance offered by the Council, the parent or carer will need to follow the Travel Assistance appeals process. The offer will remain in place until the appeal is either upheld or overturned by the appeals panel. See Section 4 of the policy

In cases where travel assistance is agreed for a limited period, parents/carers will be required to submit a new application, or to provide further information, in order to secure continued assistance.

At any point throughout the application process parents/carers have the right to appeal as detailed in Section C.

Travel Assistance Reviews

- 2.16 All children and young people's eligibility for travel assistance will be reviewed regularly and at least annually.

For children and young people with an EHC Plan, their continued eligibility for travel assistance will be discussed at the child or young person's annual review. Parents/carers should attend the review in order to consider whether or not travel assistance continues to be appropriate. The review will also determine if the type of assistance remains appropriate and when independent travel training should commence.

Where travel assistance has been granted on a time-limited basis further information will be sought prior to the end of the agreed assistance period to enable a timely review to take place. The Council may also review eligibility for travel assistance by means of a scheduled meeting or via telephone contact. If parents/carers do not participate in these reviews, this will not prevent Oldham Council and other participants reaching a determination about the continuation of travel assistance. Parents/carers will be informed of all decisions in writing, including notification of their right to appeal.

- 2.17 Travel assistance will also be reviewed when there is a significant change in circumstances, such as a change in home address, school or a change in the child's or young person's needs. It is the responsibility of the parent/carer to notify the Council immediately of any changes that may affect the provision of travel assistance.

- 2.18 Any changes will be implemented from the beginning of the next half school term / school term or sooner where possible.

Cessation of Support:

- 2.19 The Council will review and remove travel assistance where the child or young person's individual circumstances have changed and either the child or young person is no longer eligible for support, Assistance may also cease at the request of the parent/carer who may have made alternative arrangements for their child's or young person's travel to school.

3 Post 16 Travel

- 3.1 Local Authorities have a duty to facilitate access to full-time education for all young people aged 16 -18 years ³ and those continuing learners who started their programme of learning before their 19th birthday and this may include assistance with travel in certain circumstances. Under Raising the Participation Age Agenda, young people must remain in full time education and training until the age of 18 years.
- 3.2 In line with the Council's duty under the Education and Skills Act 2008 to encourage, enable and assist participation of learners with learning difficulties in education and learning, this policy will apply, in some cases to young people up to the age of 25 subject to an individual assessment of need.
- 3.3 In line with the Children and Families Act 2014 and as part of the SEND reforms, it is expected that young people will work towards independence from the earliest opportunities both at home and through their educational placement. The majority of young people who will attend college will be able to travel independently and for those who cannot, opportunities for this to take place should be maximised, through a range of providers.
- 3.4 Unless there is an individual assessment of need for assistance with travel the responsibility for travel to and from college rests with the young person and their family. There are a number of travel options available within the local community that young people can access. Alternative travel options are listed at:
http://www.oldham.gov.uk/downloads/file/714/home_to_school_transport_policy_annex_a
- 3.5 Travel assistance may be provided for young people over 16 years with special educational needs who are participating in Education and Training. Where an out of area provider is chosen, travel assistance will be considered on an individual basis.
- 3.6 Travel support is not available for trips, work experience of any other activity associated with the college course. Assistance should be discussed directly with the college.
- 3.7 The options that will be considered when assessing the travel assistance that will be provided will include, but are not limited to:

Independent travel training:

In order for support children to travel independently, Oldham Council may offer Independent Travel Training as their travel assistance offer. The training will support the young person to be taught the necessary skills that will allow them to effectively deal with and resolve a range of scenarios that they might encounter when travelling on public transport.

- Timetables (including time management)
- Orientation
- Road Safety
- Accessibility (access to transport, exits and purchasing tickets)
- Communication
- Personal Safety (including what-if scenarios)

³ Section 509AC of the Education Act 1996 defines persons of sixth form age for the purposes of the sixth form transport duty.

If the SEND Travel Assistance team identify through a transport application, the statutory assessment process or an annual review that a young person may have the potential to be supported to travel independently through a travel training programme, then they will arrange for their travel training provider to conduct an assessment to decide if training is a suitable option for the individual. If it is decided as a suitable option for the young person then arrangements will be made to begin training, at the earliest opportunity.

A trainer from Pure Innovations will initially contact the parent/carer to arrange an assessment and discuss the offer. This assessment process is undertaken by a qualified Travel Trainer and involves contributions from the young person and their parents, school staff and other professionals. It is expected that where independent travel training is offered as a travel solution, a young person will take this up.

Top up training will be available to support children and young people with transition when moving schools and on social routes during school holidays.

Personal Travel Budget (PTB):

Once it is agreed that a young person is eligible for travel assistance, it may be possible for the Council to provide parents/carers with an amount of money to enable them to provide personalised travel arrangements that best and most flexibly suit the needs of their child and family.

The sum provided will be based on the distance travelled from home to school and will not exceed the cost of direct provision of transport by the Council, or a share of that cost where the child would otherwise travel with other children in a shared vehicle.

It is parent'/carers' responsibility to ensure that travel arrangements made by them are safe and accessible and that school attendance is maintained. A PTB can be refused or withdrawn if these conditions are not met.

This offer must be appropriate for both the Council and the family.

Families are able to request this as an option by contacting the SEN Travel Assistance Team. This option may be of interest if:

- The parent/carer wants to take their child to school but needs support to make it financially viable
- The young person has very complex needs and the parent/carer wants to make their own travel arrangements
- The parent/carer wants to combine the council's contribution with their personal finances to provide their child with bespoke travel assistance to meet their needs and fit in with family circumstances

If a parent/carer is offered this form of travel assistance, it is their responsibility to ensure travel arrangements for their young person to:

- enable them to travel safely
- enable them to attend school regularly and on time; and
- enable them to be effectively educated once they arrive at school

The level of reimbursement offered would be as follows:

- the mileage of a return journey e.g. driving from home to school, dropping the young person off and returning home calculated at 46p per mile
- the number of times the young person is transported to and from school (total number of return journeys)
- payments are processed each month during the academic year and will reach the parent/carer's account no later than the 15th of each month

Transport vehicles: Where assessed as essential, the Council may provide a vehicle to transport a child or young person to and from school. Where transport vehicles are provided, these will be provided by a suitably qualified and licensed commercial provider working to contractual standards set by the Council. Children and young people may be picked up and dropped off at a convenient location, within a reasonable distance from their home, which in many cases will be a recognised pick up and drop off point.

Whenever possible, children will travel together in buses. Where necessary these will be specially adapted to meet the needs of those travelling on them. Each route will be planned on the basis of school start and finish times and the shortest possible route for all children travelling on a particular vehicle.

Under very exceptional circumstances the Council may transport pupils in separate taxis or private hire vehicles based on the assessed needs of the child or young person. Arrangements of this kind will be kept under regular review and, where possible, the opportunity will be taken to move to an alternative suitable form of travel assistance to promote and encourage independent. ***Please note that where possible and appropriate, vehicles may collect children attending different schools to ensure an effective use of resources.***

Travel pass: Travel passes are available to enable a child or young person to travel to school accompanied, if necessary, by an adult via public transport solutions. This is not offered as alternative travel assistance for an eligible child or young person.

4 Appeals Procedure

4.1 If an application for travel assistance is not approved by the Council, or the parent/carer disagrees with the type of assistance being offered, parent/carers have a right of appeal. The appeal should be made in writing within 20 working days of the decision letter being received by the parents/carers. Appeals are administered in two stages:

4.2 Stage 1: Review by the Senior Transport Officer and the SEND Service Manager:

A parent or carer has 20 working days from receipt of the Council's Travel Assistance decision to make a written request asking for a review of the decision.

The written request should detail why the parent or carer believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.

Within 20 working days of receipt of the written request, the Senior Transport Officer and the SEND Service Manager reviews the original decision and sends the parent / carer a detailed written notification of the outcome of their review, setting out:

- The nature of the decision reached;
- How the review was conducted (including the standard followed e.g. Road Safety GB);
- Information about other departments and/or agencies that were consulted as part of the process;
- What factors were considered;
- The rationale for the decision reached; and
- Information about how the parent or carer can escalate their case to stage two (if appropriate).

4.3 Stage 2: Review by an Independent Appeal Panel –

A parent has 20 working days from receipt of the Council's stage one written decision notification to make a written request to escalate the matter to stage two.

Within 40 working days of receipt of the parents request an independent appeal panel considers written and verbal representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days of the date of the appeal hearing), setting out:

- The nature of the decision reached;
- How the review was conducted (including the standard followed e.g. Road Safety GB);
- Information about other departments and/or agencies that were consulted as part of the process;
- What factors were considered;
- The rationale for the decision reached; and
- Information about the parent's right to put the matter to the Local Government Ombudsman (see below).

4.3.1 The independent appeal panel members will be independent of the original decision making process (but are not required to be independent of the Council) and suitably experienced (at the discretion of the Council), to ensure a balance is achieved between meeting the needs of the parents and the Council, and that road safety requirements are complied with and no child is placed at unnecessary risk.

In the event of an appeal being upheld by an independent appeal panel, the Local Authority accepts responsibility from this date and support will be set up within 10 working days.

4.4 **Local Government Ombudsman:**

Parents, carers, children and young people have the right of complaint to the local Government Ombudsman.

The Local Government Ombudsman will consider complaints where the complainant considers that there was a failure to comply with the procedural rules or if there are any other irregularities in the way the appeal has been handled. If the complainant considers the decision of the independent panel to be flawed on public law grounds, the complainant may also apply for judicial review.

4.5 **Complaints**

Once travel assistance has been agreed any concerns regarding the provision of the service should be made in the first instance to the Transport Team.

All complaints on the process for assessing eligibility for transport provision will be handled through the Council's formal complaints process. Full details are available on the Council website using the following link:

https://www.oldham.gov.uk/info/200143/complaints_and_feedback/757/services_for_children_and_families_complaints

Complaints regarding the outcome of the assessment process will be addressed as part of the appeals process as described above.

5 Legislation, Additional Information and Quality Standards

Legislation and responsibilities home to school travel

- 5.1 There is no statutory entitlement to travel assistance for pre-school children. Children of pre-school age will not be provided with travel assistance other than in exceptional circumstances.
- 5.2 In support of this policy, the Council works with schools to provide safe travel routes to and from school, to encourage sustainable methods of transport, including walking and cycling, and to encourage all forms of independent travel by children and young people wherever possible and practicable.
- 5.3 This policy has been developed with full regard to the Department for Education Guidance on Home to School Travel and Transport
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/277016/Po-st-16_Transport_Guidance.pdf
- 5.5 Parents/carers are responsible for their child's safety while travelling to and from school. Where the Council has provided assistance with travel to support a child access education, parents/carers remain responsible for their child's safety before and after these arrangements take place.
- 5.6 A qualifying school is taken to mean the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any special educational needs that the child may have.
- 5.7 Any travelling arrangements or expenses will be the responsibility of parents/carers if there is a nearer suitable qualifying school, unless the school is solely named in Section I of an EHC Plan. In these circumstances, the costs will be calculated by the Travel Assistance team and decision will be made with regard to the effective use of Local Authority resources.
- 5.8 It is the parents/carers responsibility to ensure their child gets to and from school safely and they should consider the practicalities of choosing a school that is not within the qualifying walking distance.

Legislation and responsibilities home to college travel

- 5.9 Under the Education Act 1996 (as amended by the Education and Inspections Act 2006), local authorities have a duty in certain circumstances to make such travel arrangements as they consider necessary in order to ensure that suitable home to school travel arrangements are made for the purpose of facilitating a child's attendance at relevant educational establishments for children below 6th form age.
- 5.10 In addition, local authorities also have a duty to facilitate access to Education and/or Training for young people aged 16-19 and this may include assistance with travel in certain circumstances.

5.11 The family must be able to demonstrate the following:

- Family must reside with the Borough of Oldham for the duration of their course
- College/school must be the nearest that offers the course. If the young person

chooses a college further away they must demonstrate exceptional need to attend that college to be given assistance. If they cannot do so the young person will be responsible for their own costs **Additional Information**

5.12 **Change of School Day:** The council will consider making changes to arrangements however, if additional costs are involved, the Council reserves the right to make arrangements for all or part of those costs to be charged to the school concerned.

If there is a change to time of the school start or finish day for school events or school holidays, transport will not be provided.

It should be noted that examination timetables do not constitute a change in the school day.

5.13 **Exceptional Circumstances:** Each case will be submitted and considered on its own merits by the SEND Moderation Panel.

5.14 **Home Address:** the address where the child resides. Where a child spends time with both parents/carers in separate homes and both have parental responsibility, the Council will need to establish where the majority of school nights (Sunday to Thursday) are spent and treat that as the home address. Travel Assistance is not provided to alternative addresses e.g. grandparents, child-minders. Any change in transport remains the decision of the Council.

5.15 **Low Income Families:** Children whose parents are in receipt of the maximum level of working tax credit or children who are entitled to free school meals. For those families in receipt of Universal Credit the statutory guidelines for eligibility as low income will be followed.

5.16 **Mileage rate:** A mileage rate of forty 46p per mile will be paid for the return journey based upon the mileage determined by the Council's ICT transport data base measurement tool. This will be paid after reconciling with school attendance records.

5.17 **Relevant Educational Establishment:** Section 508-B (10) of the Education Act 1996 defines a relevant educational establishment as either a qualifying school or places (other than schools) where a child is receiving education by virtue of the arrangements made under section 19 (1) of the Act. Qualifying schools are community, foundation or voluntary schools; community or foundation special schools, non-maintained special schools, pupil referral units, maintained nursery schools or city technology colleges, city colleges for the technology of the arts or Academies.

5.18 **Statutory School Age:** children and young people aged from five years of age up to the last day of the school year when they reach 16 years of age. Under Raising the Participation Age Agenda, young people must remain in fulltime education and training until the age of 18 years.

5.19 **Statutory Walking Distance:** statutory walking distance is two miles for pupils aged up to eight and three miles for those aged eight and over. The statutory walking distance is measured by the shortest route along which a child accompanied as necessary may walk with reasonable safety. Walking routes are measured using Google Maps system which utilise pathway mapping.

5.20 **Transport for Greater Manchester**

Travel support can be obtained from Concessionary Fares operated by Transport for Greater Manchester (TfGM).

Address: 2 Piccadilly Place
Manchester, M1 3BG

Telephone: 0161 244 1000 general enquiries
(7am to 8pm Monday to Friday, 8am to 8pm Saturday and Sunday)

Website: <http://www.tfgm.com/Pages/default.aspx>

Concessionary travel – is offered to disabled people, whatever their age. Depending on individual circumstances this can be free or reduced cost travel on buses, trains and the Metro link. More information is available from TfGM 0161 244 1050

Ring and Ride service provides door to door transport for people who find it very difficult or impossible to reach a bus stop or access general buses. The service is not intended for daily travel to or from college but could help a young person with other journeys. The ring and ride service can be accessed through:

Website: <http://www.tfgm.com/ringandride/Pages/default.aspx> Telephone

enquiries: 0845 688 4933 or 0161200 6011.

Telephone bookings: 0845 688 3989.

Travel voucher scheme – this is available for people who are unable to use general buses and who have serious walking difficulties or are registered blind. Vouchers are not free but are substantially discounted. If young people have any queries about the scheme, they should contact TfGM details above.

Additional Journeys

This section explains the Council's policy for the provision of Travel Assistance for journeys additional to the normal provision at the beginning and end of the normal school working day.

5.21 **School Trips.** Travel Assistance timings may be adjusted by the Council on request from schools to take account of connections with the departure/ arrival of educational or recreational school trips. Schools must notify such requests to the Council as early as possible to enable an assessment of any additional costs to be made. Where adjustments in timings would result in additional transport costs to the Council, schools will need to take this into account in the planning of school trips, and such costs must be reimbursed to the Council as part of the school's costing arrangements for the whole trip.

- 5.22 **Work Experience.** Transport will not be provided to enable students to undertake work experience.
- 5.23 **Induction Days/ 'Taster Days'.** Transport may be made available for entitled children attending Induction Days or 'Taster Days' at the Council's Special Schools and resourced provisions. Transport may also be provided for entitled children attending Induction/'Taster Days' at Independent Schools where such a school has been named by the Council in the child's Statement or Education and Health Care Plan and there is no other school closer to the child's home that can meet the child's needs.
- 5.24 **Breakfast Clubs/After School Clubs.** Transport will not be provided or adjusted to enable students to attend breakfast clubs/ after school clubs that do not fulfil part of the school curriculum, except where transport to/from such clubs can be provided without additional cost to the Council and where staff are available to support where required.
- 5.25 **Illness at School.** Transport will not normally be provided for students who are taken ill at school to enable them to return home. This is a parental or school responsibility.
- 5.26 **Medical/Dental Appointments.** Transport will not be provided or adjusted to enable students to attend medical or dental appointments. This is a parental responsibility.
- 5.27 **Detentions.** Transport will not be provided to take children home after detentions. This is a parental responsibility.
- 5.28 **College Attendance Whilst Registered at School.** For older children who spend a whole day at college or become dual-registered at the college whilst still being a registered pupil at a school, travel arrangements on those days may be adjusted to set down and pick up at the college, if this is possible within existing arrangements at no additional cost. If not, travel arrangements are the responsibility of the school or parent/carer. Transport arrangements for journeys during the school day to attend college placements are the responsibility of the school at which pupils are registered (for pupils with statements of SEN or EHC Plans this will be the school named on the statement or plan).

Vehicle Transport Service Standards

- 5.29 The Travel Assistance Team is responsible for arranging and overseeing all agreed methods of travel assistance provided to pupils with or without a Statement of SEN/EHC Plan. Travel assistance will be provided according to the agreed school placement arrangements (e.g. daily, fortnightly, or in the case of 52-week provision at the start and end of the placement only). The responsibilities of the Travel Assistance Team include, but are not limited to;
- Implementing agreed travel assistance, e.g. allocating suitable routes and pick-up and drop-off points
 - Day to day amendments/queries relating to travel assistance
 - Managing provider contracts
 - Managing contracts with licensed transport providers
 - Monitoring of transport providers
 - Investigating and responding to complaints about transport services
- 5.30 The service standards described below act as guidance and clarity for the service users for who travel assistance is provided. Underlying these standards is the principle that, if the Council agrees to provide travel assistance, it will be provided in a safe, suitable and

cost-effective manner, taking account of the child's specific needs and with regard to the best use of the Council's resources.

