# Public Document Pack



# CABINET Agenda

Date Monday 24<sup>th</sup> July 2023

Time 6.00 pm

Venue Crompton Suite, Civic Centre, West Street, Oldham, OL1UL

Notes

- 1. DECLARATIONS OF INTEREST- If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or the Constitutional Services team at least 24 hours in advance of the meeting.
- 2. CONTACT details for this agenda are available from the Constitutional Services team, telephone 0161 770 5151 or email Constitutional.services@oldham.gov.uk
- 3. PUBLIC QUESTIONS Any Member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the contact officer by 12 noon on Wednesday, 19 July 2023.
- 4. FILMING The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

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

Please also note the Public attendance Protocol on the Council's Website

https://www.oldham.gov.uk/homepage/1449/attending\_council\_meetings

MEMBERSHIP OF THE CABINET

Councillors Ali, Brownridge, Dean, Goodwin, F Hussain, Jabbar, Mushtaq, Shah and Taylor



1	Apologies For Absenc	е

2 Urgent Business

Urgent business, if any, introduced by the Chair

3 Declarations of Interest

To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.

4 Public Question Time

To receive Questions from the Public, in accordance with the Council's Constitution.

5 Minutes (Pages 1 - 6)

The Minutes of the meeting of the Cabinet held on 19<sup>th</sup> June 2023 are attached for approval.

6 Appointments to Cabinet Sub-Committees and Joint Committee (Pages 7 - 18)

To seek appointments to: the Local Investment Fund Cabinet Sub-Committee, the Commissioning Partnership Board and the Shareholder Cabinet Sub-Committee.

7 Treasury Management Review 2022/23 (Pages 19 - 40)

The report provides the annual treasury management review of activities and the actual prudential and treasury indicators for 2022/23.

8 Contractual Arrangements - Adult & Children Social Care Software Application (MOSAIC - The Access Group) (Pages 41 - 44)

To enter into a call-off contract, in accordance with Contract Procedure Rules, to support the ongoing use of Mosaic Social Care System for both Children's and Adult Social Care

9 Approval to Award the Tree Surgery Framework (Pages 45 - 48)

To seek approval for the awarding of the framework agreement for Tree Surgery Services.

10 Environmental Warranty at Fitton Hill (Pages 49 - 52)

To confirm settlement to a Notice issued on 28<sup>th</sup> September 2022, notifying the Council of purported breaches of the environmental warranties.

11 Settled accommodation programme for Afghan and Ukrainian Refugees (Pages 53 - 58)



To seek approval for the allocation of funding and to enter into a grant agreement with two Registered Providers to contribute to the delivery of homes.

12 Cultural Quarter Public Realm (Pages 59 - 66)

The report seeks approval to fund the replacement/reinstatement of the community garden area, to create a new public green space and reflection area.

13 City Region Sustainable Transport Settlement (CRSTS) - Transport Capital Programme 2023/24 (Pages 67 - 82)

To seek formal acceptance of the funding and the programmes recommended for delivery of the Programme in 2023/24.

14 Exclusion of the Press and Public

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following five items of business on the grounds that they contain exempt information under paragraph(s) 3 and 5 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.

15 Contractual Arrangements - Adult & Children Social Care Software Application (MOSAIC - The Access Group) (Pages 83 - 92)

To consider the recommendations in the confidential report

Approval to Award the Tree Surgery Framework (Pages 93 - 102)

To consider the recommendations in the confidential report

17 Environmental Warranty at Fitton Hill (Pages 103 - 146)

To consider the recommendations in the confidential report

Settled accommodation programme for Afghan and Ukrainian Refugees (Pages 147 - 176)

To consider the recommendations in the confidential report

19 Cultural Quarter Public Realm (Pages 177 - 196)

To consider the recommendations in the confidential report



# <u>CABINET</u> 19/06/2023 at 6.00 pm



**Present:** Councillor Shah (in the Chair)

Councillors Ali, Brownridge, Dean, Goodwin, F Hussain, Jabbar,

Mushtaq and Taylor

# 1 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

# 2 URGENT BUSINESS

There were no items of urgent business received.

# 3 DECLARATIONS OF INTEREST

There were no declarations of interest received.

# 4 PUBLIC QUESTION TIME

There were no public questions for this meeting of the Cabinet to consider.

# 5 **MINUTES**

Resolved:

That the minutes of the meeting held on 20<sup>th</sup> March 2023 be approved as a correct record.

# 6 CONTRACTUAL ARRANGEMENTS - HUMAN RESOURCES AND PAYROLL SYSTEM (MHR ITRENT)

The Cabinet received a report of the Assistant Chief Executive that presented a review of the contract arrangements in relation to the HR and Payroll system (iTrent).

The Cabinet was informed that the current provision of Transactional HR and Payroll Services to Oldham Council, MioCare, Oldham schools and academies was delivered by MHR via the iTrent system. The current contract was procured via the G Cloud Framework and awarded in April 2019 for an initial two years with two further extensions each of one year (2 + 1 + 1) being approved thereafter. The original contract was due to expire on 18<sup>th</sup> April 2023 with an initial three months' contract extension being approved via Delegated Cabinet Member Decision Report, from 19th April 2023 to 18th July 2023. Oldham Council was satisfied with the iTrent system and the preferred option was to continue using it on a longer-term basis.

Greater Manchester Combined Authority (GMCA) had entered into a single supplier framework agreement with MHR, which was accessible to all GMCA authorities and associate partners, for the procurement of a platform to enable employees and customers to utilise a first-class HR and Payroll solution that is at the forefront of digital transformation that will be able to offer both on premise and cloud-based services. The GMCA framework agreement would enable Oldham Council to continue

with the current product and transfer seamlessly to a new longer-term contract.



It was, therefore, proposed that Oldham Council enter into a call-off contract with MHR under the GMCA framework agreement for the provision of the iTrent system for a minimum of 5 years (inclusive of the initial three months' period) until April 2028, with the option to extend this for a further 5 years.

Across Greater Manchester, all HR/Workforce leads were working collaboratively to address common workforce challenges, using their combined buying power to procure contracts that were beneficial to all participants and which ensured maximum value for combined public spend. There was a dedicated resource (hosted by Oldham) to manage and drive contract performance on our collective behalf, ensuring no Council is trying to negotiate from an individual perspective, supporting stronger market influence. Aside from payroll, Oldham Council also had contracts, in place, to support Occupational Health; Employee Assistance Programme; Agency staffing; MeLearning (online learning system) and electronic Disclosure Barring Service. The benefits of working in this way were considerable and enabled those Council's with less resource or expertise in certain high-risk areas to be supported by the wider group.

Many of the Greater Manchester Councils used MHR/iTrent, and some have considerable experience of over 10 years, so Oldham benefits from this significant expertise via the GM iTrent working groups. Being part of these working groups allows for innovation and pilot testing of the system in ways that are unlikely to be achieved by individual Council's on their own.

From an Oldham Council perspective, iTrent had been in place now for just over 2 years and was now beginning to use the full capabilities of the system to improve manager and employee self-serve, as well as informing better workforce data for more strategic organisational use.

# Resolved:

7

That Cabinet approves the direct award of a call-off contract to MHR via the GMCA HR and Payroll system framework agreement to enable the continuance of the provision of the current Transactional HR and Payroll system, iTrent, for a five-year period until April 2028, with the option to extend for a further five years.

# GRANT ACCEPTANCE: CITY REGION SUSTAINABLE TRANSPORT SETTLEMENT (CRSTS) - OLDHAM TOWN CENTRE ST MARY'S WAY SCHEME

The Cabinet received a report of the Executive Director for Place and Economic Growth, which advised members that Oldham Council had secured capital funding for the development of an outline/full business case (OBC/FBC) to support a highway scheme in Oldham town centre. The report also outlined the steps that age:

procure the necessary support to develop the scheme in the appropriate timescales and to meet the funding requirements for both development and future delivery of the scheme.



The Cabinet was informed that the Greater Manchester CRSTS programme business case had been submitted to the Department for Transport (DfT) in September 2021 by Transport for Greater Manchester (TfGM) on behalf of themselves and all 10 Greater Manchester districts. Greater Manchester Combined Authority (GMCA) received confirmation of the full regional CRSTS allocation of £1.07bn for spend across 2022/23-2026/27 on 1st April 2022.

On 29<sup>th</sup> July 2022, the DfT, as the funders of the City Region Sustainable Transport Settlement, had confirmed the delivery plans and funding allocations to each city region and sent a funding letter to each City Region Mayor.

One scheme included in the delivery plan is the Oldham-led Streets for All: Oldham Town Centre Connectivity (Phase 2) scheme for St Marys Way (Henshaw Street – Yorkshire Street). This scheme had been developed over the past year and had now secured Strategic Outline Business Case (SOBC) assurance through TfGM processes to move to the next stage of scheme development, utilising some of the approved DfT CRSTS capital budget.

## Resolved:

- 1. That the grant offer from the City Region Sustainable Transport Settlement (CRSTS) for delivery of an outline/full business case (OBC/FBC) for the scheme on St Mary's Way be accepted.
- 2. That approval be granted for the Executive Director (Place and Economic Growth) on behalf of the Council to enter into a Funding Delivery Agreement with TfGM in relation to the proposed scheme development.
- 3. That the intention to bring the additional resource into the transport capital programme in 2023/24 and complete development of the scheme in the appropriate timescales be noted.
- 4. Approval to procure and make tender awards relating to the necessary external support required to develop the outline/full business case (OBC/FBC), be delegated to the Executive Director for Place and Economic Growth, or further delegation depending on the values of the awards.
- Approval be granted to use part of this resource to appoint temporary support to Council teams, as required, to progress design options, stakeholder engagement and production of the full business case to secure further capital funding for Oldham.

## 8 TOWN CENTRE PRIVATE SECTOR PARTNERSHIP

The Cabinet considered a report of the Executive Director for Place and Economic Growth that was seeking approval to appoint a preferred bidder i

("PSP") initially for period of 15 years with an option to extend the arrangement by a further 10 years, subject to agreement at that time.



The Cabinet had previously supported the recommendations contained within the report, within the context of a wider approved housing delivery programme, which involved, in the short to medium term, the selection of a Strategic Development Partner to progress development of the strategic town centre residential sites with the Council; the prioritising of Council resources and investment to help establish a housing market in Oldham town centre.

The Creating a Better Place Programme set out a bold vision for Oldham town centre and for the wider borough, embedded within a £285m strategic framework. Creating a Better Place was seen as an ambitious plan which sought to transform Oldham and to unlock opportunities to secure the future of the town and to ensure that it thrived.

The strategic objectives relating to the Creating A Better Place programme was set out in the Oldham Town Centre Development Prospectus published in 2022 and which was also contained at Appendix A of the submitted report and included:

- a. New Town Centre Homes enabled core town centre regeneration proposals to be brought forward into delivery by releasing sites for redevelopment, particularly Housing.
- Reduction in Asset Cost Base enabling the Civic Centre and other buildings to be vacated meaning lease agreements, backlog maintenance and reactive maintenance costs can be reduced.
- c. Regeneration and Town Centre Activation increasing the footfall and activation of the centre through intervention, reduction of void space in prime retail areas to consolidate and improve the town centre offer – create a destination for North Manchester and Oldham.
- d. Championing a Green Recovery: Supporting the Green New Deal embedding sustainability and net zero carbon ambitions within the project.
- e. Providing opportunities for Employment, Learning, Skills and Social contributions across the design, procurement, delivery, and operation phases of the projects.

# Resolved:

That the Cabinet would consider the commercially sensitive information contained at item 10 of the agenda before making a decision.

# 9 EXCLUSION OF THE PRESS AND PUBLIC

#### Resolved:

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the following item of business on the grounds that it contains exempt information under paragraphs 3 of Part 1

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of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the report.

# TOWN CENTRE PRIVATE SECTOR PARTNERSHIP

The Cabinet considered the commercially sensitive information in relation to Item 8: Town Centre Private Sector Partnership.



#### Resolved:

10

The Cabinet approved:

- a. The selection of the preferred bidder, as detailed in the submitted report, following the completion of a competitive tender procedure for the appointment of private sector delivery partner for the development and regeneration of key strategic sites in Oldham Town Centre.
- b. That a Master Development Agreement and all accompanying contractual documentation be entered into with the preferred bidder, to formalise their selection as private sector delivery partner for the development and regeneration of key strategic sites in Oldham Town Centre.
- c. The grant of delegated approval to the Executive Director of Place and Economic Growth, the Director of Legal Services and the Director of Finance (or their nominees), to establish and enter into and manage all related or required partnership and ancillary agreements, processes and documentation and associated boards and governance structures which may be required throughout the term of the partnering arrangement to deliver the development and regeneration of key strategic sites in Oldham Town Centre and the Council's objectives. This will be inclusive of the Master Development Agreement, Outline Business Plans and Detailed Business Plans and all other supporting documents as required or as set out or referred to in this report.
- d. The grant of delegated approval to the Executive Director of Place and Economic Growth, the Director of Legal Services and the Director of Finance (or their nominees), to procure, appoint, enter into contracts in respect of, and fund all required external consultancy to support inhouse provision relating to the development and regeneration of key strategic sites in Oldham Town Centre across legal; finance; real estate; procurement; planning; environmental and social, inclusive of any other required external support in the required configuration to support the Council in delivery of the Project.
- e. The grant of delegated approve and authorisation to the Director of Legal Services or his nominated representative to sign and/or affix the Common Seal of the Council to all contracts/agreements/documents and associated or ancillary paperwork to give effect to the recommendations in this report.

The meeting started at 6.00pm and ended at 6.12pm.





# **Report to CABINET**

# **Appointments to Cabinet Sub-Committees and Joint Committee**

Portfolio Holder:

Cllr Arooj Shah, Leader of the Council

Officer Contact: Peter Thompson, Constitutional Services

24th July 2023

#### Reason for Decision

To seek appointments from the Cabinet to:

- 1. The Local Investment Fund Cabinet Sub-Committee
- 2. The Commissioning Partnership Board
- 3. The Shareholder Cabinet Sub-Committee

# Recommendations

That the Cabinet appoint Members of the Cabinet to the Cabinet Sub-Committees, with full delegated powers as per the Terms of Reference as detailed within the appendices to the report.

Cabinet 24<sup>th</sup> July 2023

# **Appointments to Cabinet Sub-Committees and Joint Committee**

# 1 Background

# **Local Investment Fund Cabinet Sub-Committee**

- 1.1 In May 2019 the Council resolved that a Local Improvement Fund (LIF) should be established. The LIF is a £500k fund that all elected members and District Teams can access through a bidding process. The terms of Reference are attached at Appendix 1.
- 1.2 Cabinet previously established a sub-committee of three to oversee the LIF application process and approve successful grant applications and 3 appointments to the subcommittee are requested.

