

Oldham Borough Council



**Council Meeting
Wednesday 19 May 2021**

OLDHAM BOROUGH COUNCIL

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

Tuesday, 11 May 2021

You are hereby summoned to attend a meeting of the Council which will be held on Wednesday 19 May 2021 at 12 noon in the Queen Elizabeth Hall, Civic Centre, for the following purposes:

- 1 To receive apologies for absence
- 2 To elect the Mayor for the 2021/22 Municipal Year
- 3 To appoint the Deputy Mayor for the 2021/22 Municipal Year

(At this juncture, the Mayor will adjourn the meeting for a comfort break. It is anticipated the meeting will reconvene at 1.30 pm.)
- 4 To order that the Minutes of the meeting of the Special Council meeting and the Ordinary Council meeting held on 24th March 2021 be signed as a correct record (Pages 1 - 44)
- 5 To receive declarations of interest in any matter to be determined at the meeting
- 6 To deal with matters which the Mayor considers to be urgent business
- 7 To receive communications relating to the business of the Council
- 8 To note the report of the Returning Officer containing the results of the Local Elections which took place on 6th May 2021 (Pages 45 - 46)
- 9 Leader of the Council (Pages 47 - 48)
- 10 Appointment of the Deputy Leader, Cabinet Members and Deputy Cabinet Members and allocation of portfolios and delegation of Executive functions (Pages 49 - 50)

Appendix 1 to follow
- 11 Opposition Nominations to the Shadow Cabinet 2021/22

To follow
- 12 Appointment to Committees and Composition of Political Groups 2021/22

To follow
- 13 Appointment to Outside Bodies 2021/22 (Pages 51 - 52)

Appendices to follow

14 Council Meetings and Municipal Calendar 2021/22 (Pages 53 - 70)

a) To confirm that the meetings of Full Council will be held on the undermentioned dates during the 2021/22 Municipal Year, commencing at 6.00pm unless otherwise shown:

14th July 2021

8th September 2021

3rd November 2021

15th December 2021

2nd March 2022

16^h March 2022

b) To approve the calendar of meetings for the 2021/22 Municipal Year.

15 Notice of Administration Business

(time limit 30 minutes)

16 Notice of Opposition Business

(time limit 30 minutes)

17 Council Constitution (Pages 71 - 120)

18 Members Allowance Scheme (Pages 121 - 126)

NOTE: The meeting of the Council will conclude 3 hours and 30 minutes after the commencement of the meeting.



**Carolyn Wilkins
Chief Executive**

PROCEDURE FOR NOTICE OF MOTIONS
NO AMENDMENT

MOTION – Mover of the Motion to MOVE



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



DEBATE ON THE MOTION: Include Timings



MOVER of Motion – Right of Reply



VOTE – For/Against/Abstain



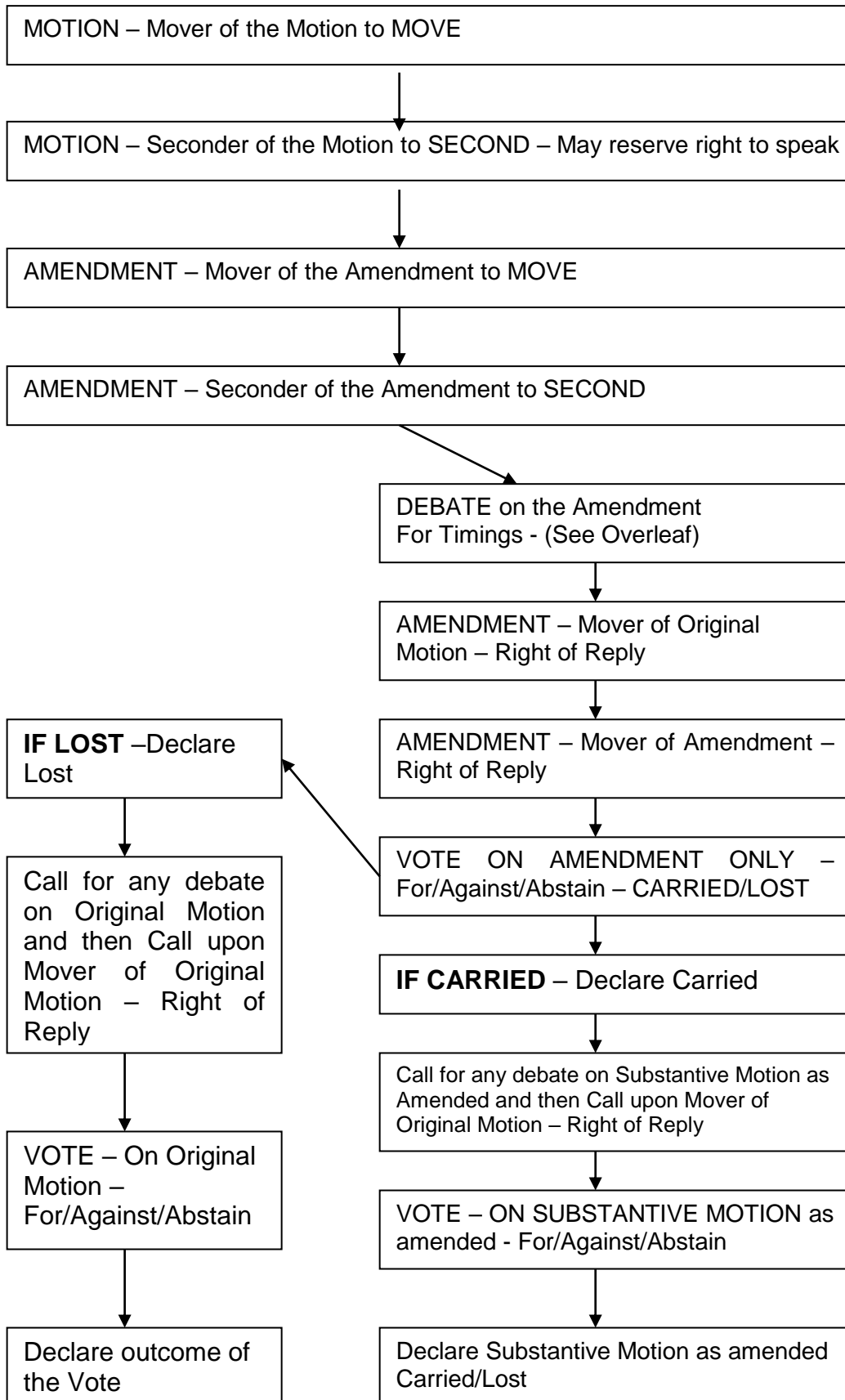
Declare outcome of the VOTE

RULE ON TIMINGS

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

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

WITH AMENDMENT





COUNCIL
24/03/2021 at 6.00 pm

Present: Deputy Mayor in the Chair – Councillor Harrison

Councillors Ahmad, Akhtar, Al-Hamdani, Ali, Alyas, Ball, M Bashforth, S Bashforth, Briggs, Brownridge, Byrne, Chadderton, Chauhan, Cosgrove, Curley, Davis, Dean, Fielding, Garry, C. Gloster, H. Gloster, Goodwin, Hamblett, Haque, Harkness, Hewitt, Hobin, Hulme, A Hussain, F Hussain, Ibrahim, Iqbal, Jabbar, Jacques, Leach, Malik, McLaren, Moores, Murphy, Mushtaq, Phythian, Roberts, Shah, Sheldon, Shuttleworth, Stretton, Sykes, Taylor, Toor, Ur-Rehman, Williamson and Williams

1 **ATTENDANCE AND APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Alexander, Councillor Hudson, Councillor Salamat and Councillor Surjan.

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

There were no declarations of interest.

3 **HONORARY ALDERMAN AND HONORARY FREEMEN**

Consideration was given to a report of the Director of Legal Services which asked the Council to consider the appointment of Honorary Aldermen and Freemen of the Borough of Oldham in recognition of eminent service to the Council or Borough.

Nominations had been received and considered by the Council's Political Group Leaders for Honorary Alderman and Honorary Freeman.

Members were informed that Full Council could, at a special Council meeting by formal resolution, bestow the honours of Honorary Freeman and Alderman and the resolution should be passed by no less than two-thirds of the Members at a special meeting of the Council. A formal presentation would take place at a special ceremony at a later date, restrictions permitting.

RESOLVED that:

1. The title of Honorary Alderman be conferred on Alan John Dillon as, in the opinion of the Council, he had rendered eminent service to the Council as a past Member.
2. Kevin Sinfield MBE be admitted to be an Honorary Freeman of Oldham as, in the opinion of the Council, he had rendered eminent services to the Borough of Oldham.
3. Frank Rothwell be admitted to be an Honorary Freeman of Oldham as, in the opinion of the Council, he had rendered eminent services to the Borough of Oldham.

The meeting started at 6.00 pm and ended at 6.20 pm



Present: The Deputy Mayor in the Chair – Councillor Harrison

Councillors Ahmad, Akhtar, Al-Hamdani, Ali, Alyas, Ball, M Bashforth, S Bashforth, Briggs, Brownridge, Byrne, Chadderton, Chauhan, Cosgrove, Curley, Davis, Dean, Fielding, Garry, C. Gloster, H. Gloster, Goodwin, Hamblett, Haque, Harkness, Hewitt, Hobin, Hulme, A Hussain, F Hussain, Ibrahim, Iqbal, Jabbar, Jacques, Leach, Malik, McLaren, Moores, Murphy, Mushtaq, Phythian, Roberts, Shah, Sheldon, Shuttleworth, Stretton, Sykes, Taylor, Toor, Ur-Rehman, Williamson and Williams.

1 **CIVIC APPRECIATION AWARD STEVE HILL**

A Civic Appreciation Award was conferred on Mr. Steve Hill MBE in recognition of his significant voluntary contribution and dedication to the borough and community of Oldham.

Councillors Fielding, Sykes and Harrison gave congratulatory speeches about Mr Hill.

Mr. Hill made a short acceptance speech to the Council.

It was noted that the presentation of the Award would take place in the Mayor's Parlour at a later date.

2 **TO RECEIVE APOLOGIES FOR ABSENCE AND ATTENDANCE**

Consultation had been undertaken with Group Leaders to vary the order of the agenda due to the changes to the regulations. Councillor Fielding MOVED and Councillor Sykes SECONDED an amendment to Council Procedure 15.5 and proposed that timings would include the extensions, therefore any members wishing to speak would be granted 4 minutes and 30 seconds and those members with a right of reply 6 minutes and 30 seconds. On being put to the vote, this was AGREED.

Apologies were received from Councillor Alexander, Councillor Hudson, Councillor Salamat and Councillor Surjan.

3 **TO ORDER THAT THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 16TH DECEMBER 2020 AND 4TH MARCH 2021 BE SIGNED AS A CORRECT RECORD**

Councillor Hobin asked that it be noted that he was present throughout the meeting on 4th March but had been unable to participate due to connection issues.

RESOLVED that the minutes of the Council meetings held on 16th December 2020 and 4th March 2021 be approved as a correct record.

4 **TO RECEIVE DECLARATIONS OF INTEREST IN ANY**

MATTER TO BE DETERMINED AT THE MEETING

Due to the current pandemic and the virtual meeting, a roll call of elected members was taken, and at the same time, in accordance with the Code of Conduct, elected members declared the following interests:

Councillor Ahmad declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of a union.

Councillor Akhtar declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of UNITE.

Councillor Ali declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of the GMB union.

Councillor Alyas declared a personal interest at Item 10 Motion 2 by virtue of his membership of a union.

Councillor Ball declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of her membership of UNITE.

Councillor M Bashforth declared a personal and pecuniary interest at Item 10 Motion 2 and Item 11 Motion 3.

Councillor S Bashforth declared a personal and pecuniary interest at Item 10 Motion 2 and a personal interest at Item 11 Motion 3 by virtue of his membership of the GMB union.

Councillor Briggs declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of a union.

Councillor Brownridge declared a personal interest at Item 10 Motion 2 by virtue of her membership of a union.

Councillor Chadderton declared a personal interest at Item 10 Motion 2 by virtue of her membership of a union.

Councillor Chauhan declared a personal interest at Item 9d by virtue of his appointment to the MioCare Board and a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of a union.

Councillor Cosgrove declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of her membership of UNITE.

Councillor Curley declared a personal interest at Item 11 Motion 3 by virtue of being a member of education staff.

Councillor Davis declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of UNITE.

Councillor Dean declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of GMB.

Councillor Fielding declared a personal and pecuniary interest at Item 10 Motion 2 and Item 11 Motion 3.

Councillor Garry declared a pecuniary interest at Item 9d by virtue of her husband's employment with Greater Manchester Police.

Councillor C Gloster declared a personal interest at Item 9d by virtue of his receipt of an occupational pension from Greater Manchester Police.

Councillor H Gloster declared a personal interest at Item 9d by virtue of her husband's receipt of an occupational pension from Greater Manchester Pension Fund.

Councillor Goodwin declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of UNITE.

Councillor Hamblett declared a personal interest at Item 9d by virtue of his appointment to the MioCare Board.

Councillor Haque declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of a trade union.

Councillor Harkness declared a personal and pecuniary interest at Item 10 Motion 2 and a personal interest at Item 11 Motion 3.

Councillor Hewitt declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of UNITE and GMB.

Councillor Hulme declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of GMB.

Councillor F Hussain declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3.

Councillor Ibrahim declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of her membership of UNITE.

Councillor Iqbal declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of CWU.

Councillor Jabbar declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of trades unions.

Councillor Jacques declared a personal and pecuniary interest at Item 10 Motion 2 by virtue of her membership of Unison and being employed in education and a personal interest at Item 11 Motion 3 by virtue of her membership of the Unison.

Councillor Leach declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of her membership of UNITE.

Councillor Malik declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of UNITE.

Councillor McLaren declared a personal interest at Item 11 Motion 3 by virtue of his membership of NEU.

Councillor Moores declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of UNITE.

Councillor Mushtaq declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of UNITE.

Councillor Phythian declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of GMB.

Councillor Roberts declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of her membership of GMB.

Councillor Shah declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of her membership of a trade union.

Councillor Shuttleworth declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of GMB.

Councillor Stretton declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of her membership of GMB.

Councillor Taylor declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of her membership of GMB.

Councillor Toor declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of her membership of Unison. Councillor Ur-Rehman declared a personal interest at Item 10 Motion 2 and Item 11 Motion 3 by virtue of his membership of UNITE.

Councillor Harrison declared a personal interest at Item 11 Motion 3 by virtue of her membership of NEU.

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

There were no items of urgent business.

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

The Council was informed that several Members had indicated they would be retiring at the end of the current Municipal Year.

Councillors Sheldon, McLaren, Sykes, Byrne and Hobin paid tribute to the work of Councillor Hudson.

Councillors Brownridge, Sykes and Sheldon paid tribute to the work of Councillor Haque.

Councillors Dean and C Gloster paid tribute to the work of Councillor Price.

Councillors Leach, Al-Hamdani and Sheldon paid tribute to the work of Councillor Hewitt.

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

The Mayor advised that a petition had been received for noting by Council:

People and Place

Reference 2020-14: Petition requesting Don't Build on Greenbelt Land received 2 April 2019 with 467 signatures

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

8 **YOUTH COUNCIL**

The Youth Council PROPOSED the following MOTION:

During 2020 we were able to consult over 8,600 young people for the UK Youth Parliament's consultation 'Make Your Mark', although lower than previous years due to the pandemic restrictions it represents a 34% turnout (the highest in the UK). The top issue that came out from this ballot, with more than a quarter of all votes, was Free University: Investing in young people by providing free university; This will help more young people reach their full potential without suffering financial hardship. With young people now reported leaving university with upwards of £45,000 worth of debt, it is no surprise that young people must seriously consider this cost before even

applying to university. For some young people in Oldham, fees plus the cost of living and other financial requirements will implicate their decision to apply and continue into higher education regardless of their passion or ability. This in turn may restrict or hinder their prospects to gain a full-time job in equal measure of pay and opportunity compared to that of their peers who attend university.

At the time of running Make Your Mark over 3,000 young people aged 18-24 were unemployed, a youth unemployment rate of 15.2%, the highest rate across Greater Manchester and higher than the national rate of 9.2%. With unemployment rising due to the pandemic it is likely that youth unemployment will rise further and stay high for longer than for adult unemployment. We know that the reality is that not all young people may want to attend university even if it is free. However, if we can give every opportunity to those who wish to be socially mobile then it will free up space within the labour market.

Oldham Council is committed to providing quality educational opportunities for all it's young people.

We ask that the Chief Executive writes to the Prime Minister, Boris Johnson and the Minister of State for Universities, Michelle Donelan to show the Council's support of it's young people and support of scrapping University Fees.

Councillor Mushtaq MOVED and Councillor H Gloster SECONDED the RESOLUTION as outlined in the MOTION presented by the Youth Council.

Councillors Moores, Hulme, Leach, Mushtaq and H Gloster spoke in support of the Youth Council Motion.

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

9

QUESTION TIME

a Public Questions

The Mayor advised that the next item on the agenda was Public Question Time. Questions had been received from members of the public and would be taken in the order in which they had been received. Council agreed to suspend Council Procedure Rule 10.4 so that the questions would be shared on the screen rather than be read out.

The following questions were submitted:

1. Question received from Anita Lowe:
Why did O.M.B.C/Legal Services feel the need take it upon themselves to personally attempt an injunction on a citizen of Oldham - Mrs Deborah Barrett-Cole on 11th December 2020 at Manchester Civil Justice Centre.
Please could you explain the reasons for serving this injunction?

Councillor Jabbar, responded that it was considered appropriate

to issue legal proceedings in this matter to prevent harassment and disturbance of individuals affected by the conduct.



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2. Question received from Lewis Quigg:
I would like to ask the Council and relevant cabinet member:
- That Oldham is open to all businesses and employers whether foreign or domestic?
 - That the Council condemns attacks on local businesses that involve criminal damage and in particular on the Elbit factory in Clarksfield?
 - Does the Council agree that attacks on businesses sends the wrong message to employers, and in particular the defence industry which employs many skilled workers in the United Kingdom and in a Borough such as Oldham where we should be looking to increase employment?
 - Will the Council ask Greater Manchester Police to provide all necessary support to local businesses to make sure they are safe and secure employment spaces for their workers?

Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Skills, responded that the Council welcomed investment from all businesses into the Borough and strived to be a place where businesses and enterprise could thrive. As could be seen within the Oldham Plan, the Council promoted an inclusive economy and would continue to stimulate inward investment.

The Council condemned any form of criminality and would encourage businesses and employers to report such behaviours to Greater Manchester Police at the earliest opportunity. All businesses and individuals in Oldham should feel safe and secure and the Council worked in partnership with Greater Manchester Police and other enforcement authorities to ensure offenders were brought to justice.

Should any employer require any further information on business security, they could contact Greater Manchester Police for support and advice on 101 or via www.gmp.police.uk

3. Question from Mick Harwood:
I would like to ask a question on behalf of Friends of Tandle Hill Country Park.
Visitors to Tandle Hill Country Park are becoming increasingly worried about an increasing amount of litter, not just there but also in other local parks.
I feel that an effort to encourage people to take their rubbish home would help
Would the council be willing and supportive of a “take your rubbish home” campaign?

Councillor Brownridge, Cabinet Member for Neighbourhoods and Culture responded that the Council was aware of the significant increase in visitors to the parks and with it the noticeable increase in litter. With this in mind, Tandle Hill park was now receiving attention 7 days per week and hopefully a significant improvement would have been seen. This week the

council agreed to plans to install new wheelie bin type street bins that could also be used for dog waste. These bins had almost three times the capacity of the older style bins and gave people no excuse but to dispose of their litter in the correct manner. However if bins did get full, which it was appreciated would happen from time to time, people were encouraged through the 'Love Where you Live' campaign to respect their environment and if needs arose take their litter home with them. The Council was always happy to discuss with residents any campaigns that aimed to improve the local environment, as long as resources permitted.

4. Question from Glynn Williams:
A figure of £68million was recently quoted in the press regarding the level of intended spend on projects relating to Spindles. Can the relevant Cabinet Member advise if this figure is correct, where the money is coming from, and clear up why spending on Spindles does not come at the expense of frontline services and jobs in Oldham?

Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Skills, responded that the proposal to redevelop the Spindles and Towns Square Shopping Centre formed part of the Council's £285m Creating a Better Place programme, which provided a strategic framework for economic recovery by creating homes, jobs and skills development opportunities for residents.

The Council was working hard to ensure the borough's town and district centres could reopen safely after what had been an horrendous twelve months for our communities and local businesses. A variety of options were currently being considered for the redevelopment of the Town Centre, to help bring forward brownfield sites for development of much needed homes and to ensure there were places for people to work, visit and enjoy family time in open green spaces.

There was no specific approval for the figure of £68m that had been quoted in the press - as the redevelopment options were still being considered following the recent engagement activity, with a view to including as many of the great ideas submitted by our communities as possible. The final cost to the Council would depend on which redevelopment option was selected and the outcome of bids for external grant funding.

As this project was a key part of the Creating a Better Place programme, this would complement the Council's plans for wider regeneration linked to rationalising the Council's corporate estate. This programme had been tested and reviewed to ensure alignment with economic recovery after the CV19 pandemic, and it would contribute to the achievement of significant budget savings that were approved as part of the Revenue Budget 2021/22 and Medium Term Financial Strategy 2021/22 to 2023/24.

5. Question from Dave Arnott:
I have been approached by a number of concerned residents regarding litter and the general state of maintenance of Tandle



Hill Country Park.

I'm sure that you would agree that the park could be considered a "jewel in the crown" of our Borough, and as such, should be maintained to the highest possible standard for the benefit of visitors from across Oldham and residents of the local area.

Concerns range from a build up of litter at the approach to the park, a shortage of large litter bins, very little tree management, limited toilet facilities, paths and steps in a dangerous condition etc.

I understand that a Council employee is now present in the park to collect litter on Fridays, Saturdays and Sundays, but given the thousand of visitors that are using the area, this is proving to be insufficient to address the litter problem itself, let alone other issues.