5.31 **Vehicles**

- All transport will be provided in accordance with contractual standards and legislation.
- All vehicles will be properly licensed in accordance with local regulation and national legislation
- The Council will conduct regular monitoring of quality and service standards on all vehicles operated by its contractors.
- Vehicles will have specialist wheelchair access and wheelchair restraint systems where necessary.
- All vehicles will be road worthy, clean inside and out, fitted with seat belts and carry emergency equipment i.e. fire extinguisher and first aid kit and any other equipment/notices required by law, e.g. children sign on front and back of vehicle.

5.32 **Transport Service Personnel**

5.32.1 **Passenger Assistants**

- The Council may provide a Passenger Assistant for children and young people who have severe physical or learning disabilities and/or challenging behaviours and where the child's safety requires it, and as determined during the assessment phase.
- The need for a Passenger Assistant will be reviewed annually as part of the child's annual review.
- Passenger Assistants will not be provided where parents/carers make their own travel arrangements.
- Where provided, the Council will make every effort to ensure the same Passenger Assistant is used on a regular basis. This may not always be possible due to staff shortages, illness, holidays, retirement and staff resignations. Changes may also be necessary from time to time to ensure the efficient use of resources.
- The Passenger Assistant should assist children on and off the vehicle and ensure they are seated safely while the vehicle is moving.
- Passenger Assistants must treat parents/carers and children with respect and avoid confrontations. It is also expected that parents/carers will treat the passenger assistants with respect and consideration.
- Passenger Assistants should deliver children to a member of school staff on arrival at the school so that at no time are children left unattended on the vehicle.
- If the Passenger Assistant has a concern for any child in their care, the head teacher and the Travel Assistance Team will be informed.
- Passenger Assistants are not authorised to leave a child with anyone other than their parent/carer or named responsible adult (16+) identified in advance to the Travel Assistance Team in writing by the parent/carer.
- All Passenger Assistants will have enhanced Disclosure and Barring Service (DBS) clearance.
- Passenger Assistants must carry and display Oldham Council identification at all times.
- Passenger Assistants must adhere to the Council's no smoking policy.
- Passenger Assistants have strict instructions not to enter into any personal arrangements with parents/carers, including changing pick up or drop off points without consulting with the Travel Assistance Team.

5.32.2 Drivers

- Drivers must carry and display suitable identification at all times.
- Drivers must have enhanced DBS clearance.
- Drivers must, as far as possible, be punctual.
- Drivers must ensure that all wheelchairs are securely clamped.
- Drivers must treat parents, children and Council staff with respect and avoid confrontations. It is also expected that parents/carers and Council staff will treat the drivers with respect and consideration.
- Drivers must report any poor behaviour of passengers to their supervisor to relay onto the Travel Assistance Team. Also, to the school and parent as necessary.
- Drivers must ensure that all passenger harness and safety straps are properly adjusted and fitted securely before the journey commences.
- Drivers must adhere to the Council's no smoking policy.
- The driver is to stop, as close to the home address or collection point as traffic conditions will safely permit.
- The driver is not allowed to sound his horn to alert parents that they are there.
- Neither drivers nor Passenger Assistants are responsible for taking a child across the road if a parent/carer is waiting on the other side.

5.33 Health and Safety

- All wheelchairs and buggies used for passenger seating in the vehicles (ie not folded and stowed) must be crash tested and certified suitable for transport.
- The Travel Assistance Team will use the Transport Information Forms completed by parents/carers each year, together with information provided by the SEN team, to inform Risk Assessments for travel arrangements for each child. The majority of children/young people will be covered by a generic Risk Assessment for transport. However, in more complex cases, a specific Risk Assessment will be undertaken. Relevant information from these Risk Assessments will be shared with transport providers to enable them to exercise their duty of care to passengers that they are transporting. Such information will be protected by the Council's contractors in accordance with agreed data protection arrangements.
- Passenger Assistants are trained in Disability Awareness, safeguarding, basic First Aid and receive additional training specific to the child's needs where necessary. However, in the event of an emergency, Passenger Assistants and drivers will contact 999 emergency services in the first instance.
- Transport staff are not permitted to administer any medication to passengers.
- It is vital that parents/carers advise the Travel Assistance Team of any health concerns that may affect their child whilst on transport. Such information may include details of things such as allergies, for example, even if not thought to be directly relevant to transport. This information must be included in the Transport Information Form when vehicle transport is agreed and reviewed annually, and whenever the child's needs change.

Children and young people are not permitted to consume food or drinks whilst on board a vehicle unless this has been agreed in exceptional circumstances by the Travel Assistance Team. This standard will be strictly enforced to ensure the continuing safety of all passengers whilst travelling.
- It is the responsibility of parents/carers to ensure that arrangements are in place AM and PM to ensure the safe handover of their child to and from the care of the transport provider. The handover of children must happen at the vehicle, apart from in exceptional circumstances agreed with the Travel Assistance Team in advance,

to ensure that the Passenger Assistant and driver can maintain the supervision and safety of other passengers.

- In the case of extreme weather conditions, transport services will not operate. Decisions to cancel transport will be taken by the Transport Manager and/or transport providers according to information provided by schools and on the basis of their own risk assessments.
- In the case of extreme weather conditions, should a parent or carer choose to transport their child to school themselves, then it is their responsibility to undertake the return journey as well.

5.34 Journey times

- The Council will endeavour to ensure that pupils arrive at school fit to learn and recognise that the length of the journey to school can affect this aim.
- Journey times may be longer where pupils are travelling to schools and colleges outside of Oldham.
- On occasions there may be factors outside the Council's control e.g. unforeseen traffic congestion or bad weather that may affect journey times.
- In certain circumstances it may be necessary for the Council to vary planned routes and this may affect pick up and drop off times. Where this is the case the Council or provider will endeavour to contact parents/carers in advance to advise them.
- Pick up and drop off times affect journey times and will therefore not be altered to fit parental circumstances (for example, a parent's work schedule)

5.35 Vehicle Waiting Times (Mornings)

- Parents/carers are expected to be available at home or at an agreed collection point, at an agreed time to meet transport in the morning.
- To keep journey times down to an absolute minimum and ensure that all pupils arrive at school on time, all vehicles will adhere to strict waiting time limits as follows:
- If a child is not ready, or not at the agreed collection point, the vehicle will wait for a maximum of 3 minutes after the agreed pick up time and then move off. If this means the child is unable to travel on the organised vehicle, the parent/carers are then responsible for ensuring that the child gets to school on time.
- If the vehicle arrives early for a pick-up it will wait until the official set time and then a maximum of 3 minutes before moving off. If this means the child is unable to travel on the organised vehicle, the parent/carers are then responsible for ensuring that the child gets to school on time.
- If the vehicle is running late for a pickup, the crew are expected to advise parents/carers of the delay as soon as possible. When a vehicle arrives at a family home or collection point, the horn will **not** be sounded. Parents/carers are expected to have their child ready and waiting to board the vehicle.

5.36 Vehicle Waiting Times (Afternoons)

Parents/carers must be available at home or the nominated delivery point, at the regular drop off time, every afternoon to meet their child.

- Parents/carers must provide emergency contact details.
- In the event that a parent/carers is unable to meet their child at the specified time and location, the emergency contact details will be used. If unsuccessful and as a final resort, the child will be taken to a place of safety and the parent/carers will be notified. It will then be the parents/carers responsibility to collect from that place.

- At times, parents/carers may need to make emergency alternative arrangements for the handover of their child to a nominated responsible adult, either at the home address or at an alternative address within Oldham. In these cases, it is the parent/carer's responsibility to notify the Travel Assistance Team and make suitable arrangements to ensure their child's safety.
- In circumstances where vehicles are delayed or late arriving the parent/carer should contact the Travel Assistance team. The team will take steps to directly address the situation with the provider.
- Where no responsible adult is available to meet a child from transport on more than two occurrences, travel assistance will be reviewed and may be suspended or permanently withdrawn. In these cases, the parents/carers will receive no more than four letters
 - (i) initially raising the concerns
 - (ii) informal warning indicating the remedial steps taken and the potential of transport removal
 - (iii) final warning indicating that transport will be removed.
 - (iv) the Travel Assistance Team jointly with Contracts and Commissioning Manager will issue the fourth and final letter confirming the removal of transport, citing the reasons for the removal, the date of the proposed removal and the parental route of appeal. In these cases, parents/carers become responsible for their child's attendance at school and any transport required.

5.37 Absences

- Where a child cannot attend school on any particular day due to illness it is the parents/carers responsibility to:
- Contact the Travel Assistance Team the day before travel is required, if it is known that the child will be off school the next day or;
- Contact the Travel Assistance Team as early as possible in the morning of the day their child is due to travel, if the child has only just begun to show signs of illness. Please note an out of hours answer phone service is available by calling 0161 770 3209. The Travel Assistance Team will pick up any messages at 7:30am and relay details of absences to the appropriate Passenger Assistant or Contractor.
- When travel assistance is cancelled due to illness, with no specified timeframe, **it will only be reinstated** when the parent/carer notifies the Travel Assistance Team.
- This advice should be given on **the day before** the child is due to return to school.
 - Travel assistance will be reviewed and may be suspended for a period of time or permanently withdrawn, if it becomes apparent that transport is not being cancelled with reasonable advance warning. Parents/carers will be responsible for ensuring their child's regular attendance at school in such circumstances.

5.38 Behaviour

Oldham Council reserves the right to refuse to provide travel assistance where a child's/young person's behaviour is such that it is unacceptable (the child's / young person's additional needs will be taken into account). In these cases, the parents will receive no more than four letters (i) initially raising the concerns (ii) informal warning indicating the remedial steps taken and the potential of transport removal (iii) final warning indicating that transport will be removed. The SEN Service jointly

with the transport team will issue the fourth and final letter confirming the removal of transport, citing the reasons for the removal, the date of the proposed removal and the appeal process. In these cases, parents become responsible for their child's attendance at school and any transport required.

- Where the Council or its contractors consider that a child's / young person's behaviour is so extreme as to constitute an immediate or ongoing risk to the Health and Safety of her/himself, other service users, the vehicle crew, or members of the public, the Council reserves the right to suspend the provision of travel assistance immediately until or unless the issue can be resolved by parents/ carers, the child's/young person's school/college, or other appropriate professionals, to the Council's satisfaction that all reasonable adjustments have been made. If a child or young person is suspended from the provision of travel assistance in these circumstances, her/his parents will become responsible for their child's attendance at school and the provision of any travel support required.
- Any wilful damage that incurs cost to the transport provider for either repair or cleaning remains the responsibility of the parent/carer of the child concerned. Continued or repeat behaviour that results in wilful damage can result in withdrawal of travel assistance.

5.39 Safeguarding Children and Young People

- All children and young people will be handed over to a responsible adult at the drop off address, provided by parent/carer and in line with point 3.3. Drivers and Passenger Assistants are not permitted to leave children and young people with any person under the age of 16 or who is not an 'authorised' adult.
- Prior to starting transport, the Travel Assistance Team will request details of any authorised adult and/or emergency contact details for any person who a child or young person can be handed over to in the event of an emergency.
- A child or young person must never be removed from a vehicle anywhere on a route other than at the normal setting down point for that journey. The only exceptions to this would-be long-distance journey, when it is necessary to make pre-agreed rest stops, or in emergencies.

SEND Travel Assistance Moderation Panel.

Terms of Reference

Purpose of the Panel:

The panel will ensure effective planning and decision making for Travel Assistance in relation to children and young people that because of their special educational needs, disability or mobility difficulties, cannot reasonably be expected to walk to their nearest qualifying school.

Its remit is to consider and make decisions on all applications for;

- Travel Assistance

NB: The panel remit may widen to discuss additional requests for exclusions, respite care and school attendance support.

Terms of reference:

Strategic oversight

- To provide overall decision making on all aspects of the SEND Travel Assistance assessment process.
- Key Decision making regarding what type of Travel Assistance will be offered. This decision will be based on the most suitable type of Travel Assistance to meet the identified needs of the individual child or young person.
- Active monitoring of financial, health and safeguarding risks
- Ensure that effective use is made of all resources
- Provide a challenge and scrutiny to Travel Assistance decision making to ensure the needs of the child or young person are met and reviewed frequently.

Decision making

The Panel will consider:

- Whether the child or young person's needs meets the agreed criteria (outlined in the policy) for Travel Assistance.
- What type of Travel Assistance (outlined in the policy) will be offered to meet the identified needs of the individual child or young person.

Membership and meeting dates

- The Panel will meet weekly and meetings will be held every Friday 2:30 – 3:30pm
- Membership includes;

SEND Service Manager	SEND Services
Senior Transport Officer	Travel Assistance Team
SEND Coordinator	Health

- The Senior Transport Support Officer will ensure accurate and relevant information is brought to panel on individual application forms so panel members can make informed decisions.
- The Panel will be supported by the Senior Transport Support Officer who will ensure: -
 - all applications are presented to the Senior Transport Officer by close of play the Thursday before the meeting.
 - all decisions are fully recorded and communicated following the panel
 - All decisions will be communicated in writing parents/carers within 5 working days and logged on Transys.

Review arrangements

- The Panel to participate in consultations and take feedback to and from the Transport Task and Finish Group
- The Panel will review the terms of reference in July 2020 and then annually

Expectations of Senior Transport Officer presenting to Panel are:

1. A brief presentation taken from the one-sided precis of the case taken from the panel sheet
2. To be fully prepared to answer the following questions:
 - What is the specific resource request contained in the application?
 - What are their recommendations for Travel Assistance based on their understanding of the evidence?
 - What are the views of the parent/carer i.e. what do they want?
 - Do they understand the panel decision including all the information they need to relay? Can they read them back to Panel, so we know they have written them down and understood them?

Hollinwood	Supplier
HA0 - Multipassenger	Skyline Private Hire
HA1 - Multipassenger	Mossley Private Hire
HA10 – Multipassenger	Skyline Private Hire
HA2 - Multipassenger	Carlton Minibuses
HA3 – Multipassenger	Connect Cars (UK) Ltd
HA4 – Multipassenger	Mossley Private Hire
HA5 – Multipassenger	Mossley Private Hire
HA6 – Multipassenger	
HA7 – Multipassenger	P&T Coach Hire
HA8 – Multipassenger	Skyline Private Hire
HA9 - Multipassenger	Connect Cars (UK) Ltd

New Bridge Learning Centre	Supplier
LC1 – Adapted	Mossley Private Hire
LC10 – Multipassenger	Connect Cars (UK) Ltd

Kingfisher	Supplier
KF1 – Multipassenger	Skyline Private Hire
KF10 – Adapted	Moorside Travel
KF11 – Adapted	Mossley Private Hire
KF12 – Adapted	Skyline Private Hire
KF13 – Multipassenger	Mossley Private Hire
KF14 – Adapted	Mossley Private Hire
KF15 – Adapted	Premier Minibus Hire
KF17 – Adapted	
KF18 – Taxi	Connect Cars (UK) Ltd
KF19 – Adapted	Skyline Private Hire
KF2 – Adapted	Moorside Travel
KF20 – Adapted	Skyline Private Hire
KF21 – Taxi	Skyline Private Hire
KF22 – Adapted	Premier Minibus Hire
KF23 – Adapted	Premier Minibus Hire

LC12 – Adapted	Mossley Private Hire
LC13 – Adapted	Mossley Private Hire
LC14 – Multipasseneger	Carlton Minibuses
LC15 – Adapted	Mossley Private Hire
LC2 – Multipassenger	Archive
LC3 – Adapted	Skyline Private Hire
LC4 – Adapted	Premier Minibus Hire

KF24 – Adapted	Mossley Private Hire
KF3 – Adapted	Mossley Private Hire
KF4 – Adapted	Mossley Private Hire
KF5 - Adapted	Mossley Private Hire
KF6 – Adapted	Royton Minibuses
KF8 - Adapted	Skyline Private Hire
KF9 – Adapted	Travel Line Minibuses
KFN1 - Adapted	Archive

Page 46

<u>Springbrook & Kingsland</u>	<u>Supplier</u>
PSC1 – Taxi	Archived
PSC11 – Taxi	Archived
PSC13 – Taxi	Archived
PSC14 - Taxi	Archived
PSC16 – Taxi	Archived
PSC2 – Taxi	Archived
PSC3 – Taxi	Archived

<u>Out of Borough</u>	<u>Supplier</u>
MP1 – Multipassenger	Connect Cars (UK) Ltd
MP2 – Adapted	Archived
MP3 - Taxi	Skyline Private Hire
OB1 – Taxi	
OB10 – Taxi	Connect Cars (UK) Ltd
OB14 – Multipassenger	Connect Cars (UK) Ltd

PSC4 – Taxi	Archived
PSC5 – Taxi	Archived
PSC6 – Taxi	Archived
PSC7 – Taxi	Archived
PSC8 – Taxi	Archived
PSC9 – Taxi	Archived
SB1 – Multipassenger	Connect Cars (UK) Ltd
SB2 – Multipassenger	Connect Cars (UK) Ltd
SB3 – Taxi	Connect Cars (UK) Ltd
PSC10 – Taxi	Skyline Private Hire

OB15 – Taxi	Connect Cars (UK) Ltd
OB16 – Multipassenger	Connect Cars (UK) Ltd
OB17 – Taxi	Connect Cars (UK) Ltd
OB18- Multipassenger	
OB2 – Multipassenger	Transportation Direct
OB20 – Adapted	Connect Cars (UK) Ltd
OB21 – Taxi	Skyline Private Hire
OB23 – Taxi	Skyline Private Hire
OB24 – Taxi	Skyline Private Hire
OB27 – Taxi	Connect Cars (UK) Ltd
OB29 – Taxi	Connect Cars (UK) Ltd
OB3 – Taxi	Connect Cars (UK) Ltd
OB30 – Adapted	Skyline Private Hire
OB31 – Adapted	Skyline Private Hire
OB34 – Taxi	Skyline Private Hire
OB35 – Taxi	Skyline Private Hire