# **Commissioning Partnership Board**

- 1.3 In June 2018 Cabinet agreed to establish a Joint Committee of Oldham Council and Oldham Clinical Commissioning Group (Commissioning Partnership Board) under Regulation 10 (2) of the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000, to undertake Executive functions within the Boards Terms of Reference.
- 1.4 Cabinet agreed to delegate authority to the Joint Committee to undertake joint commissioning functions that were Executive functions to a Commissioning Partnership Board within the procedures set out in the terms of reference, as detailed at Appendix 2 supporting the section 75 agreement(s) that would enable a scaling up of the integration of health and care commissioning in Oldham. It is requested that the Leader, Statutory Deputy Leader, Cabinet Member for Health and Social Care and Cabinet Member for Children and Young People area appointed to the Joint Committee.

# **Shareholder Cabinet Sub-Committee**

1.5 In October 2018 the Cabinet established a Shareholder Cabinet Sub-Committee to have responsibility for exercising "shareholder control", with regard to wholly owned Council companies. The Shareholder Committee safeguards the Council's interest as shareholder and take decisions in matters that require the approval of the Council as owner of the company. Decisions in relation to the day to day operation of the company are taken by the directors of the company. The Terms of Reference are attached at Appendix 3. It is requested that 4 appointments are made to the Shareholder Cabinet Sub-Committee.

#### 2 Current Position

2.1 Membership of the Sub-Committee is referred to in the Terms of Reference.

# 3 Options/Alternatives

3.1 Option 1 – appoint new members to the Sub-Committees/Joint Committee, with full delegated powers.

4	Preferred Option
4.1	Option 1 – appoint new members to the Sub-Committees, with full delegated powers.
5	Consultation
5.1	n/a
6	Financial Implications
6.1	n/a
7	Legal Services Comments
7.1	These are contained within the body of the report.
8.	Co-operative Agenda
8.1	Appointing new members will enable the Council to meet its duties.
9	Human Resources Comments
9.1	n/a
10	Risk Assessments
10.1	n/a
11	IT Implications
11.1	n/a
12	Property Implications
12.1	n/a
13	Procurement Implications
13.1	n/a
14	Environmental and Health & Safety Implications
14.1	n/a
15	Equality, community cohesion and crime implications
15.1	None
16	Equality Impact Assessment Completed?
16.1	No
17	Key Decision

Option 2- do nothing. The Cabinet could make decisions in relation to the Local Investment Fund and the S.75 agreement/budgets/Shareholder.

17.1	No
18	Key Decision Reference
18.1	n/a
19	Background Papers
19.1	None
20	Appendices
20.1	Appendix 1 – LIF Cabinet Sub-Committee Terms of Reference Appendix 2– Commissioning Partnership Board Appendix 3– Shareholder Cabinet Sub-Committee

#### **Terms of Reference**

# 1. Name of Group

The Sub-Committee shall be called The Local Improvement Fund Committee.

# 2. Purpose of the Group

The purpose of the Sub-Committee of Cabinet is to allocate funding from the Local Improvement Fund to projects across the borough which promote and pursue the aims and objectives of the individual District Priorities.

The Sub-Committee is a constituted meeting of the Council is subject to the Council's procedure rules, Cabinet procedure rules and the access to information procedure rules, as set out in the Council's Constitution, unless stated otherwise in these terms of reference.

## 3. Duties and Powers

The Council has committed to resource a £500k Local Improvement Fund to provide funding for projects that meet local need as identified in the

District Priorities. Members of the Sub-Committee will be required to declare interests, as set out in the Council's Members Code of Conduct.

Written Public Questions may be submitted to, and asked at, the Sub-Committee meeting but all matters must be within the remit of the terms of reference of the Sub-Committee (see section 2).

# 4. Reporting Arrangements

The Minutes of the Sub-Committee will be submitted to the Cabinet.

# 5. Membership

The Sub-Committee of Cabinet will comprise of 3 Members of the Council's Cabinet, appointed by Cabinet.:

- Leader of the Council
- Statutory Deputy Leader of the Council
- Cabinet Member for Finance and Corporate Resources

## 6. Voting Procedures and Quorum

Each of the Sub-Committee Members shall have one vote.

In the case of equality of votes, the Chair shall have the casting vote. The quorum of the Sub-Committee is three Cabinet Members.

#### 7. Frequency of Meetings

Meetings will take place as and when required, but not less than once a year.

All meetings will take place in Oldham Civic Centre, unless specifically pre-arranged at an alternative venue.

Agendas will be circulated to Members five clear working days before a meeting, by Constitutional Services at Oldham Council.

# 8. Support

The meetings will be administered and serviced by Constitutional Services. The Strategic Director for Reform and Director of Finance or their nominated representatives, will attend all meetings.

9. Review These terms of reference will be reviewed annually at the first meeting of the Cabinet in the municipal year.					

# **Commissioning Partnership Board**

The Commissioning Partnership Board shall:

- a. Take responsibility for the management of partnership arrangements in accordance with such section 75 agreement or agreements that the Oldham Clinical Commissioning Group (CCG) and the Council may from time to time agree, including monitoring the arrangements and receiving reports and information on the operation of the arrangements;
- b. Together with the Commissioning Committee provide assurance to the Governing Body, CCG members and other relevant parties on delivery of statutory functions and responsibilities exercisable by the CCG.

The Commissioning Partnership Board will:

- a. Support the Health and Wellbeing Board to set the high-level commissioning strategy and health and wellbeing outcomes for the Borough in order to meet assessed population, community and individual need within the financial resources of the pooled funds over which the Commissioning Partnership Board has control.
- b. Make commissioning recommendations for the financial resources not controlled by the Commissioning Partnership Board.
- c. Support the dissolving of traditional boundaries between commissioning and provision of services in Oldham to improve outcomes for Oldham population against the agreed Oldham Cares Outcomes Framework.
- d. Have responsibility for all matters relating to the pooled funds as may be set out in a Section 75 agreement.
- e. Develop, implement and monitor those elements of the Alliance contract for the Oldham Integrated Care Organisation that relate to the provision of services that are subject to the integrated commissioning arrangements.
- f. Make recommendations regarding the other elements of the Alliance contract for the Oldham Integrated Care Organisation (ICO).
- g. Recommend the high level parameters for the Strategic Commissioning Function.
- h. Recommend the high level parameters for the Primary Care and Community and Social Care Clusters within the ICO.
- Recommend that appropriate contracting mechanisms are in place within the ICO Alliance and outside of ICO arrangements e.g. specialist hospital services.
- j. Maintain a strategic overview and assurance role on behalf of the Health and Wellbeing Board to ensure implementation and delivery of the agreed high level strategies and outcomes set jointly between Oldham CCG and Oldham Council.
- k. Monitor and review high level outcomes and performance data to ensure that the ICO is achieving the goals established by commissioners for the transformation of health and social care services against the Oldham Cares Outcomes Framework.

The objectives of the Commissioning Partnership Board are;

- a. To govern the arrangements for integrated commissioning in the Oldham borough providing assurance to NHS Oldham CCG and Oldham MBC that their statutory and mandatory responsibilities and strategic objectives are being met and that their combined resources are being utilised to best effect.
- b. To provide assurance to Oldham Health and Wellbeing Board, NHS Oldham CCG and Oldham MBC for the achievement of the agreed outcomes, commissioning strategies and plans within the available financial envelope.
- c. To prepare an annual integrated commissioning strategy, setting out specific goals and outcomes for commissioning in the Borough and the intentions of the whole system to transform health and social care delivery in order to reflect best practice and value for money.
- d. Within the integrated commissioning strategy, describe how the outcomes and objectives set out in the Section 75 Agreement and the high level strategic goals and outcomes of NHS Oldham CCG and Oldham MBC will be achieved.
- e. To commit resource at high level within the pooled fund(s) to achieve the objectives of the integrated commissioning strategy through the Oldham Cares system structure.
- f. To develop a joint financial plan to underpin the overall commissioning strategy and providing direction in relation to investments and savings to be made jointly by the Council and CCG.
- g. To oversee the implementation of the integrated commissioning strategy.
- h. To set the high level quality standards for, and monitor and review the outcomes and performance for commissioned services within the s.75 agreement, identifying areas of good practice and taking action where outcomes and performance fall short of requirements.
- To ensure that the prescribed functions of Oldham Council and Oldham NHS CCG are properly and effectively discharged through the pooled funds and the strategic commissioning arrangements as appropriate.
- j. To ensure the engagement of stakeholder groups including users, patients, carers, providers and community organisations in the commissioning cycle and the co-design of commissioned services and the formulation of strategy as appropriate.
- k. To provide assurance to the Health and Wellbeing Board, CCG Governing Body, Oldham Council Cabinet and the Council's Overview and Scrutiny Committees of the quality and safety of commissioned services within the Section 75 agreement, of the proper and effective use of resources in the pooled fund and of the achievement of agreed strategy and outcomes.
- To conduct all business in accordance with the provisions of the Section 75
   Agreement including the standards on partnership behaviours and the code of conduct on conflicts of interest.
- m. To be fully aware of the Greater Manchester integrated commissioning arrangements as they develop in the context of the Greater Manchester Devolution Agreement and ensure full alignment between the arrangements in the Oldham borough, the North East sector, and the city region.
- n. To identify, record, mitigate and manage all risks associated with strategic integrated commissioning, including the maintenance of a risk register which will be included on the risk registers of both NHS Oldham CCG and Oldham MBC.
- o. To review regular high-level performance and financial monitoring reports relating to strategic integrated commissioning and the pooled fund and

- ensure, if required, appropriate action is taken to ensure annual delivery of expected performance targets and approved schemes within permitted budget for the financial year.
- p. To promote improvement and innovation and demonstrate leadership in pursuing the objectives and upholding the principles underpinning the ways of working in the newly established partnership.

# Membership

The Commissioning Partnership Board will comprise of 4 Members of the Council's Cabinet:

- Leader of the Council
- Statutory Deputy Leader of the Council
- o Cabinet Member for Health and Social Care
- o Cabinet member for Children and Young People

# **Oldham Council Shareholder Committee**

#### **Terms of Reference**

#### Overview

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

#### Terms of Reference of the Shareholder Committee

The Shareholder Sub-Committee will:

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

# **Meetings of the Shareholder Committee**

- 1. Meetings will be operated in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, requiring that:
  - Agendas are published 5 clear working days in advance of meetings. Private meetings are notified 28 days in advance. Otherwise urgency rules will apply, requiring the agreement of the Chair of Scrutiny. Key decisions will be notified 28 days in advance.

Otherwise urgency rules will apply, requiring that the Chair of Scrutiny is informed (or if less than 5 clear days in advance, agrees).

- Members of Council will be able to attend public and private parts of meetings.
- Members of the public will be able to attend the public part of meetings.
- Meetings will be scheduled annually.
- 2. Extraordinary meetings can be called at any time by the Leader of the Council or the Board of Directors. The quorum is 3 and must include either the Leader of the Council or Statutory Deputy Leader.
- Substitutions will not be allowed.
- 4. The Council shall appoint 4 members of the Cabinet the Leader of the Council, the Statutory Deputy Leader, the Cabinet Member for Finance and Corporate Resources and the Cabinet Member for Neighbourhoods.
- 5. Meetings will be chaired by the Leader of the Council or in their absence, the Statutory Deputy Leader.
- 6. Meetings will also be attended by the Company Directors, the Company Secretary and the Shareholder Committee advisors.
- 7. At each meeting the Chair will approve the minutes of the previous meeting.
- 8. The Shareholder Committee will take decisions in respect of the Council's total holdings in the Company.
- 9. Decisions will be taken those present, with member present having a single vote. In the event of a tied vote the Chair will have a casting vote.

# **Voting Procedures and Quorum**

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

# Relationship to the Governance Strategy and Resources Scrutiny Board retains its scrutiny function in relation to the Shareholder Committee.

- 1. The Council's Governance Strategy and Resources Scrutiny Board retains its scrutiny function in relation to the Shareholder Committee.
- 2. The Committee will be able to call the Shareholder Sub-Committee and its advisors to account for the progress and performance of the Company in accordance with a scrutiny protocol.





# **Report to Cabinet**

# **Treasury Management Review 2022/23**

Portfolio Holder: Councillor Abdul Jabbar MBE, Cabinet Member

for Finance and Corporate Resources

Officer Contact: Anne Ryans, Director of Finance

Report Author: Lee Walsh, Finance Manager

**Ext.** 6608

24 July 2023

# **Reason for Decision**

The Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2022/23. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

During 2022/23 the minimum reporting requirements were that full Council should receive the following reports:

- an annual treasury strategy in advance of the year (approved by Council on 2 March 2022)
- a mid-year (minimum) treasury update report (approved by Council on 14 November 2022)
- an annual review following the end of the year describing the activity compared to the strategy (this report)

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

The Council confirms that it has complied with the requirements under the Code to give prior scrutiny to the treasury strategy and the mid-year update. The Audit Committee is charged with the scrutiny of treasury management activities in Oldham and is therefore considered and approved the contents of the report at its meeting on 27 June 2023. The

committee was content to commend this report to Cabinet. As such, Cabinet is therefore requested to approve the content of this annual report and to commend it to Council (to ensure full compliance with the Code for 2022/23).

# **Executive Summary**

During 2022/23, the Council complied with its legislative and regulatory requirements. The key actual prudential and treasury indicators detailing the impact of capital expenditure activities during the year, with comparators, are as follows:

Actual Prudential and Treasury Indicators	2021/22 Actual £000	2022/23 Revised £000	2022/23 Actual £000
Actual capital expenditure	76,989	59,113	58,787
Total Capital Financing Requirement:	468,895	464,182	465,723
External debt	167,597	160,997	160,996
Gross Borrowing	381,045	365,528	365,335
Investments	45.000	45.000	45.000
Longer than 1 year	15,000	15,000	15,000
Under 1 year     Total	90,300 <b>105,300</b>	69,510 <b>84,510</b>	55,780 <b>70,780</b>
Net Borrowing (Gross borrowing less investments)	62,297	76,487	90,216

As can be seen in the table above, actual capital expenditure was slightly less than the revised budget estimate for 2022/23 presented within the 2023/24 Treasury Management Strategy report considered at the Council meeting of 1 March 2023. The outturn position was less than the £100.248m original capital budget for 2022/23 as approved at Budget Council on 2 March 2022.

Other prudential and treasury indicators are to be found in the main body of this report.

The Director of Finance confirms that the statutory borrowing limit (the authorised limit) was not breached during 2022/23.

The financial year 2022/23 has seen the Bank of England increase the official Bank rate to 4.25% by March 2023. From 0.75% in March 2022, the Monetary Policy Committee (MPC) has pushed through increases at every subsequent meeting over the period taking the Bank Rate to 4.25% at the end of 2022/23, with the aim of trying to reduce inflationary price rises.