Would the Leader of the Council undertake to ask the relevant Council Member to investigate the maintenance of the park, and explore the possibility of utilising some of the grants and funding that have been made available to local government for the improvement of communities, to carry out some much needed upgrades and improvements to one of our most pleasant and popular parks.

Councillor Brownridge, Cabinet Member for Neighbourhoods and Culture responded that further to the complaint from Mr Arnott, he should be reassured that the Council understood the current pressures being faced at the majority of the greenspaces it provided and Tandle Hills was no different. The park was now covered 7 days a week to deal with the litter that had become an issue during the restrictions currently in place and it was hoped that this had been noticed. There were a number of bins in Tandle Hill park and they continued to be emptied as frequently as possible, but it was also the responsibility of the public not to pile waste upon waste when a bin was full.

The Council had just approved a replacement bin programme which over the coming months would see the introduction of wheelie bin type street bins which held approximately 3 times the capacity of existing bins, a significant investment in what were very challenging financial circumstances.

The trees in Tandle Hills were regularly inspected and work was programmed in to ensure they remained as safe as possible. The increased wear and tear had created issues with paths in the park and these would continue to be addressed alongside all other paths across Oldham in a timely manner.

At this stage there were no immediate plans to increase the number of toilets in the park, but all facilities were continually reviewed and where opportunity and funding arose improvements were sought. Mr Arnott should be reassured that the Council sought additional funding at every available opportunity and would continue to do so.

6. Question from Eamonn Keane

This question relates to the proposed admission arrangements for the new Brian Clarke academy

Depending on where in Oldham you live, you can be ineligible

for up to 90% of the places available, unless your parents profess a faith, and they are vouched for by a religious minister. Does the Council support this discriminatory policy?



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Councillor Mushtaq responded that it was not a question of whether the Council supported what was described as a discriminatory policy, the Bryan Clarke Academy was a faith-based school and was lawfully allowed to select on faith, like a grammar school could select on ability. The Section 10 consultation was currently ongoing and parents were encouraged to take part in this and contribute their views. The Bryan Clarke Academy had worked closely with the Council to ensure it would not be a mono-cultural school and would be open to the local community as much as possible. The best option for parents at this time was to take part in the consultation and make their views apparent.

At this point in the meeting the Mayor advised that all of the submitted questions had received a response.

RESOLVED that the questions and responses provided be noted.

b Questions to Leader and Cabinet

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

Question 1:

For my first question to the Leader tonight, I would like to return to the redevelopment of the Spindles and Town Square shopping centres.

At the November 2020 Council meeting, just after the purchase had been completed, I asked the Leader whether this represented a 'risky purchase' and pointed up the 'significant sums of money' that will be involved in repurposing and refurbishing these two shopping centres.

I am sure that many people will have been shocked to recently hear that the 'significant sum of money' this Administration has earmarked to repurpose and refurbish these shopping centres amounts to £68 million over five years.

Not for nothing did the Liberal Democrats brand it 'Spendles'.

This truly is a whopping sum of money.

We all want to see a vibrant, viable town centre in the heart of our borough – and for our part Liberal Democrat Councillors also want to see vibrant and well-used district centres in Failsworth, Chadderton, Royton, Shaw, Uppermill, and Lees as well – but at what eventual cost?

My real fear is that we shall see the same cost and time overruns and abortive costs on this project that have dogged this Administration's previous so-called ambitious town centre projects:

- the abandoned Hotel Futures plan;



- the abandoned Coliseum plans – plural;
- the bankrupted My House;
- the much delayed and costly ‘game changer’ at Princes Gate;
- the over-budget town centre digital hub;
- and lastly the town centre flagship, the Old Town Hall project, delivered at four times the original cost.

So can the Leader please tell me tonight how he will ensure that this project will be rigorously managed from start-to-finish, to ensure that it is delivered on time and to the current assigned budget or, for the sake of our hard-pressed tax payers, preferably much less?

Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Skills, responded that the £68M figure quoted was not what it was intended to spend on Spindles and the plans for it had not yet been finalised. More than 2000 people had responded to the consultation and provided their ideas. External funding would be sought to reduce the overall cost to the Council.

Whilst the Opposition pointed to projects that had not come in on time or on budget, many projects had come in on budget and in time, or even better, including schools and leisure centres. The Administration was committed to regeneration and improving the Oldham economy and the Council was the only body that would do that. It would require taking a risk and being prepared to invest in the place and the people.

Question 2:

My second question to the Leader tonight references the sad anniversary yesterday of the first COVID-19 Lockdown in the United Kingdom.

This past year we have seen so much sacrifice and so much suffering.

Many of us have had COVID-19 or have seen loved ones, friends and family, die from this relentless, ruthless disease.

But we have also seen a great deal of courage and selflessness.

We are all too aware of the incredible professionalism, fortitude, and, yes, bravery displayed by our wonderful NHS staff in their care for those afflicted by COVID-19.

But we should also remember the many others who have helped save lives and keep our society functioning during this unprecedented crisis.

Members of our emergency services, including the volunteers of our local Mountain Rescue Service; our care workers; our schools, education and nursery staff; our postal workers; our power, water and telecoms workers; bus, tram and train drivers; delivery drivers and warehouse staff; supermarket and shop workers; the many volunteers who support our communities, and of course our hardworking council staff, who like their colleagues in the NHS have found this time especially testing.

My question to the Leader concerns how we will mark this sacrifice,

suffering, courage and selflessness in our borough in the future.

Oldham has been hit especially hard by COVID-19 and it will take a significant effort and a lot of time to recover.



A large part of this recovery will revolve around the collective need for the people of this borough to grieve, to reflect and to remember.

I would suggest to the Leader that we need to commit as a borough to creating a bespoke collective space where that might happen – a memorial to our COVID-19 victims and its heroes.

I am not seeking to prescribe what this memorial might be or where it might be, nor would now be the right time to establish it as we are not yet at the end of this tragedy.

But I am confident that Oldham's great people would get behind such a proposal, so could the Leader join me in making a commitment in principle tonight to make such a memorial a reality?

Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Skills, responded that Councillor Sykes' suggestion was welcomed. Many people across the borough had made great sacrifices, many loved ones had been lost and consideration should be given to an appropriate way to mark them. When the time was right, he suggested a cross-party group be drawn together to consider how this could be marked and he committed to doing this.

Councillor Sheldon, Acting Leader of the Conservative Group asked a question about the length of the full Council meetings. It should be remembered that Oldham Council was not the government. Suggestions were put forward including declarations of interest being made on the "chat" function, the main and opposition parties be restricted to one motion per meeting, ward questions should only relate to items where enquiries through officers had been exhausted. The final item on this agenda was one of the most important matters for a long time and had needed to be brought forward on the agenda to give the opportunity for full debate. Could the Leader give consideration to the timing of future meetings and ask all Councillors to share their thoughts? A quick and timely meeting could be far more productive than many hours of debate.

Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Skills, responded that he understood the points raised, particularly in relation to the roll calls and declarations of interest required to conduct a remote meeting. Most Members had their own views on issues and this was the place they could debate them with people who may not share those views. He would be happy to look again at the agenda for the Council meeting to see if it could be improved. Group members were encouraged to feed their thoughts to their Group Leaders for consideration in the next municipal year.

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

1. Councillor Shuttleworth asked the following question:
Manchester United and England footballer Marcus Rashford. Rashford's campaign to extend free school meals successfully forced a government u-turn, with Prime Minister Boris Johnson confirming that his administration would commit to ensuring meals were available to children during the Christmas break. Could the Cabinet Member, please advise us what funding is being made available to the Council and what plans are in place to ensure that all families entitled to free school meals receive the help they need?

Councillor Mushtaq, Cabinet Member for Education, responded that The LA were in receipt of funding from Government of nearly £1million to support vulnerable families with children and young people over the winter. We were currently working with schools, colleges and early years settings to ensure food vouchers get to families with children entitled to income based free school meals before schools finished for the Christmas holidays.

This would ensure that those eligible for free school meals on the grounds of low income received a £30 voucher to cover the two-week Christmas holiday at £15 per week per child. This support would also be offered in the February 2021 half term. In order that families received the vouchers that could be used in the Oldham supermarket of their choice we were obtaining vouchers via a third-party online hub – known as Wonde. These vouchers would also be available for Asylum Seeker Families with no recourse to public funds.

The funding would also allow the LA to top up a range of other financial schemes to support the vulnerable. This included:

- Warm Homes Grant – money available for people who need help with fuel bills or to fix heating
- Support for Care Leavers from age 18 up to 25 with food vouchers

Families were also being signposted to <https://www.oldham.gov.uk/wecanhel> where they could obtain further details of the help and advice available.

The Council would receive an additional £1.35m of funding to provide Holiday Activities and Food programme over the Easter, summer and Christmas school holidays. The purpose of the grant funding was to provide healthy food and enriching activities to disadvantaged children. The Easter programme of activities and food was being collated at present and would be promoted to eligible families shortly. The offer would be published on the Family Information Activities and Leisure Council webpage

<https://www.oldham.gov.uk/hsc/services/categories/1>

2. Councillor Leach asked the following question:
Can the Cabinet Member for Finance explain why the Tory Government has stopped giving councils Council tax freeze grants? Doesn't this amount to yet another Tory stealth tax increase and can he explain what has been the impact on the people of Oldham?



Councillor Jabbar, Cabinet Member for Finance and Corporate Green, responded that the Council Tax Freeze Grant was available to Local Authorities if they chose not to implement a Council Tax increase during the financial years 2011/12 to 2015/16. The grant received compensated Authorities for the Council Tax that would otherwise have been generated.

The impact of discontinuing this grant for the Government was a reduction in the level of grant provided to Councils.

The impact for the Council was a loss of a funding stream which, if not made good, would require budget cuts to be made. The removal of the grant meant the Council was therefore forced to increase Council Tax in order to maintain funding for services and to deal with new spending pressures.

It was important to note that, from 2016/17, the Government changed policy. The Adult Social Care Precept was introduced aimed at specifically funding Adult Social Care, an area significantly underfunded by Government for many years – thus shifting the burden of financing this vital service to Council Tax payers.

Government also introduced the concept of Core Spending Power. This was the Government's assumption about the overall revenue funding available for Local Authority Services. This was published with the Local Government Finance Settlement. This was based on assumptions, including that Councils raise Council Tax by the maximum allowable (including the Adult Social Care Precept) before being required to hold a referendum on the level of the increase. In addition, from 2016/17, which increased Council Tax even more.

Therefore Oldhamers had seen their Council Tax increase as a result of changing Government Council Tax policy.

However, although the financial position was challenging, the Council had chosen not to increase the Council Tax to the maximum level for both this year 2020/21 and for 2021/22. For 2021/22 Oldham's Council Tax increase of 2.99% was the lowest in Greater Manchester.

3. Councillor Toor asked the following question:
Many schools generate income through before and after school clubs, (although in many cases these will only breakeven), however, during lockdown these facilities did not operate. Could the Cabinet Member for education please tell us were schools able to furlough before and after school staff, and also give us some idea of the impact on school budgets?

Councillor Mushtaq, Cabinet Member for Education, responded that the DfE did not, in general, expect schools to furlough staff. However, they understood that, in some instances, schools may have a separate private income stream and, where this income had either stopped or been reduced and there were staff paid from those private income streams, it may be appropriate to furlough staff. Staff could only be furloughed if they did not have any other job in the school.

The Council was aware of 5 maintained schools who had furloughed before/after school staff. In total these schools would

receive income from the Government of £62k to the end of February and estimated this would be 68k by the end of the financial year



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4. Councillor Harkness asked the following question:
Information recently received from officers by my colleague, Councillor Sykes, has revealed that no new money has been found to provide much-needed disabled parking bays for the last three years and that work to progress the applications made for such bays has been placed on hold as there is no money to carry out any work even when approved.
To get about some disabled people in this borough are reliant upon being able to access a vehicle adapted for their use at a space that is near to their home. If they own the vehicle, they also need to park it there.
Three years is an awful long time to wait. Many of these applicants have been completely trapped at home throughout the COVID-19 Lockdown and tragically it is likely some applicants may die or be no longer able to drive by the time their applications are approved.
Can the Cabinet Member please tell me when this Administration will finally allocate more money from the budget to process and action these applications so that these needy people can finally be able to leave home and get about?

Councillor Brownridge, Cabinet Member for Neighbourhoods and Culture, responded that the applications received for disabled parking bays were currently being reviewed against the recently revised Disabled Bay policy, in line with the overall revised Council Blue Badge policy – provision had been made next financial year 2021/22 to continue to review and prioritise applications for action – the intention was to continue this process as an annual programme.

5. Councillor Garry asked the following question:
The recent investment into the play area and sports courts at Lower Memorial Park in Failsworth West is welcome and makes it a genuine family friendly park. I am sure the new homeowners at the family homes on the Lancaster Gardens estate will make good use of it when weather permits. Could the Cabinet Member responsible confirm the total investment into this park and the source of the funding?

Councillor Brownridge, Cabinet Member for Neighbourhoods and Culture, responded that the funding totalling £93,643 for the playscape and refurbished Multi Unit Games Arena in Lower Memorial park was funded through section 106, Failsworth and Hollinwood District and Environmental services Greenspace Development budget and brought with it much needed improvements to the park that would be welcomed by existing residents and those now occupying the recently constructed properties by Bellway Homes

6. Councillor Hulme asked the following question:
During the Chancellor's budget announcement details were

released of towns which had been successful in securing funding from the “Town Deal Fund”. I am aware that Oldham has bid for £41million for projects including, office space, a performance space, northern roots and a district heat network but was not included in the published list of successful bids. Does the Cabinet Member responsible have an update on Oldham’s bid?

Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Skills, responded that on 11th December 2020, the Oldham Town Deal Board that existed to support the local delivery of the Towns Fund submitted a Town Investment Plan (TIP) bid for £41 million towards five projects, as part of Cohort 2a. The Government’s Ministry of Housing, Communities and Local Government (MHCLG) had announced Cohort 2a at the start of October 2020, thereby giving Town Deal Boards four submission options:

Cohort 1: 31st July 2020

Cohort 2: 30th October 2020

Cohort 2a: 11th December 2020

Cohort 3: 29th January 2021

By submitting the TIP in December 2020, after Oldham Council had purchased Spindles Town Square Shopping Centre in October 2020, the Board could specify the shopping centre as the preferred location for three of the five projects and strengthen the overall narrative.

Official guidance from MHCLG had previously confirmed that a TIP with a value exceeding £25 million would be subject to a greater level of scrutiny around value for money and the capacity and capability of the lead local authority to deliver a larger deal.

The Chancellor’s Budget on 3rd March 2021 listed 45 new Town Deals based on TIPs submitted in Cohorts 1, 2 and 2a. Oldham was not included because MHCLG had that week requested additional information on three of the five proposed projects in the TIP.

On 17th March 2021, Oldham Council submitted the additional information relating to projects, however we were still awaiting confirmation of when MHCLG would announce the outcome of the TIP assessment. The delay in receiving a funding offer could be attributed to assessors scrutinising bids for above £25 million in greatest detail – as expected.

7. Councillor Jacques asked the following question:
A serious violent incident at Hollinwood tram stop was recently covered in the press. Many residents have raised concerns with me about safety at and around this stop. There is a particular problem with the blind corners on the main pedestrian route between the stop and Manchester road which contribute to people feeling unsafe. Could the Cabinet Member responsible advise how we may improve the quality of the environment at the tram stop to make it feel more welcoming to public transport users?

Councillor Chadderton, Cabinet Member for HR and Corporate

Reform responded that the Council worked closely with Greater Manchester Police and Transport for Greater Manchester to ensure people feel safe whilst accessing/using public transport. TfGM was committed to ensuring all tram stops were safe spaces. A number of crime prevention measures had been undertaken previously at Hollinwood Tram Stop and there was ongoing work in response to the recent issues which had occurred.

The particular concerns highlighted in relation to the blind corners on the main pedestrian route between the stop and Manchester Road would be looked into and where appropriate and feasible to do so, further works considered to improve perceptions of safety and to build confidence in the location as a safe space.

8. Councillor Williamson asked the following question:
The new MyHR computer software system has recently come online and into use by Council staff and HR managers. This replaced the A1 system introduced only four years previously which frankly proved itself to be a bit of a failure, being significantly delayed, over budget, and prone to making errors in salary payments and the calculation of working hours to the disgruntlement of many staff. A1 apparently cost our financially struggling Council-Tax Payers over £2 million of their hard-earned money and MyHR will undoubtedly have cost them many more.

Can the Cabinet Member please tell me how much MyHR cost; what guarantees we have that MyHR will actually deliver for our staff and their managers, unlike its predecessor; and whether this Council has any means to recover any of its abortive costs in relation to the A1 system from its developers?

Councillor Chadderton, Cabinet Member for HR and Corporate Reform, responded that the approved budget for the implementation and the cost of licencing, support and maintenance for the new ITrent HR and payroll system - MyHR was £2.295m. MyHR was replacing both the A1 and Selima payroll systems.

There was immense confidence in this new system by the payroll team who used it on a day to day basis; it was a highly regarded HR and Payroll (HRP) system that was in use with over 180+ LA's across the country including most GM authorities. It was known as market leading and a public sector reputable product that was built specifically for the purpose of HRP.

There was already evidence that it was excellent, easier to use and more robust payroll accuracy following the go-lives; the specialist officer checks and feedback from managing 26 payrolls for almost 7000 employees across Team Oldham had supported this.

There was improved Resilience expected from a hosted cloud product with planned, regular maintenance and upgrades included within the annual maintenance cost. Access to service desk to resolve any issues and escalation process was available if required.



Feedback from staff and customers had been very positive to date.

The costs of A1 were not abortive as the system was in use and delivering payroll from its implementation in April 2017 until January 2021.

Whilst the system had many issues and required the Council to implement many manual processes to improve accuracy, it did provide the core ability to pay employees every month. The system had reached a point where it required a major upgrade that would have cost a significant sum, on top of the regular costs required to continue the manual processes and regular upgrades.

RESOLVED that the questions and responses provided be noted.

c Questions on Cabinet Minutes

Council were requested to note the minutes of the Cabinet meetings held on the undermentioned dates and to receive any questions on any items within the minutes from members of the Council who were not members of the Cabinet, and receive responses from Cabinet members. The minutes of the Cabinet meetings held on 25 January 2021 and 22 February 2021 were submitted.

Members raised the following questions:

1. Councillor H Gloster asked the following question in relation to Page 85 – Cabinet 14/12/20 – Schools National Funding Formula
“With all pupils returning to schools from 8th March, many schools are already reporting significant budget shortfalls. Please can the Cabinet Member responsible explain what is the situation faced by our local schools and how we will ensure they are not adversely impacted financially due to Covid-19?”

Councillor Mushtaq, Cabinet Member for Education, responded that Schools/Academies had continued to receive all core funding and grant payments during 2020-21.

There had been instances where schools had faced additional costs as a result of the coronavirus (COVID-19) outbreak and were not able to cover these from their existing resources.

Financial assistance was available to schools where maintained schools were unable to meet these additional costs for Free School Meals, premises and cleaning costs.

Mainstream schools would also receive additional funding of £80 for each pupil from reception to year 11 inclusive through the catch-up premium for the 2020-21 academic year. This was for specific activities to support pupils in catching up for lost teaching, in line with the curriculum expectations for the next academic year.

There were currently 2 maintained schools forecasting a deficit at the end of the 2020-21 financial year. However, this could change once the final outturn for the 2020-21 financial year had been agreed.

A budget review had suggested that there were a small number

of other maintained schools who may have a budget deficit for 2021-22. Again, this would not be confirmed until the final outturn was established and the 2021-22 budget had been finalised. The indications were that this was mainly due to reducing pupil numbers or high staff numbers and not as a result of Covid 19.



2. Councillor Williamson asked the following question in relation to Page 94 – Cabinet 21/01/21 – Item 9 – Scrutiny Referral – Council Motion – Ban on fast food and energy drink advertising
 “I was glad to see that Cabinet agreed to allow Health Scrutiny Committee to progress actions internally and that it was agreed to escalate the aspirations of the motion for a ban to the Greater Manchester Combined Authority and the Greater Manchester Mayor externally.
 Can the relevant Cabinet Member please tell me whether this matter has now been tabled at a meeting for discussion by members of the GMCA, and if this has not yet happened whether we know the timescale by which we expect this to happen?

Councillor Chauhan, Cabinet Member for Health and Social Care, responded that it was currently being actioned and an update would be provided to the Health Scrutiny Committee and Councillor Williamson.

RESOLVED that:

1. The minutes of the Cabinet meetings held on 25 January 2021 and 22 February 2021 be noted.
2. The questions and responses provided be noted.

d Questions on Joint Arrangements

Council was asked to note the minutes of the following Joint Authority and Partnership meetings and the relevant spokespersons to respond to questions from Members.

The minutes of the Joint Authorities and Partnerships were submitted as follows:

Greater Manchester Combined Authority	27th November 2020 18th December 2020 29th January 2021
Greater Manchester Transport Committee	11th December 2020
Commissioning Partnership Board	22nd October 2020 28th January 2021
GM Police, Fire and Crime Panel	16th November 2020
Health and Wellbeing Board	10th November 2020
AGMA	11th December 2020
Greater Manchester Waste and Recycling Committee	14th October 2020
Miocare	22nd October 2020
National Park Authority	13th November 2020

Members raised the following questions:



1. Councillor Hamblett asked the following question in relation to page 114 - Greater Manchester Combined Authority 27/11/20 – Item GMCA 188/20 – Bus Reform
“I would question the wisdom on investing huge sums of money on improving bus stops when there are less-and-less bus services using them; surely we need investment in more bus services first, especially as we emerge from Lockdown, before we invest in bus stops.

Can the relevant Cabinet Member tell me how much the recent improvements to local bus stops have cost the hard working council tax payers of this borough? And can I also ask who decided that these ‘improvements’ required the removal of the sensory tactile paving which assists the sight-impaired to access public transport?

Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Skills, responded that Transport for Greater Manchester (TfGM) secured funding through Growth Deal 3 for a ‘Bus Passenger Access Enhancements Project’ which would upgrade 505 existing bus stops across Greater Manchester with the aim of improving the passenger experience and delivering improved journey times for buses, whilst ensuring facilities were compliant with accessibility standards.

The chosen delivery method for this work in Oldham was for our own Highways Operations service to deliver these works on behalf of TfGM and therefore the available funding of £232,000 came into the transport capital programme. By the end of the project (due to complete in May 2021) it would have upgraded 46 bus stops within Oldham. The bus stop upgrades would include: raising kerb heights; footway treatment; the provision of a bus stop clearways; and the replacement of bus stop poles/plates.

As part of these works Oldham had not removed any tactile surfacing to the bus stops. The bus stop improvements were designed and constructed to TfGM guidelines, which were developed from GMPTE guidance used in Greater Manchester since at least 2007.

2. Councillor Harkness asked a question in relation to Page 131 – Greater Manchester Combined Authority 27/11/20 – Item GMCA 211/20 – No Child goes Hungry
“Now that the Chancellor has decreed in his recent budget that the £20 weekly uplift in Universal Credit payments will only be extended until the end of September, what will the leaders of the ten GMCA authorities be doing to continue to put pressure on government ministers to change their minds and make the uplift permanent? And will that include seeking the support of those Conservative MPs who now represent Greater Manchester constituencies?”

Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Skills, responded that the Council was developing an Anti Poverty Strategy and clear action plan and was working with communities and partners on this at the moment. One of the key strands of the plan focussed on lobbying national government for permanent change on issues such as the £20 Universal Credit uplift, sustainable funding for the Local Welfare Provision scheme to support residents in crisis and to reduce food poverty, particularly for our children and young people over the holiday periods.

The Council would to liaise with GM authorities and GMCA on poverty issues to get the best outcome for residents across the region and where it could speak across party political boundaries to speak as one voice for Greater Manchester, it would.

3. Councillor Sykes asked a question in relation to Page 165 – GM Police, Fire and Crime Panel 16/11/20 – Item PCFP/18/20 – iOPS Update

“I first raised the deficiencies of the iOPs Integrated Operating Policing System over two years ago. This system was meant to seamlessly replace three existing police computer systems to provide enhanced capacity to Police officers and criminal prosecutors. The reality has proven vastly different.

I have written to or met with the Greater Manchester Mayor and senior police officers to complain about it several times. Quite simply it has never been fit for purpose – and it has led to crimes not being properly recorded, victims not receiving a prompt and professional service, and prosecutors being unable to proceed with court cases. Even Her Majesty’s Inspectorate of Constabulary reported that police officers had ‘very little confidence’ in it and were ‘frustrated’ by a system that does not always return ‘accurate results’.

Yet the Mayor and Deputy Mayor as our Police and Crime Commissioners keep insisting that the system will eventually prove its worth. Two years on can the Council’s representative on the panel provide us with any real reassurance when this system will eventually work, or has it in fact proven to be just a blackhole into which public money has been poured, wasted on a system that was never fit-for-purpose?”

Councillor Williams responded that going live with iOPS in July 2019 was a huge challenge for GMP. The old legacy systems were failing and end of life - they simply had to be replaced. It was also necessary to introduce new technologies which allowed GMP to build for the future and to be more 'mobile' with our technology. Despite the scale of that challenge much of the new iOPS platform had worked well and was supporting staff in delivering a good service to communities.

iOPS Mobile and iOPS Dashboard were already working well with further updates coming very soon to both these products.

There would be a new iOPS Dashboard next month and it was hoped to soon introduce 'mapping' to the dashboard so that demand could be in different ways. This year iOPS Mobile would also be upgraded making it easier to submit crime, intelligence and other events while 'out and about.'



GMP was also pleased with iOPS ControlWorks, the Command and Control system. It was used by several Police Forces and was a stable system which was serving the needs well. GMP had deliberately chosen not to upgrade ControlWorks for a period of time following go live, to allow the system to bed in, a decision which had reaped benefits during Covid-19. They were upgrading to the latest version however, over the next 12 months.

iOPS Cognos was the data warehouse. Cognos was a popular tool used by many others and GMP had some good reports and products that allowed the service to interrogate the data. But the data warehouse was only as good as the data put into it and there was work to do to improve data quality.

It was with iOPS PoliceWorks, the Records Management System where there were the most problems and the most feedback had been received. This was the newest of the iOPS products and was the one that had been the most challenging. GMP had worked hard to fix many of the bugs in PoliceWorks since it went live, and a number of planned upgrades with additional features had already been delivered. The most recent version upgrade in January delivered significant search enhancements, which was something end users were keen to see. But there was still much to do, and there was a packed programme of works to improve it even further over the next 12 months. This work included:

- Short medium and long term work to further improve the speed and performance of PoliceWorks
- Further enhancements to search, crime (allowing us to address some of the issues highlighted during the recent HMICFRS victim services assessment), intelligence and safeguarding
- PoliceWorks version upgrades - 6 planned between now and June 2022
- Data quality work, prioritising duplicate nominals in the system

The iOPS training and communication plan had also recently been refreshed, to ensure that staff were well supported in their use of the various iOPS products.

All of this work had taken place within a well-organised project management team, which was rightly subject to scrutiny and governance both within GMP and from key local and national stakeholders.

In relation to some of the Councillors specific examples - quite

simply it had never been fit for purpose – and it had led to crimes not being properly recorded, victims not receiving a prompt and professional service, and prosecutors being unable to proceed with court cases. Even Her Majesty’s Inspectorate of Constabulary reported that police officers had ‘very little confidence’ in it and were ‘frustrated’ by a system that does not always return ‘accurate results’.

Crime recording - iOPS was not specifically referenced in the HMICFRS victim service assessment, and the issues highlighted by the Inspector went back several years before iOPS. That said, making it easier for staff to record and manage crime was clearly crucial, and iOPS had a real part to play in that. GMP had prioritised fixing remaining crime bugs and delivering further enhancements. The iOPS Mobile upgrade later this year for example, would make it easier for staff to record crimes while out and about, and keep victims updated

Service to victims - iOPS Mobile was actively supporting the victim service work. A recent example was the Making a Difference platform, delivered in conjunction with Victim Services. It allows staff to access via their mobile devices, local support directories to signpost those in need. This included the ability to send pre-formatted texts and emails. The team were also looking at electronic victim contact cards, to further improve the service.

Case files - The complexities of the various partner systems involved meant that there would always be isolated failures, as there were with GMP's legacy case file system. However, there were issues following iOPS go live, where too many cases failed the electronic transfer to CPS and the Courts, which impacted on justice delivery and confidence. This was a priority for the team throughout Autumn 2019 and into early 2020, and the issues had been much improved.

4. Councillor Chadderton asked the following question in relation to Question on GMCA minutes 18th December 2020 item GMCA215/20 page 134 of the Green Book
“I welcome the announcement from Transport for Greater Manchester and the Greater Manchester Mayors office, that Royton has chosen for investment as part of the Bee Network programme and that the Rochdale Road corridor, currently served by the 409 bus, has been identified as a Quality Bus Transit scheme. Both of these things will bring welcomed investment into Royton Centre, making Royton more accessible for walkers and cyclists and recognising that Royton is in need of improved public transport and improved connectivity links. Can the Leader advise what the timescales for both of these are?”

Councillor Brownridge, Cabinet Member for Neighbourhoods and Culture, responded that the Bee Network improvements for pedestrians and cyclists in Royton would be delivered by March

2022. There would also be investment in Royton through the Government's Active Travel Fund with a scheme on Sandy Lane-Rochdale Lane, which would be delivered in the new financial year once the public had been consulted. In addition, the new Toucan crossing in the centre of Royton would be finished in the next couple of weeks.



In terms of the Quality Bus Transit proposals for the Rochdale-Oldham-Ashton corridor, these were being investigated by TfGM. GM had allocated £10 million of its Transforming Cities Fund 2 to deliver early measures on northern and orbital Quality Bus Transit Corridors, which could include this corridor, although no decisions had yet been made on where the £10 million would be invested. The funding deadline was March 2023.

5. Councillor Hulme asked the following question in relation to page 114 - Greater Manchester Combined Authority 27/11/20 – Item GMCA 188/20 – Bus Reform
“Yesterday, GMCA announced it had voted to recommend the implementation of a franchising model for Greater Manchester’s bus network. Please could the Leader explain what this change would mean for the people of Saddleworth North and Oldham as a whole, who had seen services cut back and been let down by private companies for too long”

Councillor Fielding, Leader of the Council and Cabinet Member for Economy and Skills, responded that the mayor was due to make his decision imminently and GMCA leaders had voted in favour of the recommendations to franchise. Saddleworth had been subject to early cuts in service along with Diggle and Greenfield. More recently, cuts had extended to parts of the Borough nearer the city centre eg Woodhouses, which had no bus service other than at peak times. Services had been withdrawn from all over Oldham when operators were not making the profit they wanted. Franchising would bring services back under the control of locally elected and accountable politicians, who would be able to set routes, fares, vehicle standards, timetable and even the colour buses were painted. This model had always been in place in London. It was hoped the Mayor would take the decision and bring responsibility for services back locally.

RESOLVED that:

1. The minutes of the Joint Authorities and Partnership meetings as detailed in the report be noted.
2. The questions and responses provided be noted.

10

NOTICE OF ADMINISTRATION BUSINESS

Motion 1

Councillor Shah MOVED and Councillor Chadderton
SECONDED the following MOTION:

Islamophobia

Oldham has a rich history of people from different backgrounds and cultures living and working together. However, we know that there are groups of people that are marginalised, who are more likely to face inequality and discrimination than others. We believe the people of Oldham want to live in a place that is committed to fairness and equality of opportunity, a borough that tackles discrimination and prejudice, helping communities come together and celebrating our differences.

As champions of inclusivity, we take a no-tolerance approach to hate crimes. Hate crime victims are more likely to suffer repeat victimisation, more likely to suffer serious psychological impacts, and are less likely to report these crimes to the police. Hate crime can limit people's opportunities and can lead to isolation and segregation. It is also damaging to the community, undermining integration and cohesion, and eroding shared values of acceptance and respect for others.

The Council adopted the working definition of Anti-Semitism as set out by the International Holocaust remembrance Alliance in 2017 and recognises the need additionally to recognise the working definition of Islamophobia set out below.

A study by the Muslim Council of Britain found that 59 percent of headlines in the British Press portray Muslims in a negative light, with Islam being misinterpreted and utilised by racists to create fear and promote hatred. Following an extensive consultation, the All-Party Parliamentary Group (APPG) for British Muslims has formulated a working definition of Islamophobia as:

"ISLAMOPHOBIA IS ROOTED IN RACISM AND IS A TYPE OF RACISM THAT TARGETS EXPRESSIONS OF MUSLIMNESS OR PERCEIVED MUSLIMNESS."

Contemporary examples of Islamophobia in public life, the media, schools, the workplace, and in encounters between religions and non-religions in the public sphere could, considering the overall context, include, but are not limited to:

- Calling for, aiding, instigating or justifying the killing or harming of Muslims in the name of a racist/fascist ideology, or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Muslims as such, or of Muslims as a collective group, such as, especially but not exclusively, conspiracies about Muslim entryism in politics, government or other societal institutions; the myth of Muslim identity having a unique propensity for terrorism and claims of a demographic 'threat' posed by Muslims or of a 'Muslim takeover'.
- Accusing Muslims as a group of being responsible for real or imagined wrongdoing committed by a single Muslim person or group of Muslim individuals, or even for acts committed by non-Muslims.

- Accusing Muslims as a group, or Muslim majority states, of inventing or exaggerating Islamophobia, ethnic cleansing or genocide perpetrated against Muslims.
- Accusing Muslim citizens of being more loyal to the 'Ummah' (transnational Muslim community) or to their countries of origin, or to the alleged priorities of Muslims worldwide, than to the interests of their own nations.
- Denying Muslim populations, the right to self-determination e.g., by claiming that the existence of an independent Palestine or Kashmir is a terrorist endeavor.
- Applying double standards by requiring of Muslims behavior's that are not expected or demanded of any other groups in society, e.g. loyalty tests.
- Using the symbols and images associated with classic Islamophobia.
- Holding Muslims collectively responsible for the actions of any Muslim majority state, whether secular or constitutionally Islamic.

This list is not exhaustive but forms guidelines to recognise markers of Islamophobia in today's context.

Oldham Council resolves:

1. To formally adopt the working definition of Islamophobia as formulated by the APPG for British Muslims.
2. To ask the Leader and Chief Executive of the Council to write to government ministers asking them to listen to Muslim communities and the cross-party group of MPs and peers and to adopt this definition of Islamophobia which classifies discrimination against Muslims as a form of racism.

Councillor Mushtaq spoke in support of the Motion.

Councillor Al-Hamdani spoke in support of the Motion.

Councillor Hamblett spoke in support of the Motion.

Councillor Akhtar spoke in support of the Motion.

Councillor Shah exercised her right of reply.

On being put to the vote, Members voted unanimously in FAVOUR of the MOTION. The MOTION was therefore CARRIED.

Motion 2

Councillor Stretton MOVED and Councillor Goodwin SECONDED the following MOTION:

Fully funded and proper pay rise for council and school workers

This council notes:

Local government has endured central government funding cuts of more than 50% since 2010. Between 2010 and 2020, councils lost 60p out of every £1 they have received from central government. Over the last year, councils have led the way in efforts against the Covid-19 pandemic, providing a huge range of services and support for our communities. Local government has shown more than ever how indispensable it is. But the pandemic has led to a massive increase in expenditure and loss of income, and the Government has failed to provide the full amount of promised support. Local government workers have kept our communities safe through the pandemic, often putting themselves at considerable risk as they work to protect public health, provide quality housing, ensure our children continue to be educated, and look after older and vulnerable people. Since 2010, the local government workforce has endured years of pay restraint with the majority of pay points losing at least 23 per cent of their value since 2009/10. At the same time, workers have experienced ever-increasing workloads and persistent job insecurity. Across the UK, 900,000 jobs have been lost in local government since June 2010 – a reduction of more than 30 per cent. Local government has arguably been hit by more severe job losses than any other part of the public sector. The funding gap caused by Covid-19 will make local government employment even more precarious. There has been a disproportionate impact on women, with women making up more than three-quarters of the local government workforce. Recent research shows that if the Government were to fully fund the unions' 2021 payclaim, around half of the money would be recouped thanks to increased tax revenue, reduced expenditure on benefits, and increased consumer spending in the local economy.

This council believes:

Our workers keep our communities clean and safe, look after those in need and keep our towns and cities running, without the professionalism and dedication of our staff, the council services our residents rely on would not be deliverable. Local government workers deserve a proper real-terms pay increase. The Government needs to take responsibility and fully fund this increase; it should not put the burden on local authorities whose funding been cut to the bone and who have not been offered adequate support through the Covid-19 pandemic.

This Council resolves to:

1. Support the pay claim submitted by GMB, Unison and Unite on behalf of council and school workers, for a substantial increase with a minimum of 10 per cent uplift in April 2021.
2. Call on the Local Government Association to make urgent representations to central government to fund the NJC pay claim.
3. Ask the Chief Executive to write to the Chancellor and Secretary of State to call for a pay increase for local government workers to be funded with new money from central government.

4. Meet with local NJC union representatives to convey support for the pay claim and consider practical ways in which the council can support the campaign.
5. Encourage all local government workers to join a union

Councillor C Gloster spoke in favour of the motion.

Councillor Williamson spoke in favour of the motion.

Councillor Jabbar spoke in favour of the motion.

Councillor Stretton exercised her right of reply.

On being put to the vote, 44 votes were cast in FAVOUR of the MOTION and 1 vote was cast AGAINST with 1 ABSTENTION. The MOTION was therefore CARRIED.

11

NOTICE OF OPPOSITION BUSINESS

Motion 1

Councillor Sykes MOVED and Councillor Williamson SECONDED the following MOTION:

A Tax on Excess Online Profits

Council notes that whilst smaller High Street non-food retail outlets have been forcibly closed, and are facing business failure, because of the COVID-19 Lockdown, larger national businesses and multi-national businesses offering on-line products have thrived, reporting bumper profits.

Council notes that recent proposals from the UN and the EU are working to establish an international consensus on business taxation, to minimise profit-shifting for the purpose of avoiding corporation tax, but that these proposals are not likely to be introduced in time to have any impact on the excess online profits that some companies have made off the back of the coronavirus epidemic.

Raising a bespoke tax on excess online profits has precedent in the UK, and Council expresses its disappointment that the Chancellor has not yet introduced such a tax and believes that if we are, as the Prime Minister claims, 'all in this together', then the excessive profits of such on-line businesses should be subjected to a greater level of tax, and that the revenue raised employed to support our hollowed out public services (local government, schools and health) and the financial recovery of our High Street retailers.

Council resolves to ask the Chief Executive to write to:

- The Chancellor of the Exchequer, The Rt Hon Rishi Sunak MP, urging him to introduce such a tax as soon as possible as one means to ensure that we are 'all in this together'.

- Our three local MPs, the Greater Manchester Mayor and the Leaders of the other nine AGMA authorities to seek their support for such a tax.

Councillor Harkness spoke in support of the Motion.

Councillor Ahmad spoke in support of the Motion.

Councillor Fielding spoke in support of the Motion.

Councillor Sykes exercised his right of reply.

On being put to the vote, Members voted unanimously in FAVOUR of the MOTION. The MOTION was therefore CARRIED.

Motion 2

Councillor Al-Hamdani outlined the proposed amendment, which was seconded Councillor C Gloster. The amendment was agreed without discussion.

Councillor Al-Hamdani MOVED and Councillor C Gloster SECONDED the following MOTION:

Consultation on the UK Shared Prosperity Fund

Council notes that:

- The Conservative Party Manifesto for the 2017 General Election contained the following commitment:
'We will use the structural fund money that comes back to the UK following Brexit to create a United Kingdom Shared Prosperity Fund, specifically designed to reduce inequalities between communities across our four nations. The money that is spent will help deliver sustainable, inclusive growth based on our modern industrial strategy. We will consult widely on the design of the fund, including with the devolved administrations, local authorities, businesses and public bodies.'
- The Conservative Government promised to publish a UK Shared Prosperity Fund Consultation Paper in 2018.
- Successive Secretaries of State in the Department of Housing, Communities and Local Government when responding to several questions in Parliament in both 2018 and 2019 confirmed that a consultation would take place.
- The promised consultation is now three years late.
- In the last round of European funding (2014-2020), Greater Manchester received £322.75m, split across European Regional Development Funding (ERDF) (£176.78m) and European Social Funding (ESF) (£145.97m), equivalent to an annual allocation of £53.8m.
- The Conservative Party website claims that 'We will introduce the UK Shared Prosperity Fund when EU Structural Funds start to taper off from 2020-21...from April 2021'.

Council resolves to ask the Chief Executive to:

- Write to the Secretary of State for Housing, Communities and Local Government requesting the promised public consultation commence prior to the end of this financial year when EU structural fund allocations begin to taper off.
- Copy in our local Members of Parliament and the Mayor of Greater Manchester on this correspondence and ask for their assistance by making similar representations to the Government”.

On it being moved that the matter be put to the vote, it was unanimously agreed that the matter be put to the vote without further discussion.

On being put to the vote, 42 votes were cast in FAVOUR of the MOTION and 0 votes were cast AGAINST with 3 ABSTENTIONS. The MOTION was therefore CARRIED.

Motion 3

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

Thanking our Schools and Education Staff

Council shares the delight of children, parents and guardians that pupils and students have finally been able to return to their schools and colleges during the week commencing 8 March. Children and young people will be glad to be back with their teachers and their friends after a year of home schooling and distance learning that has been very difficult for everyone involved.

Council recognises that teachers and other school and college staff across the whole of the United Kingdom, whether employed at primary, secondary or tertiary level, have demonstrated extraordinary professional commitment and dedication in continuing to deliver an excellent education, whether at the chalk-face or online, to our children and young people in the face of great uncertainty and despite the most adverse conditions faced by such professionals since 1945.

Council further recognises that in schooling the children of other ‘key workers’ teachers and other school staff have enabled their parents to carry on doing their essential duties that have saved our lives, supplied us with our daily bread and kept our nation functioning, all the while knowing that their children are safe and being nurtured and cared for.

Council recognises that Oldham has sadly been very hard hit by the COVID-19 pandemic and operational difficulties in education have been especially challenging.

Consequently, Council wishes particularly to praise those school and college staff who have been working at schools, academies and colleges across the Borough of Oldham. Such staff include teachers, teaching assistants, catering, cleaning, and caretaking staff, midday supervisors, office support staff, head teachers, child care club staff, volunteers, and anybody else who has

helped to keep our educational establishments open for key workers or who has supported distance learning. Council believes that parents, guardians and siblings involved in supporting their children and young people in their distance learning will have developed a deeper appreciation of the work that our professional educators do on a day-to-day basis, particularly in these challenging times. Council therefore resolves to ask the Chief Executive to write to the local representatives of the professional bodies and trades unions for the teaching and ancillary professions to pass on these sentiments and our thanks for a job well done after one year of Lockdown.

AMENDMENT

Councillor Mushtaq MOVED and Councillor Goodwin SECONDED the following AMENDMENT:

Paragraph 5

Sentence 1

Insert *all* between praise and school

Insert *all early years settings* between colleges and across

Add at end *and such staff that work outside the borough but reside in Oldham*

Add new sentence at end: *It is also important to acknowledge and thank all those that were in the seriously vulnerable group, therefore shielding, but continued to teach and support from home via online.*

Paragraph 7

Insert *and to all schools, colleges and Early Years settings* between professions and to pass

Add at end:

Council, with partners, will endeavour to thank the sector through more substantive means once circumstances allow.

Revised motion to read:

Motion 3 – Thanking our Schools and Education Staff

Council shares the delight of children, parents and guardians that pupils and students have finally been able to return to their schools and colleges during the week commencing 8 March. Children and young people will be glad to be back with their teachers and their friends after a year of home schooling and distance learning that has been very difficult for everyone involved.