OB37 – Adapted	Smart Minibuses
OB39 – Taxi	Connect Cars (UK) Ltd
OB4 – Multipassenger	Archived
OB42 – Taxi	Connect Cars (UK) Ltd
OB44 – Taxi	Connect Cars (UK) Ltd
OB48 – Taxi	Connect Cars (UK) Ltd
OB5 – Taxi	Connect Cars (UK) Ltd
OB6 – Taxi	Connect Cars (UK) Ltd
OB7 – Taxi	Connect Cars (UK) Ltd
OB9 - Multipassenger	Transportation Direct

Mainstream	Supplier
MS1 – Multipassenger	G Travel
MS11 - Multipasseneger	Skyline Private Hire
MS13 – Taxi	Skyline Private Hire
MS15 – Taxi	Connect Cars (UK) Ltd
MS16 – Taxi	Skyline Private Hire
MS17 - Adapted	Archived
MS2 – Multipassenger	Archived
MS29 – Adapted	Skyline Private Hire
MS3 – Taxi	Skyline Private Hire
MS30 - Taxi	Oldham Wheelchiare Travel
MS4 – Adapted	Skyline Private Hire
MS5 – Taxi	Connect Cars (UK) Ltd
MS6 – Taxi	Skyline Private Hire
MS7 – Taxi	Connect Cars (UK) Ltd
MS8 – Taxi	Skyline Private Hire

MS9 – Adapted	Skyline Private Hire
OB32 – Taxi	Archived

<u>New Bridge</u>	<u>Supplier</u>
NB1 – Adapted	Skyline Private Hire
NB10 – Multipassenger	Skyline Private Hire
NB11 – Multipassenger	Mossley Private Hire
NB12 – Multipassenger	Connect Cars (UK) Ltd
NB13 – Multipassenger	Carlton Minibuses
NB14 – Multipassenger	Carlton Minibuses
NB15 - Multipassenger	Connect Cars (UK) Ltd
NB16 – Multipassenger	Mossley Private Hire
NB17 – Multipassenger	Connect Cars (UK) Ltd
NB18 – Adapted	Royton Minibuses
NB2 – Multipassenger	Connect Cars (UK) Ltd
NB20 – Multipassenger	Skyline Private Hire

NB21 – Taxi	Skyline Private Hire
NB22 – Adapted	Archived
NB23 – Adapted	Skyline Private Hire
NB24 – Adapted	Skyline Private Hire
NB3 – Adapted	Travel Line Minibuses
NB4 – Multipassenger	Mossley Private Hire
NB5 – Adapted	Skyline Private Hire
NB6 – Adapted	Premier Minibus Hire
NB7 – Adapted	Connect Cars (UK)
NB8 – Multipassenger	Connect Cars (UK)
NB9 – Adapted	Mossley Private Hire

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Report to CABINET

Proposed Public Spaces Protection Order - Saddleworth Moor

Portfolio Holder:

Cllr Arooj Shah, Deputy Leader and Portfolio Lead for Social Justice and Communities

Officer Contact: Carol Brown, Environmental Management

Report Author: Lorraine Kenny, Community Safety Manager
Ext. 1582

22nd July 2019

Reason for Decision

Following a significant amount of fires upon the moorlands in Saddleworth and Tameside over the last two years, both Councils have commenced consultation exercises (commencement date 8th July 2019) as the first stage of the legal process to consider of the making of Public Spaces Protection Orders (PSPO) pursuant to s59 of the Anti-Social Behaviour Crime and Policing Act 2014. Such Orders will enable the introduction of behavior controls upon the moorlands (FIRE RELATED ACTIVITIES) and prevent the significant impact of wildfires upon the community and services. Under the legislation each local authority must make its own PSPO, however should the Orders be made, it is intended that they will come into force on the same date and contain identical terms to avoid confusion along the contiguous geographical border.

The Cabinet is asked to give delegated approval to the Portfolio Lead and Deputy Chief Executive/Director to make a Public Spaces Protection Order pursuant to s59 of the Anti-Social Behaviour Crime and Policing Act 2014, following completion of the consultation exercise, in the absence of any significant objection(s), in order to ensure that the commencement of the Order can be effected on the same date as the Tameside PSPO.

Executive Summary

The Anti-Social Behaviour Crime and Policing Act 2014 gives local authorities the power to make Public Spaces Protection Orders (PSPOs) to control behaviours on land to which the public have access, which have caused or may cause a detrimental effect on the quality of life of those in the locality and are likely to be on a continuing or persistent nature and are therefore unreasonable.

In the last two years there have been a significant number of wildfires reported and responded to on moorland across Oldham and Tameside.

Between June 2018 and May 2019 Greater Manchester Police received 27 reports of moorland fires across various areas on Saddleworth Moor in Oldham. Some of the reports related to fires which were already being attended to by the emergency services and military personnel, but which had spread, or fires which had previously been extinguished but had re-ignited. During the same period 10 reports were made to police of people having barbecues on the moorland.

The fires have caused major loss to the land, the death of wildlife and damage to property. Without any further fires occurring, it is estimated that the land will take at least five years to recover and approximately ten years for the wildlife to return.

Oldham Council and Tameside Council are working together with the Greater Manchester Fire and Rescue Service, Greater Manchester Police and United Utilities, who own a significant portion of the moorland, to develop a response which would prevent and disrupt high risk activities, including lighting of fires, possession and use of barbecues, fireworks, Chinese lanterns and other open flame heat sources upon the moorland.

The potential implementation of Public Spaces Protection Orders, which are enforceable by means of fixed penalty notices or prosecution, has been identified as the most appropriate course of action to respond to the issues and reduce the likelihood of further moorland fires.

Under the provisions of the legislation, prior to the making of a PSPO, a statutory consultation exercise must be undertaken.

It has been agreed that both Councils will commence the statutory consultation exercises on the 8th July 2019. Within Oldham the decision to commence consultation was made through delegated approval.

Should the Orders be made following the consultation exercise, in the absence of any significant objections, both Orders will be identical in order to avoid confusion along the contiguous land border.

Recommendations

To give delegated approval to the Portfolio Lead and Deputy Chief Executive/Director to make a Public Spaces Protection Order pursuant to s59 of the Anti-Social Behaviour Crime and Policing Act 2014.

Proposed Public Spaces Protection Order – Saddleworth Moor**1 Background**

- 1.1 On 24 June 2018, a fire broke out on Saddleworth Moor. Within 2 days, the fire covered an area of approximately 2000 acres & a major incident was declared. The fire continued to grow and became the most disruptive & widespread moorland fire in living memory. The fire eventually destroyed approximately 4500 acres of moorland, resulted in approximately 150 residents being evacuated from their homes in Carrbrook, Tameside.
- 1.2 Firefighters from 15 Fire & Rescue Services, together with over 100 army personnel from the Royal Regiment of Scotland, and many other partner agencies were involved in fighting the fire.
- 1.3 The fire resulted in destruction of wildlife, farm animals and vegetation over a large area. The air quality across the entire North West of England was impacted upon due to the smoke caused by the fire. Colleagues from Tameside have advised that at its height, smoke from the fire was visible from space and could clearly be seen to affect the area between Saddleworth Moor, Wirral and Morecambe Bay.
- 1.4 Moorland fires are not uncommon. The 2018 fire was exceptional in its size and impact on local communities, but wildfires on moorland areas occur every year, and each fire runs the risk of developing into a disruptive and damaging incident which, like the 2018 fire, could cost many millions of pounds to deal with. It is often difficult to identify the causes of such fires – by the nature of these incidents, vital evidence is often destroyed. Arson can never be ruled out, but alongside blatant deliberate acts, there is strong evidence to suggest that many moorland wildfires are caused by careless and/or inconsiderate behaviour, such as the lighting of camp fires and bonfires, the use of charcoal and disposable barbecues, fireworks and “Chinese lanterns”.
- 1.5 Between June 2018 and May 2019 Greater Manchester Police received 27 reports of moorland fires across various areas on Saddleworth Moor in Oldham. Some of the reports related to fires which were already being attended to by the emergency services and military personnel, but which had spread, or fires which had previously been extinguished but had re-ignited. During the same period 10 reports were made to police of people having barbecues on the moorland.
- 1.6 There have already been a number of significant wildfires across the GM conurbation this year which has resulted in the destruction of land, loss of wildlife, damage to property and displacement of communities through emergency evacuations. A document detailing the analysis of moorland wildfires in Oldham is appended to this report (Appendix A)
- 1.7 The recovery phase for moorland fires is for a period of no less than 5 years. A recent estimate for the full recovery of wildlife has been given as 10 years. In addition to the impact of such fires on land and local communities, there is significant concern relating to the demand which further fires will place upon services. It is also recognized that in the event of further fires demand is likely to be placed on neighbouring authorities as part of mutual aid arrangements. This by its very nature reduces the resources available locally to respond to need.

-
- 1.8 The Anti-Social Behaviour, Crime & Policing Act 2014 introduced a number of measures which are available to the police & local authorities in dealing with a wide range of matters which have a negative impact on local communities. One of the options available to local authorities is the introduction of Public Spaces Protection Orders (PSPOs) which can be used to prohibit certain activities within a 'Restricted Area' which have had a detrimental effect on the quality of life of those in the locality.
- 1.9 Oldham Council is working in partnership with Tameside Council and United Utilities, which is a major landowner of some of the moorland area, to develop a response which will reduce the likelihood of further fires.
- 1.10 In addition, Oldham Council is also working with Pennine Prospects, including South Pennine Moorwatch and South Pennine Fire Operation Group. The Peak District National Park will also be included within the statutory consultation exercise as an adjacent landowner.
- 1.11 Tameside Council are undertaking their own statutory consultation exercise, and should it be determined that a Public Spaces Protection order is appropriate, then both Oldham Council and Tameside Council intend to make identical Orders. This will reduce the possibility of confusion of the terms of any Orders along the contiguous land border.
- 1.12 The fires have a devastating impact upon communities, including businesses and we are committed to working with our communities and partners to keep people and property safe from harm. The implementation of the Public Spaces Protection Order would support the Council's values, behaviours and corporate priorities.

2 Current Position

- 2.1 At the current time there are no formal behavior controls in place upon the moorlands. A communications plan has been developed and is being implemented through the corporate communications team. The plan includes the dissemination of key messages on fire prevention in order to informally dissuade individuals from engaging in behaviours which may increase the risk of wildfires occurring. The District Team and volunteer networks are also sharing the key messages around the access points to the moorlands.
- 2.2 The consultation exercise commenced on Monday the 8th July 2019 and will end on Monday the 5th August.

3 Options/Alternatives

- 3.1 To give delegated approval to the Portfolio Lead and Deputy Chief Executive/Director to make a Public Spaces Protection Order pursuant to s59 of the Anti-Social Behaviour Crime and Policing Act 2014, following completion of the consultation exercise, in the absence of any significant objection(s). Should significant objection(s) be received then the decision making will be retained by the Cabinet.
- 3.2 To bring all decision making on the making of a Public Spaces Protection Order to control moorland fires to the Cabinet. In the absence of any significant objections to the PSPO being made, this option would delay the commencement of the Order and result in the commencement of the two parallel Orders in Oldham and Tameside, not occurring on the same date. This may result in displacement of behaviours onto the moorland in Oldham.

4 Preferred Option

- 4.1 To give delegated approval to the Portfolio Lead and Deputy Chief Executive/Director to make a Public Spaces Protection Order pursuant to s59 of the Anti-Social Behaviour

Crime and Policing Act 2014, following completion of the consultation exercise, in the absence of any significant objection(s). Should significant objection(s) be received then the decision making will be retained by the Cabinet.

4.2 The decision is within the budget/policy framework.

5 Consultation

5.1 The consultation exercise commenced on Monday the 8th July and will end on Monday the 5th August.

6 Financial Implications

6.1 The cost of PSPO signage is estimated to be approximately £10,000. As United Utilities own a significant portion of the land within the area, they have indicated that they will contribute to a collaborative budget for the signage.

6.2 No additional staffing resource is proposed by this report, as the enforcement of the PSPO. will be undertaken from within existing resources. The full costs of signage will be met by the directorate's existing budget within the Community Safety area.

6.3 Negotiations with United Utilities are at an early stage and therefore no funding confirmation has been confirmed from them at this time, however, should a contribution be made then this will be allocated against the costs incurred within Community Safety.

6.4 Income of £90 per PSPO fine would be received for each successful prosecution. All income received would be set against enforcement costs within Environmental Services. It is not possible to quantify what this additional income could be; however, it is estimated to be low. (C. Holdaway/Sadrul Alam)

7 Legal Services Comments

7.1 Before making a Public Spaces Protection Order, the Council must be satisfied on reasonable grounds that two conditions are met.

The first condition is that-

- a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or the likely effect, of the activities-

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) justifies the restrictions imposed by the Order.

7.2 Before making a Public Spaces Protection Order the Council must consult the Police, appropriate community representatives and the owners or occupiers of land within the area covered by the order. However, the requirement to consult owners or occupiers of land applies only to the extent that it is reasonably practicable to do so.

7.3 It is an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014 for any person without reasonable excuse to do anything that the person is prohibited from doing by a public spaces protection order or to fail to comply with a

requirement to which the person is subject under a public spaces protection order. A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding £1000.

- 7.4 The Council owes a general duty of care to the public to ensure that Public Spaces Protection Orders are complied with but provided the Council acts reasonably and in good faith, that general duty of care does not amount to a private law duty of care to individuals. The allocation of resources to enforce Public Spaces Protection Orders is a matter for the Council and the Police. (A. Evans)

8. **Co-operative Agenda**

- 8.1 The extension of the Public Space Protection Order is fully aligned with the Council's Co-operative agenda in creating safe neighbourhoods.

9 **Human Resources Comments**

- 9.1 N/A

10 **Risk Assessments**

- 10.1 The corporate communications team, District Team and Community Safety Services will be promoting the Council's efforts in working with partners and communities to develop a response to reduce the risk of further fires. If a Public Spaces Protection Order is implemented then this will reduce the risk of harm to life, land and property through fire.

- 10.2 If a Public Spaces Protection Order is not implemented, and there is no clear rationale for this e.g. no significant objections received, and further wildfires occur which result in loss of life or property, this may impact negatively upon the Council and the wider Community Safety Partnership, where there is public knowledge of the Council's ability to take action. (M. Stenson)

11 **IT Implications**

- 11.1 There are no IT implications.

12 **Property Implications**

- 12.1 There are no property implications

13 **Procurement Implications**

- 13.1 There are no procurement implications.

14 **Environmental and Health & Safety Implications**

- 14.1 There are significant environmental implications of further wildfires as detailed in part 1 of this report and there is a serious risk to the health and safety of personnel who attend to extinguish such fires. Residents and other individuals in the locality of such fires are also at risk from both the fires themselves and from the effects of poor air quality.

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

- 15.1 The making of the Public Spaces Protection Order will not negatively impact upon any persons with protected characteristics as defined within the Equality Act 2010.

15.2 Many communities have been affected by the wildfires and it is expected that communities in the locality of the moors will fully support the making of the Order. It is anticipated that this will bring the communities closer together and promote social responsibility upon the moorland amongst residents, businesses and visitors.

15.3 Whilst fires may not be set deliberately, any fires which occur are likely to fall within the provisions of the Criminal Damage Act 1971, under reckless behaviours. The making of the Public Spaces Protection Order is likely to reduce the number of crimes which occur upon the moorland. It is hoped that the Order and visibility of volunteers and services will also deter persons from setting malicious fires.

16 **Equality Impact Assessment Completed?**

16.1 No. A specific EIA has not been completed. During the consultation period, analysis of all the available information will be included and there will be exploration and full consideration of the impact upon persons with protected characteristics as defined within the Equality Act 2010.