The report was presented to and considered by the Audit Committee at its meeting of 27 June 2023, the Committee having responsibility for scrutinising all of the Council's

treasury management arrangements. All questions and issues raised at the meeting were addressed to the satisfaction of the Committee Members. The Committee was content to recommend the report to Cabinet for approval.

# Recommendations

Cabinet is recommended to:

- 1) Approve the actual 2022/23 prudential and treasury indicators presented in this report
- 2) Approve the annual Treasury Management Review report for 2022/23
- 3) Commend this report to Council

Cabinet 24 July 2023

# **Treasury Management Review 2022/23**

# 1 Background

1.1 The Council has adopted the Revised Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management 2021. The primary requirements of the code are as follows:

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

Treasury management in this context is defined as:

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

- 1.2 The report therefore summarises the following the:-
  - Council's capital expenditure and financing during 2022/23;
  - Impact of this activity on the Council's underlying indebtedness (the Capital Financing Requirement);
  - Actual prudential and treasury indicators;
  - Overall treasury position identifying how the Council has borrowed in relation to this indebtedness, and the impact on investment balances;
  - Summary of interest rate movements in the year;
  - Detailed debt activity; and
  - Detailed investment activity

# 2 Current Position

# 2.1 The Council's Capital Expenditure and Financing during 2022/23

- 2.1.1 The Council undertakes capital expenditure when it invests in or acquires long-term assets. These activities may either be:
  - Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
  - Financed by borrowing if insufficient immediate financing is available, or a
    decision is taken not to apply available resources, the capital expenditure
    gives rise to a borrowing need.
- 2.1.2 The actual capital expenditure forms one of the required prudential indicators (these indicators are all summarised in Appendix 1). The table below shows the actual level of capital expenditure and how this was financed. As can be seen in the table below, actual capital expenditure in 2022/23 was slightly less than the revised budget estimate. The revised budget estimate is based on the month 8 2022/23 reported position to align with the Annual Treasury Management Strategy 2023/24 report approved on 1 March 2023, and not the latest reported position (month 9 report on 20 March 2023). All prudential indicators in the 2022/23 strategy are based on this revised budget.

	2021/22 Actual £000	2022/23 Revised £000	2022/23 Actual £000
Non-HRA capital expenditure	76,309	59,113	58,577
HRA capital expenditure	680	-	210
Total capital expenditure	76,989	59,113	58,787
Resourced by:			
Capital receipts	11,861	6,163	9,271
Capital grants	31,829	37,326	32,411
Donated Asset	32,333	-	-
• HRA	912	•	•
Revenue	54	90	237
Prudential Borrowing	-	-	-
Unfinanced capital expenditure	-	15,533	16,868

# 2.2 The Council's Overall Borrowing Need

2.2.1 The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). This figure is a gauge of the Council's indebtedness. The CFR results from the capital activity of the Council and resources used to pay for the capital spend. It represents the 2022/23 unfinanced capital expenditure (see above table), and prior years' net or unfinanced capital expenditure which has not yet been paid for by revenue or other resources.

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

# Reducing the CFR

- 2.2.3 The Council's (non-Housing Revenue Account [HRA]) underlying borrowing need (CFR) is not allowed to rise indefinitely. Statutory controls are in place to ensure that capital assets are broadly charged to revenue over the life of the asset. The Council is required to make an annual revenue charge, called the Minimum Revenue Provision (MRP), to reduce the CFR. This is effectively a repayment of the non-HRA borrowing need (there is no statutory requirement to reduce the HRA CFR). This differs from the treasury management arrangements which ensure that cash is available to meet capital commitments. External debt can also be borrowed or repaid at any time, but this does not change the CFR.
- 2.2.4 The total CFR can also be reduced by:
  - The application of additional capital financing resources (such as unapplied capital receipts); or
  - Charging more than the statutory revenue charge (MRP) each year through a Voluntary Revenue Provision (VRP).
- 2.2.5 The Council's 2022/23 MRP Policy (as required by Government) was approved as part of the Treasury Management Strategy report for 2022/23 at the Council meeting on 2 March 2022.
- 2.2.6 The Council's CFR for the year is shown in the table below and represents a key prudential indicator. It includes PFI and leasing schemes held on the balance sheet, which increase the Council's borrowing need. In 2022/23 the Council had seven PFI schemes in operation; however, no borrowing is actually required against these schemes as a borrowing facility is included within each contract.

Capital Financing Requirement	2021/22 Actual £000	2022/23 Revised £000	2022/23 Actual £000
Opening balance	491,713	468,895	468,895
Add unfinanced capital expenditure	-	15,533	16,868
Add adjustment for the inclusion of on-balance sheet PFI and leasing schemes (if applicable)	373	-	246
Less MRP/VRP*	(2,742)	(2,742)	(2,742)
Less PFI & finance lease repayments	(20,449)	(17,504)	(17,544)
Closing balance	468,895	464,182	465,723

<sup>\*</sup> Includes voluntary application of capital receipts and revenue resources

2.2.7 Borrowing activity is constrained by prudential indicators for net borrowing, the CFR and by the authorised limit.

# Gross Borrowing and the CFR

- 2.2.8 In order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2021/22) plus the estimates of any additional capital financing requirement for the current (2022/23) and next two financial years.
- 2.2.9 This essentially means that the Council is not borrowing to support revenue expenditure.
- 2.2.10 This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2022/23 if so required. This flexibility was not used. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator.

	2021/22 Actual £000	2022/23 Revised £000	2022/23 Actual £000
Gross borrowing position	381,045	365,528	365,335
CFR - including PFI / Finance Leases	468,895	464,182	465,723
(Under) / Over funding of the CFR	(87,850)	(98,653)	(100,388)

The table above shows the position as at 31 March 2023 for the Council's gross borrowing position and CFR. This shows, compared to the revised budget position:

- Small movement in the gross borrowing position, due to lower than expected finance leases.
- A slight increase in the CFR due to the additional Prudential Borrowing used to finance the Capital Programme for 2022/23.

# The Authorised Limit

2.2.11 The authorised limit is the "affordable borrowing limit" required by Section 3 of the Local Government Act 2003 and was set at £497.500m. Once this has been set, the Council does not have the power to borrow above this level.

# The Operational Boundary

2.2.12 The operational boundary is the expected borrowing position of the Council during the year and was set at £472.500m. Periods where the actual position is either below or over the boundary is acceptable subject to the authorised limit not being breached. The Council operated well within this boundary in 2022/23.

	2022/23 Actual £000
Authorised Limit	497,500
Operational Boundary	472,500

# Actual financing costs as a proportion of net revenue stream

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

	2022/23 Actual £000
External Debt	160,996
PFI / Finance leases	204,339
Actual External Debt (Gross Borrowing)	365,335
Financing costs as a proportion of net revenue stream (General Fund)	8.81%

2.2.14 The table above splits the gross borrowing position of the Council between actual external debt (loans) and PFI / Finance lease debt. As can be seen above the gross borrowing position is well within the Authorised Limit and Operational Boundary.

## 2.3 The Council's Debt and Investment Position

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

# 2.3.2 At the end of 2022/23 the Council's treasury position was as follows:

	31 March 2022 Principal £000	Average Rate/ Return	Average Life years	31 March 2023 Principal £000	Average Rate/ Return	Average Life years
Fixed rate funding:						
-PWLB	35,241			35,241		
-Stock	6,600			0		
Market	125,756			125,755		
Total external debt	167,597	4.16%	36.05	160,996	4.01%	34.17
PFI & Finance Lease Liabilities	213,448			204,339		
Total Gross Borrowing	381,045			365,335		
CFR	468,895			465,723		
Over/ (under) borrowing	(87,850)			(100,388)		
Investments:						
Financial Institutions/LA's	90,300	0.21%		55,780	2.00%	
Property	15,000	3.83%		15,000	3.59%	
Total investments	105,300			70,780		
Net Debt	62,297			90,216		

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

	2021/22 Actual %	Upper Limit %	Lower Limit %	2022/23 Actual %
Under 12 months	33%	40%	0%	34%
12 months and within 24 months	10%	40%	0%	3%
24 months and within 5 years	12%	40%	0%	17%
5 years and within 10 years	9%	40%	0%	8%
10 years and above	36%	50%	0%	28%

# 2.3.4 The investment portfolio and maturity structure was as follows:

Investment Portfolio	Actual 31 March 2022 £000	Actual 31 March 2022 %	Actual 31 March 2023 £000	Actual 31 March 2023 %
Treasury Investments				
Banks	25,000	23.74%	10,000	14.13%
Building Societies	5,000	4.75%	-	0%
Local Authorities / Public Bodies	14,000	13.30%	10,000	14.13%
Money Market Funds (MMF's)	46,300	43.97%	35,780	50.55%
Total Managed In House	90,300	85.75%	55,780	78.81%
Bond Funds	-		-	
Property Funds	15,000	14.25%	15,000	21.19%
Cash Fund Managers	-		-	
Total Managed Externally	15,000	14.25%	15,000	21.19%
TOTAL TREASURY INVESTMENTS	105,300	100%	70,780	100%
TOTAL NON TREASURY INVESTMENTS	-	0%	-	0%

	2021/22 Actual £000	2022/23 Actual £000
Investments		
Longer than 1 year	-	-
Under 1 year	90,300	55,780
Property Fund	15,000	15,000
Total	105,300	70,780

# 2.3.5 Key features of the debt and investment position are:

- a) Over the course of the year 2022/23, investments have decreased by £34.520m compared to the investments held as at 31 March 2022. The large decrease relates to the accelerated spend on the Capital Programme during the final month of the year but also from a comparative perspective, in March 2022 (at the end of 2021/22), the Council received additional Government grant funding, to enable it to administer the Council Tax Energy Rebate scheme that was to be distributed in 2022/23.
- b) The average rate of return on investments with Financial Institutions increased from 0.21% in 2021/22 to 2% in 2022/23. The year 2022/23 has seen the Bank of England increase the bank rate from 0.75% in March 2022 to 4.25% in March 2023. The Monetary Policy Committee (MPC) has pushed through rises at every subsequent meeting over the period finishing the year with a Bank Rate to 4.25%. Therefore, over the course of the year,

the Council has received greater returns on its investments. The increase in Bank Rate is expected to continue over the first two quarters of 2023/24.

# 2.4 Economic Background 2022/23

- 2.4.1 The economic backdrop during the January 2023 to March 2023 period continued to be characterised by high energy and commodity prices, high inflation, and the associated impact on household budgets and spending. The war in Ukraine continued to keep global inflation above central bank targets and the UK economic outlook remained relatively weak with the chance of a mild recession.
- 2.4.2 Central Bank rhetoric and actions remained consistent with combatting inflation. The Bank of England, US Federal Reserve, and European Central Bank all increased interest rates during 2022/23, even in the face of potential economic slowdowns in those regions.
- 2.4.3 Starting the financial year in April 2022 at 5.5%, the annual Consumer Price Index (CPI) measure of UK inflation rose strongly to hit 10.1% in July 2022 and then 11.1% in October 2022. Inflation remained high in subsequent months but appeared to be past the peak, before unexpectedly rising again in February 2023. Annual headline CPI registered 10.4% in February 2023, up from 10.1% in January 2023, with the largest upward contributions coming from food and housing. The Retail Price Index (RPI) followed a similar pattern during the year, hitting 14.2% in October 2022. In February 2023 RPI measured 13.8%, up from 13.4% in the previous month.
- 2.4.4 Following the decision by the UK Government under Prime Minister Rishi Sunak and Chancellor Jeremy Hunt to reverse some of the support for household energy bills announced under the Liz Truss leadership, further support in the form of a cap on what energy suppliers could charge household was announced in the March 2023 Budget to run from April until end June 2023. Before the announcement, typical household bills had been due to rise to £3,000 a year from April 2023.
- 2.4.5 The labour market remained tight albeit with some ongoing evidence of potential loosening at the end of 2022/23. The unemployment rate 3mth/year eased from 3.8% April-June 2022 to 3.6% in the following quarter, before picking up again to 3.7% between October December 2022. The most recent information for the period December 2022 February 2023 showed an unemployment rate of 3.7%.
- 2.4.6 The inactivity rate was 21.3% in the December 2022 February 2023 quarter, slightly down from the 21.4% in the first quarter of the financial year. Nominal earnings were robust throughout the year, with earnings growth in December 2022 February 2023 at as 5.7% for both total pay (including bonuses) and 6.5% for regular pay. Once adjusted for inflation, however, both measures were negative for that period and have been so throughout most of the year.
- 2.4.7 Despite household budgets remaining under pressure, consumer confidence rose very slightly to -36 in March 2023, following readings of -38 and -45 in the previous two months, and much improved compared to the record-low of -49 in

September 2022. Quarterly GDP was soft through the year, registering a 0.1% gain in the April-June 2022 period, before contracting by (an upwardly revised) - 0.1% in the subsequent quarter. For the October-December 2022 period was revised upwards to 0.1% (from 0.0%), illustrating a resilient but weak economic picture. The annual growth rate in Quarter 4 was 0.6%.

- 2.4.8 The Bank of England increased the official Bank Rate to 4.25% during the financial year. From 0.75% in March 2022, the Monetary Policy Committee (MPC) pushed through rises at every subsequent meeting over the period, with hikes of 50bps in December 2022 and February 2023 and then 25bps in March 2023, taking Bank Rate to 4.25%. March's rise was voted by a majority of 7-2, with two MPC members preferring to maintain Bank Rate at 4.0%. The Committee noted that inflationary pressures remain elevated with growth stronger than was expected in the February 2023 Monetary Policy Report. The February 2023 vote was also 7-2 in favour of a hike, and again with two members preferring to keep Bank Rate on hold.
- 2.4.9 After reaching 9.1% in June 2022, annual US inflation slowed for eight consecutive months to 6% in February 2023. The Federal Reserve continued raising interest rates over the period with consecutive increases at each Federal Open Market Committee meetings, taking policy rates to a range of 4.75%- 5.00% at the March 2023 meeting.
- 2.4.10 From the record-high of 10.6% in October 2022, Eurozone CPI inflation fell steadily to 6.9% in March 2023. Energy prices fell, but upward pressure came from food, alcohol, and tobacco. The European Central Bank continued increasing interest rates over the period, pushing rates up by 0.50% in March 2023, taking the deposit facility rate to 3.0% and the main refinancing rate to 3.5%.

# **Financial Markets**

- 2.4.11 Uncertainty continued to be a key driver of financial market sentiment and bond yields remained relatively volatile due to concerns over elevated inflation and higher interest rates, as well as the likelihood of the UK entering a recession and questions about how long the Bank of England would continue to tighten monetary policy. Towards the end of the period, fears around the health of the banking system following the collapse of Silicon Valley Bank in the US and purchase of Credit Suisse by UBS caused further volatility.
- 2.4.12 Over the period the 5-year UK benchmark gilt yield rose from 1.41% to peak at 4.70% in September 2022 before ending the financial year at 3.36%. Over the same timeframe the 10-year gilt yield rose from 1.61% to peak at 4.51% before falling back to 3.49%, while the 20-year yield rose from 1.82% to 4.96% and then declined to 3.82%. The Sterling Overnight Rate (SONIA) averaged 2.24% over the period.