Council recognises that teachers and other school and college staff across the whole of the United Kingdom, whether employed at primary, secondary or tertiary level, have demonstrated extraordinary professional commitment and dedication in continuing to deliver an excellent education, whether at the chalk-face or online, to our children and young people in the face of great uncertainty and despite the most adverse conditions faced by such professionals since 1945.

Council further recognises that in schooling the children of other 'key workers' teachers and other school staff have enabled their parents to carry on doing their essential duties that have saved our lives, supplied us with our daily bread and kept our nation functioning, all the while knowing that their children are safe and being nurtured and cared for.

Council recognises that Oldham has sadly been very hard hit by the COVID-19 pandemic and operational difficulties in education have been especially challenging.

Consequently, Council wishes to praise all school and college staff who have been working at schools, academies, colleges and all early years settings across the Borough of Oldham and such staff that work outside the borough but reside in Oldham. Staff include teachers, teaching assistants, catering, cleaning, and caretaking staff, midday supervisors, office support staff, head teachers, child care club staff, volunteers, and anybody else who has helped to keep our educational establishments open for key workers or who has supported distance learning. It is also important to acknowledge and thank all those that were in the seriously vulnerable group, therefore shielding, but continued to teach and support from home via online.

Council believes that parents, guardians and siblings involved in supporting their children and young people in their distance learning will have developed a deeper appreciation of the work that our professional educators do on a day-to-day basis, particularly in these challenging times.

Council therefore resolves to ask the Chief Executive to write to the local representatives of the professional bodies and trades unions for the teaching, ancillary professions and to all schools, colleges and Early Years settings to pass on these sentiments and our thanks for a job well done after one year of Lockdown. Council, with partners, will endeavour to thank the sector through more substantive means once circumstances allow.

A vote was then taken on the AMENDMENT, which was CARRIED and became the SUBSTANTIVE MOTION.

On being put to the vote, Members voted unanimously in FAVOUR of the MOTION. The MOTION was therefore CARRIED.

12

OLDHAM'S COVID-19 RESPONSE - UPDATE

Councillor Shah MOVED and Councillor Fielding SECONDED a report which provided an update on how the Council and its partners continued to monitor and manage the impact of COVID-19 in Oldham.

COVID-19 was still circulating across the UK and new cases continued in Oldham every day. The report provided a summary of activity and demonstrated how the Council collectively managed and prevented the spread of COVID-19 across Oldham's communities.

The report detailed the four key themes which were: Test and Trace; Vaccination; Enforcement and Compliance; and Community Engagement and Communications.

In relation to Test and Trace, on the 18th January 2021, Oldham had begun targeted testing at scale for those that could not work from home, setting up 4 large tests sites for twice-weekly routine testing. This utilised lateral flow devices with rapid results in approximately 30 minutes, ensuring that positive cases were

identified at the earliest opportunity. This programme had been extended until the end of June 2021, and was moving towards a different model to significantly increase the number of testing sites at smaller venues that were better suited to meet the needs of residents. In relation to symptomatic testing, the network of local test sites (LTS) operated by NHS Test and Trace continued to operate to provide testing to people with coronavirus symptoms. Three LTS were currently in operation with plans underway for a 4th site in Failsworth. The 3 static sites were situated in:

- Southgate Street Car Park, Centre of Oldham OL1 1DN
- Peel Street in Chadderton, OL9 9JX
- Honeywell Centre, Hadfield Street. Hathershaw, OL8 3BP

Although there was a national booking portal, Oldham continued to work with DHSC to make the process as flexible as possible for residents to ensure that lack of digital access was not present a barrier to being able to access testing. With regards to Contact Tracing and the Local Tracing Partnership (tier2), when an individual tested positive for COVID-19 they were first notified by text or email instructing them to isolate. The national contact tracing tier 2 team received information about all positive cases and attempted to contact to ensure that isolation requirements were understood and to acquire a list of contacts that the positive case had been in contact with 2 days prior to symptom onset (or test date if there were no symptoms). If after 48hours, the national team had failed to make contact or been unable to acquire the contacts, the cases were securely passed to the Local Authority. Oldham Council only received details of cases who were Oldham residents.

In relation to vaccination, the original Government plan included a vaccination programme comprising 1) mass vaccination sites run by Regional NHS Teams and 2) local sites run by Primary Care Networks under nationally agreed Directly Enhanced Service contracts. A mass vaccination centre had been organised at Greater Manchester level at the Etihad Stadium. Uptake by Oldham residents of the Etihad facility was only just starting to become known to the Oldham system as this was a nationally run programme. The local Oldham vaccination programme was set up as operational from 6 sites within the five Primary Care Networks. During the course of February and early March additional 'pop-up' clinics had also been held at Greengate Street Mosque, the EIC Centre and Millennium Centre, all of which had been targeted at encouraging greater levels of uptake in our BAME communities. The next phase of rollout would continue to move down the Cohort list and focus on supplementing PCN clinics with additional clinics run in hyper-local community facilities such as Mosques. In addition, in March, second doses were being administered as well as first.

Enforcement and compliance included support to businesses, support grants and the Coronavirus Job Retention Scheme. The Enforcement Team (Environmental Health, Licensing, Community Safety and Greater Manchester Police colleagues) were working seven days a week visiting premises, responding

to complaints, attending gatherings and serving fixed penalty notices. Prohibition notices had been issued where appropriate to prevent businesses from continuing to trade when instructed to close as part of the national restrictions. The Enforcement and Compliance partnership had commissioned the provision of COVID marshals to attend locations where there were incidents of heavy footfall such as Dovestones Reservoir and other open spaces, where potential social distancing breaches could occur due to sheer numbers.

With regards to Support to Business, the Chancellor had announced the continuation of business support schemes in the March Budget. Locally, the Council had launched the Discretionary Business Grants for Taxis scheme to help drivers across the borough. The scheme would see eligible drivers receive a one-off payment and was aimed at hackney carriage and private hire taxi drivers who were licensed by Oldham Council. Under the scheme every taxi driver in Oldham could receive £1,000 to help them get over the impact of coronavirus after Oldham Council agreed a potential funding package of more than £1.3million.

Community engagement and communications had been key to the Covid-19 response in Oldham; to ensure residents and businesses were aware of the restrictions and public health advice and were also signposted towards the range of support and advice available from the council and partner organisations. This work had focused on all aspects of the Covid-19 response, including encouraging take-up of the vaccination; signposting towards testing provision; providing public health advice; and publicising support available to residents and businesses. A wide range of communications channels were used to ensure as many people in Oldham as possible, from all communities, were engaged with. This had included out of home (OOH) billboards and digital screens; social media; video; newsletters; communication through the traditional media; leaflets; community television programmes; and direct engagement with communities; as well as the engagement teams going door-to-door in specific areas to speak with residents and deliver important information.

The Liberal Democrat Group indicated they would be content with written responses to their submitted questions.

Question received from Councillor Sykes:

"I would like to ask a follow-on question from the one I asked at the December Council.

As I said then 'in this pandemic, one of the greatest tragedies has been seeing the forced separation of the residents of our care homes from their loved ones. For the residents of the care homes in our borough who have waited many months to finally meet up with family a visit cannot come soon enough'.

I was delighted then to hear that from 8 March care home residents will be able to receive visits, albeit from one relative only and subject to the requirement that physical contact be limited to holding hands and that the visitor pass a lateral flow

test and PPE. It is far from ideal, but it is a start, and it is my hope that we will do everything in our power to enable such visits to happen on a regular basis.

At the start of February, the Government announced that all residents and staff in care homes have received their first COVID-19 vaccination and promised a second round of vaccinations in coming weeks. Given that over one-third of all COVID-19 deaths have involved the residents of care homes achieving this would be great news.

However, I was informed on 4 March that in Oldham 91% of residents and just 75% of staff had received their first vaccination, with many refusals amongst staff. My concern is that if staff refuse to be vaccinated then we shall still see outbreaks of COVID-19 in the future in our care homes.

Can the Cabinet Member please update me on the current situation, specifically I would appreciate answers to the following questions: Have all residents now received their first vaccination? When will the second phase of vaccination be completed? How is the vaccine being promoted to staff to increase take-up? And finally, could the Cabinet Member please give me the good news that vaccination and the introduction of testing for relatives has enabled regular visits to resume?"

Councillor Shah, Deputy Leader of the Council and Cabinet Member for Covid-19 Response responded that as at 16th March 2021, 90.9% of care home residents in Oldham had received their first vaccination. It was worth noting that the care home population was not fixed. New residents were admitted and existing residents left. In addition, care home residents could make the decision not to receive the vaccination.

Therefore it was very unlikely that we would reach a point where we saw 100%. As part of the Standard Operating Procedure, GP's were reviewing each care home at least every 4 weeks to identify residents or staff who had not yet received their first vaccination and offering to vaccinate.

The second doses were planned to be completed for the vast majority of care home residents by early April, and these had already commenced. Due to outbreaks at the time the first dose was planned, which resulted in its delay, a small number of care home residents would receive their second dose at the beginning of May.

We had a wealth of information, guidance and FAQ's that had been developed nationally, and by GM. These had been shared with care home managers and they had been requested to promote the vaccine with their staff. We hold regular meetings with all care homes in Oldham, and this included representation from clinicians, nurses and infection prevention leads, to provide support and answer any questions or concerns. These discussions also helped us to understand any reasons for vaccine reticence so that we could tailor information to support. Care home managers also received a phone call from our Quality Monitoring Officers three times a week, and uptake of the vaccine was also discussed on these calls. The current uptake amongst care home staff was 76.6%, which placed Oldham 3rd in Greater Manchester. As with care home

residents, staffing complement changed so we were unlikely to reach 100%.

Indoor visiting (one named visitor only) commenced on 8th March in line with national and local guidance, which required the wearing of appropriate PPE during the visit and a lateral flow test in the 24 hours prior. Pod and outdoor visiting also continued, enabling residents to see more than one visitor in total. A meeting was held with care home managers on 15th March to assess how the first week of visiting had been and the response was positive. Any queries, questions or issues regarding visiting were being dealt with as they arose with support from the Commissioning and Quality service, Infection Prevention and Control Team and social work colleagues as required.

It was agreed that a written response would be provided to all the other questions that had been submitted prior to the meeting.

Councillor Sheldon asked whether there was anything the Council could do to improve the levels of vaccination uptake?

Councillor Shah, Deputy Leader of the Council and Cabinet Member for Covid-19 Response responded that pop-ups across the borough had hugely increased take-up and work was ongoing to improve levels.

RESOLVED that the report be noted.

13

UPDATE ON ACTIONS FROM COUNCIL

Consideration was given to a report of the Director of Legal Services which informed members of actions that had been taken following previous Council meetings and provided feedback on issues raised at those meetings.

Due to the limited time remaining in the meeting, Councillor Fielding agreed to provide a written response to a question submitted by Councillor Al-Hamdani.

RESOLVED that the actions taken regarding motions and actions from previous Council meetings be agreed and correspondence and updates received be noted.

14

WARDING ARRANGEMENTS

The Council gave consideration to a report which asked Members to consider proposed new warding arrangements in response to the electoral review of the Council as detailed within the report.

The Local Government Boundary Commission for England (LGBCE) had announced in 2019 an electoral review for the Council. In 2020, the LGBCE concluded, after consultation that it was minded to proceed with 60 elected Members for the borough. That decision concluded stage 1 of the review. Subsequently, the LGBCE launched stage 2 of the review- a public consultation exercise on new warding arrangements for

which the deadline for submission was the 29th March 2021. A cross-party group of elected Members had considered the matter and various mapping models developed by officers from within the Strategy and Performance Service.

Members were informed that the LGBCE criteria included balancing the projected 2026 electorate in each proposed ward as equally as possible, usually keeping within 5% of the average. The 2026 electorate had been projected in an earlier submission required by the LGBCE and had been disaggregated to household level to allow flexibility in where boundaries were drawn. In line with LGBCE recommendations, officers had worked from the edges of the borough towards the centre. Officers first established broader, well-defined areas such as Saddleworth and Failsworth, where borough boundaries and other features such as Parish areas and the motorway, limited the scope for change. In this way a variety of models were initially produced, and eventually reduced to one consensus model.

The LGBCE would review warding proposals against statutory criteria and all proposals must demonstrate how they meet the requirements.

The consultation was open to all interested parties and members of the public. The LGBC had emphasised that all submissions carried equal weight and all Members or groups could submit an individual submission.

Once the LBCE had considered all the proposals received during this phase of consultation, it would publish draft recommendations for new electoral arrangements. This was scheduled to take place between June and August 2021. Once the Commission had considered the representations and evidence as part of that consultation, it intended to publish final recommendations in November 2021.

New electoral arrangements for the borough were scheduled to come into effect at the borough council elections in 2023.

Councillor Fielding **MOVED** and Councillor Sykes **SECONDED** the recommendations set out in the report.

On being put to the vote, Members voted unanimously in **FAVOUR** of the **RECOMMENDATIONS**.

RESOLVED that:

1. The model of warding arrangements attached at Appendix 1 to the report be approved.
2. The model of warding arrangements be submitted to the Local Government Boundary Commission for England (LGBCE).

CONSTITUTIONAL AMENDMENTS

Consideration was given to a report which asked the Council to approve amendments to its Constitution.

Members were informed that a refresh of the Council Constitution had been undertaken with two principal objectives in mind. Firstly, to ensure that all legislative and procedural references were current and up to date, including cross referencing from descriptive content to more detailed procedures and, secondly, to look to simplify content so far as was possible in what would always be a complex procedural document, in order to aid both understanding and application to practical circumstances.

The report looked to progress changes to employment-related decision making arrangements that had been noted by the Council in June 2020 as recommended by the Members' Constitutional Working Group, subject to the submission of further detail; refreshed terms of reference for the Health and Wellbeing Board; and have a commencement date determined for the Council's revised Overview and Scrutiny arrangements that had been agreed by Council in June 2020.

Councillor Fielding **MOVED** and Councillor Sykes **SECONDED** the recommendations set out in the report.

On being put to the vote, Members voted unanimously in **FAVOUR** of the **RECOMMENDATIONS**.

RESOLVED that:

1. The suggested amendments to Part 3 (Responsibility for Functions) as part of the refresh of the Council's Constitution arising from the review of employment related decision making and the refresh of the Health and Wellbeing Board terms of reference be agreed;
2. The Employment Committee be requested to further consider the procedures and arrangements for the operation of the established Sub-Committees of the Committee;
3. The review of the revised employment related decision making arrangements in 12 months time be agreed;
4. It be agreed that the Council's revised employment related decision making arrangements and Overview and Scrutiny arrangements be implemented with effect from the date of Annual Council, 19th May 2021;
5. The dates for meetings of the Council's revised Overview and Scrutiny arrangements as proposed in paragraph 4.2 be agreed;
6. Any consequential amendments to the Council's Constitution arising from the amendments as presented in the report be delegated to the Director of Legal.

16

CONSEQUENTIAL AMENDMENTS

Consideration was given to a report which highlighted on grounds of good governance, consequential amendments that were made to the Council Constitution during 2020 by the Director of Legal/Monitoring Officer under delegated powers.

RESOLVED that the report be noted.

17

MEMBER ANNUAL REPORTS 2020

Members gave consideration to a report which presented their Annual Reports for 2020.

As part of the ongoing work to strengthen accountability to local people and their role as a Councillor in a co-operative borough, Elected Members were asked to produce an annual report presenting factual information of their work in the community over the last 12 months. Individual reports included ward priorities, work in the community in particular during Covid-19 pandemic and contact information.

Members were informed that their Reports were available to view under the Councillors' section on Oldham Council's website.

RESOLVED that the Member Annual Reports be noted.

18

ADOPTION OF REVISED LICENSING ACT 2003 POLICY

Consideration was given to a report which proposed a Statement of Licensing Policy for approval.

The Licensing Act 2003, the primary piece of legislation which regulated the alcohol, entertainment and late-night refreshment industry, required licensing authorities to prepare and publish a statement of their licensing policy every five years. The Policy must be kept under review and the licensing authority may make such revisions to it, as it considers appropriate. The Policy was underpinned by four licensing objectives, comprising the prevention of crime and disorder; the prevention of public nuisance; public safety; and the protection of children from harm, which must be considered by both operators and regulators.

The submitted proposed revised Policy was presented to the Council with principal areas of change or update being highlighted in the text. These areas particularly addressed –

- protection of children from harm where advice had been received from the Safeguarding Children Board, for example in updating definitions;
- Child Sexual Exploitation and Child Criminal Exploitation where a number of recommendations or encouragements were being made to licence holders and operators of licensed premises;
- alcohol delivery services which had developed in recent years;
- boxing, particularly in the consideration of 'White Collar Boxing', often undertaken for charity and involving non-boxers;
- considerations following the inclusion of a Local Authority's 'Public Health' department as a responsible Authority; and

- pavement licences, the application for and issue of which had been encouraged during the Covid pandemic.

Councillor Brownridge MOVED and Councillor Fielding SECONDED the recommendations set out in the report.

On being put to the vote, Members voted unanimously in FAVOUR of the RECOMMENDATIONS.

RESOLVED that:

1. The report be noted;
2. The new Statement of Licensing Policy be approved with immediate effect.

19

ARRANGEMENTS FOR THE PREPARATION OF 'PLACES FOR EVERYONE': A PROPOSED JOINT DEVELOPMENT PLAN DOCUMENT ON BEHALF OF NINE GREATER MANCHESTER DISTRICTS

Councillor Roberts MOVED and Councillor Fielding SECONDED a report which sought approval to the arrangements necessary to formulate and prepare the joint development plan document (DPD) 'Places for Everyone', including the establishment of a joint committee to represent Oldham Council and the eight other GM districts (Bolton, Bury, Manchester, Rochdale, Salford, Tameside, Trafford, Wigan).

Members were informed that, on 11 December 2020, following the withdrawal of Stockport Council from the production of the Greater Manchester Plan for Jobs, Homes & the Environment (the Greater Manchester Spatial Framework), the Association of Greater Manchester Authorities (AGMA) Executive Board had agreed in principle to the a joint Development Plan Document (DPD) for the nine remaining Greater Manchester (GM) districts, to cover strategic policies including housing and employment land requirements and, as appropriate, strategic site allocations and Green Belt boundary amendments and associated infrastructure.

A report was taken to AGMA Executive Board on 12th February 2021 setting out the next steps in relation to the Joint DPD of the nine GM districts, to be known as 'Places for Everyone', including the required decisions by individual Districts to initiate this process as set out in the recommendations in the report.

Approval to establish the new Joint Committee was a decision for each district according to their own Constitutional arrangements and approval to delegate the formulation and preparation of the Joint DPD to the Joint Committee was a Cabinet function.

A recorded vote was requested by Councillor Sykes and agreed.

Councillor Sykes, Councillor Curley and Councillor Sheldon spoke against the recommendations.

A recorded vote was then taken on the recommendations as follows:

Councillor		Councillor	
Ahmad	FOR	Hulme	FOR
Akhtar	FOR	Hussain, A.	FOR
Al-Hamdani	AGAINST	Hussain, F.	FOR
Ali	FOR	Ibrahim	FOR
Alyas	FOR	Iqbal	FOR
Ball	FOR	Jabbar	FOR
Bashforth, M.	FOR	Jacques	FOR
Bashforth, S.	FOR	Leach	FOR
Briggs	FOR	Malik	FOR
Brownridge	FOR	McLaren	FOR
Byrne	AGAINST	Moores	FOR
Chadderton	FOR	Murphy	AGAINST
Chauhan	FOR	Mushtaq	FOR
Cosgrove	FOR	Phythian	FOR
Curley	AGAINST	Price	ABSENT
Davis	FOR	Roberts	FOR
Dean	FOR	Salamat	ABSENT
Fielding	FOR	Shah	FOR
Garry	FOR	Sheldon	AGAINST
Gloster, C.	AGAINST	Shuttleworth	FOR
Gloster, H.	AGAINST	Stretton	FOR
Goodwin	FOR	Surjan	ABSENT
Hamblett	AGAINST	Sykes	AGAINST
Haque	FOR	Taylor	FOR
Harkness	AGAINST	Toor	FOR
Harrison	FOR	Ur-Rehman	FOR
Hewitt	FOR	Williams	FOR
Hobin	AGAINST	Williamson	AGAINST
Hudson	ABSENT	Alexander	ABSENT

On a recorded VOTE being taken, 41 VOTES were cast in FAVOUR of the RECOMMENDATIONS with 12 cast AGAINST and 0 ABSTENTIONS.

RESOLVED that:

1. The making of an agreement with the other 8 Greater Manchester councils (Bolton, Bury, Manchester, Rochdale, Salford, Tameside, Trafford, Wigan) to prepare a joint development plan document to cover strategic policies including housing and employment land requirements and, as appropriate, strategic site allocations and Green Belt boundary amendments and associated infrastructure across the nine districts be approved.
2. It be agreed that Oldham Council's lead Member for the joint committee be Leader of the Council and that the Cabinet Member for Housing be nominated as deputy, to attend and vote as necessary.

3. It be noted that the Cabinet would be asked to delegate the formulation and preparation of the draft joint development plan document to a joint committee of the nine GM authorities.
4. It be noted that a further report would be brought to full Council seeking approval to submit the joint development plan document to the Secretary of State for independent examination.
5. It be recommended that the Cabinet
 - i. Note that full Council has approved the making of an agreement with the other 8 Greater Manchester councils (Bolton, Bury, Manchester, Rochdale, Salford, Tameside, Trafford, Wigan) to prepare a joint development plan document to cover strategic policies including housing and employment land requirements and, as appropriate, strategic site allocations and Green Belt boundary amendments and associated infrastructure across the nine districts.
 - ii. Delegate to a Joint Committee of the nine Greater Manchester councils the formulation and preparation of the joint development plan document to cover housing and employment land requirements including, as appropriate, strategic site allocations and Green Belt boundary amendments and associated infrastructure across the nine Greater Manchester districts insofar as such matters are executive functions.
 - iii. Note that the following are the sole responsibility of full Council:
 - a. Responsibility for giving of instructions to the Cabinet to reconsider the draft plan submitted by the Cabinet for the Council's consideration.
 - b. The amendment of the draft joint development plan document submitted by the Cabinet for the full Council's consideration.
 - c. The approval of the joint development plan document for the purposes of submission to the Secretary of State for independent examination.
 - d. The adoption of the joint development plan document.