17 **Key Decision**

17.1 Yes

18 **Key Decision Reference**

18.1 NEI-12-19

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:

File Ref : CSS/CR/19/01

Name of File : Anti-Social Behaviour, Crime and Police Act 2014

Records held in Community Safety Services Department, Oldham Civic Centre

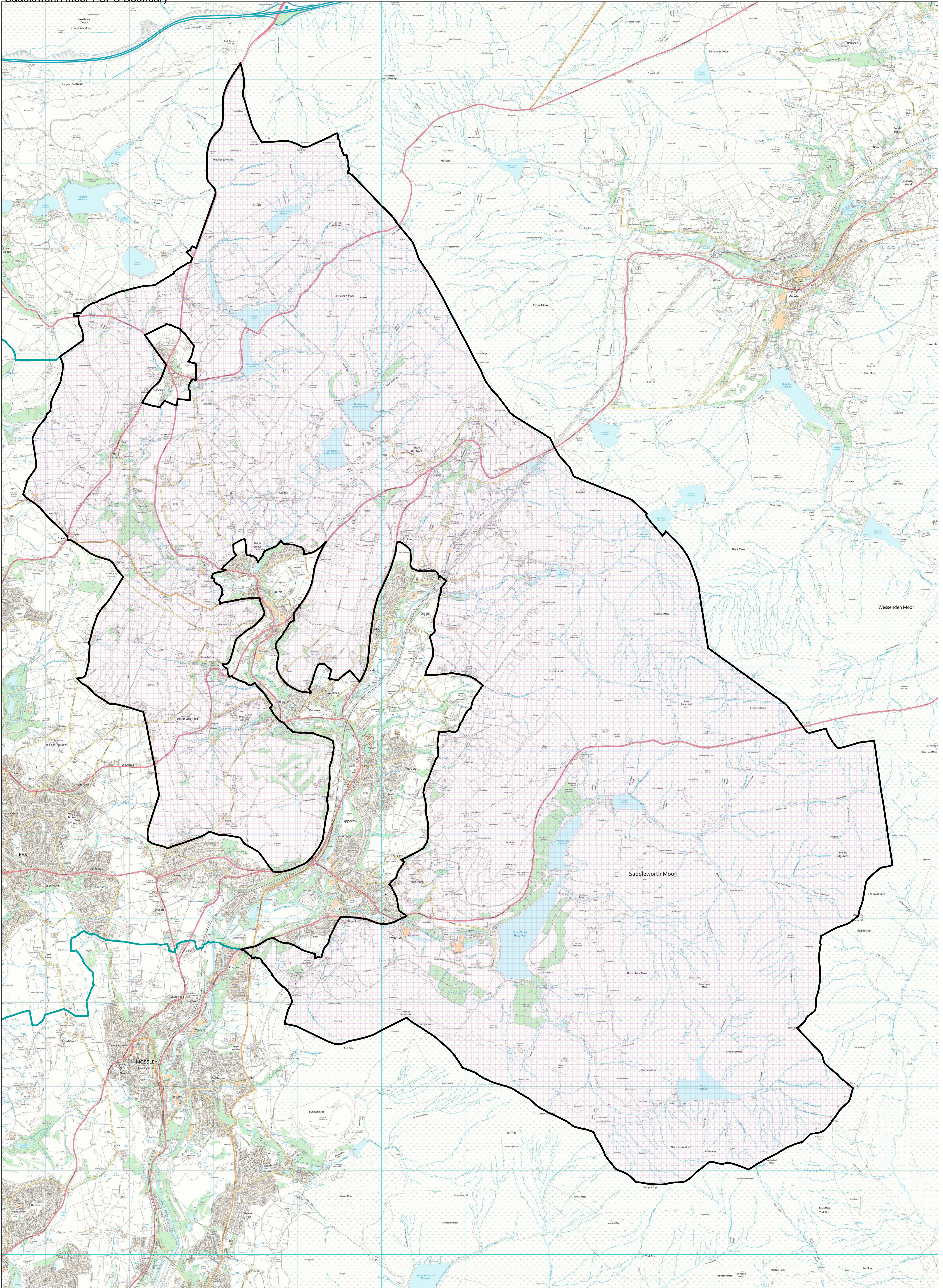
Officer Name : Lorraine Kenny

Contact No : 0161 770 1582

20 **Appendices**

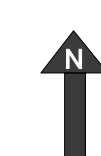
20.1 Appendix A – Proposed Restricted Area Map
Appendix B – Proposed Public Spaces Protection Order
Appendix C – Delegated Report to confirm approval to commence consultation

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Drawn by:	JR
Division:	To scale @ A0
Drawing no:	Scale: 1:14000
Date: 27/06/19	

Oldham Council
Civic Centre
West Street
Oldham
OL1 1UT



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ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**OLDHAM COUNCIL****SADDLEWORTH MOOR - OLDHAM****PUBLIC SPACES PROTECTION ORDER 2019**

Oldham Council (“the Council”) in exercise of its power under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) and of all other enabling powers being satisfied that the conditions set out in section 59 of the Act have been met hereby makes the following Order:-

1. This Order applies to the public places described in the Schedule to this Order and shown hatched in red on the plan annexed to this Order (“the Restricted Areas”).
2. A person shall be guilty of an offence if, without the prior written consent of the Council, they light a fire of any type or size in the Restricted Areas.
3. A person shall be guilty of an offence if, without the prior written consent of the Council, they are in possession of, or light, a barbecue in the Restricted Areas.
4. A person shall be guilty of an offence if, without the prior written consent of the Council, they are in possession of, or light a firework in the Restricted Areas. For the purposes of this Article, “firework” means a firework as defined in section 1 of the Fireworks Act 2003.
5. A person shall be guilty of an offence if, without the prior written consent of the Council, they light a Chinese lantern or other open flame heat source lantern in the Restricted Areas.
6. The restrictions in Articles 2 to 5 to this Order shall not apply to any police, ambulance or fire service personnel acting in pursuance of statutory powers or duties.
7. The restrictions in Articles 2 to 5 to this Order shall not apply to any land or premises within the Restricted Areas where there is no implied public access or public right of way over the land or premises.
8. Any person who, without reasonable excuse, fails to comply with the requirements of Articles 2 to 5 of this Order commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
8. This Order shall come into force on XXXXX for a period of three years.

SCHEDULE

Restricted Areas

Those parts of Saddleworth Moor within the Borough of Oldham up to the contiguous local authority boundaries with Tameside, Rochdale and Kirklees Councils and adjacent to the Borough ward boundaries of Shaw and St James.

THE COMMON SEAL of)
OLDHAM BOROUGH)
COUNCIL was hereunto)
affixed on)
in the presence of: -

Delegated Officer Report

Decision Maker:	Cllr Arooj Shah, Deputy Leader and Portfolio Lead - Social Justice and Communities Carol Brown, Director – Environmental Management
Date of Decision:	27th June 2019
Subject:	Proposed Commencement of Consultation Exercise to Consider Making of a Public Spaces Protection Order in Response to Moorland Fires
Report Author:	Lorraine Kenny, Community Safety Manager
Ward (s):	Saddleworth North Saddleworth South Saddleworth West and Lees Shaw St James

Reason for the decision: To commence a statutory consultation exercise as the first stage of consideration of the use of the powers contained within the Anti-Social Behaviour Crime and Policing Act 2014 to implement a Public Spaces Protection Order in order to control behaviour on the moorland (FIRE RELATED ACTIVITIES) and prevent the significant impact of wildfires upon the community and services.

Summary: On 24 June 2018, a fire broke out on Saddleworth Moor. Within 2 days, the fire covered an area of approximately 2000 acres & a major incident was declared. The fire continued to grow and became the most disruptive & widespread moorland fire in living memory. The fire eventually destroyed approximately 4500 acres of moorland, resulted in approximately 150 residents being evacuated from their homes in Carrbrook, Tameside.

Firefighters from 15 Fire & Rescue Services, together with over 100 army personnel from the Royal Regiment of Scotland, and many other

partner agencies were involved in fighting the fire. The fire resulted in destruction of wildlife, farm animals and vegetation over a large area.

The air quality across the entire North West of England was impacted upon due to the smoke caused by the fire. Colleagues from Tameside have advised that at its height, smoke from the fire was visible from space and could clearly be seen to affect the area between Saddleworth Moor, Wirral and Morecambe Bay.

Moorland fires are not uncommon. The 2018 fire was exceptional in its size and impact on local communities, but wildfires on moorland areas occur every year, and each fire runs the risk of developing into a disruptive and damaging incident which, like the 2018 fire, could cost many millions of pounds to deal with.

It is often difficult to identify the causes of such fires – by the nature of these incidents, vital evidence is often destroyed. Arson can never be ruled out, but alongside blatant deliberate acts, there is strong evidence to suggest that many moorland wildfires are caused by careless and/or inconsiderate behaviour, such as the lighting of camp fires and bonfires, the use of charcoal and disposable barbecues, fireworks and “Chinese lanterns”.

In the last two years there have been a significant number of wildfires reported and responded to on moorland across Oldham and Tameside. Between June 2018 and May 2019 Greater Manchester Police received 27 reports of moorland fires across various areas on Saddleworth Moor in Oldham. Some of the reports related to fires which were already being attended to by the emergency services and military personnel, but which had spread, or fires which had previously been extinguished but had re-ignited. During the same period 10 reports were made to police of people having barbecues on the moorland.

The fires have caused major loss to the land, the death of wildlife and damage to property. Without any further fires occurring, it is estimated that the land will take at least five years to recover and approximately ten years for the wildlife to return.

Oldham Council and Tameside Council are

working together with the Greater Manchester Fire and Rescue Service, Greater Manchester Police and United Utilities, who own a significant portion of the moorland, to develop a response which would prevent and disrupt high risk activities, including lighting of fires, possession and use of barbecues, fireworks, Chinese lanterns and other open flame heat sources upon the moorland.

In addition to the impact of such fires on land and local communities, there is significant concern relating to the demand which further fires will place upon services. It is also recognized that in the event of further fires demand is likely to be placed on neighbouring authorities as part of mutual aid arrangements. This by its very nature reduces the resources available locally to respond to need.

The Anti-Social Behaviour, Crime & Policing Act 2014 introduced a number of measures which are available to the police & local authorities in dealing with a wide range of matters which have a negative impact on local communities. One of the options available to local authorities is the introduction of Public Spaces Protection Orders (PSPOs) which can be used to prohibit certain activities which have had a detrimental effect on the quality of life of those in the locality.

Oldham Council is working in partnership with Tameside Council and United Utilities, which is a major landowner of some of the moorland area, to develop a response which will reduce the likelihood of further fires. Tameside Council are undertaking their own statutory consultation exercise, and should it be determined that a Public Spaces Protection order is appropriate, then both Oldham Council and Tameside Council intend to make identical Orders. This will reduce the possibility of confusion of the terms of any Orders along the contiguous land border.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

1. To undertake a communications exercise to inform the public of the risk of fires due to specific activities. This would be the provision of information only and would not result in any enforceable activity unless a substantive criminal offence e.g. arson or criminal damage was proven to have occurred

2. Not to consider making a PSPO and to

respond to fires as they occur.

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted.

A statutory consultation exercise pursuant to s72 of the Anti-Social Behaviour, Crime and Policing Act 2014 would be undertaken.

The exercise would include consultation with;

- statutory stakeholders (Chief Constable and Police and Crime Commissioner
- local elected members
- identifiable interested community groups (e.g. Ramblers Association, Moorland User Groups)
- identifiable landowners (subject to exceptions within the legislation)
- residents and visitors (through website and printed literature in the locality of the proposed Restricted Area)

Recommendation(s):

To support the commencement of the statutory consultation exercise in accordance with the provisions of the legislation.

Implications:

What are the financial implications?

There are no additional costs with commencement of a statutory consultation exercise. Any future costs that may be incurred as a result of the decision to go ahead with the Public Spaces Protection Order will be covered in a subsequent report. C. Holdaway

What are the legal implications?

Before making a Public Spaces Protection Order, the Council must be satisfied on reasonable grounds that two conditions are met.

The first condition is that-

- a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
- b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or the likely effect, of the activities-

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) justifies the restrictions imposed by the Order.

Before making a Public Spaces Protection Order the Council must consult the Police, appropriate community representatives and the owners or occupiers of land within the area covered by the order. However, the requirement to consult owners or occupiers of land applied only to the extent that it is reasonably practicable to do so.

It is an offence under section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014 for any person without reasonable excuse to do anything that the person is prohibited from doing by a public spaces protection order or to fail to comply with a requirement to which the person is subject under a Public Spaces Protection Order. A person guilty of an offence under section 67 is liable on summary conviction to a fine not exceeding £1000. (A. Evans)

There are no procurement implications for the consultation exercise.

What are the **procurement** implications?

What are the **Human Resources** implications?

Not Applicable

Equality and Diversity Impact Assessment attached or not required because (please give reason)

A specific EIA has not been completed. During the consultation period, analysis of all the available information will be included and there will be exploration and full consideration of the impact upon persons with protected characteristics as defined within the Equality Act 2010.

What are the **property** implications?

There are no property implications for the consultation exercise.

Risks:

There are no identifiable risks in relation to the consultation exercise. If a PSPO is subsequently implemented then this will reduce the risk of harm to life, land and property through fire.

Co-operative agenda

The making of the Public Space Protection Order is fully aligned with the Council's Co-operative agenda in creating safe neighbourhoods.

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?

Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?


Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council?

No

List of Background Papers under Section 100D of the Local Government Act 1972:

Title	Available from
Anti-Social Behaviour, Crime and Policing Act 2014	Community Safety Services Officer Name: Mrs Lorraine Kenny Contact No: 0161 770 1582


Report Author Sign-off: Lorraine Kenny	
Date:	27th June 2019

Please list and attach any appendices:-

Appendix number or letter	Description
A	Proposed Restricted Area Map
B	Proposed Draft Order
_____	_____

In consultation with:

Deputy Leader and Portfolio Lead – Social Justice and Communities

Signed :  Date: 27th June 2019

Director/~~Executive Director~~

Signed : *Hebrew* Date: *27th June 2019*

RECORD OF INDIVIDUAL EXECUTIVE DECISION MADE BY AN OFFICER

Decision Maker	Decision Type	Date
Cllr Arooj Shah Carol Brown	Administrative Decision	27 th June 2019

PROPOSED CONSULTATION FOR PUBLIC SPACES PROTECTION ORDER – SADDLEWORTH MOOR

Exempt/Confidential Report		No
Key Decision		No

Decision (s) ¹

The proposed Extension of the Public Spaces Protection Order is approved.

Reasons for the decision(s) ²

To commence a statutory consultation exercise as the first stage of consideration of the use of the powers contained within the Anti-Social Behaviour Crime and Policing Act 2014 to implement a Public Spaces Protection Order in order to control behaviour on the moorland (FIRE RELATED ACTIVITIES) and prevent the significant impact of wildfires upon the community and services.

Options/Alternatives considered ³

To undertake a communications exercise to inform the public of the risk of fires due to specific activities. This would be the provision of information only and would not result in

¹ Brief details of the decision should be inserted. This note must set out the substance of the decision, options considered and the reason for deciding on the chosen option, although care must be taken not to disclose any confidential or exempt information. Please include proposed timescales for commencement and / or completion of implementation as appropriate.

² Reasons for the decision must be given.

³ Options must be given.



any enforceable activity unless a substantive criminal offence e.g. arson or criminal damage was proven to have occurred

Not to consider making a PSPO and to respond to fires as they occur.

Conflict of Interest declared⁴

None


.....⁵

(Signature of ~~Executive Director~~/Director)


.....

(In consultation with relevant Cabinet Member if required)

Decision made pursuant to:

- a) General delegation under the Council's officer scheme of delegation. Non-contract decisions up to £250k.**

⁴ If none, please state none. No Member having a disclosable pecuniary interest or officer having an interest in any matter (whether pecuniary or otherwise required to be declared) should take a decision in relation to that matter. Other interests of a non-disqualifying nature should be recorded here. Any dispensation in place in relation to the matter should also be recorded here. This may include other elected Members, officers, stakeholders and the local community.

⁵ The signatory must be duly authorised by Executive Director to make a decision in accordance with the relevant sub-delegation scheme. It is not acceptable for the signature to be 'pp' for the authorised signatory.

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Report to CABINET

Library Fines

Portfolio Holder:

Cllr Sean Fielding: Cabinet Member for Economy & Enterprise

Officer Contact: Rebekah Sutcliffe: Strategic Director of Reform

Report Author: Sheena Macfarlane: Head of Heritage, Libraries & Arts

Ext. 4664

22nd July 2019

Reason for Decision

The proposal to remove library fines would impact on library services in all wards and remove barriers to information, resources and opportunities for some of the most deprived communities in Oldham.

Executive Summary

There is a current debate within public libraries concerning the negative impact of charging fines for the late return of books. Evidence suggests that fines can become a barrier to accessing library services rather than an incentive to return books on time and that those that can afford to pay the fines continue to use the service, whilst those that are arguably in most need of the service, from deprived communities, are then barred and discouraged from using the service.

This report outlines the arguments for and against the employment of library fines.

Recommendations

This report recommends that Cabinet consider the arguments for and against the removal of library fines and approves Option 2a **To abolish library fines.**

Library Fines

1 Background

- 1.1 Fines have been used in libraries for many years primarily as means of controlling stock by ensuring that books are returned, and returned on time, for the benefit of other users. However, recent investigations in to the impact of library fines show that financial penalties might not be an effective influence on behaviour and that, for some sections of the community, fines might in effect become a deterrent to library usage.
- 1.2 It is common practice in libraries across the country not to apply fines for children and, in some cases other groups such as the elderly and library amnesties take place, whereby outstanding fines are removed for the return of over-due stock. Although amnesties can lead to a considerable amount of stock return, they are expensive and time consuming to undertake and there is no evidence that users who had accumulated fines will not do so again.
- 1.3 It is universally accepted that reading is critical to personal development and wellbeing. The positive impacts on educational attainment and consequent economic benefits are well known but reading can also engender empathy and lower rates of stress and depression (Appendix 1 Benefits of reading and references). Nowadays, libraries are not just about reading and learning. Welcoming and accessible and based in our communities, they are now portals to a wide range of other services, information and opportunities.

2 Current Position

- 2.1 The national picture: A growing number of Libraries in the UK have abolished fines altogether over the last couple of years.

Angus – Abolished overdue fines in December 2015 with no reported negative impact on return of stock (source: Fiona Dakers, Senior Manager, who also says “The positive impact has been enhancing our public image as a progressive and inclusive service and our teams no longer having the negative interactions with customers”).

Halton – have abolished fines for a trail period of one year from 8th Jan 2019.
<https://hbcnewsroom.co.uk/library-fines-abiolished/>

Kirklees – library fines removed from 29th Dec 2018.
<https://kirkleestogether.co.uk/2018/12/19/not-quite-finished-that-book-our-libraries-are-stopping-fines-for-late-returns/>

Rutland –The first in the UK to abolish fines.

Trafford – Abolished April 2018. “In a first for a UK borough, the council said in a statement that fines can be “off-putting for customers”, and it hopes the change, which will see library fines eliminated across Trafford for all ages from April, will lead to “a further increase in usage of libraries across the borough.” Trafford were taking £31,000 in fines 2016/17.

Portsmouth – Have removed fines for three years. “The council is confident libraries will not face a financial loss as a result of the change. Revenue from library fines in the city had declined from £28,000 a year to an anticipated £16,000 since 2011. “
“Library services manager, Lindy Elliott, agreed. ‘The main positive change is that we’re seeing more books going out even though the scheme hasn’t been going for long,’ she said.”