# **Credit Review**

2.4.13 With regard to the credit ratings of Local Government bodies (who have chosen to have a rating), early in the period, Moody's affirmed the long-term rating of

- Guildford BC but revised the outlook to negative. The agency also downgraded Warrington BC and Transport for London.
- 2.4.14 In July 2022 Fitch revised the outlook on Standard Chartered and Bank of Nova Scotia from negative to stable and in the same month Moody's revised the outlook on Bayerische Landesbank to positive.
- 2.4.15 In September 2022 Standard & Poor (S&P) revised the outlook on the Greater London Authority to stable from negative and Fitch revised the outlook on HSBC to stable from negative.
- 2.4.16 The following month Fitch revised the outlook on the UK sovereign rating to negative from stable. Moody's made the same revision to the UK sovereign rating, following swiftly after with a similar move for a number of local authorities and UK banks including Barclays Bank, National Westminster Bank (and related entities) and Santander. During the last few months of the reporting period there were only a handful of credit changes by the rating agencies, then in March 2023, the collapse of Silicon Valley Bank (SVB) in the US quickly spilled over into worries of a wider banking crisis as Credit Suisse encountered further problems and was bought by UBS.
- 2.4.17 Credit Default Swap (CDS) prices had been rising since the start of the year due to the invasion of Ukraine, and in the UK rose further in September/October 2022 at the time of the then-Government's mini budget. After this, CDS prices had been falling, but the fallout from SVB caused a spike arising from the heightened uncertainty. However, they had moderated somewhat by the end of the year in March 2023 as fears of contagion subsided, but many are still above their pre-March 2023 levels reflecting that some uncertainty remains.
- 2.4.18 As market volatility is expected to remain a feature, at least in the near term and, as ever, the institutions and durations on the Council's counterparty list will continue to remain under constant review. Local authorities remain under financial pressure, but the positive view of the sector is that its credit strength remains to be high. Section 114 notices have been issued by only a handful of authorities with specific issues.

# 2.5 Borrowing Strategy and control of interest rate risk

- 2.5.1 During 2022/23, the Council maintained an under-borrowed position. This meant that the capital borrowing need, (the Capital Financing Requirement), was not fully funded with loan debt, as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were low and minimising counterparty risk on placing investments also needed to be considered.
- 2.5.2 A cost of carry remained during the majority of the year on any new long-term borrowing that was not immediately used to finance capital expenditure, as it would have caused a temporary increase in cash balances; this would have incurred a revenue cost the difference between (higher) borrowing costs and (lower) investment returns.

- 2.5.3 The policy of avoiding new borrowing by running down spare cash balances, has served well over the last few years. However, this was kept under review to avoid incurring higher borrowing costs in the future when the Authority may not be able to avoid new borrowing to finance capital expenditure and/or the refinancing of maturing debt.
- 2.5.4 Against this background and the risks within the economic forecast, caution was adopted with the treasury operations. The Treasury Management Team and the Director of Finance therefore monitored interest rates in financial markets and adopted a pragmatic strategy based upon the following principles to manage interest rate risks
  - if it had been felt that there was a significant risk of a sharp fall in long and short term rates, (e.g., due to a marked increase of risks around relapse into recession or of risks of deflation), then long term borrowings would have been postponed, and potential rescheduling from fixed rate funding into short term borrowing would have been considered.
  - if it had been felt that there was a significant risk of a much sharper rise in long and short term rates than initially expected, perhaps arising from an acceleration in the start date and in the rate of increase in central rates in the USA and UK, an increase in world economic activity or a sudden increase in inflation risks, then the portfolio position would have been reappraised. Most likely, fixed rate funding would have been drawn whilst interest rates were lower than they were projected to be in the next few years.
- 2.5.5 Interest rate forecasts throughout 2022/23 have been rising which has seen gradual rises in medium- and longer-term fixed borrowing rates during 2022/23 and the two subsequent financial years mainly due to inflation concerns. Internal, variable, or short-term rates, were the cheaper form of borrowing over the period.
- 2.5.6 The Authority continues to hold £85.500m of LOBO (Lender's Option Borrower's Option) loans where the lender has the option to propose an increase in the interest rate at set dates, following which the Authority has the option to either accept the new rate or to repay the loan at no additional cost. No banks exercised their option during the year.
- 2.5.7 During 2023/24 and given the rising of the Bank Rate throughout 2022/23, the Council in conjunction with its treasury advisors will be assessing its LOBO portfolio, as these loans from some banks may present restructuring opportunities with substantial value from a negotiated settlement with the bank. The benefits, include restructuring savings and the opportunity to reduce exposure to medium/long-term optionality.

#### 2.6 Borrowing Outturn for 2022/23

#### **Treasury Borrowing**

2.6.1 Due to high cash balances and investment concerns, both counterparty risk and low investment returns at the start of the year, no borrowing was undertaken during the year.

#### **Debt Rescheduling**

2.6.2 There was no rescheduling of debt during the year. As interest rate have been steadily raising the Council will look at debt scheduling opportunities during 2023/24.

#### Repayment of Debt

2.6.3 In September 2022, the Council repaid its loan stock of £6.600m which yielded a rate of 12%. No additional cost was incurred in the repayment as the maturity date had been reached.

#### Borrowing in Advance of Need

2.6.4 The Council has not borrowed in advance of its needs.

#### 2.7 Investment Outturn

#### **Investment Policy**

- 2.7.1 The Council's investment policy is governed by the Department for Levelling up, Housing and Communities (DLUHC), previously the Ministry of Housing, Communities and Local Government (MHCLG) investment guidance. This has directed the preparation of the annual investment strategy which for 2022/23 was approved by Council on 2 March 2022. This policy sets out the approach for choosing investment counterparties and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data (such as rating outlooks, credit default swaps, bank share prices etc.).
- 2.7.2 Both the CIPFA Code and Government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income. The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.
- 2.7.3 Bank Rate has increased from 0.75% at the beginning of the year to 4.25% at the end of March 2023. Short-dated cash rates, which had ranged between 0.7% 1.5% at the beginning of April 2022, rose by around 3.5% for overnight/7-day maturities and 3.3% for 6–12-month maturities by the end of the year. By the end of March 2023, the rates on Debt Management Account Deposit Facility (DMADF)

deposits ranged between 4.05% and 4.15%. The return on the Council's sterling Low Volatility Net Asset Value (LVNAV) Money Market Funds ranged between 0.9% - 1.1% per annum in early April and between 4.04% and 4.12% at the end of March 2023.

#### Resources

2.7.4 The Council's cash balances comprise revenue and capital resources and cash flow monies. The Council's core cash resources comprised as follows:

	31 March 2022	31 March 2023
Balance Sheet Resources	£000	£000
Balances General Fund	(20,012)	(18,865)
Balances HRA	(21,721)	(22,585)
Earmarked Revenue Reserves	(99,228)	(79,130)
Revenue Grant Reserve	(10,731)	(7,968)
School Reserve	(10,192)	(8,381)
Provisions	(19,698)	(12,782)
Total	(181,582)	(149,711)

#### Investments at 31 March 2023

2.7.5 The Council managed all of its investments in house with the institutions listed in the Council's approved lending list. At the end of the financial year the Council had £70.780m of investments as follows:

Institution	Type	Amount £000	Term/ Days	Rate%	Start Date	End Date
CCLA Property	Property	15,000		3.59%		
		15,000				
Stirling Council	Fixed	5,000	182	3.40%	21-Nov-22	22-May-23
Wrexham Council	Fixed	5,000	182	3.50%	22-Nov-22	22-June-23
Close Brothers Ltd	Fixed	5,000	181	3.50%	22-Nov-22	22-June-23
Close Brothers Ltd	Fixed	5,000	182	4.10%	29-Dec-22	29-June-23
<b>Total Fixed Deposits</b>		20,000				
Morgan Stanley MMF*	MMF	20,000	366	4.12%	31-Mar-22	01-Apr-23
Federated MMF*	MMF	10,000	5	4.04%	27-Mar-23	01-Apr-23
Total Money Market Funds (MMF)		35,780				
Total Investments		70,780	·	·		·

<sup>\*</sup> Money Market Funds (MMF)

2.7.6 The Council's investment strategy as set in March 2022, was to maintain sufficient cash reserves to give it necessary liquidity, whilst trying to attain a benchmark average rate of return of London Interbank Bid Rate (LIBID) on the relevant time deposit multiplied by 5%, whilst ensuring funds were invested in institutions which were the most secure. LIBID ceased to be used by the Bank of England at 31 December 2021, with SONIA (Sterling Overnight Index Average) replacing it. During the year and in line with the industry movement from LIBID to SONIA the Council updated its measurement of performance to a SONIA

benchmark. The table below shows the Council's performance against the investment benchmark. The benchmark for 2022/23 is based on the SONIA.

	Benchmark SONIA Return %	Benchmark SONIA Return % Plus 5%	Actual Return
			%
Overnight	2.24%	2.35%	2.38%

2.7.7 The Council's investment in the Churches, Charities and Local Authorities (CCLA) Property Fund yielded dividends in year of £0.573m with an average return of 3.59%. This has dropped slightly compared to 2021/22 but continues to provide high returns compared to other investments the Council holds. The higher return reflects the long-term nature of the investment.

#### 2.8 Other Key Issues

## International Financial Reporting Standards (IFRS) 9 – Financial Instruments Pooled Investment Fund Statutory Override

2.8.1 The DLUHC published a consultation on the IFRS 9 pooled investment fund statutory override for English Authorities for fair value gains and losses on pooled investment funds which was due to expire with effect from 2023/24. The options under evaluation were to allow the override to lapse, to extend it, or to make it permanent. The override will be extended for two years and therefore remain in place for the 2023/24 and 2024/25 financial years. Under the Regulations, gains and losses resulting from unrealised fair value movements relating to treasury pooled investment funds, that otherwise must be recognised in profit or loss under IFRS 9, are not charges to the revenue account, and must be taken into an unusable reserve account.

#### 3 Options/Alternatives

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

#### 4 Preferred Option

4.1 The preferred option is that the contents of the report are agreed by Cabinet and commented to Council for approval.

#### 5 Consultation

5.1 There has been consultation with the Council's, Treasury Management Advisors, Arlingclose.

- The Treasury Management Review 2022/23 report was presented to the Audit Committee for detailed scrutiny on 27 June 2023. All questions and matters raised at the Committee were addressed. This scrutiny prior to approval was in compliance with the requirements of the CIPFA Code of Practice.
- 5.3 The Committee was content to recommend the report to Cabinet, therefore, the report is now presented to Cabinet for approval and for commending to Council for its approval.
- 6 Financial Implications
- 6.1 All included in the report.
- 7 Legal Services Comments
- 7.1 None
- 8 Cooperative Agenda
- 8.1 The treasury management strategy embraces the Council's cooperative agenda. The Council will develop its investment framework to ensure it complements the cooperative ethos of the Council.
- 9 Human Resources Comments
- 9.1 None
- 10 Risk Assessments
- 10.1 There are considerable risks to the security of the Authority's resources if appropriate treasury management strategies and policies are not adopted and followed. The Council has established good practice in relation to treasury management which has previously been acknowledged in Internal Audit reports and in the External Auditors' reports presented to the Audit Committee.
- 11 IT Implications
- 11.1 None
- 12 **Property Implications**
- 12.1 None
- 13 **Procurement Implications**
- 13.1 None
- 14 Environmental and Health & Safety Implications
- 14.1 None

- 15 Equality, community cohesion and crime implications
- 15.1 None
- 16 Equality Impact Assessment Completed
- 16.1 No
- 17 Key Decision
- 17.1 Yes
- 18 **Key Decision Reference**
- 18.1 N/A
- 19 **Background Papers**
- 19.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

File Ref: Background papers are provided in Appendix 1

Officer Name: Lee Walsh

Contact No: 0161 770 6608

20 Appendices

Appendix 1 Prudential and Treasury Management Indicators

### Appendix 1: Prudential and Treasury Indicators

TABLE 1: Prudential indicators	2021/22	2022/23	2022/23	2022/23
	Outturn	Original	Revised	Outturn
Capital Expenditure				
Non – HRA	76,989	96,865	59,113	58,577
HRA		3,383	0	210
TOTAL	76,989	100,248	59,113	58,787
Ratio of financing costs to net revenue stream  Non – HRA	9.65%	12.00%	8.81%	8.81%
In year Capital Financing Requirement Non – HRA	(22,818)	51,352	(4,713)	(3,172)
TOTAL	(22,818)	51,352	(4,713)	(3,172)
Capital Financing Requirement as at 31 March	468,895	520,247	464,182	465,723

TABLE 2: Treasury Management Indicators	2021/22	2022/23	2022/23	2022/23
	Outturn	Original Budget	Revised	Outturn
Authorised Limit for External Debt				
Borrowing	302,500	336,500	285,000	285,000
Other long term liabilities	220,500	211,500	212,500	212,500
TOTAL	523,000	548,000	497,500	497,500
Operational Boundary for External Debt Borrowing	282,500	316,500	265,000	265,000
Other long term liabilities TOTAL	215,500 <b>498,000</b>	206,500 <b>523,600</b>	207,500 <b>472,500</b>	207,500 <b>472,500</b>
Actual Gross Borrowing	381,045	323,333	712,000	365,335
Upper limit for total principal sums invested for over 364 days	50,000	50,000	50,000	50,000

Maturity structure of fixed rate borrowing during 2021/22	Upper Limit	Lower Limit	Actual
Under 12 months	40%	0%	35%
12 months and within 24 months	40%	0%	3%
24 months and within 5 years	40%	0%	17%
5 years and within 10 years	40%	0%	8%
10 years and above	50%	0%	28%



#### **PART A**

#### **Report to CABINET**



## Contractual Arrangements – Adult & Children Social Care Software Application (MOSAIC – The Access Group)

Portfolio Holder: Cllr Jabbar – Cabinet Member for Finance and Corporate Resources; In consultation with Cllr Shaid Mustaq – Cabinet Member for Children & Young People, Cllr Barbara Brownridge – Cabinet Member for Health and Social Care

Officer Contact: Sayyed Osman, Deputy Chief Executive

Report Author: Irfan Rasul - Digital Technology Manager / Senga

Henstock - ICT Senior Buyer

#### 24<sup>th</sup> July 2023 Reason for Decision

To enter into a call-off contract under a procurement compliant framework agreement in accordance with Contract Procedure Rules to support the ongoing use of Mosaic Social Care System for both Children's and Adult Social Care for 3 years with the option to extend by a further 2 years

#### **Executive Summary**

The report seeks approval to enter into a call-off contract with Access UK Limited to provide the Mosaic Social Care System, including Workflow API, together with any additional modules and services for Mosaic, subject to budget approval.