The meeting started at 6.21 pm and ended at 10.20pm.

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Report to COUNCIL

Results of the Local Elections held on 6th May 2021

Report of the Returning Officer

Officer Contact: Paul Entwistle, Director of Legal Services

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

19th May 2021

Reason for Decision

- Local Elections took place on the 6th May 2021 and the following were elected to serve as members of the Council as shown:

Ward	Turnout	Councillor
Alexandra	32.04%	Zahid Chauhan
Chadderton Central	34.08%	Elaine Taylor
Chadderton North	40.39%	Mohammed Nazrul Islam
Chadderton South	31.25%	Chris Goodwin
Coldhurst	53.91%	Abdul Jabbar
Crompton	36.61%	Diane Williamson
Failsworth East	38.87%	Neil Anthony Hindle
Failsworth West	40.32%	Mark Jeffery Wilkinson
Hollinwood	25.65%	Kyle James Phythian
Medlock Vale	42.32%	Sahr Abid
Royton North	36.69%	Dave Arnott
Royton South	32.72%	Amanda Chadderton
Saddleworth North	47.51%	Luke Lancaster
Saddleworth South	47.22%	Max Joseph Woodvine
Saddleworth West and Lees	38.93%	Mark Kenyon
Shaw	32.71%	Howard David Sykes
St. James	28.95%	Beth Sharp

St Mary's	47.81%	Aftab Hussain
Waterhead	29.27%	Ros Birch
Werneth	38.91%	Fida Hussain

Recommendations

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

COUNCIL

Appointment of the Leader of the Council

Officer Contact: Director of Legal Services

Report Author: Head of Democratic Services

19th May 2021

Reason for Decision

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

Recommendations

1. The Council receive nomination(s) for the office of the Leader of the Council.
2. The Council elect the Leader of the Council for a term of office starting on the 19th May 2021 and ending on the day when the Council holds its first annual meeting after the Leader's normal day of retirement as Councillor subject to the provisions as outlined in 2.1 of the report.

Appointment of the Leader of the Council

1 Purpose of the Report

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

2 Background

- 2.1 The Leader's term of office will end on the day when the Council holds the first annual meeting after the Leader's normal day of retirement as a Councillor unless:
- a. He or she resigns from the office or
 - b. He or she is no longer a Councillor or
 - c. He or she is removed from office by the resolution of the Council.
 - d. The appointment of a successor at a subsequent Meeting of the Council.
- 2.2 It is the responsibility of the Leader to determine the size and membership of the Cabinet (providing the membership comprises between two and nine members, not including the Leader). The Leader shall also determine the remit of each portfolio. The Council does not have any decision-making role in this regard.
- 2.3 All executive functions are vested in the Leader and it is the Leader's responsibility to determine how such functions shall be delegated. This responsibility can be a simple re-affirmation of the existing delegation of executive functions to the Cabinet, and Officers. The Council does not have any decision making role in this regard.

3 Recommendations

- 3.1 The Council receive nomination(s) for the office of the Leader of the Council.
- 3.2 The Council elect the Leader of the Council from the 19th May 2021 and ending on the day when the Council holds its first annual meeting after the Leader's normal day of retirement as a Councillor subject to the provisions as outlined in 2.1 of the report.

4 Background Papers

Local Government and Public Involvement in Health Act 2007 (published works available of the OPSI website)
Localism Act 2011 (published works available of the OPSI website)
Local Government Act 2000 (published works available of the OPSI website)



Report to COUNCIL

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

Portfolio Holder: Leader of the Council

Report Author Head of Democratic Services
Ext. 4705

19th May 2021

Reason for Decision

For the Leader to appoint the Deputy Leader, Cabinet Members, Deputy Cabinet Members, Assistant Cabinet Members, allocate portfolios to Cabinet Members and determine the executive functions for 2021/22.

Recommendations

For Council to note the appointment by the Leader of the Deputy Leader, Cabinet Members, Deputy Cabinet Members, allocation of portfolios to Cabinet Members and delegation of the executive functions for 2021/22.

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

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

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

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

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

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



Report to COUNCIL

Appointments to Outside Bodies 2021/22

Officer Contact: Director of Legal Services

Report Author: Head of Democratic Services

19th May 2021

Reason for Decision

Appointments as nominated by the Political Groups to be made to Outside Bodies for the 2021/22 Municipal Year.

Recommendations

1. That appointments be made to the Outside Bodies listed in Appendices, for the 2021/22 Municipal Year be agreed.
2. That any outstanding appointments be delegated to the Chief Executive in consultation with the Leader of the Council and the Leader of the main opposition Group.

Background Papers

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

Outside Bodies 2021/22 File

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

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Report to ANNUAL MEETING OF THE COUNCIL

Council Calendar 2021/22

Officer Contact: Paul Entwistle, Director of Legal Services

Report Author: Liz Drogan, Head of Democratic Services

19th May 2021

Reason for Decision

This report sets out the calendar of meetings for the 2021/22 Municipal Year.

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Recommendations

It is recommended that:

1. The Council's calendar of meetings for 2021/22 be approved, as set out at Appendix 1.
2. Approval of any outstanding dates or changes to dates to be delegated to the Chief Executive in consultation with Group Leaders.

Council Calendar 2020/21

1 Background

- 1.1 This report sets out the Calendar for the 2021/22 Municipal Year, an earlier version of which was agreed by the Council at the meeting held on 16th December 2020.
- 1.2 Since that time, Council has agreed to meeting dates being allocated to reflect the new overview and scrutiny structures and dates for the 2021 Local Government Association conference have been confirmed.

2 Options/Alternatives

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

3 Preferred Option

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

4 Consultation

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

5 Financial Implications

- 5.1 n/a

6 Legal Services Comments

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

7 Human Resources Comments

- 7.1 There are no human resources issues.

8 Risk Assessments

- 8.1 A risk assessment is not required.

9 IT Implications

- 9.1 There are no IT implications.

10 Property Implications

- 10.1 There are no property implications.

11 Procurement Implications

- 11.1 There are no procurement implications.

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- 12 **Environmental and Health & Safety Implications**
- 12.1 There are no environmental or health and safety implications.
- 13 **Equality, community cohesion and crime implications**
- 13.1 There are no community cohesion implications.
- 14 **Equality Impact Assessment Completed?**
- 14.1 No
- 17 **Key Decision**
- 17.1 No
- 18 **Key Decision Reference**
- 18.1 n/a
- 19 **Background Papers**
- 19.1 There are no background papers to this report on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972.
- 20 **Appendices**
- 20.1 Appendix 1 – Council Calendar 2021/22

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APPENDIX 1

CALENDAR OF MEETINGS

1 MAY 2021 - 28 MAY 2022

DRAFT 2

MAY, 2021				
Monday	Tuesday	Wednesday	Thursday	Friday
3 Bank Holiday	4	5	6 Elections	7
10	11	12 5.30 pm Liberal Democrat Group	13	14
17 5.30 pm Liberal Democrat Group	18	19 6.00 pm (Annual), Council	20	21 KDD & 28 Day Notice
24	25	26	27 1.00 pm Commissioning Partnership Board	28
31 Bank Holiday Half-Term Starts				

JUNE, 2021

Monday	Tuesday	Wednesday	Thursday	Friday
	1	2	3	4 Half-Term Ends
7 3.30 pm Leadership	8 9.30 am Licensing Committee	9 6.00 pm Planning Committee	10 9.30 am Appeals Committee 6.00 pm Audit Committee	11
14	15 9.30 am Licensing Driver Panel 6.00 pm Policy Overview and Scrutiny Committee	16 6.00 p.m. Charitable Trust Committee	17 5.30 pm Traffic Regulation Order Panel 6.00 Standards Committee	18
21 3.30 pm Leadership 6.00 pm Cabinet	22 9.30 am Licensing Panel 2.00 pm Health and Wellbeing Board	23 5.00 pm Corporate Parenting Panel	24 1.00 pm Commissioning Partnership Board 6.00 pm Performance Overview and Scrutiny Committee	25 KDD & 28 Day Notice
28	29 6.00 pm Audit (Draft Final Accounts)	30		

JULY, 2021				
Monday	Tuesday	Wednesday	Thursday	Friday
			1 9.30 am Appeals Committee	2
5	6 LGA Conference 9.30 am Licensing Driver Panel 6.00 pm Health Scrutiny Committee	7 LGA Conference 6.00 pm Planning Committee	8 LGA Conference	9
12 3.30 pm Leadership	13 9.30 am Licensing Panel 2.00 pm Local NJC	14 6.00 pm Council	15	16
19 Eid al Adha	20	21 Half-Term Starts	22 6.00 pm Audit Committee (Final Accounts)	23
26 3.30 pm Leadership 6.00 pm Cabinet	27 2.00 pm Health and Wellbeing Board (Development Session) 6.00 pm Policy Overview and Scrutiny Committee	28	29 1.00 pm Commissioning Partnership Board 5.30 pm Traffic Regulation Order Panel	30

AUGUST, 2021				
Monday	Tuesday	Wednesday	Thursday	Friday
2 Recess Begins	3	4	5	6
9	10	11	12	13
16	17	18	19	20 Recess Ends
23 3.30 pm Leadership 6.00 pm Cabinet	24	25 6.00 pm Planning Committee	26 6.00 pm Performance Overview and Scrutiny Committee	27
30 Bank Holiday	31			

SEPTEMBER, 2021

Monday	Tuesday	Wednesday	Thursday	Friday
		1	2	3 Half-Term Ends
6 3.30 pm Leadership	7 9.30 am Licensing Driver Panel 6.00 pm Health Scrutiny Committee	8 6.00 pm Council	9 9.30 am Appeals Committee 6.00 pm Audit Committee	10
13	14 9.30 am Licensing Panel 2.00 pm Health and Wellbeing Board	15 6.00 pm Planning Committee	16	17
20 3.30 pm Leadership 6.00 pm Cabinet Liberal Democrat Party Conference	21 6.00 pm Policy Overview and Scrutiny Committee Liberal Democrat Party Conference	22 5.00 pm Corporate Parenting Panel Liberal Democrat Party Conference	23	24
27 Labour Party Conference	28 2.00 pm Local NJC Labour Party Conference	29 6.00 pm Charitable Trust Committee Labour Party Conference	30 1.00 pm Commissioning Partnership Board 5.30 pm Traffic Regulation Order Panel	

OCTOBER, 2021				
Monday	Tuesday	Wednesday	Thursday	Friday
				1
4 3.30 pm Leadership Conservative Party Conference	5 9.30 am Licensing Driver Panel Conservative Party Conference	6 Conservative Party Conference	7 6.00 pm Performance Overview and Scrutiny Committee	8
11	12 9.30 am Licensing Panel	13 6.00 pm Planning Committee	14	15
18 3.30 pm Leadership 6.00 pm Cabinet	19 6.00 pm Health Scrutiny Committee	20	21 1.00 pm Commissioning Partnership Board 6.00 pm Standards Committee	22
25 Half-Term Starts	26	27	28	29 Half-term Ends

NOVEMBER, 2021

Monday	Tuesday	Wednesday	Thursday	Friday
1 3.30 pm Leadership	2 9.30 am Licensing Committee 6.00 pm Audit Committee	3 6.00 pm Council	4	5
8	9 9.30 am Licensing Driver Panel 6.00 pm Policy Overview and Scrutiny Committee	10 6.00 pm Planning Committee	11 6.00 pm Policy Overview and Scrutiny Committee (Admin. Budget Tranche 1 (if required))	12
15 3.30 pm Leadership 6.00 pm Cabinet	16 9.30 am Licensing Panel 2.00 pm Health and Wellbeing Board	17	18 6.00 pm Performance Overview and Scrutiny Committee	19
22	23 6.00 pm Policy Overview and Scrutiny Committee (Opposition Budget Tranche 1 (if required))	24 5.00 pm Corporate Parenting Panel	25 1.00 pm Commissioning Partnership Board 5.30 pm Traffic Regulation Order Panel	26
29 3.30 pm Leadership 6.00 pm Budget Cabinet	30 2.00 pm Local NJC			

DECEMBER, 2021

Monday	Tuesday	Wednesday	Thursday	Friday
		1 6.00 pm Charitable Trust Committee	2 TOP Awards	3
6	7 9.30 am Licensing Driver Panel 6.00 pm Health Scrutiny Committee	8 6.00 pm Planning Committee	9 6.00 Standards Committee	10
13 3.30 Leadership 6.00 Cabinet	14 9.30 am Licensing Panel 2.00 pm Health and Wellbeing Board (Development Session) 6.00 pm Policy Overview and Scrutiny Committee	15 6.00 pm Council	16 6.00 pm Performance Overview and Scrutiny Committee	17
20 Half-Term Starts	21	22	23	24
27 Bank Holiday (in lieu of Christmas Day)	28 Bank Holiday (in lieu of Boxing Day)	29	30	31

JANUARY, 2022				
Monday	Tuesday	Wednesday	Thursday	Friday
3 Bank Holiday Half-Term Ends	4	5	6	7
10 3.30 pm Leadership	11 9.30 am Licensing Driver Panel	12	13	14
17 10.00 am Independent Remuneration Panel 6.00 pm Audit Committee	18 9.30 am Licensing Panel 6.00 pm Health Scrutiny Committee	19 6.00 pm Planning Committee	20 5.30 pm Traffic Regulation Order Panel 6.00 pm Policy Overview and Scrutiny Committee	21
24 3.30 pm Leadership 6.00 pm Cabinet	25 2.00 pm Health and Wellbeing Board	26 5.00 pm Corporate Parenting Panel	27 1.00 pm Commissioning Partnership Board 6.00 pm Policy Overview and Scrutiny Committee (Administration Budget)	28
31				

FEBRUARY, 2022				
Monday	Tuesday	Wednesday	Thursday	Friday
	1	2	3	4
7 3.30 pm Leadership (Budget)	8 9.30 am Licensing Driver Panel 6.00 pm Policy Overview and Scrutiny Committee (Opposition Budget)	9	10 6.00 pm Performance Overview and Scrutiny Committee	11
14 3.30 pm Leadership 6.00 pm Budget Cabinet	15 9.30 am Licensing Panel	16 6.00 pm Planning	17 1.00 pm Commissioning Partnership Board	18
21 Half-Term Starts	22	23	24	25 Half-Term Ends
28 3.30 pm Leadership 6.00 pm Cabinet				

MARCH, 2022

Monday	Tuesday	Wednesday	Thursday	Friday
	1 9.30 am Licensing Committee	2 6.00 Budget Council	3	4
7 3.30 pm Leadership	8 9.30 am Licensing Driver Panel 6.00 pm Health Scrutiny Committee	9 6.00 pm Planning Committee	10 6.00 pm Audit Committee	11
14	15 9.30 am Licensing Panel 2.00 pm Local NJC	16 6.00 pm Council	17 5.30 pm Traffic Regulation Order Panel 6.00 pm Standards	18
21 3.30 pm Leadership 6.00 pm Cabinet	22 2.00 pm Health and Wellbeing Board 6.00 pm Policy Overview and Scrutiny Committee	23 6.00 pm Charitable Trust Committee	24 6.00 pm Performance Overview and Scrutiny Committee	25
28	29	30 5.00 pm Corporate Parenting Panel	31 1.00 pm Commissioning Partnership Board	

APRIL, 2022				
Monday	Tuesday	Wednesday	Thursday	Friday
				1
4	5 9.30 am Licensing Driver Panel	6 6.00 pm Planning Committee	7	8
11 Half-Term Starts	12 9.30 am Licensing Panel	13	14	15 Bank Holiday – Good Friday
18 Bank Holiday – Easter Monday	19	20	21	22 Half-Term Ends
25	26	27	28 1.00 pm Commissioning Partnership Board	29

MAY, 2022				
Monday	Tuesday	Wednesday	Thursday	Friday
2 Bank Holiday Eid Al Fitr	3	4	5 Elections	6
9	10	11	12	13
16	17	18	19	20
23	24	25 12.00 noon Annual Council	26	27



Report to ANNUAL MEETING OF THE COUNCIL

Council Constitution

Officer Contact: Liz Drogan, Head of Democratic Services, Mark Hardman, Constitutional Officer

19th May 2021

Reason for Decision

To invite the Annual Meeting of the Council to re-affirm the Council Constitution as a matter of good governance

Recommendations

1. That the Council re-affirms the Council Constitution, subject to the inclusion of such matters as agreed to be implemented with effect from this Annual Meeting, amendments identified as consequential to those matters, or as agreed at this Annual Meeting.

Council Constitution

1 Background

- 1.1 The Council's Constitution has been subject to review and the final report on the review exercise was considered by the Council at the meeting held on 24th March 2021. Having reached this point, and while the Constitution can be amended by the Council during the course of a Municipal Year, it is suggested that as a matter of good governance the Council should re-affirm the Council Constitution on an annual basis.
- 1.2 The Council's Constitution is published on the Council's website and is up to date with all matters up to and including those agreed at that meeting as were pertinent at that time. A number of matters were agreed for implementation with effect from this Annual Meeting and they will be incorporated into the Constitution following this meeting accordingly. In addition, other matters may be considered at this Annual Meeting that require inclusion in the Council Constitution.
- 1.3 Members will be aware that the provisions of the Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which allowed the Council to hold meetings virtually expired with effect from 6th May 2021. The Government declined requests from the local authorities and professional groups to extend the provisions at this time and so the mandatory provisions (the "A" provisions) under these regulations included in the Council's Procedure Rules no longer apply at this time. However, discussions continue with government with regard to virtual meetings and it proposed to retain the text of these provisions for the time being.
- 1.4 The Council is therefore asked to consider re-affirming the Council's Constitution as published on the Council's website at Council Constitution, subject to –
- (i) the deletion of references to Selection Committee, Overview and Scrutiny Board and Overview and Scrutiny Performance and Value for Money Select Committee from Part 3 of the Constitution and their replacement with terms of reference and related detail for the Employment, Appointment, Investigation and Disciplinary, Policy Overview and Scrutiny, Performance Overview and Scrutiny and Health Scrutiny Committees, and such Officer Delegations dependent upon the establishment of new Committees, as agreed at the Council meeting held on 24th March 2021;
 - (ii) the amendment of Part 2 Article 8 and of Part 5G (Substitute Scheme) by the deletion of Selection Committee and the insertion of reference to the Employment, Appointment and Investigation and Disciplinary Committees; and the deletion of reference to "Overview and Scrutiny Board Chair" and the insertion of "Chair of the relevant Overview and Scrutiny Committee in Part 4B Rule 9.1.3 as consequential amendments following (i) above;
 - (iii) the amendment (if required) of Portfolio and Portfolio Holder details, and any further amendments required pursuant to decisions taken at the Annual Meeting of the Council, 19th May 2021.
 - (iv) Part 4 G Contract Procedure Rules – Changes to the Contract Procedure Rules as detailed at annex A
 - (v) Part 3 9 C – Change to the Officer Scheme Delegation to discharge Section 36 decisions (as defined within the Counter Terrorism and Security Act 2015 and as modified by the Counter Terrorism and Border Security Act 2019) to Manchester City Council

2 Options/Alternatives

- 2.1 Option 1 – To re-affirm the Council Constitution.
Option 2 – Not to agree to re-affirm the Council Constitution.

3 Preferred Option

- 3.1 Option 1 is the preferred option to ensure that the Council's governance framework remains valid and the Constitution can be relied upon in law.

4 Consultation

- 4.1 None on this report specifically which seeks only a re-affirmation of the Council Constitution. Constitutional developments and proposals are considered by the Members' Constitutional Working Group.

5 Legal Services Comments

- 5.1 Legal comments are provided in the body of the report.

6 Background Papers

- 6.1 None.

7 Appendices

- 7.1 Annex A – Report Contract Procedure Rules
Annex B – S.36 to discharge Section 36 decisions (as defined within the Counter Terrorism and Security Act 2015 and as modified by the Counter Terrorism and Border Security Act 2019) to Manchester City Council

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Changes to Contract Procedure Rules



A working group of Council officers has conducted a full review of the Council's Contract Procedure Rules which are included in Part 4 G of the Council's Constitution and has proposed some amendments to the Rules to clarify certain ambiguities, to tighten up procedures and to address the consequences of the United Kingdom's withdrawal from the European Union.

Recommendations

That Council:

- 1) Agrees to the suggested amendments to Part 4G of the Council's Constitution – "Contract Procedure Rules" - as detailed in Appendix 1 to this report.
- 2) Approves the changes as detailed in Appendix 1 to this report. Appendix 2 contains the current contract procedure rules for comparison purposes.

Background

- 1.1 From time to time Full Council has considered and approved proposed amendments to the Council's Contract Procedure Rules to reflect changes in legislation and developments in case law. However, in the light of the United Kingdom's withdrawal from the European Union on 31st December 2020 and prior to any pending legislation stemming from the Government's Green Paper – Transforming Public Procurement, certain amendments to the Council's existing Contract Procedure Rules are required
- 1.2 A working group of Council officers has reviewed the Council's existing Contract Procedure Rules and has suggested the proposed amendments listed in the table of amendments appended to this report in Appendix 1.
- 1.3 Some of the proposed amendments are designed to provide additional clarity to the existing drafting. Other amendments are to address procedural irregularities which have come to light during recent months as a result of scrutiny of reports during the Covid Pandemic. Finally, some of the amendments specifically address references to EU Procurement Law which no longer applies in the United Kingdom after 31st December 2020. EU law has already been incorporated into UK Law under the Public Contracts Regulations 2015 and the Concession Contract Regulations 2016 and therefore previous, references to EU law in the Rules have been removed and alternative references have been made to appropriate sections in UK legislation.