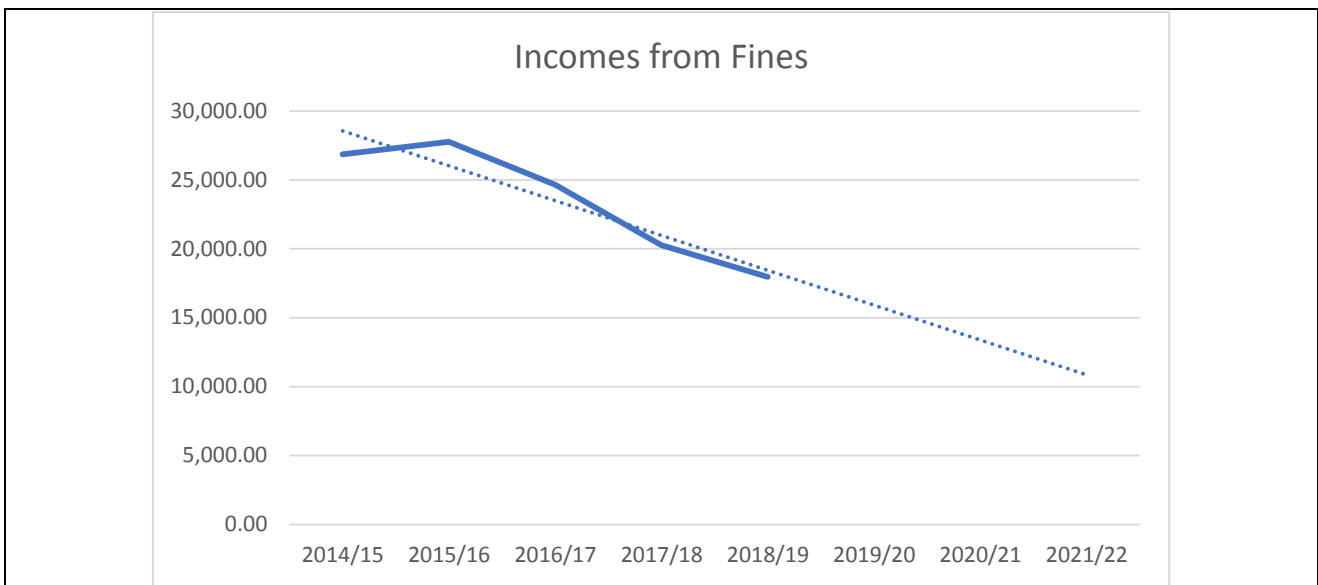
Northern Ireland –library fines abolished for all Northern Ireland’s public libraries in Jan 2019.
<https://www.irishtimes.com/news/education/library-fines-abolished-in-plan-to-double-membership-1.3746308>

Salford announced the removal of fines May 2019.

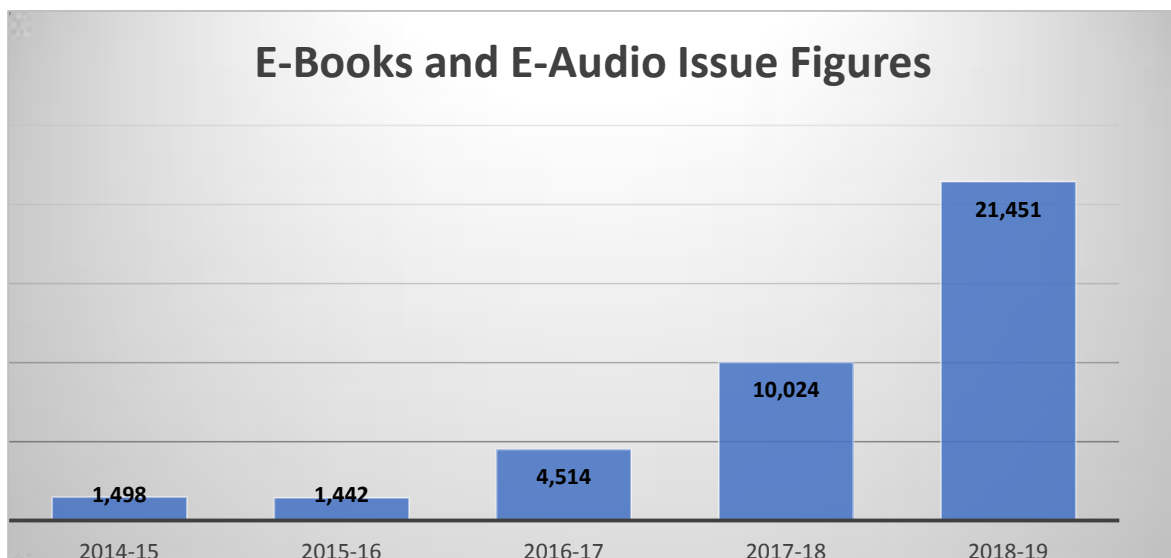
2.2 The Oldham picture: Oldham Libraries currently charge the following for overdue books:

- Teens 5p a day per book
- Adults 15p a day per book
- Over 60s 5p a day per book
- There is no charge for children under 13.

2.2.1 Income from fines is gradually declining over the years as customers have multiple methods to renew their books; in person, over the phone, at self-service kiosks and online. Customers can also sign up for automated text or email renewal alerts. Income from fines this year (2018-19), was just under £18k with projections of it dropping to £16k for 2019-20 and approximately £10k in 3 years’ time.



2.2.2 Customers are also borrowing more e-books, which do not incur any late charges. E-book figures have gone up from just over 1,000 issues to over 21,000 in the last 5 years.



2.2.3 The service has over 14,000 tickets that have been restricted due to long overdue books that have not been returned, totalling over 44,000 stock. These figures date back to when computers were introduced in the mid 1990's and equates to approximately 6% of our registered users. Initial analysis of these records shows that the majority of these people are from the more deprived wards of Oldham.

Postcode	Number of customers with long overdue books
OL1	1319
OL2	1580
OL3	496
OL4	2118



2.2.4 Self-issue kiosks were introduced to Oldham Libraries in 2014 and now account for almost 80% of issue and return transactions. The machines will soon be out-of-contract and no longer maintained by the supplier. Removing the payment function will enable the service to replace the machines with a less expensive model and more appropriately sized desktop machines for smaller libraries, reducing physical footprint and environmental impact. The need to develop a replacement programme has been the catalyst for a discussion about library fines. Following a decision regarding library fines an approach to replacing the kiosks will be developed and implemented.

2.3 Arguments for and against the removal of book fines.

2.3.1 For:

- Fines act as a barrier to access for some of our most deprived communities. Removing fines will mean more people will be encouraged to access library services without the fear of building up charges that they cannot afford to repay. As evidence shows, over the past 20 years 14,000 customers have had their library membership restricted due to long overdue books and fines outstanding on their tickets. Large numbers of these customers come from some of the most deprived wards of the borough. Since the removal of fines at Trafford Libraries, the service has joined over 9,000 new members in the first 10 months. Issue and visitor figures have also gone up by 3% compared to previous year.
- Improved customer experience –rather than receiving a penalty alert, customers will receive a notification that the book needs to be returned and information about events and activities taking place in their local library.
- Staff will not have to engage in what can sometimes be challenging conversations with customers over fines disputes, releasing them to have more time for reader development work and more positive conversations with customers.

2.3.2 Against:

- There is an argument that removing fines will result in an increase in lost stock however none of the authorities that have removed fines have reported an increase in the level of missing or lost stock

-
- b) Loss of income – Currently the service has a fines income target of £20k, however our self-service kiosks are due for renewal in 2019 and a significant capital and revenue saving could be achieved by purchasing kiosks which do not have a payment function. This could save us approximately £80k capital outlay on replacement kiosks and a small saving of £2-3k p.a. on annual maintenance charges

2.3.4 Financial implications

Loss of Income from fines	Income target is set at £20k per annum but there is already a shortfall in meeting the fines target. £18,000 was achieved last year, with projections that it will decrease to approximately £10k in 3 years' time.
Savings on cost of payment modules on Self-service kiosks	Without cash and card payments there would be a saving of approximately £80k on capital outlay to replace all 20 new kiosks
Savings on self-service maintenance contract	If the machines are replaced with no payment function there would be an estimated saving of approximately £2,000 p.a.

3 Options/Alternatives

3.1 Option 1a) To continue with current fines policy

- 3.1.1 Based on figures from our Library Management System we know that the gap between book issue figures and fines generated is getting greater. This is, as mentioned, due to the number of ways customers can borrow and renew books.
- 3.1.2 It is projected that income generated from fines will drop gradually to approximately £10k in 3 years' time, widening the gap between issues and fines income.

3.2 Option 1b) To continue with current fines policy and undertake an amnesty.

- 3.2.1 We could undertake an amnesty for the duration of a month (based on previous amnesty models undertaken by us and neighbouring authorities e.g Rochdale undertook an amnesty in 2018) and continue with our fines policy. This is often successful and generates positive publicity and returned stock. However, it is costly and staff intensive to implement and is a short-term fix as customers that generate fines in the future, continue to disuse the service.

3.3 Options 2a) To abolish library fines. This is the recommended option.

- 3.3.1 This option would remove known barriers to access, promote inclusivity and would ensure that those most in need of the service are not deterred or disadvantaged in anyway. The campaign would allow us to re-engage with lapsed users of the service as well as attracting new users.
- 3.3.2 This option does however present a challenge in balancing the library budget as currently the service has had to apply further cross-cutting budget reductions for 2019/20 and therefore there is no other obvious means of meeting the £20k income target. The budget pressure will therefore be managed within the Reform Directorate.
- 3.3.3 As the library self-issue kiosks will have reached their end of life and be out of contract from December 2019 it is proposed that the removal of library fines could take effect from October 2019 once our policies and procedures have been revised or once an approach to the full, partial or phased replacement of the new self-service kiosks has been agreed..

3.4 Option 3b) To trial the removal of fines for a year

3.4.1 The library service could, as some library authorities are doing trial the removal of fines for a year and review the impact before making it a permanent policy decision. However, as we need to purchase some new self-service kiosks during the trial period, it will be more costly to have the payment function retrofitted, if the fines removal was not made permanent.

4 Preferred Option

4.1 Options 2a) To abolish library fines. This is the recommended option

5 Consultation

5.1 Senior officers in the library service have been involved in researching and developing this proposal. The proposal has been discussed in the following forums:

Reform DMT 23rd May 2019
SMT 4th June 2019
Economy & Enterprise Portfolio briefing 12th June 2019

6 Financial Implications

6.1 The recommended option (shown at 3.3) would result in loss of income generated from library fines.

6.2 The table below demonstrates that income received from fines has reduced over the past few years. Assumptions are that the income will continue to reduce in future years. As in previous years, this would be mitigated by re-aligning service budgets to ensure that the loss of income is absorbed and there is no financial burden on the Authority.

	2015/16	2016/17	2017/18	2018/19
	£k	£k	£k	£k
Income from Fines	28	25	20	18

6.3 The removal of charging for fines would mean cheaper RFID machines could be purchased. A bid for capital resources for the machine purchase has not yet been prepared and will come forward at a later date, However, accepting this proposal would mean that costs of approximately £80k could be avoided on the capital outlay for the RFID machines. This would also avoid annual maintenance costs of £2k - £3k. (Jenny Howarth)

7 Legal Services Comments

7.1 Regulation 3 of the Library Charges (England and Wales) Regulations 1991 enables library authorities to impose charges in respect of borrowed library material which is returned late. The amount and the incidence of any charge made in accordance with Regulation 3 is at the discretion of the library authority and the library authority may make different provision for different cases including different provision in relation to different persons, circumstances or localities. As the power to impose charges is discretionary, the Council may remove such charges if it wishes. (A Evans)

8. Co-operative Agenda

8.1 Access to books, reading and wider library services are important for personal and community development and wellbeing. The proposal to remove library fines and ensure that library services and resources continue to be accessible to those in our society who

are most in need is an important tool in helping us move to a borough where everyone is able to better help themselves. It supports the Oldham Model of creating Thriving Communities and an Inclusive Economy and delivering Co-operatives Services.

9 Human Resources Comments

9.1 None

10 Risk Assessments

10.1 None

11 IT Implications

11.1 None

12 Property Implications

12.1 None

13 Procurement Implications

13.1 None

14 Environmental and Health & Safety Implications

14.1 All adjustments to library policies and procedures are risk assessed prior to implementation.

15 Equality, community cohesion and crime implications

15.1 The proposal to remove library fines will support access to educational opportunities and resources and access to essential services for those most in need. The majority of residents with the longest overdue books live in areas of Oldham including Coldhurst, Werneth and St Mary's. These areas rank in the 5% most deprived areas in the country (Indices of Multiple Deprivation 2015, DCLG). Recent figures from research by End Child Poverty in March 2019 show that rates of child poverty are also particularly high in these areas; in Werneth for example, as high as 66.2%, the fifth highest in the country). The removal of library book fines will ensure that people continue to have the opportunity to access books and the educational, health and broader benefits they bring irrespective of their income. This will help to facilitate the narrowing of the gap in educational attainment, linked to poverty.

16 Equality Impact Assessment Completed?

16.1 No

17 Key Decision

17.1 Yes

18 Key Decision Reference

18.1 ECEN-08-19

19	Background Papers
19.1	None
20	Appendices
20.1	Appendix 1 Benefits of Reading. Appendix 2 References

Appendix 1: Benefits of Reading

Statistics from 2014 show that one in five children in England cannot read well by the age of 11¹, and 16% of adults (around 5.8 million people) in England and Northern Ireland score at the lowest level of proficiency in literacy (at or below Level 1)²

There is a body of evidence that highlights the positive impacts that reading has on people's personal health and well-being, and on educational and economic outcomes.

Educational impacts of reading

- Reading for pleasure is more important for children's cognitive development than their parents' level of education and is a more powerful factor in life achievement than socio-economic background.³
- There is a difference in reading performance equivalent to just over a year's schooling between young people who never read for enjoyment and those who read for up to 30 minutes per day.⁴
- Children who read books often at age 10 and more than once a week at age 16 gain higher results in maths, vocabulary and spelling tests at age 16 than those who read less regularly.⁵
- DfE analysis suggests that if all pupils in England read for enjoyment every day or almost every day, the boost to Key Stage 2 performance would be the equivalent of a rise of eight percentage points in the proportion achieving a level 4b (from its current level of 67% to 75%).⁶
- The frequency of reading for pleasure at age 42 is linked to vocabulary skills: those who read every day at 42 have an advantage of 4 percentage points in their vocabulary over those who do not read as frequently.⁷

Economic impacts of reading

- Low levels of literacy cost the UK an estimated £81 billion a year in lost earnings and increased welfare spending, impacting on 'the success of the economy as a whole'.⁸
- Per capita incomes are higher in countries where more adults reach the highest levels of literacy proficiency and fewer adults are at the lowest levels of literacy.⁹
- 16 year-olds who choose to read books for pleasure outside of school are more likely to secure managerial or professional jobs in later life.¹⁰
- In England and Northern Ireland the median hourly wage of workers with the highest levels of literacy is 94% higher than for workers who have the lowest levels of literacy.¹¹

Health and wellbeing impacts of reading

- Adults with lower levels of literacy are more likely to experience poor health and to believe that they have little impact on political processes, and are less likely to participate in volunteer activities.¹²
- Literacy has been found to have a relationship with depression: 36% of those with low literacy were found to have depressive symptoms, compared to 20% of those with the highest levels of literacy.¹³
- Studies have shown that those who read for pleasure have higher levels of self-esteem and a greater ability to cope with difficult situations. Reading for pleasure was also associated with better sleeping patterns.¹⁴
- An online poll of over four thousand people from a representative sample in the UK revealed that regular readers for pleasure reported fewer feelings of stress and depression than non-readers, and stronger feelings of relaxation from reading than from watching television or engaging with technology intensive activities.¹⁵
- Studies have found that reading for pleasure enhances empathy, understanding of the self, and the ability to understand one's own and others' identities¹⁶. For example, reading Harry Potter has been shown to improve children's attitudes toward stigmatized groups such as immigrants, refugees, and members of the LGBT community¹⁷.

-
- Participation in shared reading groups is linked to enhanced relaxation, calmness, concentration, quality of life, confidence and self-esteem, as well as feelings of shared community and common purpose ¹⁸.
 - Children with reading difficulties are at greater risk of developing mental health problems later in life, including depression, anxiety, behavioural problems, anger and aggression ¹⁹.
 - There is strong evidence that reading for pleasure can increase empathy, improve relationships with others, reduce the symptoms of depression and improve wellbeing throughout life, new research carried out for The Reading Agency has found. The report, conducted by BOP Consulting and funded by the Peter Sowerby Foundation, brings together a strong and growing body of research that shows how and why reading for pleasure can bring a range of other benefits to individuals and society. There is already strong evidence to show that reading for pleasure plays a vital role in improving educational outcomes. However, in the UK, most children do not read on a daily basis and almost a third of adults don't read for pleasure.

Appendix 2: References

1. DfE (2015) [Reading: the next steps](#) p.13]
2. OECD (2013) [England & Northern Ireland \(UK\) - Country Note -Survey of Adult Skills first results](#) p.6]
3. [Sullivan and Brown (2013) [Social inequalities in cognitive scores at age 16: The role of reading](#)]
4. [OECD (2002) [Reading for Change: Performance and engagement across countries](#) p.16-17]
5. [OECD (2010) [PISA 2009 Results: Learning to Learn: Student Engagement, Strategies and Practices](#) p.32-4]
6. [Sullivan and Brown (2013), [Social inequalities in cognitive scores at age 16: The role of reading](#)]
7. [DfE (2015) [Reading: the next steps](#) p. 18]
8. [Sullivan and Brown (2014) [Vocabulary from adolescence to middle-age](#) WP 2014(7) - Vocabulary from adolescence to middle age - A Sullivan, M Brown - November 2014.pdf p.5]
9. [World Literacy Foundation \(2012\) The economic and social costs of illiteracy](#)
10. [House of Commons Business, Innovation and Skills Committee (2014) [Adult Literacy and Numeracy Report](#) p.3]
11. [OECD (2013) [OECD Skills Outlook 2013: First Results From the Survey of Adult Skills](#) p.27]
12. [Taylor (2011) [Reading at 16 linked to better job prospects](#)]
13. [OECD (2013) [England & Northern Ireland \(UK\) - Country Note -Survey of Adult Skills first results](#) note - United Kingdom.pdf p.2]
14. [Billington, J, (2015). [Reading between the Lines: the Benefits of Reading for Pleasure](#), Quick Reads, University of Liverpool]
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17. [Vezzali, L., Stathi, S., Giovannini, D., Capozza, D., & Trifiletti, E. (2015). [The greatest magic of Harry Potter: Reducing prejudice](#). *Journal of Applied Social Psychology*, 45(2), 105-121.]
18. [Longden E., Davis P., Billington J., et al (2015). [Shared Reading: Assessing the intrinsic value of a literature-based intervention](#). *Medical Humanities*, 41 (2), pp. 113-20]
19. [Boyes, M. E., Leitao, S., Claessen, M., Badcock, N. A., and Nayton, M. (2016) [Why Are Reading Difficulties Associated with Mental Health Problems?](#) in *Dyslexia*, 22: 263-266]

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Report to Cabinet

Treasury Management Review 2018/19

Portfolio Holder: Councillor Abdul Jabbar MBE, Deputy Leader and Cabinet Member for Finance and Corporate Services

Officer Contact: Anne Ryans - Director of Finance

Report Author: Lee Walsh - Finance Manager

Ext. 6608

22 July 2019

Reason for Decision

The Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities together with the actual prudential and treasury indicators for 2018/19. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

During 2018/19 the minimum reporting requirements were that full Council should receive the following reports:

- an annual treasury strategy in advance of the year (approved 28 February 2018)
- a mid-year (minimum) treasury update report (approved 12 December 2018)
- an annual review following the end of the year describing the activity compared to the strategy (this report)

The regulatory environment places responsibility on Members for the review and scrutiny of treasury management policy and activities. This report is therefore important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.