The current contract for Mosaic will expire on 16 July 2023; however, the Council requires continued use of the system and, therefore, a replacement contract is required to commence immediately following the expiry of the current contract.

The purpose of this report is to seek approval to procure a new support plan for the Hosted Managed Service of the Customers Integrated Adult and Children's Social Care System under an existing Framework Agreement for 3 years with the option to extend twice on an annual basis (3+1+1).

Cabinet June 2023

# Contractual Arrangements – Adult & Children Social Care Software Application (MOSAIC – The Access Group)

#### Recommendations

Approve a Call-Off Contract under YPO Ref No 1095 Software Applications Solutions Framework Agreement Lot 12 Health & Social Care Systems largely on the call-off terms and conditions prescribed by the Framework Agreement and delegate authority to the Director of Legal Services to formalise any relevant legal requirements, including the execution of the Call-Off Contract as a Deed.

#### 1 Background

1.1 Frameworki software was procured in 2011, which was subsequently upgraded to MOSAIC in July 2017. The MOSAIC system plays a critical role in Adults and Children's Services. The current agreement is due to expire July 2023.

#### 2 Current Position

2.1 MOSAIC continues to be an integral application for Oldham Council, the preferred option is to remain with Access Group as the provider of Adults & Children's Social Care Application.

#### 3 Options/Alternatives

3.1 Option A – approve a call-off under YPO Ref No 1095 Software Applications Solutions Framework Agreement Lot 12 Health & Social Care Systems for the continued use and support of the Mosaic system which will ensure the system support is in place to continue to optimise usage of the Software and ensure the Council have maximised total cost of investment.

Option B – not approve the call-off and tender for a new system. This may result in significant increased costs for the Council, which are associated with buying a Business-Critical system. Additionally, the timescales for procurement, implementation, and Business Change would typically be 18 months. Interim arrangements would need to be made in this time as loss of the system is not a viable option.

#### 4 Preferred Option

- 4.1 Option A approve a Call-Off Contract under YPO Ref No 1095 Software Applications Solutions Framework Agreement Lot 12 Health & Social Care Systems.
- 5 Consultation
- 5.1 None
- 6 Financial Implications
- 6.1 The financial information is included in Part B Confidential Information.

#### 7 Legal Services Comments

7.1 Rule 4 of the contract Procedure Rules allows for a call-off to be made under a procurement compliant framework agreement. This is also permissible under the Public Contract Regulations 2015. As detailed in the procurement comments below, it is proposed that a call-off is made under YPO Ref No 1095 Software Applications Solutions Framework Agreement Lot 12 Health & Social Care Systems. The Commercial Procurement Unit has confirmed this is a procurement compliant framework agreement and that a direct award is permissible. If approved, the call-off contract will be in the form prescribed by the framework and subject to the pre-agreed call-off terms and conditions. The Commercial Procurement Unit will liaise with Legal Services when drafting and finalising the call-off contract. Sarah Orrell - Commercial & Procurement Solicitor

#### 8. Co-operative Agenda

8.1 Mosaic is an essential application used by Adult and Children Social Care Services; the application allows social workers to record data accurately and efficiently and therefore reduces social worker time, allowing social workers to deliver essential services to residents (Mahmuda Khanom, Policy Support Officer)

#### 9 Human Resources Comments

9.1 None

#### 10 Risk Assessments

Mosaic is a critical business system for use by Adult and Children's Social Care, 10.1 without this system there is a high risk to the residents of Oldham. If the Mosaic system was unavailable for even a short period of time it would cause a significant impact on Council officers to carry out their statutory roles responsibilities. Appropriate checks should be carried out with Access UK Limited to ensure they comply with the Council requirements. Consideration should be made to appropriately review future procurement prior to the end of the contract period to ensure a timely future procurement exercise.

Vicki Gallacher Head of Insurance and Information Governance

#### 11 IT Implications

- 11.1 None The infrastructure, connectivity and access will remain the same
- 12 **Property Implications**
- 12.1 None
- 13 **Procurement Implications**
- 13.1 Commercial Procurement supports the recommendation of Option A, via Direct Award YPO Framework 1095 Lot 12 Health & Social Care Systems. YPO have completed a fully compliant process to allow Local Authorities a call-off route via direct award, meaning Oldham Council can purchase directly from a chosen supplier without having to run a further competitive process.

Procurement will work with the service and ensure the YPO Buying Guidelines are followed. This Framework is compliant with the Council's Contract Procedure Rules. Senga Henstock – ICT Senior Buyer

- 14 Environmental and Health & Safety Implications
- 14.1 None
- 15 Equality, community cohesion and crime implications
- 15.1 None
- 16 Oldham Impact Assessment Completed?
- 16.1 Yes
- 17 Key Decision
- 17.1 Yes
- 18 **Key Decision Reference**
- 18.1 Agenda No 19 on Key Decision Document 24<sup>th</sup> July 2023 reference number HSC-11-23.
- 19 **Background Papers**
- 19.1 N/A
- 20 Appendices
- 20..1 Appendix 1 Impact Assessment Contract Arrangements Adult & Children's Social Care





#### **Report to CABINET**

## Approval to Award the Tree Surgery Framework

#### **Portfolio Holder:**

Cllr Chris Goodwin, Cabinet Member for Neighbourhoods

Officer Contact: Emma Barton, Executive Director for Place &

**Economic Growth** 

Report Author: Nik Anderson, Senior Arboricultural & Countryside

Officer **Ext.** 4066

24th July 2023

#### **Reason for Decision**

To seek approval for the awarding of the framework agreement for Tree Surgery Services.

#### Recommendations

It is recommended that the framework agreement is awarded to the 5 highest ranking bidders.

#### Approval to Award the Tree Surgery Framework

#### 1 Background

- 1.1 Oldham has 466,000 trees, many of which are situated in the urban setting. Trees and woodlands need active management in order to be safe and to maximise their ecosystem, social and economic benefits.
- 1.2 Prior to 2005, Oldham's trees were maintained by in-house arboricultural teams. Since 2005, Oldham's trees have been maintained by external contactors
- 1.3 From 2007/8, Oldham Council has procured a framework of contractors which has been renewed and refreshed on several occasions.
- 1.4 The purpose of this report is to present the results of the latest procurement exercise to appoint a new and resilient framework of tree surgery contractors.

#### 2 Current Position

- 2.1 A framework agreement is to be established and used for allocating jobs, either by direct award to the first ranked bidder, or mini competition if the value of works is above £5,000.
- 2.2 To establish the framework, an Invitation to Tender (ITT) was advertised using the open tender procedure as defined by the Public Contract Regulations 2015. The ITT was advertised on the 'Chest e-procurement portal' on 9 March as well as 'Contracts Finder' and 'Find a Tender Service' with a deadline of 18 April 2023.
- 2.3 Following the advertisement, a supplier engagement event was held on 15 March 2023 with the primary objective of providing support and guidance in the tender process which included social value. The event was well received with 10 organisations attending; 2 of which were local and 4 located with the Greater Manchester area.
- 2.4 16 submissions were received; 11 of which were compliant. These were evaluated by the Commercial Procurement Unit and arboricultural specialists within the Environmental Services Team using the following criteria:
  - Quality 60%
  - Social Value 10%
  - Price 30%
- 5 bidders were identified as the outcome of the evaluation as offering the most economic advantageous packages in relation to service delivery, cost, and social value. Details are contained within part b of this report.

#### 3 Options/Alternatives

3.1 Option 1: To award the framework agreement to the most economically advantageous bidders. This provides a high-quality service and security should emergencies occur.

3.2 Option 2: Do nothing. This would result in no formal framework agreement in place, breaching the Public Contract Regulations 2015 and no guaranteed stand-by and emergency provisions in place, both of which increase the risk for the Council.

#### 4 Preferred Option

4.1 Option 1: To award the framework agreement to the most economically advantageous bidders. This provides a high-quality service and security should emergencies occur.

#### 5 Consultation

5.1 No wider consultation was deemed necessary.

#### 6 Financial Implications

- 6.1 The cost of awarding contracts through the proposed framework will depend on the scope, type and urgency of the works required.
- Tree surgery and related works are funded from the existing revenue budget of 0.250m for arboriculture within Environmental Services. Works will only be undertaken on a priority basis within the constraints of the existing budget.

(John Edisbury)

#### 7 Legal Services Comments

7.1 As detailed within the procurement comments, a compliant tender process has been undertaken in accordance with the Public Contract Regulations 2015 and, therefore, Contract Procedure Rules. Provided all bids have been evaluated in accordance with the advertised award and scoring criteria and in accordance with the invitation to tender, there should be no legal implications in awarding and entering into a framework agreement with the most economically advantageous bidders. As required by procurement rules, the form of framework agreement was included within the tender opportunity. Legal Services should be instructed to produce a framework agreement for each successful contractor in the prescribed form.

(Sarah Orrell – Commercial & Procurement Solicitor)

#### 8. Co-operative Agenda

8.1 Recommendations proposed in this report align with the Council's Co-Operative agenda as awards will be given to suppliers who can deliver a high-quality service, add social value within the process at an economically advantageous rate

(Mahmuda Khanom)

#### 9 Human Resources Comments

9.1 No HR Implications.

(Catherine Pearson Strategic HR Lead)

#### 10 Risk Assessments

10.1 No specific concerns from a risk perspective

(Mark Stenson)

11 **IT Implications** 11.1 None 12 **Property Implications** 12.1 None 13 **Procurement Implications** 13.1 The Commercial Procurement Unit supports the recommendation outlined in the report. A compliant tender exercise has been undertaken in line with both the Council's Contract Procedure Rules and the Public Contract Regulations 2015. (Emily Molden) 14 **Environmental and Health & Safety Implications** 14.1 Health and safety performance such as convictions or enforcement notices should be considered prior to awarding the contract. Health and Safety critical documentation such as risk assessments, safe systems of work etc, of the preferred organisations should be checked by the relevant manager, as should relevant supervisory checks of any contractors/works. (Matthew Hill) 15 Equality, community cohesion and crime implications 15.1 None **Oldham Impact Assessment Completed?** 16 16.1 No 17 **Key Decision** 17.1 Yes 18 **Key Decision Reference** 18.1 NEI-08-23. 19 **Background Papers** 19.1 None 20 **Appendices** 

20.1

Appendix 1 - Impact Assessment



#### **Report to CABINET**

### **Environmental Warranty at Fitton Hill**

Portfolio Holder: Councillor Taylor - Lead Member for Housing

Officer Contact: Paul Clifford – Director of Economy

Report Author: Ben Hill – Housing Delivery Team Leader

**Ext.** 5261

24th July 2023

#### Reason for Decision

To confirm settlement to the Notice issued by ForHousing on 28<sup>th</sup> September 2022, notifying the Council of purported breaches of the environmental warranties in the Transfer Agreement between the Council and Villages Housing Association in 2004.

#### Recommendations

To authorise the Director of Legal Services or their nominated representative to sign and/or affix the Common Seal of the Council to all documents required to bring effect to the recommendations in this Report.

Cabinet 24 July 2023

#### **Environmental Warranty at Fitton Hill**

#### 1 Background

1.1 Cabinet approved the disposal of land at Fitton Hill to Countryside in March 2020. The land is being sold in partnership with ForHousing who own 43.28% compared to the Council's 56.72% holding. Sales proceeds were split accordingly.

1.2 Countryside reserved the right to complete further Site Investigations and revise the offer accordingly. An independent report by Savills was commissioned by the Council and ForHousing which confirmed these additional costs were reasonable and justified.

#### 2. Current Position

- 2.1 Part of the land which ForHousing have sold was formerly owned by the Council. This land was acquired by The Village Housing Association Limited from the Council in 2004 via a small-scale stock transfer. In the relevant transfer agreement, the Council provided a warranty to The Village Housing Association Limited which effectively confirmed that there was no contamination in the relevant land. In 2019 The Village Housing Association Limited merged into City West Housing Trust, which was renamed ForHousing Limited.
- 2.2 The claim is based on a report ForHousing commissioned from Arup that concluded certain abnormal costs identified by Countryside could form the basis of a claim under the Warranties (namely those abnormal costs arising in respect of soil contamination and ground gas at the Property).
- 2.3 A Notice of Breach dated 28 September 2022 was served on the Council.
- 2.4 The Council subsequently instructed Ramboll to provide a technical review of the Arup Report (including a review of the e3p Reports), to confirm whether the conclusions reached in the Arup Report can be accepted by OBC (i.e.whether Arup's identification and valuation of the abnormal costs covered under the Warranties is fair and reasonable). The report issued by Ramboll on 23 March 2023 confirmed that:
  - The rates applied as mitigation are reasonable; and
  - The pro-rata calculation applied by Arup on behalf of ForHousing is correct.
- 2.5 The Council has been advised on this issue by Pinsent Masons. After accessing relevant information their assessment recommends that:
  - The Notice of Breach is valid; ForHousing has the benefit of the Warranties; and the Warranties apply;
  - The Council ought to satisfy ForHousing's Notice of Breach by remedying the breach.

#### 3 Options/Alternatives

3.1 Option 1 – Settle the Claim

Based on the information above, the Council provided a Warranty when the land was transferred to Villages in 2004. Now that the sale to Countryside has been completed, the

claim against the Council has been crystallised. The quantum of this claim has been independently verified as accurate.

3.2 Option 2 – Fight the claim

Challenge the claim. The Council has no grounds to defend the claim and would only incur additional legal costs should this option be pursued.

- 4 Preferred Option
- 4.1 Option 1 is the preferred option for the reasons outlined above.
- 5 Consultation
- 5.1 The Lead Member for Housing has been briefed.
- 6 Financial Implications
- 6.1 Contained within the Part B Report

(James Postle)

- 7 Legal Services Comments
- 7.1 Contained within the Part B Report.

(Rebecca Boyle, Corporate Group Solicitor).

- 8. Co-operative Agenda
- 8.1 By settling the Warranty, it will enable new homes to be built including a mix of affordable and private which will benefit the residents of Oldham. It will also bring back derelict and heavily fly tipped land into positive use. The Developer will also offer a number of apprenticeships and use local supply chains further benefitting the borough.

(Mahmuda Khanom)

- 9 Human Resources Comments
- 9.1 None arising from this report.
- 10 Risk Assessments
- 10.1 Contained within the Part B Report

(Mark Stenson)

- 11 IT Implications
- 11.1 None.
- 12 **Property Implications**
- 12.1 No direct implications arising from this report as the asset has already been sold.

  (Katy Webster)
- 13 **Procurement Implications**
- 13.1 Not applicable.