2 Current Position

- 2.1 Appendix 1 to this report includes a full list of the proposed amendments to the Council's existing Contract Procedure Rules with a rationale for each of the proposed changes.
- 2.2 Highlights of the significant amendments to the Contract Procedure Rules are as follows: -
 - (a) Rule 10.1 - The Council has stipulated the minimum insurance requirements for a contract:

"All written Contracts shall include the Council's minimum requirements for insurance cover namely:

- *Public Liability Insurance - ; £10m*
- *Employers Liability Insurance - £5m and*
- *Professional Indemnity Insurance - £2m,*
except where a Framework Agreement is used in which case, the levels of cover specified in the Framework Agreement shall apply. Any departure from these agreed thresholds must be approved by the Director of Finance and the Director of Legal Services and the Head of Corporate Governance."

The reason for the proposed change in Appendix 1 is as follows:

"The new Rule is to clarify any ambiguity with regard to the requisite levels of insurance cover for contracts which is the basis of frequent clarifications Rule 7.5 of the Finance Procedure Rules (Insurance) states that the Director of Finance will determine the extent of insurance cover which must be provided for in any external contract.... There is an option to reduce the cover requirements in respect of specific contracts."

- (b) Rule 12.2 – the proposed change amends the wording for post tender clarification issues which arise frequently, and which have been a cause for concern in the light of the previous wording which only allowed for post tender clarifications to address an obvious error. This amendment is particularly important in view of the application

of the Social Value Portal to evaluate the social value elements of bids which requires a post clarification exercise to verify bid submissions:

“Post tender clarifications may be undertaken with tenderers provided the Council ensures equal treatment of all participants and specifies and applies a process for post tender clarifications in the Invitation to Tender and ensures that no Tenderer is given an advantage over any other Tenderer. For the sake of clarity any clarifications on the commercial element of a bid and risk profile must not change the original price offer. This includes verifying abnormally low bids where specific legal advice is required.”

The reason for the proposed amendments to the wording in Appendix 1 is as follows:

“New wording has been included in line with recent case law to address ambiguity in the interpretation of the Rules in practice. The Council must be clear in its tender documentation how it will deal with post tender clarifications and afford equal treatment to all bidders. Removal of the wording limiting to post tender clarifications relating to obvious error.”

- (c) Rule 16.1 has been amended to address issues arising on construction contracts in relation to security for the Council:

“16.1 The Director of Finance and the Director of Legal Services shall advise as to the appropriate degree of security (if any) required to protect the Council from a Contractor default prior to the invitation to tender. The rationale for the advice should be documented on The Chest. Liquidated damages clauses should always be used in contracts where appropriate

16.2 A retention sum (appropriate to the circumstances of the contract) should be written into the terms and conditions of any contract for Works, with a Contract Value of over £50,000, unless the Director of Legal Services agrees to waive the specific requirement. “

The reason for the proposed amendment in Appendix 1 is as follows:

“New wording introduced at the request of the Director of Finance and the Head of Corporate Governance after full discussion. This should facilitate uniformity of approach across works contracts.”

Financial Implications

It is important to ensure that the Contract Procedure Rules are revised on a regular basis to ensure that such rules are in place, understood and followed by all officers in the letting of all contracts. This ensures that the Council can demonstrate that the awarding of contracts has been properly undertaken to support the most economic and effective use of resources as well as minimizing the risk of procedural challenge. (Anne Ryans)

Legal Services Comments

- 7.1 Legal Services have participated in the review of the Council’s Contract Procedure Rules by a working group of Council officers and support the recommendation to approve the proposed amendments to the Rules. (Elizabeth Cunningham Doyle)

Procurement has been fully engaged with this review of the CPR’s and is in agreement with all of the updates in the latest version as it will provide clear instruction to be considered in all external expenditure. (Steve Boyd)

Appendices

Appendix 1 – Table of Amendments

Appendix 2 – Current Contract Procedure Rules.to the Rules

		APPENDIX 1
	TABLE OF AMENDMENTS Revisions to existing wording are shown by tracked changes and additions are shown by yellow highlight.	
Rule No:	Proposed amendment to Contract Procedure Rule	Reason
1.2	Where in these Rules “the Council” is referred to, the term shall include the reference to School Governing Bodies by virtue of the Scheme for Financing Schools, The Unity Partnership Limited and the , Miocare Group. For the avoidance of doubt, in instances of pooled funds arrangements the lead commissioning organisation’s rules will take precedence.	Additional wording highlighted to include partnership arrangements with external organisations
1.4.1 Revised numbering to 1.3.1	All relevant statutory provisions and in particular the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016 as amended by the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020	The additional highlighted wording refers to a statutory instrument enacted on 8 th October 2020 to prepare for the UK withdrawal from the EU (Brexit)
Revised numbering to 1.3.2	Any relevant European procurement law	Deleted wording to future proof the Rules for Brexit
		Deleted wording on the advice of the Commercial Procurement Team to improve efficiency in the process
Revise numbering 1.10.2 to 1.8.2	Contracts for personal social care or educational need where in the opinion of the appropriate Deputy Chief Executive, or Strategic Director or Managing Director (following consultation with Director of Legal Services) there is a demonstrable individual need for specific services which cannot be procured by means of an open tender. The rationale for the decision must be documented for audit purposes., which renders Procurement impractical.	Additional wording highlighted included to improve the audit trail for documented decisions
Revise numbering 1.10.3 to 1.8.3	Contracts for the purchase or sale of land or securities, or Contracts for the taking or granting of any interest in land, unless such Contracts involve details of the Council’s	Additional wording highlighted included to improve audit trail for documented decisions

Revise numbering 1.10.4 to 1.8.4	specific requirements which would amount to a Works contract and must be procured in accordance with these Rules.	
Revise numbering 1.10.5 to 1.8.5 Renumber 1.10.6 & 7 to 1.8.6 & 7	Contracts for the use of counsel or other legal representation where the Director of Legal Services considers that an open Procurement exercise would not protect the Council's interests. All contracts for the use of counsel or other legal representation must be commissioned and/or approved by the Director of Legal Services.	Included the highlighted word "open" in front of the word "procurement" to comply with the CPRs
Renumber 1.10.8 to 1.8.8	An appropriate compliant Contract or Framework Agreement recommended by the Commercial Procurement Unit which are available to the Council as a named Contracting Authority.	Additional wording highlighted included at the request of the Head of the Commercial Procurement Unit
Revise numbering 1.10.9 to 1.8.9 Revise numbering 1.10.10 to 1.8.10	The sale or provision of Goods, Works or Services delivered by the Council as traded services.	Additional wording highlighted to include references to Goods and Works and Traded Services.
1.11 revise number to 1.9	Any failure to comply with any of the provisions of these Contract Procedure Rules shall be reported to the relevant Deputy Chief Executive and or one of the following: <ul style="list-style-type: none"> • Strategic Director, • Managing Director, • Assistant Director of Corporate Governance & Strategic Financial Management • Head of the Commercial Procurement Unit 	Additional wording highlighted to reflect the revised management hierarchy and the wording in the Finance Procedure Rules. These titles are right at the time of preparation and actions apply to equivalent posts should the structure of the organisation change.

	<ul style="list-style-type: none"> • Director of Legal Services, or Strategic Director <p>A breach of these Rules may result in disciplinary action.</p>	
1.12 revise number to 1.10	<p>The Deputy Chief Executive and or one of the following:</p> <ul style="list-style-type: none"> • Strategic Director, • Managing Director , • Assistant Director of Corporate Governance & Strategic Financial Management • Head of the Commercial Procurement Unit • Director of Legal Services <p>should take immediate action in the event of a failure to comply with these Contract Procedure Rules and shall inform and consult with the Director of Legal Services.</p>	Additional wording highlighted to reflect the revised management hierarchy and the wording in the Finance Procedure Rules
1.15 revise number to 1.13	<p>Persistent breach of the Contract Procedure Rules will also be reported to the Audit Committee.</p>	Additional wording highlighted to include reference to the Audit Committee and not Council Members
2.1	<p>Prior to the start of each financial year, the Council shall create a strategic procurement forward plan in consultation with the Head of the Commercial Procurement Unit and members of the Legal Services Team setting out its current Contracts and Contracts to be procured for the forthcoming financial year. The procurement pipeline should be refreshed at intervals as the need arises. The coordination and updating of this plan will be the responsibility of the Commercial Procurement Unit. The strategic procurement forward plan will be published on the Oldham Council website</p>	Additional wording highlighted at the request of the Head of the Commercial Procurement Unit
2.2 -2.5	<p>2.2 The Council should make arrangements to secure continuous improvement in</p>	Changed the word “must” to “should” on the advice

	<p>the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness in accordance with Section 3 Local Government Act 1999 (“Best Value”). This includes consultation with representative groups of payers of Council tax and business rates, stakeholder(s) and any other relevant interested groups prior to commissioning services.</p> <p>2.3 The Council should consider its obligations under the Public Services (Social Value) Act 2012 and have regard to economic, social and environmental well-being in connection with public services contracts and for connected purposes in its planning and commissioning processes.</p> <p>2.4 The Council should consider its obligations with regard to data protection under the General Data Protection Regulation and the Data Protection Act 2018 and in particular its responsibilities and that of the supplier in relation to the processing of personal data through the outsourcing of its services, including specifying the conditions for processing and retaining personal data.</p> <p>2.5 The Council should ensure that any collaborative arrangements/agreements with other public bodies to procure Goods, Works or Services comply with public the Public Contracts Regulations 2015 and ensure value for money and that the Council’s interests are fully protected.</p>	of the Assistant Borough Solicitor
		Rule highlighted deleted at request of Head of the Commercial Procurement Unit
2.8 (new reference)	The Contract Owner is responsible for the full commissioning cycle including contract management and must ensure the Council	New wording highlighted replaced former wording to include contract management in the list of

	enters into a legally binding Contract with the contractor. The Contract Owner must ensure that the signed contract is lodged with the Commercial Procurement Unit and Legal Services	responsibilities and to ensure the Council enters into legal contracts with contractors.
3.2.1	Where the Contract is for a fixed period, by taking the total price to be paid during the lifetime of the contract or which might be paid during the whole of the period including any permitted extension.	New wording highlighted for clarity
3.2.4		Former wording highlighted deleted and replaced in next Rules
3.3	Under Regulation 46 of the Public Contracts Regulations 2015, Contracting Authorities may divide tenders into smaller lots to encourage small and medium sized business enterprises to submit bids and must provide reasons for not doing so. The cumulative value of the individual lots will form the total value of the tender.	Additional highlighted sentence added to aid clarity.
4.1	Pseudo Purchasing System	New wording highlighted inserted. Such a system is similar to a Dynamic Purchasing System but is more flexible and is only used in relation to a Light Touch Regime for health and social care.
4.3 Table	<p>£10,000 - £24,999 Approach a minimum of 3 organisations for a written Request for Quotation</p> <p>Open Request for Quotation or an agreed compliant framework</p> <p>£25,000 – to £99,999 for Works Services and Goods</p> <p>Formal Tender Process or an agreed compliant framework</p> <p>From £100,000 up to</p>	<p>There has been some confusion in interpreting the wording in the table in the light of Rule 5.4 which has been deleted. Highlighted word “approach” inserted.</p> <p>New highlighted wording included at the request by the Head of the Commercial Procurement Unit to reconsider the thresholds for an open tender process. All tenders over £25K to be advertised. No longer use</p>

	<p>PCR Threshold for Works Services and Goods</p> <p>PCR Thresholds and Above</p>	<p>Construction Line for a restricted tender. Removed reference to EU Threshold</p> <p>Removed reference to the European Journal and inserted "Find a Tender"</p>
	<p>* 4.4</p>	<p>Deleted wording highlighted. Foot note inserted previously because of the use of Construction Line for restricted tenders no longer in use.</p> <p>Deleted wording highlighted for reasons above</p>
Revised number 4.4	<p>The rules relating to the required process and timescales shall be observed for all Contracts as shall Regulation 18 Public Contracts Regulations 2015. The procurement needs to be conducted in accordance with the principles of equal treatment, and non-discrimination, transparency, mutual recognition, proportionality and competition . the protection of legitimate expectations, the requirement to act without manifest error, and good administration – which underpin the UK procurement rules</p>	<p>Removed reference to European law and inserted reference to Reg 18 Public Contracts Regs which enshrined EU treaty principles including the additional highlighted wording.</p>
5.1	<p>Full written Quotation(s) below £10,000 shall be obtained from Contractor(s) pursuant to the procedure set out in the table in Rule 4.3 before a formal purchase order and or agreement can be issued. A formal purchase order and or agreement shall.....</p>	<p>Insertion of the highlighted wording "agreement"</p>
5.2	<p>Requests for Quotations over £10,000 for Goods, Works and Services must be advertised on the Council's E-procurement system (The Chest) and any Requests for Quotations over</p>	<p>Insertion of the highlighted word "Request" to tie up with the table in Rule 4.3</p>

	£25,000 which have been advertised must also be advertised on Contracts Finder	
5.4		Deleted highlighted wording because it caused ambiguity with the wording in table in Rule 4.3 and not following the Rule in the table
5.6	All Quotation(s) sought shall be recorded in writing for audit purposes via the Council's E-procurement system (The Chest),	Highlighted wording deleted at the request of the Director of Finance
6.	TENDER PROCESS – Below Public Contracts Regulations Thresholds	Removed references to EU Procurement
7.	TENDER PROCESS – Above the Public Contracts Regulations Thresholds	Removed references to EU Procurement
7.1	Where an estimated Contract Value exceeds the current Public Contracts Regulations procurement thresholds, then the Contract shall be tendered in accordance with the Public Contract Regulations 2015 or the Concession Contracts Regulations 2016 . Under the Public Contract Regulations 2015, the Contract may be Tendered under Open, Competitive Dialogue, Competitive Procedure with Negotiation or Innovation Partnerships Procedure	Inserted reference to Public Contracts Regulations and removed reference to EU
7.2	A Contract Notice or a Prior Information Notice in the prescribed form shall be published in Find a Tender in order to invite Tenders or expressions of interest.	Removed references to OJEU notices and inserted the new Find a Tender
7.3	All Find a Tender) notices shall be published by the Commercial Procurement Unit	Removed references to OJEU notices
7.4.2	A Competitive Dialogue procedure or a Competitive Procedure with Negotiation allows the Council to negotiate proposed solutions with Tenderers to achieve a desired outcome.	Reference to the alternative competitive procedure; Competitive Procedure with Negotiation to be used by the Commercial Procurement Unit to negotiate on the commercials
7.5.1	The Concession Contracts Regulations 2016 (CCR's) state that any Concession Contract over	The word European deleted and highlighted

	the value of £4.731m must be advertised in accordance with the Regulations and the value of the concession must be calculated in accordance with Regulation 8.	wording introduced to reflect the relevant value in the Concessions Regulations
8.1.1	<p>Where an order (Call Off) is proposed for a Procurement under the most appropriate Framework Agreement recommended by the Commercial Procurement Unit, that has been established by a consortium, collaboration, the Council or other public body, the Council may consider using this Framework Agreement if:</p> <ol style="list-style-type: none"> a. The Agreement has been established by an entity, and via a process, which permits the Council to access those arrangements lawfully; b. The Council is a named Contracting Authority on the Find a tender notice 	Addition wording highlighted at the request of the Head of the Commercial Procurement Unit
8.1.2	<p>Before undertaking a Call-Off under any Framework Agreement, thorough due diligence should be undertaken and advice sought from the Commercial Procurement Unit and Legal Services to confirm that the Framework Agreement is :</p> <ul style="list-style-type: none"> • the Council is a named Contracting Authority in the official notice. • the Framework Agreement is signed • the Framework Agreement is still valid • the estimated Contract Value for call offs under the Framework • a copy of the User Guide / any other documentation is available 	Inserted highlighted wording as a check list of the information required before can use a framework agreement.
		Rule deleted owing to duplication
8.2.1	Where the Council is establishing a Framework Agreement which may be accessed by other named Contracting Authorities, the estimated Contract Value that may be contracted for under the Framework Agreement must take account of all potential work that may be put through the agreement (see Rule 4) and follow the procedures set out in these Contract Procedure Rules.	Inserted new wording highlighted as an explanation
9.2.5	The Council's Terms and Conditions of Contract. Where a Framework Agreement is to be used,	Inserted new wording highlighted to ensure bids

	the specific options chosen and the requirements that need populating;	are evaluated on the correct footing
9.2.6	The evaluation criteria including Social Value to be used, including any weightings as considered appropriate,	Inserted new wording highlighted for clarity
9.2.7	Payment schedule and terms and instructions for completion	Inserted new wording highlighted for clarity
10.1	All written Contracts and Purchase Orders shall include the Council's terms and conditions for Works, Goods and/or Services or Concessions (as appropriate) or, where a Framework Agreement is used, the applicable Call-Off terms and conditions. The Invitation to Tender or Quotation shall state that the Contract will be subject to the Council's standard terms and conditions, or Call-Off terms and conditions as applicable. There is a range of Council standard terms and conditions dependent upon the type of contract which the Council is entering into.	Inserted new wording highlighted for clarity
10.2	All written Contracts shall include the Council's minimum requirements for insurance cover namely: <ul style="list-style-type: none"> • Public Liability Insurance - ; £10m • Employers Liability Insurance - £5m and <ul style="list-style-type: none"> • Professional Indemnity Insurance - £2m, except where a Framework Agreement is used in which case, the levels of cover specified in the Framework Agreement shall apply. Any departure from these agreed thresholds must be approved by the Director of Finance and the Director of Legal Services and the Assistant Director of Corporate Governance & Strategic Financial Management.	New Rule highlighted to clarify any ambiguity with regard to the requisite level of insurance cover for contracts which is the basis of frequent clarifications. <i>Rule 7.5 of the Finance Procedure Rules (Insurance) states that the Director of Finance will determine the extent of insurance cover which must be provided for in any external contract.... There is an option to reduce the cover requirements in respect of specific contracts.</i>
Section 11 Revision to numbering and text	11.1.1 Requests for Quotations and Invitations to Tender must be transmitted by electronic means in accordance with the advice of the Head of Commercial Procurement Unit. Where possible. Quotations and Tenders shall be submitted by electronic means e.g. the E procurement system (The Chest):	New highlighted wording inserted. All procurement is done via The Chest and the opening of tenders involves unlocking the seal on The Chest. The Chest provides a full audit trail and there is no longer a need for Legal Services

	<p>1.1.1.1 revise to 11.1.2 Evidence that the transaction was successfully completed is obtained and recorded</p> <p>11.1.1.2 revise to 11.1.3 Electronic Tenders are kept in a separate secure folder in the E-procurement system (The Chest) or equivalent system, and cannot be opened until the deadline has passed for receipt of Tenders.</p> <p>11.1.3 Revise to 11.1.4 A member of Commercial Procurement Unit who is not responsible for the procurement exercise will open all requests for Quotations or call off contracts under Oldham Council Framework agreements. with a value in excess of £10,000.00.</p>	to open low value quotes/tenders. .
12.2	<p>Post tender clarifications may be undertaken with tenderers provided the Council ensures equal treatment of all participants and specifies and applies a process for post tender clarifications in the Invitation to Tender and ensures that no Tenderer is given an advantage over any other Tenderer. For the sake of clarity any clarifications on the commercial element of a bid and risk profile must not change the original price offer. This includes verifying abnormally low bids where specific legal advice is required</p>	New wording highlighted included in line with recent case law to address ambiguity in the interpretation of the Rules in practice. The Council must be clear in its tender documentation how it will deal with post tender clarifications and afford equal treatment to all bidders. Removal of the wording limiting to post tender clarifications relating to obvious error.
New 13.2	<p>The procurement lead should ensure that a representative from Finance and Legal Services is involved in the oversight of the of the evaluation process for procurements in excess of £1 million.</p>	New wording highlighted inserted for the procurement lead to take responsibility and confirm no conflict of interest. Inserted to redress the fallout from a recent issue
New 13.3	<p>The procurement lead of the evaluation team must ensure that no member of the evaluation team has a conflict of interest and completes the appropriate documentation.</p>	
13.4	<p>The procurement lead must ensure that the bid is compliant and that the tenderer is not excluded from bidding under any of the mandatory or discretionary grounds listed in the Public Contracts Regulation 2015</p>	

Renumbering 13.3 onwards		
14.1	Please see the amended table below underneath this table of amendments.	Table amended for decisions to award contracts to align with the delegations in the main body of the constitution. The Unity Partnership Limited has a separate table of delegations
14.2	No Contract may be awarded unless budget release has been obtained in accordance with the Financial Procedure Rules and a Modern Gov report and Decision Notice is published authorising any spend of £25K or more confirming that the approved expenditure will be constantly monitored. A copy of the final version of the Modern Gov report must be forwarded to the procurement lead to upload onto The Chest.	Highlighted new wording introduced to ensure that there is a copy of the authorised decision recorded on The Chest in accordance with Regulation 84 Public Contract Regulations.
14.6	A Contract Award letter will be sent to the successful Tenderer referring to the Council's advertised terms and conditions of Contract for contracts for Goods and Services with a Contract Value below £100,000.00.	New wording highlighted inserted. Award letter to be sent incorporating the Council's advertised terms and conditions for contracts for Goods and Services below £100K
14.8	Contracts for Goods and Services (and any subsequent variations) with a value of £100,000 or more shall be executed by Legal Services.	Raised the level for sealing from £50K to £100K
New 14.9	The performance of the Contract must not commence before the Contract is executed.	Inserted new wording to ensure the Council has a signed contract prior to commencement.
14.9 revised to 14.10	All Contracts over £5,000 shall be published on and embedded in the Council's Contracts Register maintained by the Commercial Procurement Unit	This is the threshold for a contract to be published in a contract register under the Transparency Code 2015.
15.1	The Council's Financial Management System (Agresso), or equivalent, shall be used to place all orders with suppliers. This includes all orders	Correct terminology for the Councils Financial Management System.