The Council confirms that it has complied with the requirements under the Code to give prior scrutiny to all of the above treasury management reports. The Audit Committee is charged with the scrutiny of treasury management activities in Oldham and was therefore requested to review the content of the report prior to its consideration by Cabinet and Council. A programme of Treasury Management training has been developed in conjunction with Link Asset Services, the Council's Treasury Management advisors and

a session for leading Members and senior officers has already been delivered to assist Members of the Audit Committee with their scrutiny role.

Audit Committee scrutinised the Treasury Management review at their meeting on 25 June 2019, and was content to commend the report to Cabinet.

Executive Summary

During 2018/19, the Council complied with its legislative and regulatory requirements. The key actual prudential and treasury indicators detailing the impact of capital expenditure activities during the year, with comparators, are as follows:

Prudential and Treasury Indicators	2017/18 Actual £'000	2018/19 Revised Budget Estimate £'000	2018/19 Actual £'000
Actual capital expenditure	25,803	48,952	48,564
Total Capital Financing Requirement:	505,049	519,540	493,880
Gross borrowing	147,851	147,849	147,846
External debt	403,966	393,992	394,456
Investments			
· Longer than 1 year	15,000	15,000	15,000
· Under 1 year	58,650	55,000	69,900
· Total	73,650	70,000	84,900
Net Borrowing	74,201	77,849	62,946

As can be seen in the table above, actual capital expenditure was less than the revised budget estimate for 2018/19 presented within the 2018/19 Treasury Management Strategy report considered at the Council meeting of 27 February 2019.

The outturn position was significantly less than the £89.658m original capital budget for 2018/19 as approved at Budget Council on 28 February 2018. During the course of the year, the Capital Programme saw substantial rephasing. A number of major schemes including the Eastern Gateway Improvement Regeneration scheme and the Coliseum Theatre project were re-phased or re-aligned into future years to allow for either a review of the scheme to be undertaken (as is the case with the theatre project) or to align with revised project timelines. The planned expenditure has therefore been re-profiled into 2019/20 and future years.

No borrowing was undertaken during the year. This was because of the policy of self-financing, utilised due to the uncertainty around interest rates and the availability of cash, caused the Council to use cash reserves rather than incur additional borrowing costs.

Other prudential and treasury indicators are to be found in the main body of this report. The Director of Finance also confirms that the statutory borrowing limit (the Authorised Limit) was not breached.

The financial year 2018/19 continued the challenging investment environment of previous years, namely low investment returns.

Recommendations

Cabinet is recommended to:

- 1) Approve the actual 2018/19 prudential and treasury indicators presented in this report
- 2) Approve the annual treasury management review report for 2018/19
- 3) Commend this report to Council

Treasury Management Review 2018/19

1 Background

1.1 The Council has adopted the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management 2017. The primary requirements of the code are as follows:

- Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's Treasury Management activities
- Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives
- Receipt by the full Council of an annual Treasury Management Strategy Statement - including the Annual Investment Strategy and Minimum Revenue Provision Policy - for the year ahead, a Mid-year Review Report and an Annual Report (stewardship report) covering activities during the previous year
- Delegation by the Council of responsibilities for implementing and monitoring Treasury Management Policies and Practices and for the execution and administration of treasury management decisions. In Oldham, this responsibility is delegated to the Section 151 Officer (Director of Finance).
- Delegation by the Council of the role of scrutiny of the Treasury Management Strategy and policies to a specific named body. In Oldham, the delegated body is the Audit Committee.

Treasury management in this context is defined as:

“The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks”

1.2 The report therefore summarises the following. The:-

- Council's capital expenditure and financing during the year;
- Impact of this activity on the Council's underlying indebtedness (the Capital Financing Requirement);
- Actual prudential and treasury indicators;
- Overall treasury position identifying how the Council has borrowed in relation to this indebtedness, and the impact on investment balances;
- Summary of interest rate movements in the year;
- Detailed debt activity; and
- Detailed investment activity

2 Current Position

2.1 The Council's Capital Expenditure and Financing during 2018/19

2.1.1 The Council incurs capital expenditure when it invests in or acquires long-term assets. These activities may either be:

- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
- Financed by borrowing if insufficient immediate financing is available, or a decision is taken not to apply available resources.

2.1.2 The actual level of capital expenditure forms one of the required prudential indicators. The table below shows the actual level of capital expenditure and how this was financed. As can be seen in the table below, actual capital expenditure in 2018/19 was less than the revised budget estimate. The revised budget estimate is based on the 2018/19 month 8 reported position and aligns with that included in the Annual Treasury Management Strategy 2019/20 report, and not the final position reported to Members (March 2019). All prudential indicators in the 2019/20 strategy are based on this revised budget.

2.1.3 Capital expenditure was less than anticipated by the revised budget position due primarily to delays in delivering some IT projects, transport, property related schemes and education schemes that were expected to progress during the year.

	2017/18 Actual £'000	2018/19 Revised Budget Estimate £'000	2018/19 Actual £'000
Non-HRA capital expenditure	25,014	47,855	46,318
HRA capital expenditure	789	1,097	2,246
Total capital expenditure	25,803	48,952	48,564
Resourced by:			
• Capital receipts	6,780	5,793	14,919
• Capital grants	10,821	16,068	25,522
• HRA	744	88	851
• Revenue	7,458	8	7,272
Unfinanced capital expenditure	0	26,995	0

2.2 The Council's Overall Borrowing Need

2.2.1 The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). This figure is a gauge of the Council's indebtedness. The CFR results from the capital activity of the Council and resources used to pay for capital expenditure. It represents the 2018/19

unfinanced capital expenditure (see above table), and prior years' net or unfinanced capital expenditure which has not yet been financed for by revenue or other cash backed resources.

2.2.2 Part of the Council's treasury activity is to address the funding requirements for this borrowing need. Depending on the capital expenditure programme, the treasury service organises the Council's cash position to ensure that sufficient cash is available to meet the capital plans and cash flow requirements. This may be sourced through borrowing from external bodies (such as the Government, through the Public Works Loan Board (PWLB) or the money markets), or by utilising temporary cash resources within the Council.

Reducing the CFR

2.2.3 The Council's non-Housing Revenue Account (HRA) underlying borrowing need (CFR) is not allowed to rise indefinitely. Statutory controls are in place to ensure that capital assets are broadly charged to revenue over the life of the asset. The Council is required to make an annual revenue charge, called the Minimum Revenue Provision (MRP), to reduce the CFR. This is effectively a repayment of the non- HRA borrowing need (there is no statutory requirement to reduce the HRA CFR). This differs from the treasury management arrangements which ensure that cash is available to meet capital commitments. External debt can also be borrowed or repaid at any time, but this does not change the CFR.

2.2.4 The total CFR can also be reduced by:

- The application of additional capital financing resources (such as unapplied capital receipts); or
- Charging more than the statutory minimum revenue provision (MRP) each year through a Voluntary Revenue Provision (VRP).

2.2.5 The Council's 2018/19 MRP Policy (as required by Government Guidance) was approved as part of the Treasury Management Strategy report for 2018/19 on 28 February 2018.

2.2.6 The Council's CFR for the year is shown in the table below and represents a key prudential indicator. It includes Private Finance Initiative (PFI) and leasing schemes disclosed on the balance sheet, which increase the Council's borrowing need. In 2018/19 the Council had seven PFI schemes in operation. However, no borrowing is actually required against these schemes as a borrowing facility is included within each contract.

Capital Financing Requirement (CFR)	2017/18 Actual £'000	2018/19 Revised Estimate £'000	2018/19 Actual £'000
Opening balance	521,790	505,049	505,049
Add unfinanced capital expenditure (as above)	0	26,995	0
Add adjustment for the inclusion of on-balance sheet PFI and leasing schemes (if applicable)	379	0	450
Less MRP/VRP*	(10,271)	(3,533)	(2,944)
Less PFI & finance lease repayments	(6,849)	(8,971)	(8,675)
Closing balance	505,049	519,540	493,880

* Includes voluntary application of capital receipts and revenue resources

2.2.7 The closing CFR balance was £25.7m lower than the revised estimate primarily due to capital programme slippage and the use of cash backed resources to finance capital expenditure in 2018/19. Borrowing activity is constrained by prudential indicators for net borrowing, the CFR and by the Authorised Limit.

Gross borrowing and the CFR

2.2.8 In order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2017/18) plus the estimates of any additional capital financing requirement for the current (2018/19) and next two financial years.

2.2.9 This essentially means that the Council is not borrowing to support revenue expenditure.

2.2.10 This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2018/19 if so required. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator as the gross borrowing position is almost £100m lower than the actual CFR position.

	2017/18 Actual £'000	2018/19 Revised Estimate £'000	2018/19 Actual £'000
Gross borrowing position	403,966	393,992	394,456
CFR - including PFI / Finance Leases	505,049	519,540	493,880

The table above shows the position as at 31 March 2019 for the Councils gross borrowing position and CFR. This shows, compared to the revised budget position:

- Slight movement in the gross borrowing position, reflecting the fact that a small amount of short term borrowing had been repaid and repayment of transferred debt and finance leases.

- A reduction in the CFR, predominantly due to the slippage in the capital programme and financing of capital through cash backed resources.

The Authorised Limit

- 2.2.11 The Authorised Limit is the “affordable borrowing limit” required by Section 3 of the Local Government Act 2003 and was set by Council at £540m. Once this has been set, the Council does not have the power to borrow above this level.

The Operational Boundary

- 2.2.12 The Operational Boundary is the expected borrowing position of the Council during the year and was set by Council at £525m. Periods where the actual position is either below or over the boundary are acceptable subject to the Authorised Limit not being breached.

	2018/19 Actual £'000
Authorised limit	540,000
Operational boundary	525,000

Actual Financing Costs as a Proportion of Net Revenue Stream

- 2.2.13 This indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream and is within expected levels.

	2018/19 Actual £'000
External Debt	147,846
PFI / Finance leases	246,610
Actual external debt (Gross Borrowing)	394,456
Financing costs as a proportion of net revenue stream - General Fund	10.00%

- 2.2.14 The table above splits the gross borrowing position of the Council between actual external debt (loans) and PFI / Finance lease debt. As can be seen above the gross borrowing position is well within the Authorised Limit and Operational Boundary. The difference between the two reflects the Council’s under borrowed position disclosed at paragraph 2.2.10.

2.3 The Council's Debt and Investment Position

2.3.1 The Council's debt and investment position is organised by the treasury management service in order to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities. Procedures and controls to achieve these objectives are well established both through Member reporting detailed in the summary, and through officer activity detailed in the Council's Treasury Management Practices.

2.3.2 At the end of 2018/19 the Council's treasury position was as follows:

	31 March 2018 Principal £'000	Average Rate/ Return	Average Life (years)	31 March 2019 Principal £'000	Average Rate/ Return	Average Life (years)
Fixed rate funding:						
- Public Works Loan Board (PWLB)	15,482			15,482		
- Stock	6,600			6,600		
Market	125,769			125,764		
Total borrowings	147,851	4.49%	36.42	147,846	4.50%	35.42
PFI & Finance lease liabilities	256,115			246,610		
Total External debt	403,966			394,456		
CFR	505,049			493,880		
Over/ (under) borrowing	(101,083)			(99,424)		
Investments:						
Financial Institutions/Local Authorities	58,650	0.43%		69,900	0.76%	
Property	15,000	4.55%		15,000	4.36%	
Total investments	73,650			84,900		
Net Debt	74,201			62,946		

2.3.3 The maturity structure of the debt portfolio was as follows:

	2017/18 Actual %	Upper Limit %	Lower Limit %	2018/19 Actual %
Under 12 months	38%	50%	0%	30%
12 months and within 24 months	3%	7%	0%	0%
24 months and within 5 years	22%	35%	0%	33%
5 years and within 10 years	5%	5%	0%	5%
10 years and above	32%	100%	40%	32%

2.3.4 The investment portfolio and maturity structure was as follows:

INVESTMENT PORTFOLIO	Actual 31 March 2018 £'000	Actual 31 March 2018 %	Actual 31 March 2018 £'000	Actual 31 March 2018 %
Treasury investments				
Banks	20,000	27.16%	13,000	15.31%
Local Authorities / Public Bodies	25,000	33.94%	30,500	35.92%
Money Market Funds (MMF's)	13,650	18.53%	26,400	31.10%
Total managed in house	58,650	79.63%	69,900	82.33%
Bond funds				
Property funds	15,000	20.37%	15,000	17.67%
Cash fund managers				
Total managed externally	15,000	20.37%	15,000	17.67%
TOTAL TREASURY INVESTMENTS	73,650	100.00%	84,900	100%
TOTAL NON TREASURY INVESTMENTS *	0	0%	0	0%

*Members should note that there have been no Non-Treasury Investments during 2018/19.

	2017/18 Actual £'000	2018/19 Actual £'000
Investments		
Longer than 1 year	0	0
Under 1 year	58,650	69,900
Property	15,000	15,000
Total	73,650	84,900

2.3.5 Key features of the debt and investment position are:

- a) Total external debt has reduced by £9.5m primarily due to the repayment of PFI and finance lease liabilities.
- b) Over the course of the year 2018/19, investments increased by £11.250m.
- c) The average rate of return on investments with Financial Institutions increased from 0.43% in 2017/18 to 0.76% in 2018/19. This increase relates to the Bank of England base rate rise to 0.75% in August 2018.

2.4 Investment Strategy and control of interest rate risk

- 2.4.1 Investment returns remained low during 2018/19. The expectation for interest rates within the treasury management strategy for 2018/19 was that Bank Rate would rise from 0.50% to 0.75%.
- 2.4.2 At the start of 2018/19, and after UK Gross Domestic Product (GDP) growth had proved disappointingly weak in the first few months of 2018, the expectation for the timing of this increase was pushed back from May to August 2018.
- 2.4.3 Investment interest rates were therefore on a gently rising trend in the first half of the year after April, in anticipation that the Monetary Policy Committee (MPC) would raise Bank Rate in August. This duly happened at the MPC meeting on 2 August 2018. During this period, investments were, therefore, kept shorter term in anticipation that rates would be higher later in the year.
- 2.4.4 It was not expected that the MPC would raise Bank Rate again during 2018/19 after August in view of the fact that the UK was entering into a time of major uncertainty with Brexit due in March 2019. The Council therefore sought to gain value by placing longer term investments after 2 August where cash balances were sufficient to allow this.
- 2.4.5 Investment rates were stable during the period of August to October but rose sharply after the MPC meeting of 1 November was unexpectedly hawkish about its perception of building inflationary pressures, particularly from rising wages. However, weak GDP growth data after December, plus increasing concerns generated by Brexit, resulted in investment rates falling back again.
- 2.4.6 Continued uncertainty in the aftermath of the 2008 financial crisis has promoted a cautious approach whereby investments would continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.
- 2.4.7 The table below shows the interest rate forecast as at the time of setting the 2018/19 strategy:

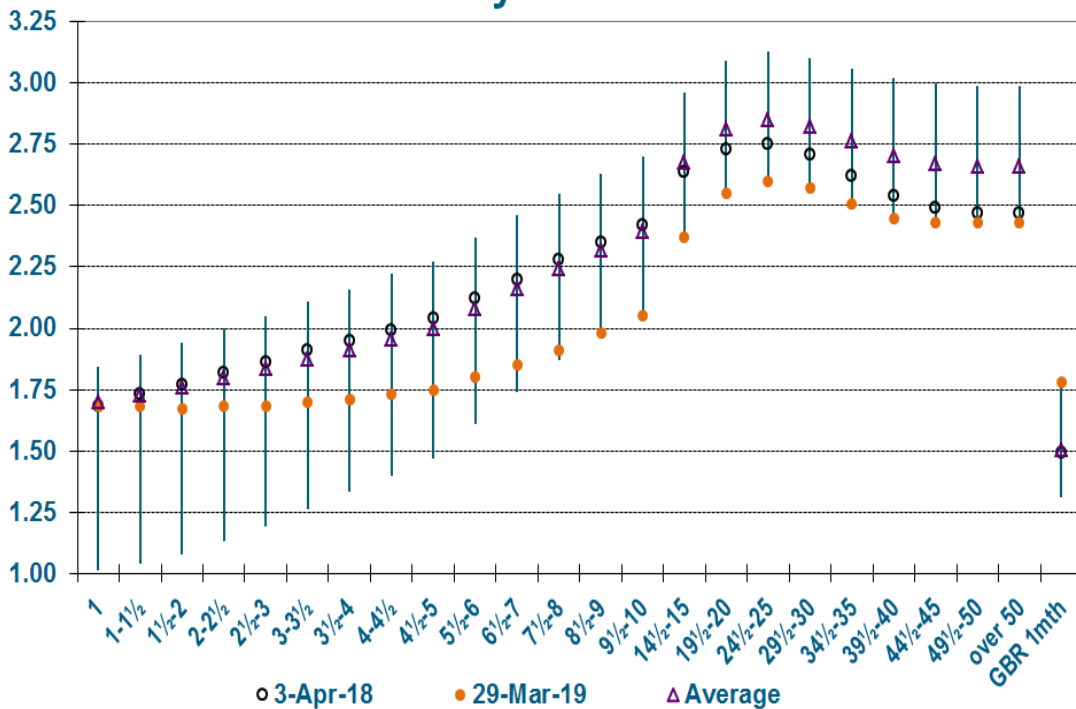
Link Asset Services Interest Rate View 12.2.18													
	Mar-18	Jun-18	Sep-18	Dec-18	Mar-19	Jun-19	Sep-19	Dec-19	Mar-20	Jun-20	Sep-20	Dec-20	Mar-21
Bank Rate	0.50%	0.75%	0.75%	1.00%	1.00%	1.00%	1.00%	1.25%	1.25%	1.25%	1.50%	1.50%	1.50%
3 Month LIBID	0.40%	0.70%	0.70%	0.90%	0.90%	0.90%	0.90%	1.20%	1.20%	1.20%	1.40%	1.40%	1.40%
6 Month LIBID	0.50%	0.80%	0.80%	1.00%	1.00%	1.00%	1.10%	1.30%	1.30%	1.40%	1.50%	1.50%	1.50%
12 Month LIBID	0.80%	1.10%	1.10%	1.20%	1.20%	1.20%	1.30%	1.40%	1.40%	1.50%	1.70%	1.70%	1.70%

2.5 Borrowing Strategy and control of interest rate risk

- 2.5.1 During 2018/19, the Council maintained an under-borrowed position. This meant that the capital borrowing need, (the Capital Financing Requirement), was not fully funded with loan debt, as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were low and minimising counterparty risk on placing investments also needed to be considered.