- 14 Environmental and Health & Safety Implications
- 14.1 The redevelopment of the land will include remediation to ensure the whole site is clear of contamination. (Ben Hill)
- 15 Equality, community cohesion and crime implications
- 15.1 None
- 16 Oldham Impact Assessment Completed?
- 16.1 Yes
- 17 Key Decision
- 17.1 Yes
- 18 **Key Decision Reference**
- 18.1 NEI-04-23.
- 19 **Background Papers**
- 19.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

File Ref: Fitton Hill

Name of File: Env Warranty

Records held in Economy and Place Department,

Officer Name : Ben Hill Contact No : 5261



#### **Report to CABINET**

# Settled accommodation programme for Afghan and Ukrainian Refugees

#### **Portfolio Holder:**

Councillor Taylor - Cabinet Member for Housing and Licensing

Officer Contact: Paul Clifford, Director of Economy

Report Author: Abigail Bailey, Graduate Management Trainee

Ext.

24 July 2023

#### Reason for Decision

The Department for Levelling Up, Housing and Communities (DLUHC) has made £500 million available to local authorities across England to assist with housing refugees who are homeless, at risk of homelessness or living in unsuitable temporary accommodation and who are in the UK under certain specific programmes.

Oldham Council has been allocated grant funding from the £500m which will be used to make 11 properties available in the borough that will be designed to support Ukrainian and Afghan refugees between 2022-24.

This report confirms the allocation of funding and the completion of a Memorandum of Understanding between the Council and DLUHC. It also seeks approval to enter into a grant agreement with two RPs to contribute to the delivery of these homes.

#### **Executive Summary**

The Council have been allocated a portion of a £500 million capital fund to support Local Authorities who are assessed to be facing the greatest challenges in providing move on and settled accommodation for Afghan and Ukrainian refugee cohorts.

Oldham have been identified to be eligible for capital grant funding totaling £1,027,244 from DLUHC. This is not a competitive fund and the Council is expected to use the grant to provide a minimum of 8 homes, in addition to a minimum of 3 larger properties as bridging accommodation relief for the benefit of Afghan and Ukrainian refugees.

The grant funding will support ongoing delivery of GMCA's wider Homelessness Prevention and Reduction Strategy.

#### Recommendations

It is recommended that Cabinet:

- Confirms acceptance of the grant form DLUHC.
- Delegates authority to the Director of Economy to agree and enter into grant agreements with two RP Partners (which will incorporate the requirements under the MoU) to deliver the homes, subject to the Subsidy Control regime.
- Delegates authority to the Director of Legal Services to formalise any necessary legal requirements including signing and/or sealing any documentation required to give effect to the recommendations and/or delegations in this report.
- Delegates authority to the Director of Economy and/or their nominee to approve the appointment of external legal advisers required to protect the Council's interests and give effect to the recommendations in this report.

Cabinet July 2023

#### Settled accommodation programme for Afghan and Ukrainian Refugees

#### 1 Background

1.1 The government have recognised that local authorities play an integral role in welcoming and integrating visa scheme arrivals to the UK and accept that this will place additional pressures on existing Council resources.

- 1.2 As a result, the government has introduced further support to help guests from the Ukraine, and those who arrive from Afghanistan to find suitable private rented accommodation, and signposting to mental health providers and charities.
- 1.3 To assist Local Authorities, DLUHC has introduced a £500m capital fund, which fund is to be administered by local authorities. Oldham has been allocated main element funding of £566,400 (Minimum of 8 homes) and a further £460,844 for bridging accommodation (3 larger 4+ bed homes).
- 1.5 The purpose of the fund is to support LAs during the Financial year 2022/23/-2023/24 to obtain and refurbish property in the borough to provide sustainable housing for those unable to secure their own accommodation that have arrived in Oldham under the following schemes: Afghan Citizen Resettlement Scheme, Afghan Relocations and Assistance Policy, Ukrainian Family Scheme, Homes for Ukraine and Ukraine Extension Scheme.
- 1.6 Although it was originally intended that spend would begin in the financial year 2022/2023, the government have indicated that they anticipate the majority of the spend will occur in 2023/2024.

#### 2 Current Position

- 2.1 The Council presented the opportunity to deliver the grant scheme to Oldham Strategic Housing Partnership to gauge interest from Registered Partners. The grant prospectus was shared with Registered Provider Partners outlining requirements for both the Main Element and Bridging Element. Both Providers will source properties and provide match funding requirements outlined in the MoU. Properties acquired from the grant will be allocated to eligible cohorts for first lets.
- The grant encompasses both funding for the main element fund and bridging element. The total value of the grant is £1,027,244. The Council signed the Memorandum of Understanding between OMBC and DLUHC, committing the Council to develop a delivery plan to allocate funding in March 2023. The Council have identified eligible families that are suitable for the grant scheme.

#### 3 Options/Alternatives

The two available options are:

3.1 Option 1 – Do not enter into an MoU with DLUHC and do not enter into a grant agreement with two RP Partners. Proceeding with this option would result in the Council being unable to deliver the Local Authority Housing Fund (LAHF) project detailed in this report and increased risk of homelessness for Ukrainian and Afghan refugee cohorts.

3.2 Option 2 – Enter into an MoU with DLUHC and a grant agreement with two RPs to deliver the LAHF scheme. Taking this approach would enable the Council to continue to support our refugee communities, preventing risk of further homelessness in the borough. The grant will fund 11 properties of both permanent and temporary accommodation placements for eligible cohorts.

#### 4 Preferred Option

- 4.1 Option 2 is the preferred option.
- 5 Consultation
- 5.1 The Lead Member for Housing has been briefed.
- 6 Financial Implications
- There is no anticipated cost to the Council in the basis that the grant is being passported to partner organisations.
- 7 Legal Services Comments
- 7.1 Contained within the Part B Report.
- 8. Co-operative Agenda
- 8.1 The recommended option is supported as it aligns with the Council's Co-Operative agenda. The £500m capital funds will be used to support vulnerable Ukrainian and Afghan refugees needing accommodation and will prevent an increase of homelessness in the borough. Additionally, the proposal will allow the Council to work in partnership with two Registered Providers.

(Mahmuda Khanom, Policy Support Officer)

- 9 Human Resources Comments
- 9.1 None
- 10 Risk Assessments
- 10.1 Contained within the Part B Report.
- 11 IT Implications
- 11.1 None
- 12 **Property Implications**
- 12.1 There are no direct implications arising from this report as the Council will not own the properties. (Katy Webster)
- 13 **Procurement Implications**
- 13.1 Contained within the Part B Report.
- 14 Environmental and Health & Safety Implications

- 14.1 None
- 15 Equality, community cohesion and crime implications
- 15.1 This funding is being used to provide accommodation for some of Oldham's most disadvantaged residents.

(Ann-Marie McGinn)

- 16 Oldham Impact Assessment Completed?
- 16.1 Yes/Corvu
- 17 Key Decision
- 17.1 Yes
- 18 **Key Decision Reference**
- 18.1 NEI-05-23
- 19 **Background Papers**
- 19.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

File Ref:

Name of File: LAHF

Records held in Housing Strategy Department, Room 310, Civic Centre

Officer Name : Ben Hill/Fiona Carr Contact No : 0161 770 5261





#### **Report to CABINET - Part A**

#### **Cultural Quarter Public Realm**

#### Portfolio Holder:

Councillor Arooj Shah, Leader of the Council and portfolio holder for Reform and Regeneration

#### Officer Contact:

Emma Barton, Executive Director for Place and Economic Growth

Report Author: Brian Enright, Principal Regeneration Officer

24<sup>th</sup> July 2023

#### **Reason for Decision**

The existing community garden located outside Oldham Library and Gallery Oldham will be subject to damage and changing levels as part of the refurbishment works to the Old Library and Old Post Office buildings, as the Council delivers projects to bring both heritage buildings back into public use. This also applies to the footways and carriageway as construction vehicles access the area on a more regular basis, and part of the area is used as a compound for important materials needed in close proximity to the buildings.

This decision report seeks to outline proposals to reinstate the community garden and improve access routes to the cultural facilities in this area to ensure the green space is enhanced and valuable outdoor space is created, some of which can be used for events and performances.

#### **Purpose of Report**

This report seeks approval to fund the replacement / reinstatement of the community garden area, to create a new public green space and reflection area, to create a new open air event space, and to improve the pedestrian and vehicular access routes in the Cultural Quarter of the town centre (i.e. the immediate areas by Oldham Library, Gallery Oldham, the Old Library building and the Old Post Office Building, located off Union Street).

The report also seeks to obtain approval for the submission of a planning application and a highway stopping up order in respect of the proposals.

#### **Executive Summary**

Culture and heritage are critical elements members of the public asked the Council to enhance and protect during the Big Oldham Town Centre Conversation a couple of years ago. This feedback influenced and shaped the *Creating a Better Place Programme* of works, which includes were possible brining the borough's beautiful heritage buildings back into public use for future generations to enjoy.

In July 2022, Cabinet approved the Phase 2 refurbishment of the Old Library building, and in February 2023, Cabinet formally approved the progression of a new theatre within the Old Post Office building, (84 Union St), the former museum and the former Friends' Meeting House on Union Street/Greaves Street.

These two exciting venues will, along with Gallery Oldham, be the focus of Oldham's new Cultural Quarter; however the community garden area and access routes are anticipated to be subjected to damage as part of the construction programme. In order to reinstate the areas on completion of the works, and to enhance the community facilities, it is proposed to amalgamate budgets from highways maintenance, Levelling Up funds and Council capital to create an attractive public realm that will be at the heart of this new Cultural Quarter.

Given the complexity of implementing three major projects within a relatively small footprint, it will be important that the public realm works are phased. As such, it is proposed that works to the new flexible space, along with those at the northern end of Southgate St. (Phase 1), are delivered as part of the Old Library Phase 2 works, with the remaining public realm works along Ashworth St. and Greaves St and immediately adjacent to the new Oldham Theatre (Phase 2), completed as the Oldham Theatre works come to a conclusion.

#### Recommendations-

That Cabinet approves the recommendations as set out in Part B of the report.

Cabinet 24 July 2023

#### **Cultural Quarter Public Realm**

#### 1 Background & Strategic Context

Creating a Better Place Programme

1.1 The Creating a Better Place strategic programme was approved by Cabinet in January 2020. This programme focuses on building more homes for residents, creating new jobs through town centre regeneration, and ensuring Oldham is a great place to visit with lots of family friendly and accessible places to go.

- 1.2 The programme recognizes that quality of place is paramount to thriving communities and it, therefore, seeks to make Oldham a place where people feel they belong, as well as an exciting place where they can live, work and spend time by:
  - building quality homes
  - providing opportunities to learn & gain new skills
  - providing opportunities to grow local businesses and create jobs
  - ensuring Oldham is the greenest borough
  - by embedding sustainability, energy efficiency & low (zero) carbon
  - by improving life-chances and the health / well-being of our residents and local communities
- 1.3 Quality design and attention to the public realm will be critical to the programme's success.

Creative Improvement District Plan

- 1.4 The proposed Creative Improvement District Plan (CIDP) proposes to reinvigorate and bring to life an area in and around the town centre. Importantly, it seeks to complement Oldham's wider green network and, in particular, its two major green spaces at Alexandra Park to the south and Oldham Edge to the north. It also references proposed schemes such as the Linear Park which will bring much needed green space to the town centre. It is envisaged that within the new CIDP there will be a series of urban green networks which will create a seamless green infrastructure network across the town, creating a softer and more pleasant townscape.
- 1.5 The CIDP encapsulates a number of historic and culturally significant buildings (including the Old Library and the former post office, the former museum and former Friends Meeting House). Creating a safe and welcoming public realm is a key component of the CIDP as it seeks to accommodate existing and new industries. The intention is that the benefits of the new district will spread outwards into the community, improving place making, sense of community and job opportunities for creative innovation through community involvement. Importantly, the CIDP includes the establishment of an improved Cultural Garden (i.e., the proposed flexible space) next to the Old Library, which will act as a meeting and performance space for surrounding creative industries. It envisages this space providing a spill out space

for those enjoying a post theatre drink at Oldham Theatre or for people enjoying events at the Old Library and Gallery Oldham.

#### **Big Conversation**

- 1.6 The Council's Big Conversation focused on the future of Oldham Town Centre and provided a very clear indication from local residents of the significance of place and heritage, as well as the importance of maintaining and bringing back into use some of the town's beautiful heritage buildings.
- 1.7 Resident feedback, however, also emphasized the need for more community space within the Cultural Quarter. The new public realm will, therefore, not only provide a physical connection between the adjacent facilities, it will also, in its own right, form an attractive destination for local residents and visitors alike.
- 1.8 Please note, the emerging Prevent duties may require a risk assessment to be undertaken where there are gatherings of more than 100 people. These duties may require as yet unidentified additional works to the proposed public realm.

#### 2 Public Realm Proposals

2.1 On 3<sup>rd</sup> January 2023, delegated approval was given to appoint a design team to design a public realm in and around the Old Library. Since then, the team, comprising of architects, engineers, lighting specialists, access specialists and security consultants, has been developing plans to RIBA Stage 3 for this important space. The public realm will, therefore, comprise of the following:

#### 2.2 An open flexible space

- The removal of the current steps that provide access from Union St and their replacement with a fully accessible/DDA compliant ramped path and accompanying railed steps.
- The removal of excess soil to lower and level out the ground levels
- The installation of rainwater attenuation tanks
- Newly planted clear stemmed trees (to replace those that need to be removed)
- Hard landscaping
- External lighting and seating areas
- Temporary hoarding providing an attractive barrier which would serve to block off the Performance Space construction works

#### 2.3 Southgate St (North)

- The installation of drop bollards at the western and eastern ends of Ashworth Street (this will require a highway stopping up order – see paragraph 4.2 below)
- A high-quality surface on the northern section of Southgate St (next to Union St)
- Planting of appropriately sized trees
- Rain garden planting

- Wooden benches
- Drop bollards to restrict vehicular access (including bollards to deter terrorist attacks that use vehicles)

#### 2.4 Ashworth St and rear of the Performance Space

- A high quality surface
- Drop bollards at either end of the road to restrict vehicular access (i.e., restrict access to authorized vehicles such as delivery vehicles)
- Standard trees

#### 2.5 Greaves St

Suitable new surfacing (likely tarmac)

#### 3 Phasing

- 3.1 The new Cultural Quarter is a confined location on the edge of the town centre. It is constrained on its northern side by Union St and the TFGM trams that run along it. On its western side it has Greaves St that provides access for the adjacent Positive Steps building. On its southern side is Ashworth St, which provides access to Gallery Oldham and can be a busy pedestrian thoroughfare. Finally, on its eastern side is Southgate Street and Southgate Street.
- 3.2 It is important, therefore, that given these constraints, the proposed public realm works are phased to keep disruption to a minimum and provide the Old Library with sufficient public realm space (in the current Garden area) until such time that all the works are completed.
- 3.3 Given this, it is proposed that Phase 1 is delivered as part of the Old Library Phase 2 works, with Phase 2 delivered as the new Oldham Theatre works conclude. As the exact delivery mechanism/agent for the Phase 2 works has yet to be finalised, it is also proposed, that the final decision on this matter is delegated to the Executive Director for Place and Economic Growth, in consultation with the Cabinet Member for Reform and Regeneration.
- 3.4 An indicative phasing plan for the proposed works. However, as stated above, the delivery mechanism for Phase 2 has yet to be finalised. Notwithstanding this, it is envisaged that it will be delivered following the completion of the new Oldham Theatre.