	placed after Quotations are received or a Tender process has been undertaken.	
16.1 & 16.2	<p>16.1 The Director of Finance and the Director of Legal Services shall advise as to the appropriate degree of security (if any) required to protect the Council from a Contractor default prior to the invitation to tender. The rationale for the advice should be documented on The Chest. Liquidated damages clauses should always be used in contracts where appropriate.</p> <p>16.2 A retention sum (appropriate to the circumstances of the contract) should be written into the terms and conditions of any contract for Works, with a Contract Value of over £50,000, unless the Director of Legal Services agrees to waive the specific requirement.</p>	Highlighted new wording introduced at the request of the Director of Finance and the Assistant Director of Corporate Governance & Strategic Financial Management after full discussion. This should facilitate uniformity of approach across works contracts.
17.1(b)	<p>the Modification is for additional Goods, Services and Works by the original Contractor that have become necessary and were not included in the initial procurement, where a change of Contractor:</p> <p>i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, and</p> <p>ii) would cause significant inconvenience or substantial duplication of costs for the Council,</p>	Changed highlighted wording from or to and. There was a mistake in the original version of the Public Contracts Regulations 2015 have been amended.
17.4.6	A notice of the Modification of a contract under Rules 17.1 (b) & (c) with a value over procurement threshold must be published in Find a Tender in accordance with Regulation 51 Public Contracts Regulations 2015.	There is a statutory requirement to publish a notice of the modification in the new Find a Tender. This is an important Rule to follow especially in the current circumstances.
Correction of numbering 20.3 to 20.2	The Contract Owner will be responsible for the whole of the commissioning cycle including	New wording highlighted inserted to ensure that the Contract Owner takes

	<p>:completing the governance and legal formalities, reviewing, monitoring and evaluating the Contract to ensure that its provisions and the Goods, Services or Works (or Concessions) within it are being followed and performed as they should be. The Contract Owner should understand the Specification, contractual terms and the performance framework and must manage activity ensuring that Contracts do not require any extensions beyond the permitted or planned expiry.</p>	<p>full responsibility for the commissioning cycle and ensures that the requisite reports are completed and that there is a legally binding contract to enforce</p>
20.4 onwards revised numbering of paragraphs		
21.4	<p>21.4 Procedure for Exemptions over £10K</p> <p>21.4.1 To apply for an Exemption from these Contract Procedure Rules a Modern.gov report must be completed and signed by either the Deputy Chief Executive, Strategic Director or Managing Director who does not have direct line management responsibility for the service seeking the exemption to authorise the expenditure.</p>	<p>Highlighted wording inserted. New threshold of £10K. Under £10K can make a direct award.</p> <p>Purchases over 10K come through the Corporate Procurement Unit for a competitive exercise. Highlighted new wording introduced for clarity.</p>
21.4.4	<p>The Head of the Commercial Procurement Unit is responsible for ensuring that a complete record of all Exemptions is maintained. A copy of the signed delegated/Cabinet decision approving an Exemption and the reasons for it must be forwarded to the Commercial Procurement lead.</p>	<p>Amendment to an officer rather than an email address</p>
21.5	<p>All Exemptions reports require comments from the Assistant Director of Corporate Governance & Strategic Financial Management.</p>	<p>Deleted reference to an annual report to Audit Committee and inserted new requirement that all exemption reports must include a comment from the Assistant Director of Corporate Governance & Strategic Financial Management.</p>

21.7	The Council cannot use an exemption to depart from the Public Contracts Regulations 2015 and a Voluntary Transparency Notice may be required to inform the market of a direct award	Reference to Public Contracts Regulations. Other minor amendments throughout have been made to remove references to EU Procurement Rules
21.8	Where an Exemption is granted, the Contract shall still be made subject to the Council's standard terms and conditions and in accordance with any relevant requirements detailed in Rule 10.1. Any amendments required to the Council's standard terms and conditions shall be approved by Legal Services prior to issuing as part of the Tender process. Legal Services will review and draft the terms and conditions for any bespoke contracts.	Inserted new wording highlighted to make sure the contract granted under an exemption from the Rules is compliant with the Rules. The wording in this Rule reflects the wording in Rule 10.1
23.1.2	"Concession Contracts Regulations 2016" as amended by the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020.	New definition to include the amendment legislation – a statutory instrument issued 8 th October 2020.
23.1.10 renumbered to 23.1.21 Consequent revisions to numbering to 23.1.21	"Procurement Regulations" means the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016 and such other UK regulations as may be made from time to time.	Amendment to the definition clause
23.1.13	"Framework Agreement" means an agreement which allows the Council to execute Call-Off Orders for Services, Goods or Works from a Contractor in accordance with the terms of the agreement and includes Dynamic Purchasing Systems and Pseudo Dynamic Purchasing Systems	Introduced the pseudo dynamic purchasing system which is used under the Light Touch Regime. It is not a dynamic purchasing system and does not require the intensive resources of a DPS.
23.1.17	"Most Economically Advantageous" means using a cost-effectiveness approach or price/quality ratio which offers the best price (this will not necessarily be the lowest price) ;	New definition of most economically advantageous

23.1.22	" Public Contracts Regulations 2015 as amended by the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020	New definition to include the amendment legislation – a statutory instrument issued 8th October 2020.
23.1.28	"Tenderer" shall mean any potential supplier submitting a Tender;	Changed word "firm" to a potential supplier

Revisions to Tables

RULE 14.1	TABLE	AWARDING	CONTRACTS
Contract Value		Awarded By	Decision Recorded on
Less than £10,000		Authorised Officer (as per Departmental Scheme of Delegation)	Related spend is recorded (Purchase Order) via Finance Management System (Agresso)
Between £10,000 and £249,999.00		Authorised Officer (as per Departmental Scheme of Delegation)	The Chest and Modern Governance System and Contracts Finder for Contracts with a value over £25,000.00.
Between £250,000 and £400,000		Executive Member in consultation with the Deputy Chief Executive or Strategic Director, DASS or Director of Children's Services over £100K and less than £400K	The Chest Modern Governance System and Contracts Finder and the Key Decision Document
Over £400,000 or over		Cabinet or Sub-Committee including Commissioning	The Chest and Modern Governance System and Contracts Finder

		Partnership Board	and the Key Decision Document
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N.B. The Unity Partnership Limited has a separate approval process as set out below:

Current Unity Arrangements	Proposed Unity Arrangements
Less than £100,000: Awarded by Head of Service, Head of Finance, Chief Operating Officer	No Change to existing approach
Less than £250,000: Awarded by Head of Service, Head of Finance, Chief Operating Officer	Greater than £100,000 and less than £400,000: Awarded by Chief Operating Officer in consultation with one Unity Board Member
Up to £250,000: Awarded by Chief Operating Officer	
Greater than £250,000: Awarded by Board approval	N/A
	Greater than £400,000 Unity Board approval



Part 4G

Contract Procedure Rules

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PART 4 – CONTRACT PROCEDURE RULES

1. APPLICATION/COMPLIANCE WITH CONTRACT PROCEDURE RULES

- 1.1 These Contract Procedure Rules are made under Section 135 of the Local Government Act 1972 and apply to all Contracts for the Procurement of Goods, Works, Services or Concessions made in the name of the Council.
- 1.2 Where in these Rules “the Council” is referred to, the term shall include the reference to School Governing Bodies by virtue of the Scheme for Financing Schools.
- 1.4 Every Contract entered into by the Council shall be entered into pursuant to or in connection with the Council’s functions and shall comply with:
 - 1.4.1 All relevant statutory provisions;
 - 1.4.2 The relevant European Procurement rules (the EC Treaty, the general principles of community law and the European Union’s Public Procurement directives implemented by the UK Regulations);
 - 1.4.3 The Council’s Constitution including these Contract Procedure Rules, the Council’s Financial Procedure Rules and the Officer and the Executive Member Scheme of Delegation; and
 - 1.4.4 The Council’s strategic objectives and policies including, amongst others, the Corporate Plan.
- 1.5 These Contract Procedure Rules apply to all Contracts awarded by the Council for Goods, Works, Services or Concessions, regardless of the source of funding for the Contract. They apply to Procurement by any form of official Council order and equally to Contracts awarded by any person, firm or body on the Council’s behalf.
- 1.6 No Contract shall be entered into unless the appropriate Deputy Chief Executive or Strategic Director is satisfied that there is adequate budget provision and all necessary consents to the expenditure have been obtained.
- 1.7 Where a Contract involves the making of a Key Decision as defined in Article 14.2.2 of the Constitution, the Deputy Chief Executive or Strategic Director shall ensure that the Director of Legal Services and the Director of Finance are consulted throughout the procurement process.
- 1.8 For any Contracts above the £50,000 threshold a Pre-Procurement Approval Form must be completed and signed by the appropriate Officer(s).
- 1.9 It shall be a condition of any Contract between the Council and any persons (not being Officers of the Council) who are required to supervise a Contract on the Council’s behalf, that in relation to such Contract, those persons shall comply

with the requirements of these Contract Procedure Rules as if they were Officers of the Council.

- 1.10 These Contract Procedure Rules shall not apply to:
 - 1.10.1 Contracts of employment.
 - 1.10.2 Contracts for personal social care or educational need where in the opinion of the appropriate Deputy Chief Executive or Strategic Director (following consultation with Director of Legal Services) there is a demonstrable individual need, which renders Procurement impractical.
 - 1.10.3 Contracts for the purchase or sale of land or securities, or Contracts for the taking or granting of any interest in land, unless such Contracts involve details of the Council's specific requirements and or the Procurement of Goods, Works or Services.
 - 1.10.4 Contracts for Goods to be brought to auction and the Director of Finance has agreed in writing that the Council's interests will best be served by purchase through auction and has similarly agreed an upper limit for bids.
 - 1.10.5 Contracts for the use of counsel or other legal representation where the Director of Legal Services considers that a Procurement exercise would be impractical and would not protect the Council's interests. All contracts for the use of counsel or other legal representation must be commissioned and/or approved by Legal Services.
 - 1.10.6 Contracts for Works of art or theatre, which are genuinely exclusive.
 - 1.10.7 An existing Purchasing Consortia which has been procured under public procurement rules broadly comparable with these Contract Procedure Rules where the Council is a named Contracting Authority.
 - 1.10.8 Existing nationally negotiated Contracts or Framework Agreements which are available to the Council as a named Contracting Authority.
 - 1.10.9 The sale or provision of services delivered by the Council.
 - 1.10.10 Grants received by the Council and grants distributed by the Council provided the grant is not for the provision of a service for the Council. .
- 1.11 Any failure to comply with any of the provisions of these Contract Procedure Rules shall be reported to the relevant Deputy Chief Executive or Strategic Director and may result in disciplinary action.
- 1.12 The Deputy Chief Executive or Strategic Director shall take immediate action in the event of a failure to comply with these Contract Procedure Rules and shall inform and consult with the Director of Legal Services.
- 1.13 Any dispute regarding the application of these Contract Procedure Rules shall be referred to the Directors of Finance and Legal Services for advice.
- 1.14 The final arbiter for resolution of disputes regarding the application or interpretation of these Contract Procedure Rules shall be the Director of Legal Services whose decision shall be binding and final.

1.15 Persistent breach of the Contract Procedure Rules will also be reported to Council Members.

2. COMMISSIONING & PROCUREMENT PLANNING

2.1 For each financial year, the Council shall create a strategic procurement forward plan setting out its current Contracts and Contracts to be procured for the forthcoming financial year. The coordination and updating of this plan will be the responsibility of the Commercial Procurement Unit. The strategic procurement forward plan will be published on the Oldham Council website.

2.2 The Council must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness in accordance with Section 3 Local Government Act 1999 (“ Best Value”). This includes consultation with representative groups of payers of Council tax and business rates, stakeholder(s) and any other relevant interested groups prior to commissioning services.

2.3 The Council must consider its obligations under the Public Services (Social Value) Act 2012 and have regard to economic, social and environmental well-being in connection with public services contracts and for connected purposes in its planning and commissioning processes.

2.4 The Council must consider its obligations with regard to data protection under the General Data Protection Regulation and the Data Protection Act 2018 and in particular its responsibilities and that of the supplier in relation to the processing of personal data through the outsourcing of its services, including specifying the conditions for processing and retaining personal data.

2.5 The Council must ensure that any collaborative arrangements/agreements with other public bodies to procure Goods, Works or Services must comply with public procurement legislation and ensure value for money and that the Council's interests are fully protected.

2.6 The Public Contract Regulations 2015 permit soft market testing provided it does not distort competition and is transparent and non-discriminatory.

2.7 Where an organisation has been involved at a pre-procurement stage (whether in soft market testing or otherwise, e.g. incumbents), the Council must ensure that there is a level playing field when the tender process starts such as making information which has been made available at a pre-procurement stage available to all bidders.

2.8 A bidder may be excluded from the procurement process altogether in circumstances where its prior involvement would distort the competition in the market.

3. CALCULATION OF CONTRACT VALUES

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

4. PROCUREMENT PROCEDURES

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

Contract Value	Procurement Activity	Instructions	Minimum Requirement for Advertising the Opportunity
0 - £9,999	1 Written Quotation.	Service Area to obtain at least 1 written Quote following the instructions in Rule 4.4 below and file ready for audit inspection. Local Supply Chain including SMEs to be considered where practical.	N/A
£10,000 - £24,999	Minimum of 3 Written Request for Quotations.	Service Area to contact Strategic Sourcing who will instruct the appropriate procurement procedure and facilitate the process using the Council's E-Procurement System (The Chest). Local Supply Chain including SMEs to be considered – at least 1 local supplier (where practical) to be included.	The Chest
£25,000 – £49,999 for Goods & Services/ £25,0000 to £99,999 for Works	Open Request for Quotations or an agreed compliant Framework.	.	The Chest and Contracts Finder (if appropriate)*
£50,000 Goods & Services/ £100,000 Works up up to EU Threshold	Formal Tender Process or an agreed compliant Framework.	Service Area to contact Strategic Sourcing who will instruct the appropriate procurement procedure to follow in accordance with these Contract Procedure Rules and facilitate the process using the Councils E-Procurement System (The Chest).	The Chest and Contracts Finder
EU Thresholds and Above	Full EU Procurement Procedure or Framework.	Service Area to contact Strategic Sourcing who will instruct the appropriate EU procurement procedure to follow and facilitate the process using the Councils E-Procurement System (The Chest) and Contracts Finder.	Open advert mandated in OJEU and Contracts Finder with the exception of Framework competitions.

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

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

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

5. QUOTATION PROCESS

5.1 Written Quotation(s) shall be obtained from Contractor(s) pursuant to the procedure set out in the table in Rule 4.3 before a formal purchase order can be issued. A formal purchase order shall be issued after the Quotation(s) have been received and shall specify the Goods, Works or Services to be provided or Concession to be granted and set out the price and terms of payment and incorporate the Council's relevant standard terms and conditions of contract (either by inclusion on the purchase order or by reference).

5.2 Quotations over £10,000 for goods and services must to be advertised on the Council's E-procurement system (The Chest) and any Quotations over £25,000 which have been advertised must also be advertised on Contracts Finder.

5.3 At least one local supplier/service provider should be included in each Request for Quotation, where possible.

5.4 Where fewer than three Contractors are considered suitable to supply the required Goods, Works or Services or to be granted a Concessions, those Contractors shall be invited to quote.

5.5 The standard Council templates for Quotations shall be utilised for all Procurement activity.

5.6 All Quotation(s) sought shall be recorded in writing for audit purposes via the Council's Finance Management System (AGRESSO or Framework) and/or equivalent systems as agreed by Council.

6. TENDER PROCESS – Below EU Procurement Threshold

- 6.1 All Tendering opportunities should be advertised via the Council's E-procurement system (The Chest) and Contracts Finder where appropriate (See table Rule 4.3). The Invitation to Tender, should include all of the information listed in Rule 9.2 below.
- 6.2 Any Procurement opportunity advertised shall:
 - 6.2.1 Specify the details of the Contract into which the Council wishes to enter;
 - 6.2.2 Invite persons or bodies to express an interest in Tendering;
 - 6.2.3 Specify a date or time limit, being not less than 14 days within which such Tenders are to be submitted.
 - 6.2.4 Be advertised in Contracts Finder if the contract value exceeds £25,000.

7. TENDER PROCESS – Above the EU Procurement Threshold

- 7.1 Where an estimated Contract Value exceeds the current EU procurement thresholds, then the Contract shall be tendered in accordance with the Public Contract Regulations 2015 or the Concession Contracts Regulations 2016. Under the Public Contract Regulations 2015, the Contract may be Tendered under Open, Restricted, Competitive Dialogue, Competitive Procedure with Negotiation or Innovation Partnerships Procedure.
- 7.2 A Contract Notice or a Prior Information Notice in the prescribed form shall be published in the Official Journal of the European Union in order to invite Tenders or expressions of interest.
- 7.3 All Official Journal of the European Union (OJEU) Notices shall be published by the Commercial Procurement Unit.
- 7.4 **Competitive Dialogue**
 - 7.4.1 A Competitive Dialogue procedure or Competitive Procedure with Negotiation may be beneficial in circumstances where greater flexibility is needed, e.g. for highly complex and risky projects where bidders will have a major role in defining the solution or where an Open or Restricted Procedure may not deliver the expected outcomes.
 - 7.4.2 A Competitive Dialogue procedure allows the Council to negotiate proposed solutions with bidders to achieve a desired outcome.

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

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

7.5 Concession Contract

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

8. FRAMEWORK AGREEMENTS

8.1 CALL OFF ORDERS

8.1.1 Where an order (Call Off) is proposed for a Procurement under an existing Framework Agreement, that has been established by a consortium, collaboration, the Council or other public body, the Council may consider using this Framework Agreement if:

- a. The Agreement has been established by an entity, and via a process, which permits the Council to access those arrangements lawfully;
- b. The Council is a named Contracting Authority.

8.1.2 Before undertaking a Call-Off under any Framework Agreement, thorough due diligence should be undertaken and advice sought from the Commercial Procurement Unit and Legal Services to confirm it is able to be used and whether it is appropriate to use it.

8.1.3 Call-off orders must be awarded based on the evaluation criteria identified in the Framework Agreement.

8.1.4 Where the Call-Off is undertaken via a direct award process (which is prescribed in the Framework Agreement), the Contractor must be requested, in writing, to supply a written submission, that is verified to confirm it can meet the requirements of the Council in accordance with the terms and conditions and the

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

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

8.2 ESTABLISHING A FRAMEWORK AGREEMENT

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

9. TENDER DOCUMENTATION

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

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

10. CONTRACT TERMS AND CONDITIONS

- 10.1 All written Contracts and Purchase Orders shall include the Council's terms and conditions for Works, Goods and/or Services or Concessions (as appropriate) and the Invitation to Tender or Quotation shall state that the Contract will be subject to the Council's terms and conditions. These are available to view on the Council's webpage: [Procurement | Oldham Council](#).
- 10.2 Any amendments required to the Council's standard terms and conditions shall be approved by Legal Services prior to issuing as part of the Tender process. Legal Services will review and draft the terms and conditions for any bespoke contracts.
- 10.3 All written Contracts shall include the following:
 - 10.3.1 Every Contract shall, as a minimum, unless there is good and sufficient reason to the contrary, require that all goods, and materials used or supplied and all workmanship shall, if applicable, be in accordance with the relevant standard or equivalent European or International standard without prejudice to any higher standard required by the Contract.
 - 10.3.2 A clause empowering the Council to cancel or terminate the Contract if the Contractor offers an inducement or reward in relation to the procurement of any Contract by the Council, to exclude the Contractor from the tender, under mandatory grounds or discretionary grounds for a serious infringement of the Public Contracts Regulations 2015, and to recover from the Contractor the amount of any loss resulting from such cancellation or termination.

11. RECEIPT AND OPENING OF TENDERS

11.1 Electronic Tenders

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

12. PRE AND POST TENDER CLARIFICATIONS

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

13. TENDER EVALUATION

- 13.1 All Tenders subject to the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016 shall be evaluated in accordance with the relevant EU Procurement Regulations and the evaluation criteria set out in the Invitation to Tender. All other Tenders shall be evaluated in accordance with the evaluation criteria set out in the Invitation to Tender.

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

14. AWARDING CONTRACTS

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

Contract Value	Procedure	Awarded By	Decision Recorded on
Less than £10,000	Contract Procedure Rules (CPR) 1 written Quote	Authorised Officer (as per Departmental Scheme Delegation)	Related spend is recorded (Purchase Order) via Finance Management System (AGRESSO)
Between £10,000 and £25,000	Contract Procedure Rules (CPR) 3 written Quotes	Authorised Officer (as per Departmental Scheme Delegation)	Related spend is recorded (Purchase Order) via Finance Management System (AGRESSO)

Between £25,000 and £100,000	Contract Procedure Rules (CPR) 3 Open Tender process or an agreed compliant Framework	Authorised Officer (as per Departmental Scheme Delegation)	E-procurement System (The Chest) and Modern Governance System and Contracts Finder for Contracts with a value over £25,000.00.
Between £100,000 and £400,000	3 Open Tender process or an agreed compliant Framework	Executive Member in consultation with the Deputy Chief Executive or Strategic Director, DAS or Director of Children's Services over £100K and less than £400K	E-procurement System (The Chest) Modern Governance System or equivalent and Contracts Finder
Over £400,000 or over	3 Open Tender process or an agreed compliant Framework	Cabinet or Sub-Committee including Commissioning Partnership Board	E-procurement System (The Chest) and Modern Governance System or equivalent and Contracts Finder

- 14.2 No Contract may be awarded unless budget release has been obtained in accordance with the Financial Procedure Rules and a Modern Gov report and Decision Notice is published authorising any spend of £50K or more confirming that the approved expenditure will be constantly monitored. A copy of the final version of the Modern Gov report must be forwarded to the Commercial Procurement Unit at strategic.sourcing@oldham.gov.uk to upload on The Chest.
- 14.3 Where the Tender is not within the relevant approved budget but additional budgetary provision is available, the Contract may be awarded, with the approval of the Chief Finance Officer having ensured compliance with the Financial Procedure Rules.
- 14.4 A Contract which has a contract value above the Public Contracts Regulations 2015 thresholds can only be awarded after a notice of the proposed award has been given to all unsuccessful Bidders and the 10 day standstill period has elapsed from the date the notice was given. If the 10 days expire on a non-working day, then the notice period will be deemed to have lapsed on the next working day.