-
- 2.5.2 The policy of avoiding new borrowing by running down spare cash balances, has served well over the last few years. However, this was kept under review to avoid incurring higher borrowing costs in the future when the Authority may not be able to avoid new borrowing to finance capital expenditure and/or the refinancing of maturing debt.
- 2.5.3 Against this background and the risks within the economic forecast, caution was adopted with the treasury operations. The Treasury Management Team and the Director of Finance therefore monitored interest rates in financial markets and adopted a pragmatic strategy based upon the following principles to manage interest rate risks
- if there was a significant risk of a sharp FALL in long and short term rates, (e.g. due to a marked increase of risks around relapse into recession or of risks of deflation), then long term borrowings would have been postponed, and potential rescheduling from fixed rate funding into short term borrowing would have been considered.
 - if there was a significant risk of a much sharper RISE in long and short term rates than initially expected, perhaps arising from an acceleration in the start date and in the rate of increase in central rates in the USA and UK, an increase in world economic activity or a sudden increase in inflation risks, then the portfolio position would have been re-appraised. Most likely, fixed rate funding would have been drawn whilst interest rates were lower than they were projected to be in the next few years.
- 2.5.4 Interest rate forecasts expected only gradual rises in medium and longer term fixed borrowing rates during 2018/19 and the two subsequent financial years. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period.
- 2.5.5 The information below and in graphs and tables in Appendix 3 show Public Works Loan Board (PWLB) rates for a selection of maturity periods, the average borrowing rates, the high and low points in rates, spreads and individual rates at the start and the end of the financial year:
- 5 year PWLB rate - started the year at 1.85%, falling to a low for the year at 1.50% in March 2019, peaking at 2.07% in October 2018 and finishing the year at 1.55%.
 - 10 year PWLB rate - started the year at 2.23%, falling to a low for the year at 1.80% in March 2019, peaking at 2.50% in October 2018 and finishing the year at 1.85%.
 - 25 year PWLB rate - started the year at 2.57%, falling to a low for the year at 2.33% in March 2019, peaking at 2.93% in October 2018 and finishing the year at 2.40%.
 - 50 year PWLB rate - started the year at 2.29%, falling to a low for the year at 2.16% in March 2019, peaking at 2.79% in October 2018 and finishing the year at 2.23%.
-

PWLB certainty rate variations in 2018-19



- 2.5.6 Since PWLB rates peaked during October 2018, most PWLB rates have been on a general downward trend, though longer term rates did spike upwards again during December, and, (apart from the 1 year rate), reached lows for the year at the end of March.
- 2.5.7 There was a significant level of correlation between movements in US Treasury yields and UK gilt yields - which determine PWLB rates. The Federal Reserve (Fed) in America increased the Fed Rate four times in 2018, making nine increases in all in this cycle, to reach 2.25% – 2.50% in December. However, it had been giving forward guidance that rates could go up to nearly 3.50%.
- 2.5.8 These rate increases and guidance caused Treasury yields to also move up. However financial markets considered by December 2018, that the Fed had gone too far, and discounted its expectations of further increases. Since then, the Fed has also come round to the view that there are probably going to be no more increases in this cycle.
- 2.5.9 The issue now is how many cuts in the Fed Rate there will be and how soon, in order to support economic growth in the US. But weak growth now also looks to be the outlook for China and the EU so this will mean that world growth as a whole will be weak. Treasury yields have therefore fallen sharply during 2019 and gilt yields / PWLB rates have also fallen.

2.6 Borrowing Outturn for 2018/19

Treasury Borrowing

- 2.6.1 The Council did not undertake any borrowing during 2018/19. The Council has continued with the policy of using spare cash balances to manage cash flows and to minimise both counterparty risk and low investment returns.

Repayment of Debt

- 2.6.2 In March 2019 £6k was repaid in relation to Charitable Investments that the Council held.

2.7 Investment Outturn

Investment Policy

- 2.7.1 The Council's investment policy is governed by Ministry of Housing Communities and Local Government (MHCLG) investment guidance, which has been implemented in the annual investment strategy which for 2018/19 was approved by Council on 28 February 2018. This policy sets out the approach for choosing investment counterparties and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data (such as rating outlooks, credit default swaps, bank share prices etc.).

- 2.7.2 The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

Resources

- 2.7.3 The Council's cash balances comprise revenue and capital resources and cash flow monies. The Council's core cash resources reduced by almost £9m during 2018/19 to £159m, comprised as follows:

Balance Sheet Resources	31 March 2018 (£'000)	31 March 2019 (£'000)
Balances - General Fund	13,991	14,840
Balances - HRA	20,162	21,305
Earmarked Reserves	92,005	93,558
Provisions	33,130	29,251
Usable Capital Receipts	8,747	0
Total	168,035	158,954

Investments at 31 March 2019

- 2.7.4 The Council managed all of its investments in house with the institutions listed in the Council's approved lending list. At the end of the financial year the Council had £84.9m of investments. Of these, a total of £69.9m were with Local Authorities and

Financial Institutions and £15m with the Churches, Charities and Local Authorities (CCLA) Property Fund as follows:

Institution	Type	Amount £'000	Term	Rate%	Start Date	End Date
CCLA Property Fund	Property	15,000		4.36%		
		15,000				
Police & Crime Commissioner - Thames Valley	Fixed	4,000	7	0.82%	29-Mar-19	05-Apr-19
Surrey Heath Borough Council	Fixed	1,000	182	0.90%	17-Oct-18	17-Apr-19
GM Combined Authority (GMCA)	Fixed	2,500	31	0.82%	29-Mar-18	29-Apr-19
Goldman Sachs International Bank	Fixed	3,000	181	0.95%	01-Nov-18	01-May-19
Aberdeenshire CC	Fixed	5,000	92	1.00%	05-Mar-19	05-Jun-19
Isle of Wight Council	Fixed	5,000	181	0.95%	07-Feb-19	07-Aug-19
West Dunbartonshire Council	Fixed	3,000	181	0.98%	08-Feb-19	08-May-19
Thurrock Council	Fixed	2,500	364	1.07%	27-Sep-18	26-Sep-19
Thurrock Council	Fixed	2,500	364	1.07%	05-Oct-18	04-Oct-19
North Tyneside Council	Fixed	5,000	364	1.07%	11-Oct-18	10-Oct-19
Total Fixed Deposits		33,500				
Bank of Scotland	Notice	2,500	95	1.10%	01-Mar-19	
Santander	Notice	7,500	95	1.00%	01-Mar-19	
Total Notice Accounts		10,000				
Federated MMF**	MMF	15,500	10	0.79%	29-Mar-19	01-Apr-19
Aberdeen MMF**	MMF	10,900	3	0.78%	22-Mar-19	01-Apr-19
Total Money Market Funds		26,400				
Total Investments		84,900				

** Money Market Funds (MMF)

2.7.5 The Council's investment strategy was to maintain sufficient cash reserves to give it necessary liquidity, whilst trying to attain a benchmark average rate of return of London Interbank Bid Rate (LIBID) on the relevant time deposit multiplied by 5%, whilst ensuring funds were invested in institutions which were the most secure. The table below shows the returns by the relevant time period.

	LIBID + 5%	Actual Return %
7 Day	0.533%	0.636%
1 Month	0.562%	0.767%
3 Month	0.709%	0.775%
6 Month	0.827%	0.800%
12 Month	0.988%	1.070%

2.7.6 The Council's overall average performance on its cash investments exceeded its LIBID benchmark in all periods except the 6 month period, due to earlier investments made prior to the bank rate rise.

-
- 2.7.7 The investments held with the CCLA Property Fund generated £626k of income with an average return in year of 4.36%. Furthermore, the Director of Finance confirms that the approved limits within the Annual Investment Strategy were not breached during 2018/19.

2.8 The Economy and Interest Rates

UK

- 2.8.1 After weak economic growth of only 0.2% in quarter one of 2018, growth picked up to 0.4% in quarter 2 and to a particularly strong 0.7% in quarter 3, before cooling off to 0.2% in the final quarter. Given all the uncertainties over Brexit, this weak growth in the final quarter was as to be expected. However, some recovery in the rate of growth is expected going forward. The annual growth in Q4 was at 1.4% year on year (y/y) confirming that the UK was the third fastest growing country in the G7 in quarter 4.
- 2.8.2 After the Monetary Policy Committee raised Bank Rate from 0.5% to 0.75% in August 2018, it is little surprise that they have abstained from any further increases since then. There is unlikely to be any further action from the MPC until the uncertainties over Brexit clear. If there were a disorderly exit, it is likely that Bank Rate would be cut to support growth.
- 2.8.3 Nevertheless, the MPC has been having increasing concerns over the trend in wage inflation which peaked at a new post financial crisis high of 3.5%, (excluding bonuses), in the three months to December before falling only marginally to 3.4% in the three months to January.
- 2.8.4 British employers ramped up their hiring at the fastest pace in more than three years in the three months to January as the country's labour market defied the broader weakness in the overall economy as Brexit approached. The number of people in work surged by 222,000, helping to push down the unemployment rate to 3.9%, its lowest rate since 1975. Correspondingly, the total level of vacancies has risen to new highs.
- 2.8.5 As for CPI inflation itself, this has been on a falling trend since peaking at 3.1% in November 2017, reaching a new low of 1.8% in January 2019 before rising marginally to 1.9% in February. However, in the February 2019 Bank of England Inflation Report, the latest forecast for inflation over both the two and three year time horizons remained marginally above the MPC's target of 2%.
- 2.8.6 The rise in wage inflation and fall in CPI inflation is good news for consumers as their spending power is improving in this scenario as the difference between the two figures is now around 1.5%, i.e. a real terms increase. Given the UK economy is very much services sector driven, an increase in household spending power is likely to feed through into providing some support to the overall rate of economic growth in the coming months.

Brexit

- 2.8.7 The Conservative minority Government has consistently been unable to muster a majority in the Commons over its Brexit deal. The current backstop date for a deal is 31 October 2019 and with an up-coming change in Prime Minister there remains uncertainty about the future.
- 2.8.8 If there was to be a General Election later in 2019 it could result in a potential loosening of monetary policy and therefore medium to longer dated gilt yields could rise on the expectation of a weak pound and concerns around inflation picking up.

USA

- 2.8.9 President Trump's massive easing of fiscal policy in 2018 fuelled a (temporary) boost in consumption in 2018 which generated an upturn in the strong rate of growth; this rose from 2.2%, (annualised rate) in quarter 1 of 2018 to 4.2% in quarter 2, 3.5% in quarter 3 and then back to 2.2% in quarter 4.
- 2.8.10 The annual rate came in at 2.9% for 2018, just below President Trump's aim for 3% growth. The strong growth in employment numbers has fed through to an upturn in wage inflation which hit 3.4% in February, a decade high point. However, CPI inflation overall fell to 1.5% in February, a two and a half year low, and looks to be likely to stay around that number in 2019 i.e. below the Fed's target of 2%.
- 2.8.11 The Fed increased rates another 0.25% in December to between 2.25% and 2.50%, this being the fourth increase in 2018 and the ninth in the upward swing cycle. However, the Fed now appears to be edging towards a change of direction and admitting there may be a need to switch to taking action to cut rates over the next two years. Financial markets are now predicting two cuts of 25 basis points by the end of 2020.

Eurozone

- 2.8.12 The European Central Bank (ECB) provided massive monetary stimulus in 2016 and 2017 to encourage growth in the Eurozone and that produced strong annual growth in 2017 of 2.3%.
- 2.8.13 However, since then the ECB has been reducing its monetary stimulus measures and growth has been weakening - to 0.4% in quarters 1 and 2 of 2018, and then slowed further to 0.2% in quarters 3 and 4.
- 2.8.14 The annual rate of growth for 2018 was 1.8% but is expected to fall to possibly around half that rate in 2019.
- 2.8.15 The ECB completely ended its programme of quantitative easing purchases of debt in December 2018, which means that the central banks in the US, UK and EU have all ended the phase of post financial crisis expansion of liquidity supporting world financial markets by purchases of debt.
- 2.8.16 However, the downturn in growth, together with inflation falling well under the upper limit of its target range of 0 to 2%, (but it aims to keep it near to 2%), prompted the ECB to take new measures to stimulate growth. With its refinancing rate already at 0.0% and the deposit rate at -0.4%, it has probably reached the limit of cutting rates.
- 2.8.17 At its March 2019 meeting it said that it expects to leave interest rates at their present levels "at least through the end of 2019", but that is of little help to boosting growth in the near term. Consequently, it also announced a third round of Targeted Longer Term Refinancing Operations (TLTROs); this provides banks with cheap borrowing every three months from September 2019 until March 2021 which means that, although they will have only a two-year maturity, the Bank is making funds available until 2023, two years later than under its previous policy. As with the last round, the new TLTROs will include an incentive to encourage bank lending, and they will be capped at 30% of a bank's eligible loans.

China

- 2.8.18 Economic growth has been weakening over successive years, despite repeated rounds of central bank stimulus; medium term risks are increasing. Major progress still needs to be made to eliminate excess industrial capacity and the stock of unsold property, and to address the level of non-performing loans in the banking and credit systems.

Japan

- 2.8.19 Japan has been struggling to stimulate consistent significant GDP growth and to get inflation up to its target of 2%, despite huge monetary and fiscal stimulus. It is also making little progress on fundamental reform of the economy.

World Growth

- 2.8.20 Equity markets are currently concerned about the synchronised general weakening of growth in the major economies of the world: they fear there could even be a recession looming up in the US, though this fear is probably overdone.

2.9 Other Key Issues

International Financial Reporting Standard (IFRS) 9

- 2.9.1 Risk management was taken into account in the 2018/19 Accounting Code of Practice proposals for the valuation of investments. With the adoption of accounting standard IFRS 9 Financial Instruments, the 'Available for Sale Financial Asset' category is no longer available. The new standard sets out that investments in equity should be classified as fair value through profit and loss unless there is an irrevocable election to designate the asset as fair value through other comprehensive income. The Council's investment in Manchester Airport Holdings Limited is an equity instrument and as such, gains and losses on changes in fair value would be recognised through profit and loss.
- 2.9.2 Classifying the shareholding as fair value through profit and loss would mean that changes in valuation are immediately recognised within the Council's Cost of Services. This would mean that the Council's revenue budget is susceptible to increased risk from volatility in the share valuations. Any major fluctuations in the valuation of the shareholding would have a significant impact on the General Fund balance.
- 2.9.3 The Council has a 3.22% shareholding in Manchester Airport Holdings Limited. The shareholding is a strategic investment and not held for trading and therefore the Council has decided to designate it as fair value through other comprehensive income. This means that there is no impact on the revenue budget.
- 2.9.4 The expected credit loss model was introduced under IFRS 9. The Council has calculated the Expected Loss Credit calculation and the figure calculated is immaterial therefore with the agreement of the Council's External Auditors no transactions have been included in the Council's Statement of Accounts for 2018/19.
- 2.9.5 Following the consultation undertaken by the Ministry of Housing, Communities and Local Government (MHCLG) on IFRS 9 the Government has introduced a mandatory statutory override for Local Authorities to reverse out all unrealised fair value

movements resulting from pooled investment funds. This came into effect from 1 April 2018. The statutory override applies for five years from this date. The Council will use the statutory override to account for any changes in the fair value on its pooled investments. This was applied to the Council's CCLA Property Fund investment in 2018/19.

Other Treasury Management Issues

- 2.9.6 The Council is currently involved in legal action against Barclays Bank with regards to certain Lender Option Borrower Option (LOBO) transactions. This is based on the Bank's involvement in manipulation of the LIBOR benchmark rate and the subsequent impact on the Council's financial position. This matter is on-going.

3 Options/Alternatives

- 3.1 In order that the Council complies with the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management the Council has no option other than to consider and approve the contents of the report. Therefore, no options/alternatives have been presented.

4 Preferred Option

- 4.1 The preferred option is that the contents of the report are agreed and recommended to Council for approval.

5 Consultation

- 5.1 There has been consultation with Link Asset Services, Treasury Management Advisors.
- 5.2 The presentation of the Treasury Management Review 2018/19 to the Audit Committee for detailed scrutiny on 25 June 2019 was in compliance with the requirements of the CIPFA Code of Practice. The report is now presented to Cabinet and then subsequently Council for approval.

6 Financial Implications

- 6.1 All included in the report.