#### 4. Transport Assessment

4.1 The new Cultural Quarter, despite being served by good public transport links in the form of the trams and buses that run along Union St., will inevitably generate extra vehicle movements. Therefore, a transport assessment will be drawn up that will address a number of key transport issues impacting on the whole Cultural Quarter including coach drop arrangements, HGV parking at the new theatre Get-in on Greaves St, deliveries to all three key buildings within the Cultural Quarter, refuse collection, both disabled and general parking, the Mayor's drop off point at the northern end of Southgate St. and, importantly, pedestrian access.

- 4.2 As indicated in paragraph 2.3 above, it will be necessary to implement a highway stopping up order that will cover both Ashworth St and the northern end of Southgate St. The stopping up order will effectively restrict vehicle access to these areas (e.g., only vehicles such as refuse, and delivery vehicles will have access). It should be noted, however, that vehicular access is already restricted on Ashworth St by way of a prohibition of driving order.
- 4.3 The stopping up order will mean that these sections of highway will become the responsibility of the Corporate Landlord. As such, Corporate Landlord will become responsible for their maintenance, along with the rest of the new public realm.

#### 5 Stakeholder Engagement

5.1 A key element of the development of the Public Realm designs has been stakeholder engagement. The consultant team has, therefore, held design workshops with key stakeholders including staff from Gallery Oldham and library and the Council's Highways section. Further engagement will take place as the transport strategy is developed (particularly with tram authority, Transport for Greater Manchester, and local disability groups). Formal consultation with statutory undertakers and the wider public will be undertaken during the planning application process.

#### 6 Costs

6.1 Financial implications are covered in Part B of the report.

#### 7 Business Case Status

7.1 The business case status is covered in Part B of the report.

#### 8 Risk

8.1 As set out in Part B of the report.

#### 9 Financial Implications

9.1 Financial implications are covered in Part B of the report.

#### 10 Legal Services Comments

10.1 Legal implications are covered in Part B of the report.

#### 11 Co-operative Agenda

11.1 As set out in Part B of the report.

#### 12 Human Resources Comments

12.1 As set out in Part B of the report.

#### 13 Risk Assessments

13.1 As set out in Part B of the report.

#### 14 IT Implications

14.1 As set out in Part B of the report.

#### 15 Property Implications

15.1 As set out in Part B of the report.

#### 16 Procurement Implications

16.1 As set out in Part B of the report.

#### 17 Environmental and Health & Safety Implications

17.1 As set out in Part B of the report 18.

#### 18 Environmental Services

18.1 As set out in Part B of the report

#### 19 Equality, community cohesion and crime implications

19.1 There has been a detailed stage one Equality Impact Assessment completed for the Creating a Better Place programme. Colleagues in Policy have reviewed this document and have given feedback and some suggested additions and elements to explore.

#### 20 Equality Impact Assessment Completed?

20.1 As set out in Part B of the report

#### 21 Key Decision

21.1 Yes

#### 22 Key Decision Reference

22.1 ESR-24-23

#### 23 Background Papers

23.1 As set out in Part B of the report

#### 24 Appendices

24.1 As set out in Part B of the report



#### **Report to CABINET**

## City Region Sustainable Transport Settlement (CRSTS) – Transport Capital Programme 2023/24

#### Portfolio Holder:

Cllr Chris Goodwin

#### Officer Contact:

Emma Barton - Executive Director for Place & Economic Growth

#### **Report Author:**

Gordon Anderson – Head of Highways & Engineering

#### 24 July 2023

#### **Reason for Decision**

Historically, highway maintenance funding was received through Core Highways Maintenance and Integrated Transport Block (ITB): this has now been 'consolidated' into the City Region Sustainable Transport Settlement (CRSTS), and Oldham has a new funding settlement, effective from 1 April 2022 and lasting a 5 year period.

With the strategic approach for the 5-year CRSTS programme approved in March 2022, (appended to this), this report seeks formal acceptance of the funding and the programmes recommended for delivery in 2023/24.

#### Recommendations

That Cabinet approve:

The allocation of CRSTS maintenance funding to the figures shown below

Year	CRSTS & ITB Allocation	ITB Schemes	Footway	Structures	Carriageway
2023-24	£3,824,000	£707,000	£100,000	£1,647,000	£1,370,000

- The proposed programme of schemes which would fully utilise the City Region Sustainable Transport Settlement highway maintenance and Integrated Transport Block (ITB) allocations available for 2023/24 as per the formal grant notification from GMCA.
- That all tender award decisions are approved by the Authorised Officer (as per Departmental Scheme of Delegation) (up to £99,999) and where applicable (£100K+) by the Executive Member in consultation with the Deputy Chief Executive, Assistant Chief Executive, Executive Director for Place and Economic Growth, Managing Directors, and Directors (as relevant). This is necessary to meet delivery timescales.
- That Cabinet delegate approval and authorisation to the Director of Legal Services or their nominated representative to sign and/or affix the Common Seal of the Council to all contracts/agreements/documents and associated or ancillary paperwork to give effect to the recommendations in this report.
- That any underspend generated as the attached programmes progress (as per Appendices) be used to deliver additional schemes in priority order (although lower priority schemes may be selected depending on available budget, value for money and type of treatment) until the budget is fully expended in year.
- To seek approval for any underspend generated as the programme progresses to be used
  to deliver additional schemes in priority order (although lower priority schemes may be
  selected depending on available budget, value for money and type of treatment) until the
  budget is fully expended in year. This approach to utilising underspend means we do not
  need to gain further approvals to deliver additional schemes, ensuring they can be
  delivered as soon as practically possible.

Cabinet June 2023

## City Region Sustainable Transport Settlement (CRSTS) – Transport Capital Programme 2023/24

#### 1 Background

- 1.1 Funding previously received for Core Highways Maintenance and Integrated Transport Block (ITB) has been 'consolidated' into the City Region Sustainable Transport Settlement (CRSTS) funding settlement with effect from 2022/23, for the next 5 financial years.
- 1.2 On 1 April 2022, GM was notified of its final CRSTS allocation of £1.07bn based upon the CRSTS Prospectus, which had been submitted to Government in September 2021 and the draft Programme Case submitted on 31st January 2022.

This allocation includes an amount of £175m for core highways maintenance and £82m for ITB funding for the period 2022/23 to 2026/27.

#### 2 **Current Position**

#### 2.1 Core Highways Maintenance Funding

A core highway maintenance allocation of £35m (covering the first year of the £175m) will be made available to local authorities based on an allocation process agreed with the GM Delivery Group, the GM Highways Group and the GM Treasurers.

To sustain the progress made as part of our recently completed Highway Investment Programme (HIP), we plan on prioritising funds going forward in the same manner. Ensuring that the scheme selection is carried out in the same manner will allow us to continue to prioritise the correct intervention on the highway at the correct time.

Prioritising the programme using the most recent condition data from the range of condition surveys we carry out annually, and cross referencing those against claims and enquiry data, has allowed us to not only target the worst roads across the borough, but also continue in our efforts to reduce highway claims and revenue repairs throughout Oldham.

Appendix 1 details the highway schemes to be funded from CRSTS, which will enable us to carry out a resurfacing programme alongside the preventative programme.

#### **Integrated Transport Block (ITB) Funding**

ITB is capital funding granted to local authorities for expenditure on their local transport plans. Following the confirmation of the final CRSTS award by DfT, the proposal for allocating ITB in 2023/24, that has been agreed by the GM Delivery Group and GM Highways Group, is as follows:

- There is no requirement for ITB to be used as part of the funding strategy for Bus Franchising in 2023/24, and therefore, it can be released, in full, for funding local transport. However, the potential requirements for ITB to be applied as a funding mitigation for Bus Franchising will need to be reviewed on an annual basis.
- For 2023/24, it is proposed that the allocation basis for ITB returns to the 'historic' 50:50 between the GM local authorities and public transport investment via GMCA. Therefore, the proposal is that £16.3m of ITB is released on a 50:50 basis between the GM local authorities and GMCA.

Following discussions with local authorities via the GM Delivery Group and the GM Treasurers, it is proposed that the allocations of ITB funding per local authority will follow the same as that used when ITB was last allocated to the GM local authorities in 2010/11.

A programme of works has been compiled by highways officers based on the following factors:

- Commitments to road safety, traffic management and minor works schemes established as part of the previous programmes which are still a priority for delivery;
- Council priorities, including accident reduction schemes and pedestrian safety improvements;
- Scheme requests received throughout the year, including from Councillors, members of the public and other organisations, which are all recorded for consideration as part of this process;
- The authority's statutory duties in relation to highways including:
  - acting to reduce the likelihood of accidents occurring at known accident locations:
  - promoting safe and sustainable travel to school;
- Ensuring the programme is consistent with the Council's Asset Management Plan (AMP).

Appendix 2 sets out a proposed programme of schemes which would fully utilise the expected ITB allocation and is recommended for delivery in 2023/24.

Appendix 3 details the approved 5 year Structures Programme, which is now in its second year of delivery.

Oldham's total settlement for 2023/24 will be £3,774,000 (£707k ITB funding and £3.067m core maintenance funding).

#### 3 Options/Alternatives

- 3.1 Option 1 Members agree:
  - The proposed programme of schemes which would fully utilise the expected City Region Sustainable Transport Settlement highway maintenance and Integrated Transport Block (ITB) allocations available for 2023/24 as per the formal grant notification from GMCA.
- 3.2 Option 2 Members don't agree:
  - The proposed programme of schemes which would fully utilise the expected City Region Sustainable Transport Settlement highway maintenance and Integrated Transport Block (ITB) allocations available for 2023/24 as per the formal grant notification from GMCA.
- 3.3 Option 1 is recommended to progress delivery of the Transport Capital Programme 2023/24 and deliver improvements and infrastructure across the borough's highway assets.

#### 4 Preferred Option

#### 4.1 Option 1 - Members agree:

• The allocation of CRSTS maintenance funding to the figures shown below

Year	CRSTS & ITB Allocation	ITB Schemes	Footway	Structures	Carriageway	
2023-24	£3,824,000	£707,000	£100,000	£1,647,000	£1,370,00	

- The proposed programme of schemes which would fully utilise the expected City Region Sustainable Transport Settlement highway maintenance and Integrated Transport Block (ITB) allocations available for 2023/24 as per the formal grant notification from GMCA.
- That all tender award decisions are approved by the Authorised Officer (as per Departmental Scheme of Delegation) (up to £99,999) and where applicable (£100K+) by the Executive Member in consultation with the Deputy Chief Executive, Assistant Chief Executive, Executive Director for Place and Economic Growth, Managing Directors, and Directors (as relevant). This is necessary to meet delivery timescales.
- That Cabinet delegate approval and authorisation to the Director of Legal Services or their nominated representative to sign and/or affix the Common Seal of the Council to all contracts/agreements/documents and associated or ancillary paperwork to give effect to the recommendations in this report.
- That any underspend generated as the attached programmes progress (as per Appendices) be used to deliver additional schemes in priority order (although lower priority schemes may be selected depending on available budget, value for money and type of treatment) until the budget is fully expended in year. This approach to utilising underspend means we do not need to gain further approvals to deliver additional schemes, ensuring they can be delivered as soon as practically possible

#### 5 Financial Implications

- 5.1 The proposed total cost of all schemes earmarked to be delivered within this financial year amounts to £3.824m. The schemes will be financed by the 2023/24 allocations from the City Region Sustainable Transport Settlement integrated transport block (£0.707m), Core Maintenance Block (£3.067m) and £50k reprofiled from the 2022/23 Transport Capital Programme.
- Following a review of the budgets reprofiled from the 2022/23 Transport Capital Programme, £0.200m has been identified as uncommitted, as shown within the below table:

Financing	Uncommitted reprofiled budget £m
LTP Highway	
Maintenance	
Grant	0.124
Capital Receipts	0.017
Prudential	
Borrowing	0.059
Total	0.200

The £0.076m of capital receipts and prudential borrowing identified can either be utilised within the Transport Capital Programme, reallocated within the Councils overall Capital Programme, or used to reduce the level of prudential borrowing incurred.

(John Edisbury)

#### 6 Legal Services Comments

6.1 The Council should follow compliant routes to market to select the most economically advantageous bids for any road works proposed under any of the road improvement schemes outlined in the body of this report and seek the appropriate levels of approval for awards of contract in accordance with the Council's constitution including the Contract Procedure Rules. (Alan Evans)

#### 7. Co-operative Agenda

7.1 The Council is obligated as the Highways Authority to maintain the highway network. Residents are requested to use the network with consideration and report defects to enable quick repair. These two things alongside each other will provide the Borough with the best opportunity to maintain the roads which serve the local economy.

The Transport Capital Programme is determined and approved centrally so that schemes meet the Council's statutory duties and wider transport strategy objectives. In the light of decreasing levels of funding, the development of the programme reflects a co-operative approach, ensuring that where possible schemes meet multiple objectives and

complement other capital and revenue programmes such as regeneration. This approach can often result in composite schemes comprising carriageway maintenance, safety enhancements, public realm, pedestrian, and cycle improvements, which achieves better value for money. (Mahmuda Khanom)

- 8 **Property Implications**
- 8.1 None
- 9 Human Resources Comments
- 9.1 None
- 10 Risk
- 10.1 The Council has a statutory duty under section 41 of the Highways Act 1980 to maintain the highway. The funding received under the City Region Sustainable Transport Settlement enables these duties to be met. Appendices 1 and 2 provide a list of schemes, and where specific schemes are mentioned, these should be prioritised in year as there is a risk that following identification of issues, should these not be rectified within a reasonable time period, this could give rise to an increased financial burden to the Council.