- 14.5 Once the decision to award a Contract is made, each Bidder must be notified in writing of the outcome. All Bidders must be notified simultaneously and as soon as possible of the intention to award the Contract to the successful Bidder(s) and this should be done via The Chest. The letters must include a description of the characteristics and relative advantages of the successful Tender.
- 14.6 A Contract Award letter will be sent to the successful bidder incorporating the Council's advertised standard terms and conditions of Contract unless the parties have agreed to use a bespoke Contract. The terms and conditions of the bespoke Contract may not be varied post award save for minor amendments
- 14.7 A Contract Award notice must be published in the OJEU and on the Council's website no later than 30 days after the date of award of the Contract (48 days in the case of a Concession Contract) where the Contract value exceeds the Public Contracts Regulations/Concession Contracts Regulations threshold. A Contract Award notice must also be published on Contracts Finder.
- 14.8 Contracts (and any subsequent variations) with a value of £50,000 or more shall be executed under the Council's common seal by Legal Services.
- 14.9 All Contracts over £5,000 shall be published on and embedded in the Council's Contracts Register maintained by the Commercial Procurement Unit.

15. FINANCE MANAGEMENT SYSTEM

- 15.1 The Council's Finance Management System (AGRESSO), or equivalent, shall be used to place all orders with suppliers. This includes all orders placed after Quotations are received or a Tender process has been undertaken.
- 15.2 To set up a new supplier, refer to the intranet for further information.

16. PERFORMANCE BONDS AND GUARANTEES AND LIQUIDATED DAMAGES

- 16.1 The Director of Finance shall determine the degree of security (if any) required to protect the Council from a Contractor default and will advise if this needs undertaking whilst providing financial comments in the Modern.gov report or equivalent. This may be liquidated damages, a performance bond, parent company guarantee, retention or some other form of financial or performance guarantee as considered appropriate.
- 16.2 A retention should be written into the terms and conditions of any contract for Works, with a value in excess of £50,000, unless the Director of Legal Services agrees to waive the specific requirement.

17. MODIFICATIONS

- 17.1 Subject to Rule 17.2 a Modification may be permitted if any of the limited criteria below applies:
- (a) the original tendered Contract contains clauses allowing such Modifications provided that such clauses:
 - i) List the scope and nature of possible Modifications as well as the conditions under which they may be used, and
 - ii) do not provide for Modifications that would alter the overall nature of the Contract or the Framework Agreement;
 - (b) the Modification is for additional Goods, Services or Works by the original Contractor that have become necessary and were not included in the initial procurement, where a change of Contractor:
 - i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, or
 - ii) would cause significant inconvenience or substantial duplication of costs for the Council;
 - (c) where all of the following conditions are fulfilled:
 - i) the need for the Modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
 - ii) the Modification does not alter the overall nature of the Contract;
 - iii) any increase in price does not exceed 50% of the original contract value.
 - (d) where a new Contractor replaces the one to which the Council had initially awarded the Contract as a consequence of:
 - i) a clause or option in conformity with Rule 17.1(a); or
 - ii) a takeover of the Contractor following corporate restructuring, including takeover, merger, acquisition or insolvency, by another Economic Operator that fulfils the criteria for qualitative selection initially established, provided that this does not entail any other substantial Modifications to the Contract;
 - (e) provided that the proposed Modification, irrespective of its value, is not substantial within the meaning of Rule 17.3.
- 17.2 A Modification of a Contract or a Framework Agreement during its term shall be considered substantial for the purposes of Rule 17.1 where one or more of the following conditions is met:
- (a) the Modification renders the Contract or the Framework Agreement materially different in character from the one initially concluded;
 - (b) the Modification introduces conditions which, had they been part of the initial procurement procedure, would have:
 - i) allowed for the admission of other candidates than those initially selected,

- ii) allowed for the acceptance of a Tender other than that originally accepted, or
 - iii) attracted additional participants in the procurement procedure;
 - (c) the Modification changes the economic balance of the Contract or the Framework Agreement in favour of the Contractor in a manner which was not provided for in the initial Contract or Framework Agreement;
 - (d) the Modification extends the scope of the Contract or Framework Agreement considerably;
 - (e) a new Contractor replaces the one to which the Council had initially awarded the Contract in cases other than those provided for in Rule 17.3(d).
- 17.3 For the purposes of Rule 17.2, if several successive Modifications are made, the value shall be assessed on the basis of the net cumulative value of the successive Modifications.
- 17.4 Procedure for Modifications
- 17.4.1 A Modern.gov report must be completed which provides full details of the Modification and any supplementary documentation to enable the relevant Decision Maker (see table in Rule 14.1) giving the approval to make a fully informed decision.
 - 17.4.2 In giving approval, the Decision Maker must take account of any advice given by the Head of the Commercial Procurement Unit and the Director of Legal Services and must ensure that such advice is included in any report to the Decision Maker.
 - 17.4.3 Written approval must be obtained to any Modification in accordance with the Council's Officer and Executive Member Scheme of Delegation.
 - 17.4.4 No commitment should be made to a potential Contractor prior to approval.
 - 17.4.5 The Head of the Commercial Procurement Unit is responsible for ensuring that a complete record of all Modifications is kept and a record of the decision approving a Modification and the reasons for it must be stored electronically in Modern.gov and on The Chest.
 - 17.4.6 A notice of the Modification of a contract with a value over an OJEU Threshold must be published in the Official Journal of the European Union.

18. TERMINATION OF CONTRACTS

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

19. CLAIMS ARISING FROM CONTRACTS

- 19.1 Officers shall inform the Director of Legal Services immediately of any claims (or anticipated claims) by or against Contractors that are the subject of a dispute between the Council and the Contractor.

- 19.2 Claims arising in respect of matters not clearly within the terms of any existing Contract shall be determined by the appropriate Deputy Chief Executive after having taken the advice of the Director of Legal Services and the Director of Finance.
- 19.3 Where completion of a Contract is likely to be delayed, resulting in claims under the Contract, the appropriate Deputy Chief Executive shall inform the Director of Legal Services and the Director of Finance of the action taken or proposed.

20. MONITORING CONTRACTS

- 20.1 All Contracts must have a Council Contract Owner.
- 20.3 The Contract Owner will be responsible for reviewing, monitoring and evaluating the Contract to ensure that its provisions and the Goods, Services or Works (or Concession) within it are being followed and performed as they should be. The Contract Owner should understand the Specification, contractual terms and the performance framework and must manage activity ensuring that Contracts do not require any extensions beyond the permitted or planned expiry.
- 20.4 During the life of the Contract, the Contract Owner should monitor the Contract in respect to the following:
- (a) Performance (against agreed KPIs where relevant) ensuring that where performance falls below expected standards this is managed promptly;
 - (b) Compliance with the Specification and Contract;
 - (c) Cost, ensuring that there are no unanticipated variations in price or spend;
 - (d) Any Social Value requirements;
 - (e) Risk Management ensuring risks associated with the Contract are identified and managed and any risk registers are kept up to date;
 - (f) Safeguarding where appropriate; and
 - (g) User satisfaction.
- 20.5 The final certificate for payment for any capital Contract should not be paid until the Contract Manager has performed a reconciliation of all Works completed against the approved costs of the scheme.
- 20.6 Where any sum or damages is payable to the Council as a result of the default of a Contractor, for example where completion of Works is delayed beyond the contractual completion date, it shall be the duty of the Contract Owner to claim whatever liquidated or other damages may be due under the terms of the Contract and no waiver of such sum or damages may be given without the approval of the Director of Legal Services and the Chief Finance Officer.
- 20.7 Where a contractor is in breach of its performance of a Contract, a default notice should be issued under the terms and conditions of the Contract to enable the

Council to exercise its discretion to claim damages and/or terminate the Contract and exclude the tenderer from any future tender process.

- 20.8 Where the Contract is to be re-let, any information gathered by the Contract Owner should be available to inform the approach to re-letting the next Contract.
- 20.9 The Contract Owner should provide advice and support on good practice in performance management of Contracts.
- 20.10 All Contracts with a value in excess of £5,000 must be included and published on the Contracts Register maintained by the Commercial Procurement Unit in line with the Local Government Transparency Code 2015. This is a mandatory requirement and it is the responsibility of the Deputy Chief Executive or Strategic Director for each service to ensure that they have informed the Commercial Procurement Unit of the Contracts they are responsible for and provided them with the information necessary to update the Contracts Register.

21. EXEMPTION FROM THE CONTRACT PROCEDURE RULES

- 21.1 These Rules are mandatory but, in limited circumstances, it may be necessary to seek an Exemption from these Rules and guidance from the Commercial Procurement Unit must be sought before any Procurement Activity commences for which an Exemption may be required.
- 21.2 An Exemption cannot be given where this would contravene the Public Contracts Regulations 2015, the Concession Contracts Regulations 2016 or any other legislation.
- 21.3 Exemptions will only be considered in exceptional circumstances namely:
- (a) Proprietary or patented goods or services are proposed to be purchased which are only obtainable from one person and it can be demonstrated that no reasonably satisfactory alternative to those proprietary or patented Goods or Services is available;
 - (b) No genuine competition can be obtained in respect of the purchase of particular Goods, Services or execution of Works;
 - (c) The Services or execution of Works are of such a specialist nature that they can only be carried out by one person (e.g. statutory undertakers);
 - (d) Goods are proposed to be purchased by or on behalf of the Council at a public auction;
 - (e) Goods or Services are proposed to be purchased which are of a specialist or unique nature (such as antiquities for museums or a particular performance artist);
 - (f) Repairs or parts if the only option is to repair or buy new parts for existing equipment or buildings, and there is only one supplier;
 - (g) To comply with a change in legal requirements;

- (h) The Contract is for Goods, Services or the execution of Works which are required in circumstances of extreme urgency for example where immediate repairs are required to buildings, structures and other assets damaged by fire, bad weather or vandalism;
- (i) The provision of a service is urgently required because of the failure of a Contractor through unsatisfactory performance or the appointment of an administrator, receiver or liquidator to administer its affairs. The Contract should be re-let at the earliest opportunity in compliance with these Rules;
- (j) Where an extension for a particular period can be justified, for example where a service review includes the intention to co-terminate relevant Contracts within a reasonable period; or
- (k) Where fewer than the required numbers of Tenders have been received and it is considered unlikely that a further tendering exercise will result in more Tenders being received.

21.4 Procedure for Exemptions

- 21.4.1 To apply for an Exemption a Modern.gov report must be completed and signed by either the Deputy Chief Executive or Strategic Director who does not have direct line management responsibility for the service seeking the exemption.
- 21.4.2 The Modern.gov report must provide full details of the request and any supplementary documentation to support the request and refer to the specific ground for the Exemption.
- 21.4.3 No commitment should be made to a potential Contractor prior to authorisation.
- 21.4.4 The Head of the Commercial Procurement Unit is responsible for ensuring that a complete record of all Exemptions is maintained. A copy of the signed delegated/Cabinet decision approving an Exemption and the reasons for it must be forwarded to the Commercial Procurement Unit at strategic.sourcing@oldham.gov.uk
- 21.4.5 In circumstances of extreme urgency, the relevant decision maker in 21.3 (h) & (i) above, may authorise an Exemption in writing without the need to complete a Modern.gov report. As soon as practicable a Modern.gov report must be submitted and approved in accordance with this Rule.
- 21.4.6 The written authorisation must be provided in accordance with this Rule 21.4.5 and must be stored electronically on The Chest.

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

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

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

22. DECLARATIONS OF INTEREST and ANTI-BRIBERY and CORRUPTION

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

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

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

23. DEFINITIONS

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

23.1.1 "Concession" means a contract under which a contracting authority outsources works or services to a contractor or provider, who then has the right to commercially exploit those works or services in order to recoup its investment and make a return on the proviso that the contractor or provider bears the operating risk and has no guarantee of recouping its investment or operating costs.

23.1.2 "Contract" means an agreement in writing for consideration (money or money's worth) between the Council and a Contractor for the provision of Goods, Works or Services by the Contractor or the granting of a Concession;

23.1.3 "Contractor" includes any sole trader, partnership or company (limited or unlimited) or any duly incorporated trade, consortiums or unincorporated bodies, professional or commercial body or voluntary body; (although the Council must only contract with legal entities)

23.1.4 "Contracts Register" means a comprehensive list of all term/framework Contracts that the Council procures, detailing key attributes such as type, term, value and Contractor and Procurement/ Directorate contact details;

23.1.5 "Contract Value" means the amount the Council pays to the Contractor under the Contract excluding VAT;

- 23.1.6 “Director of Finance” means the Chief Officer designated under section 151 Local Government Act 1972 or his/her nominated representative;
- 23.1.7 “Director of Legal Services” means the Council’s Principal Solicitor;
- 23.1.8 “E-auction” is a means of carrying out purchasing negotiations via the Internet. It is a real time event that occurs online, allowing multiple Contractors in different geographic regions to place bids and modify simultaneously;
- 23.1.9 “E-procurement System” means Council’s e-tendering portal, The Chest (or equivalent);
- 23.1.10 “EU Procurement Regulations” means the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016 and such other UK regulations implementing its provisions as may be made from time to time.
- 23.1.11 “Grant” means an award of money from the Council to another organisation for the purpose of giving a benefit to a third party which is not a Service for the Council. A grant can be made subject to conditions and the grant can be clawed back if the conditions are not met.
- 23.1.12 “Finance Management System” means the Council’s electronic purchasing and payments system, AGRESSO (or equivalent);
- 23.1.13 “Framework Agreement” means an agreement which allows the Council to execute Call-Off Orders for Services, Goods or Works from a Contractor in accordance with the terms of the agreement and includes Dynamic Purchasing Systems;
- 23.1.14 “Goods” covers an item(s) of equipment, materials, software or other similar object, whether inanimate or electronic, to be supplied or delivered by the Contractor and procured by Oldham Council and includes any documentation;
- 23.1.15 “Invitation to Tender” means a request for Contractors to submit a Tender to supply Goods, execute Works or provide Services at specified charges or rates of charges;
- 23.1.16 “Modification” means any variation to a Contract;
- 23.1.17 “Most Economically Advantageous” means that criteria including the period from completion or delivery, quality, aesthetic and functional characteristics, technical merit, after sales service, technical assistance, ease of maintenance and charges may be used as part of the evaluation of a Tender;
- 23.1.18 “Open Procedure” means a procedure for inviting Tenders by advertisement in which Tenders are sent to all Contractors who express an interest in Tendering;
- 23.1.19 “Officer” includes any employee of the Council;
- 23.1.20 “Pre-Procurement Approval Form” means the template form issued by the Commercial Procurement Unit
- 23.1.21 “Procurement” means the process leading to the award of a Contract;
- 23.1.21 “Purchasing Consortia” means an organised and constituted body of individuals who jointly participate in the Procurement and award of a Contract;
- 23.1.23 “Quotation” means a formal offer to supply Goods, execute Works or provide Services at specified charges or rates of charges;

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



Request to amend the Council's Constitution to discharge Section 36 decisions (as defined within the Counter Terrorism and Security Act 2015 and as modified by the Counter Terrorism and Border Security Act 2019) to Manchester City Council.

- 1.1 To amend the officer scheme of delegation to discharge the decision to refer an individual at risk of being drawn into terrorism, as defined within Section 36 of the Counter Terrorism and Security Act 2015 (CTAS 2015) and as modified by the Counter-Terrorism and Border Security Act 2019, to the Channel Co-ordinator within Manchester City Council, as the host authority for managing the administration of Channel Panels on behalf of the ten Greater Manchester authorities.
- 2. Operation of Channel**
 - 2.1 The Prevent programme is part of the Government's counter-terrorism strategy, CONTEST, which aims to prevent people from becoming terrorists, or supporting terrorism. The programme is designed to ensure that individuals who are identified as being at risk of being drawn into terrorism are given appropriate advice and support, so that they may turn away from radicalisation.
 - 2.2 The CTSA 2015 set out the duty on all local authorities and other organisations to pay due regard to the need to prevent individuals from being drawn into terrorism, and to raise concerns about an individual they believe is at risk of radicalisation. Section 36 of the Act placed a duty on local authorities to ensure that a single Channel panel was established in their area covering the needs of both adults and children.
 - 2.3 Section 36 of the Act also gave the power to police forces to refer an individual at risk of being drawn into terrorism to the local Channel Panel. This was modified by the Counter-Terrorism and Border Security Act 2019, which enabled local authorities, in addition to the police, to refer an individual at risk of being drawn into terrorism for discussion at a Channel panel. This amendment intended to streamline the process of referring individuals by removing some of the existing administrative burden on local authorities and the police to ensure that 'at risk' individuals could be supported in a timely manner.

- 2.4 In 2016, the Home Office piloted the Dovetail scheme involving Counter Terrorism Police and nine local authorities (one of which was Oldham). The pilot saw local authorities take on responsibility for case managing individuals referred to Channel, and the ancillary functions related to the responsibility, e.g. organising Channel panels.
- 2.5 In compliance with the statutory requirements set out under sections 36 – 41 of the Counter Terrorism and Security Act 2015, Oldham has a Channel panel in place, has regard to the Channel duty guidance 2020 and is committed to complying with the requirements within it.
- 2.6 Since 2019, MCC on behalf of itself and the other nine authorities within G.M. has participated in further joint working to trial a new method of delivery for the Channel programme across both the Greater Manchester locality and as part of the North West Region involving teams from Blackburn with Darwen Borough Council on behalf of Cumbria and Lancashire and Liverpool City Council on behalf of Merseyside and Cheshire. In 2020, a Memorandum of Understanding was agreed between MCC and each of the G.M. authorities in relation to the joint working for the G.M. Channel Team.
- 2.7 Following agreement to participate in the new model of delivery across G.M., a dedicated Channel Team, hosted by MCC, was appointed to act on behalf of each local authority to manage the administration of Channel cases, including completion of the Vulnerability Assessment Frameworks, liaison with Counter Terrorism Policing colleagues and commissioning of intervention providers.
- 2.8 The Channel Co-ordinator, within MCC, is also responsible for undertaking Section 36 decisions on behalf of the Council. The Council's constitution will require amendment to delegate the legal duty for Section 36 decisions from the Council to MCC.

3. Legal Comments

Legal comments contained within the report. (Colin Brittain).

4. Recommendation

- 4.1 It is recommended to amend the Council's constitution to incorporate the following:

To delegate to the Channel Co-ordinator Supervisor at Manchester City Council, responsibility for decisions on whether to refer individuals at risk of being drawn into terrorism to Oldham's Channel Panel. These decisions are undertaken under Section 36 of the Counter Terrorism and Security Act 2015, as modified by the Counter Terrorism and Border Security Act 2019, and in accordance with the Greater Manchester Memorandum of Understanding for the operation of Channel.

Report to COUNCIL

Members Allowances Scheme

Officer Contact: Director of Legal Services

19th May 2021

1 Background

- 1.1 Council is requested to consider the Members Allowances Scheme for this year. The scheme is attached at Appendix 1 and no changes are proposed this year. The Scheme may include annual adjustment linked to an index and the it is proposed that this should be reviewed by the Independent Remuneration Panel with a report to come back to a future meeting of Council.

2 Recommendation

- 2.1 That members consider the Scheme at Appendix 1

3 Financial Implications

- 3.1 The budget of the Council has been prepared to accommodate the proposed Members Allowances scheme for 2021/22.

(Anne Ryans – Director of Finance)

4 Legal Services Comments

- 4.1 Council are required to consider a Members Allowances Scheme

5 Human Resources Comments

- 5.1 N/A

- 6 **Risk Assessments**
- 6.1 N/A
- 7 **IT Implications**
- 7.1 N/A
- 8 **Property Implications**
- 8.1 None
- 9 **Procurement Implications**
- 9.1 N/A
- 10 **Environmental and Health & Safety Implications**
- 10.1 N/A
- 11 **Equality, community cohesion and crime implications**
- 11.1 N/A
- 12 **Equality Impact Assessment Completed?**
- 12.1 N/A
- 13 **Key Decision**
- 13.1 No
- 14 **Key Decision Reference**
- 14.1 N/A
- 15 **Background Papers**
- 15.1 Members allowance file

Appendix 1

Position	Index	Explanatory Note	Amount
All Members of the Council		BASIC ALLOWANCE	£9,976
All Positions set out below		SPECIAL RESPONSIBILITY ALLOWANCE (SRA)	
Leader	100%	Fixed point for the SRA's where indicated, to be set at 3 times the basic members allowance.	£29,928
		Combined Authority Element	£5,985
Deputy Leader	70%		£20,950
Main Opposition Leader	50%		£14,964
Deputy Main Opposition Leader	20%		£5,986
Executive Members	60%		£17,957
Chairs of: Licensing Planning Overview & Scrutiny Board Performance & Value for Money Board Health and Well-being Board Health Scrutiny Oldham care & Support Company Unity	30%		£8,978
Deputy Executive Member	25%		£7,482
Assistant to Cabinet Member	8%		£2,394
District Executive Leads:			
Oldham East District			£7,182
Oldham West District			£6,286
Chadderton			£6,286
Saddleworth			£6,286
Failsworth & Hollinwood			£6,286
Royton			£5,387
Shaw & Crompton			£5,387
Vice-Chair of Oldham District			£2,692
Shadow Executive Members	10%		£2,993
Shadow Deputy Executive Member	5%		£1,496
Minority Opposition Leader (provided the group has 6 members)	15%		£4,489
Additional SRA: The Leader to notify the Chief Executive and the recipients of this allowance and the responsibilities undertaken. (Labour 5, Lib Dem/Con 2)	5%		£1,496
GM Transport Committee			£4,069
Co-opted/Independent Members of Audit and Standards Committee	n/a		£408
Chair of Audit Committee	n/a		£2,207
Chair of Standards Committee	n/a		£697

Refreshment Allowance		Subsistence when absent from normal place of residence	
		Lunch	£8
		Evening meal	£14
Mileage			45p per mile for first 10,000 miles, outside the borough, per annum and a rate of 25p per mile over 10,000 miles
Mayoral Allowance	n/a		£15,652
Deputy Mayoral Allowance	n/a		£3,075

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

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