7 Legal Services Comments

- 7.1 None.

8 Co-operative Agenda

- 8.1 The treasury management strategy embraces the Council's cooperative agenda. The Council will develop its investment framework to ensure it complements the co-operative ethos of the Council.

9 **Human Resources Comments**

9.1 None.

10 **Risk Assessments**

10.1 There are considerable risks to the security of the Authority's resources if appropriate treasury management strategies and policies are not adopted and followed. The Council has established good practice in relation to treasury management which has previously been acknowledged in Internal Audit reports and in the External Auditors' reports as presented to the Audit Committee as part of their scrutiny.

11 **IT Implications**

11.1 None.

12 **Property Implications**

12.1 None.

13 **Procurement Implications**

13.1 None.

14 **Environmental and Health & Safety Implications**

14.1 None.

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

15.1 None.

16 **Equality Impact Assessment Completed?**

16.1 No.

17 **Key Decision**

17.1 No.

18 **Key Decision Reference**

18.1 FCS-05-19

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:

File Ref: Background papers are provided in Appendices 1, 2 and 3
Officer Name: Lee Walsh
Contact No: 0161 770 6608

20 **Appendices**

Appendix 1 Prudential and Treasury Management Indicators
Appendix 2 Graphs
Appendix 3 Borrowing and Investment Rates

Appendix 1: Prudential and Treasury Management Indicators

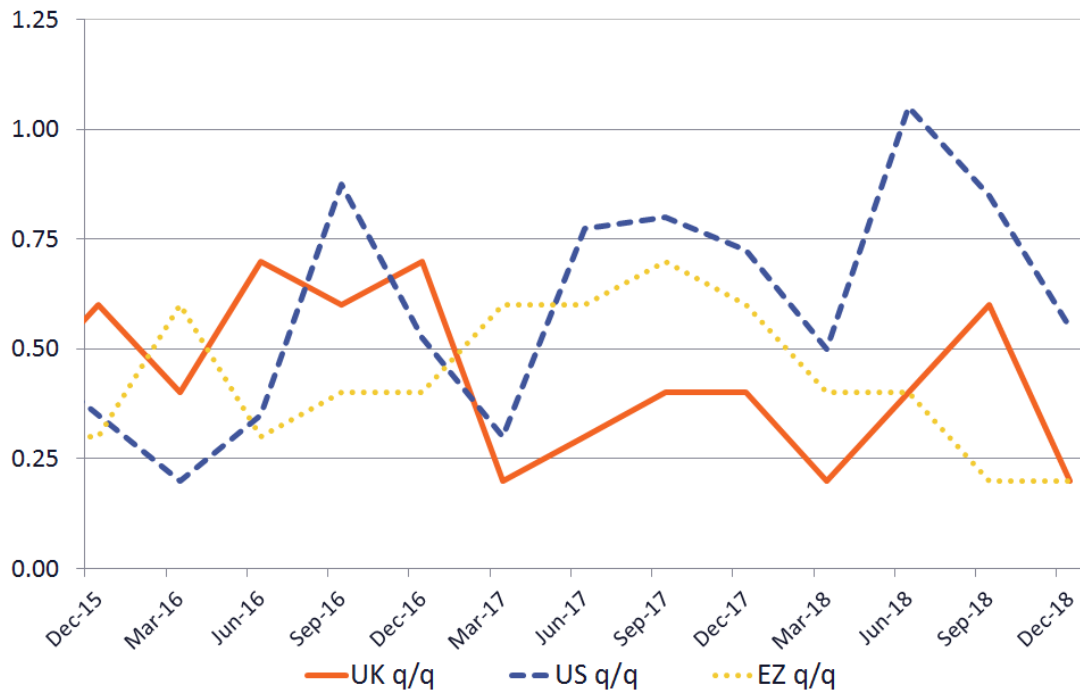
TABLE 1: Prudential indicators	2017/18 Outturn	2018/19 Original	2018/19 Revised Budget Estimate	2018/19 Outturn
	£'000	£'000	£'000	£'000
Capital Expenditure				
Non – HRA	25,014	86,885	47,855	46,318
HRA	789	2,773	1,097	2,246
TOTAL	25,803	89,658	48,952	48,564
Ratio of financing costs to net revenue stream				
Non – HRA	11.52%	%	%	10%
In year Capital Financing Requirement				
Non – HRA	(16,741)	36,992	14,491	(11,169)
TOTAL	(16,741)	36,992	14,491	(11,169)
Capital Financing Requirement as at 31 March	505,049	542,041	519,540	493,880

TABLE 2: Treasury management Indicators	2017/18 Outturn	2018/19 Original Budget	2018/19 Revised Budget Estimate	2018/19 Outturn
	£'000	£'000	£'000	£'000
Authorised Limit for external debt				
Borrowing	285,000	320,000	290,000	290,000
Other long term liabilities	260,000	250,000	250,000	240,000
TOTAL	545,000	570,000	540,000	540,000
Operational Boundary for external debt -				
Borrowing	275,000	300,000	280,000	280,000
Other long term liabilities	255,000	245,000	245,000	245,000
TOTAL	530,000	545,000	525,000	525,000
Actual external debt	403,966			394,456
Upper limit for fixed interest rate exposure				
Net principal re fixed rate borrowing / investments	100%	100%	100%	100%
Actual	100%			100%
Upper limit for variable rate exposure				
Net principal re variable rate borrowing / investments	40%	40%	40%	40%
Actual	0%			0%
Upper limit for total principal sums invested for over 364 days	50,000	50,000	50,000	50,000

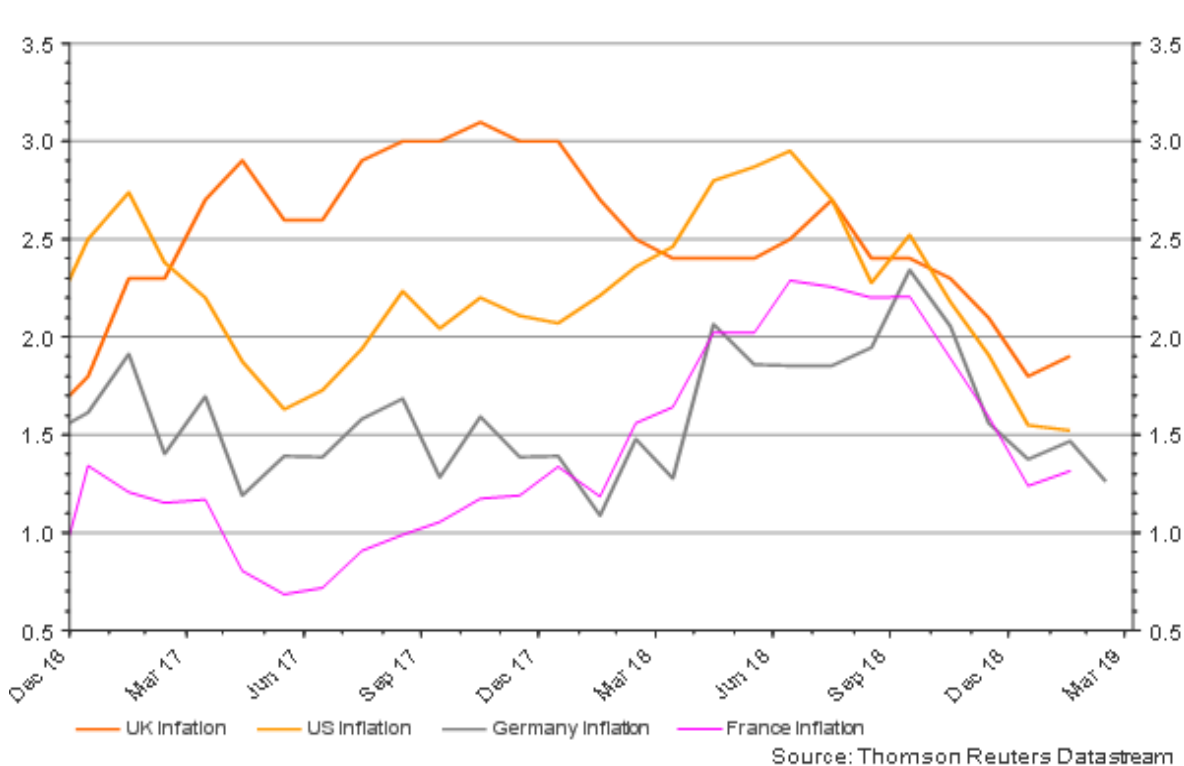
Maturity structure of fixed rate borrowing during 2018/19	Upper Limit	Lower Limit	Actual
Under 12 months	50%	0%	30%
12 months and within 24 months	7%	0%	0%
24 months and within 5 years	35%	0%	33%
5 years and within 10 years	5%	0%	5%
10 years and above	100%	40%	32%

Appendix 2: Graphs

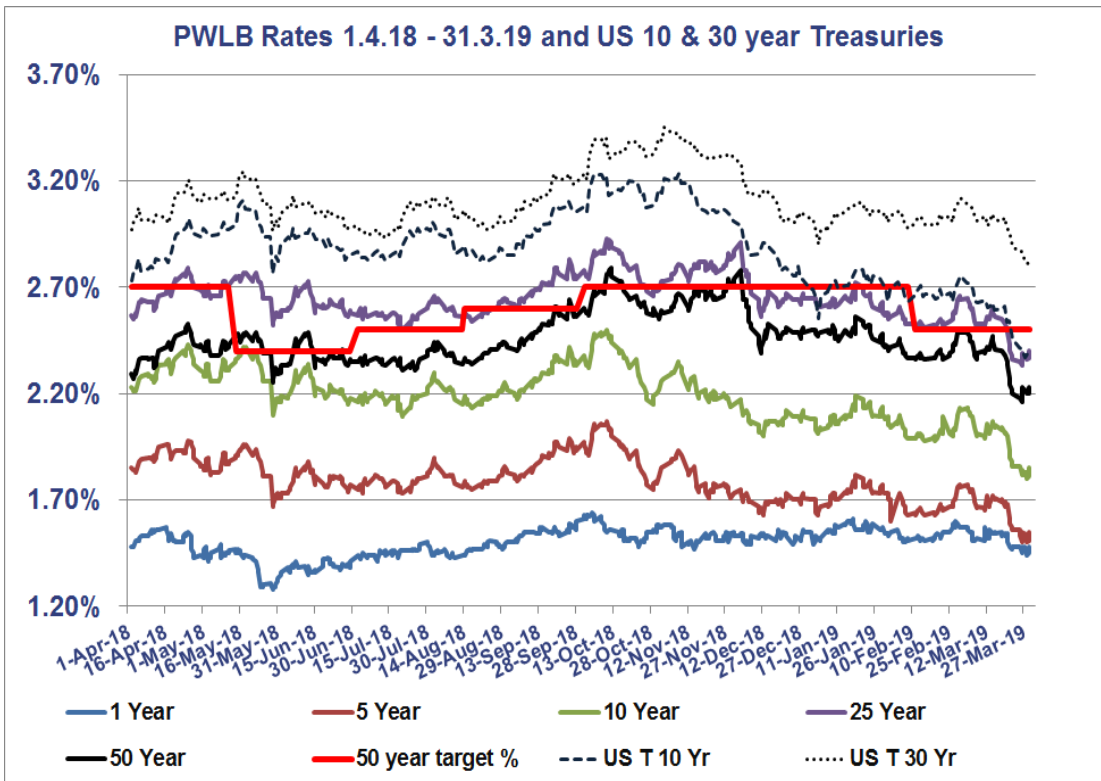
Comparisons - UK, US and Eurozone GDP growth



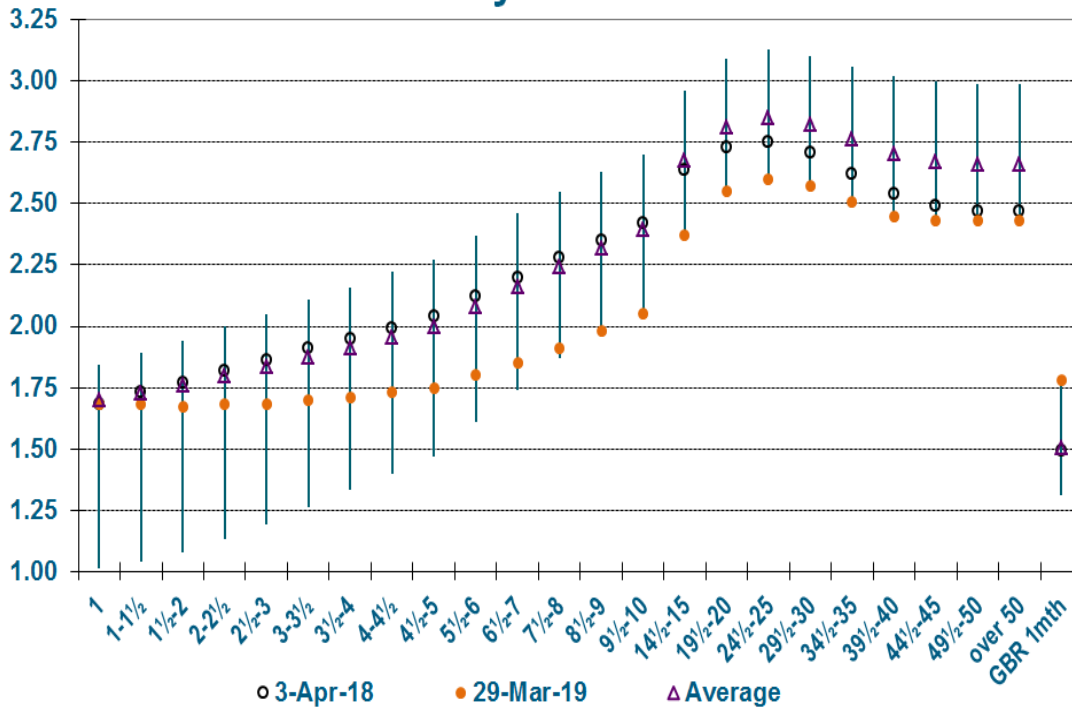
Comparisons - Inflation UK, US, Germany and France



Appendix 3: Borrowing and Investment Rates

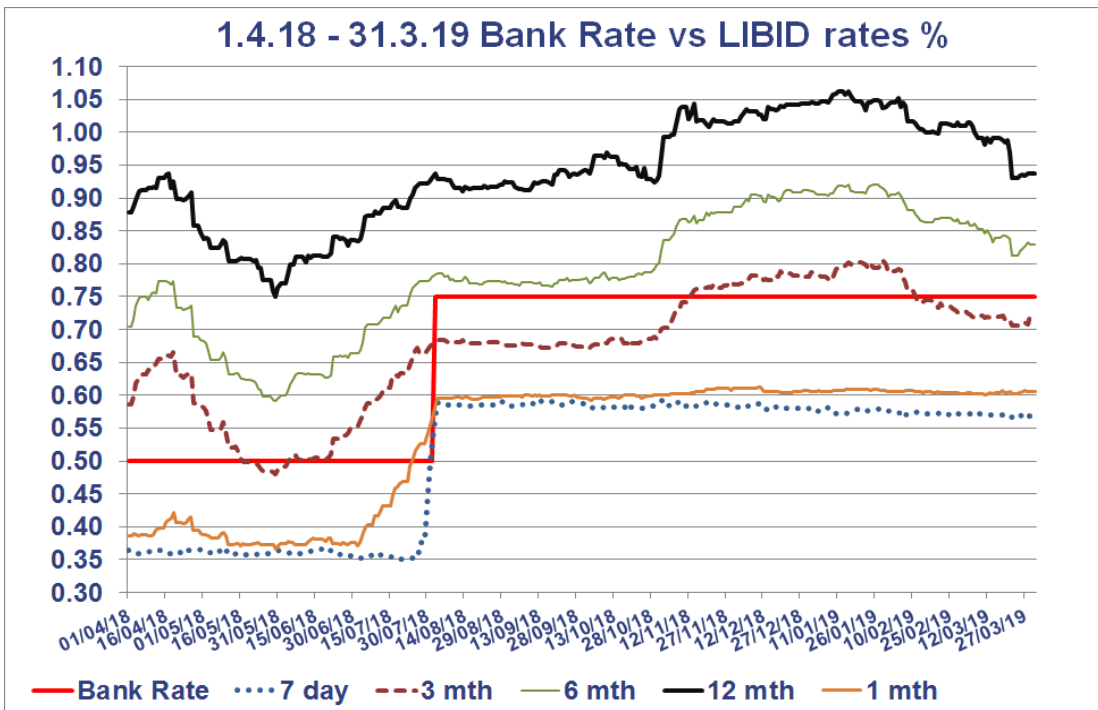


PWLB certainty rate variations in 2018-19



PWLB Borrowing Rate Variations

	1 Year	5 Year	10 Year	25 Year	50 Year
02/04/2018	1.48%	1.85%	2.23%	2.57%	2.29%
29/03/2019	1.48%	1.55%	1.85%	2.40%	2.23%
Low	1.28%	1.50%	1.80%	2.33%	2.16%
Date	29/05/2018	26/03/2019	28/03/2019	26/03/2019	26/03/2019
High	1.64%	2.07%	2.50%	2.93%	2.79%
Date	04/10/2018	10/10/2018	10/10/2018	10/10/2018	12/10/2018
Average	1.50%	1.80%	2.20%	2.66%	2.47%



Investment / LIBID Rate Variations

	Bank Rate	7 day	1 mth	3 mth	6 mth	12 mth
01/04/2018	0.50	0.36	0.39	0.59	0.70	0.88
31/03/2019	0.75	0.57	0.61	0.72	0.83	0.94
High	0.75	0.59	0.61	0.81	0.92	1.06
High Date	02/08/2018	01/11/2018	10/12/2018	29/01/2019	15/01/2019	11/01/2019
Low	0.50	0.35	0.37	0.48	0.59	0.75
Low Date	01/04/2018	19/07/2018	30/05/2018	30/05/2018	30/05/2018	30/05/2018
Average	0.67	0.51	0.54	0.68	0.79	0.94
Spread	0.25	0.24	0.25	0.33	0.33	0.31