Procurement and Legal risks are noted within the report (Section 12 and 6) around appointment of contractors to carry out the works. (Vicki Gallacher)

- 11 IT Implications
- 11.1 None
- 12 **Procurement Implications**
- 12.1 The projects detailed within the report will require the development of a procurement strategy with a term partnership option considered. The project(s) will be delivered in full compliance with Contract Procedure Rules, any associated Funding Conditions, and the Public Contract Regulations 2015 where applicable. (Dan Cheetham)
- 13 Environmental and Health & Safety Implications
- 13.1 N/A
- 14 Equality, community cohesion and crime implications
- 14.1 None
- 15 Equality Impact Assessment Completed?
- 15.1 Yes
- 16 **Key Decision**
- 16.1 Yes

### 17 Key Decision Reference

#### 17.1 NEI-06-23

### **Appendices**

Appendix 1 Transport Capital Programme (Highway Maintenance) 2023/24

Appendix 2 Transport Capital Programme (Integrated Transport Block) 2023/24

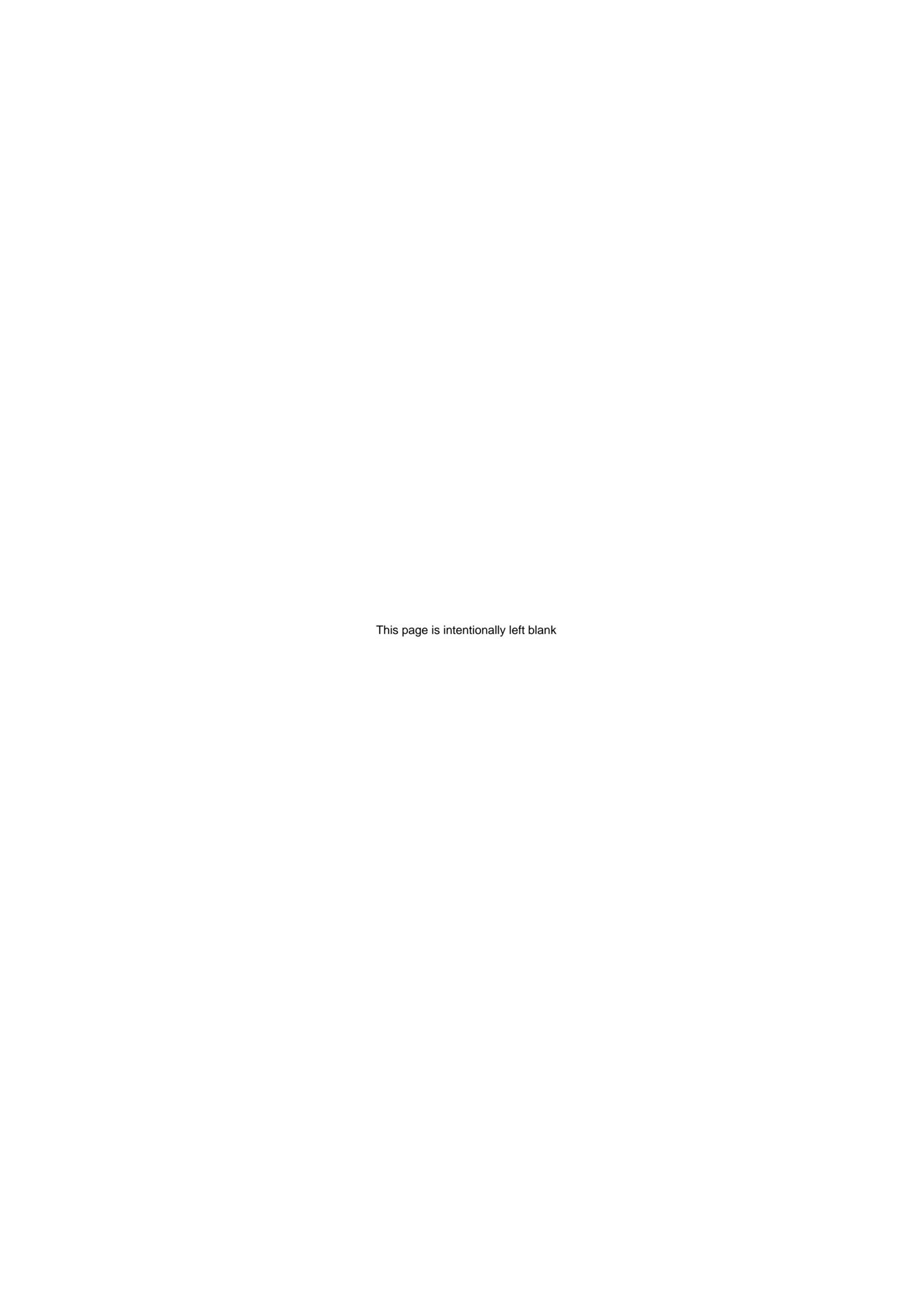
Appendix 3 Five Year Structures Capital Programme 2023/24

### **CRSTS Capital Maintenance Programme 2023.24**

<u>Scheme</u>	Cost £
A62 Oldham Road Failsworth West Junction of A663 Broadway	234,250
Wall Hill Road Saddleworth North House No 54-80 & Jctn Oldham Rd	145,800
Edge Road Oldham Full Length	136,368
Ashworth Street Failsworth West Full Length	115,200
Queensway Saddleworth South Full Length	107,376
Railway Road Werneth Full Length	102,850
Thirsk Ave / Selby Ave Chadderton North Full Length	88,330
Old Lane Chadderton South Block Ln to Spencer St	77,210
Bunyan Close St James' Full Length	63,600
Button Hole / Laneside Avenue Shaw Full Length	52,325
Avon Road Crompton Full Length	43,030
Brierley Street Medlock Vale Full Length	36,480
Brendon Hills Royton North Full Length	28,800
Chamber Hall Close Werneth Full Length	25,740
Pool Street Alexandra Full Length	20,980
Helmshore Way Shaw Full Length	23,480
Somerset Street St. Mary's Full Length	18,181
	1,320,000
Footway Programme	100,000
Total Maintenance Programme	1,420,000



Scheme Name	Ward	Budget 2023/2024	Measures	Justification		
Accident reduction duties under Section 39 of the Road Traffic Act 1988	Boroughwide	70,000	(i) Preparation and delivery of a programme of measures designed to promote road safety (ii) The undertaking of studies into accidents arising out of the use of vehicles (iii) In light of those studies, the promotion of interventions appropriate to prevent such accidents.	Obligations under Section 39 of the Road Traffic Act 1988 - Legal Requirement. This is not covered by the Unity core fee and would otherwise be a pressure on the revenue budget if not included in the capital programme.		
Safety Barrier Enhancement (Boroughwide)	Boroughwide	80,000	Enhancement/replacement of defective existing safety barriers on a priority basis across the borough.	Ageing safety barriers within the borough coming to the end of their serviceable life with some barriers not complying with current safety standards. Barriers will be replaced on a priority basis.		
Minor Traffic Management & Safety	Boroughwide	80,000	Minor traffic signing/lining and highway	Requests are received on a regular basis from Councillors and residents requesting minor traffic/safety improvements.		
Disabled Access Improvements	Boroughwide	30,000	Various small scale improvements to aid and assist pedestrians, wheelchair and mobility scooter users when crossing the road at locations without adequate provision.	The measures will be tailored to the individual requirements of the site usually taking the form of dropped kerbs, tactile paving and footway improvements along recognised desire lines.		
Disabled bays	Boroughwide	16,000	Implement disabled parking bays, inclusive of consultation and advertising	Requests are received on a regular basis from Councillors and residents requesting.		
Public Rights of Way (PRoW) Improvements	Boroughwide	25,000 Improving the PRoW across the Borough		Statutory requirement to manage Borough's PRoW .		
Honeywell lane	Alexandra	40,000	Install trief kerb approach to Kings Road.	Collison reduction measures and pedestrian safety measures.		
Traffic calming of 20mph, Uppermill, Dobcross	Saddleworth South/Saddleworth North	170,000	To install traffic calming measures, to supplement 20mph speed limit introduced during the pandemic. Make 20mph TRO permanent.	The temporary 20mph speed limits introduced in the Saddleworth Villages during the pandemic have reduced the 85%ile and average speeds, however, physical measure are required to drive the speeds down to the 20mph limit.		
Higher Turf lane	Saddleworth West and Lees/Saddleworth North	35,000	Make Higher Turf Lane at its junction with A62 one way and improve visibility.	Collision reduction measure due to poor visibility for vehicles exiting Lower Turf Lane.		
Chew Valley Road	Saddleworth South	40,000	Introduction of new zebra crossing facility adjacent to the canal bridge/Tesco.	New crossing to satisfy pedestrian desire line busy route.		
School Streets	funding from TfGM to include ANPR cameras		_	School Streets is a Nationally promoted scheme to encourage walking, cycling and scooting to school.		
	TOTAL	707,000				



			uctures Proposed Programme							1
	T			I Fatimated	Spend Profile					
Structure Name	Street Name	Ward	Treatment /comments	Estimated Budget per Scheme	2022/23	2023/24	2024/25	2025/26	2026/27	Notes
Minor Structures (Highway Retaining Walls and Bridges)	Various	Boroughwide	Minor works to highway structures	£600,000	120,000	120,000	120,000	120,000	120,000	Reactive and planned works budget for the undertaking of a works to highway structures. Typical value of works < £10,
Principal Inspections (Highway Retaining Walls and Bridges)	Various	Boroughwide	Routine Principal Inspections of existing stock of highway structures	£250,000	50,000	50,000	50,000	50,000	50,000	Routine Principal Inspection of highway structures in accor with Design Manual for Roads and Bridges (DMRB) standar 450 Inspection of Highway Structures'
Assessment of Structures (Highway Retaining Walls and Bridges)	Various	Boroughwide	Assessment of existing structures stock to comply with statutory requirements	£375,000	75,000	75,000	75,000	75,000	75,000	Budget for the undertaking of assessment works to high structures in accordance with Design Manual for Roads Bridges (DMRB) standard 'CS 454 Assessment of Highway B and Structures'
Oldham Road (Extends south from no9)	Junction of A670 Oldham Rd -Chapel Road, Uppermill	Saddleworth South	Emergency temporary propping to stabilise failing retaining wall	£120,000	120,000					Emergency scheme to retaining wall following last winter: (heavy rainfall, flooding and high winds)
Ash Footbridge (Brookdale Golf Course)	PROW no.50, Failsworth	Failsworth East	Replacement of dilapidated footbridge	£245,000	245,000					Footbridge requiring replacement following numerous extra to legal diversion route (TTRO). Former bridge deck was re in 2019 but there was insufficient budget for the replacem that time.
Denshaw Bridge / Retaining walls	A6052 Delph Road, Denshaw	Saddleworth North	Strengthening and refurbishment works to retaining walls and masonry arch bridge	£1,020,000	50,000	150,000	410,000	410,000		Works identified and prioritised by the TfGM adopted b management system 'Pontis' considering and giving due w to numerous factors including safety, social & economic in and consequences
Street Bridge	Street Bridge Road, Chadderton	Chadderton North	Major refurbishment works involving concrete repairs, waterproofing, steelwork treatment, masonry repairs and scour protection	£530,000	100,000	430,000				Works identified and prioritised by the TfGM adopted b management system 'Pontis' considering and giving due w to numerous factors including safety, social & economic in and consequences
Laurel Avenue Bridge	Laurel Avenue , Chadderton	Chadderton Central	Strengthening works (currently under weight restriction) and major refurbishment works involving concrete repairs, waterproofing, steelwork treatment, masonry repairs and scour protection	£530,000	224,000	306,000				Works identified and prioritised by the TfGM adopted b management system 'Pontis' considering and giving due w to numerous factors including safety, social & economic ir and consequences
Manchester Street Viaduct	A627 Oldham Way, Oldham	Werneth & Coldhurst	CRSTS Major Strategic Maintenance Scheme (Estimated Council contribution required as match funding)	£2,000,000				1,000,000	1,000,000	Contribution required from Oldham Council for the sche addition to the CRSTS 'ask'
A627 Boundary Park Subway	A627 Chadderton Way, Chadderton	Chadderton North & Coldhurst	Scoping of required intervention works through investigations and assessment of dilapidated subway*	£60,000	60,000*					**Potential major refurbishment / strengthening scheme is to the subway. However, a wider decision is needed as it Council's aspirations for maintaining subways. This may owith justification for the large scale expenditure (assess works to define required works and estimated costs to inf
Tame Bridge	A670 High Street, Uppermill	Saddleworth South	Major refurbishment works involving masonry repairs, painting of steelwork and waterproofing	£300,000	204,000	96,000				Works identified and prioritised by the TfGM adopted b management system 'Pontis' considering and giving due w to numerous factors including safety, social & economic in and consequences
Hunt Lane Railway Bridge	Hunt Lane, Chadderton	Chadderton Central	Major refurbishment works involving masonry repairs, painting of steelwork and waterproofing	£300,000	80,000	220,000				Works identified and prioritised by the TfGM adopted b management system 'Pontis' considering and giving due w to numerous factors including safety, social & economic in and consequences
River Irk Bridge	Cragg Road, Chadderton	Chadderton North	Major refurbishment works involving concrete/masonry repairs and waterproofing	£350,000	50,000	100,000	200,000			Works identified and prioritised by the TfGM adopted b management system 'Pontis' considering and giving due w to numerous factors including safety, social & economic in and consequences
Penryn Avenue	Penryn Avenue, Royton	Royton South	Major refurbishment works involving masonry repairs and waterproofing	£230,000		100,000	130,000			Works identified and prioritised by the TfGM adopted b management system 'Pontis' considering and giving due w to numerous factors including safety, social & economic in and consequences
Dunham Street Bridge	Dunham Street, Lees	Waterhead, Saddleworth West & Lees and Saddleworth North	Either a full replacement or major refurbishment works involving masonry repairs and waterproofing	£525,000			50,000	150,000	325,000	Works identified and prioritised by the TfGM adopted by management system 'Pontis' considering and giving due we to numerous factors including safety, social & economic in and consequences
Warlow Brook Culvert	A635 Manchester Road, Greenfield	Saddleworth South	Either a full replacement or major refurbishment works involving masonry repairs and waterproofing	£1,100,000			100,000	500,000	500,000	Works identified and prioritised by the TfGM adopted be management system 'Pontis' considering and giving due we to numerous factors including safety, social & economic in and consequences
Cop Road Embankment (in the vicinity o traffic signals)	: Cop Road, Shaw	St James'	Landslip stabilisation works adjacent to highway	£300,000			40,000	130,000	130,000	Temporary works implemented to address the problem. currently being monitored but further works may be req
			Total Estimated Budget for 5 Years Total Estimated Budg		£1,318,000	£1,647,000	£1,175,000	£2,435,000	£2,200,000	
										]
			Agreed funding level per year for struct (Assuming no additiona		£1,160,000.00	£1,647,000.00	£1,160,000.00	£1,160,000.00	£1,160,000.00	

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#### City Region Sustainable Transport (CRSTS) IMPACT SCORE Sexual orientation Age **Equality Characteristics** Positive Preventative approach Safeguarding Sex Disability Pride Corporate Priorities and cohesion Education Neutral Community and leisure Ex-service Digitisation Work personnel Clean **Future** Transport Religion or belief Gender reassignment Oldham green Negative Healthy Aims and safe Unknown Homes Place-based working Income Residents first Marriage and civil Race partnership Pregnancy and maternity



# Agenda Item 15

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.





# Agenda Item 16

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.







# Agenda Item 17

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.













## Agenda Item 18

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.











## Agenda Item 19

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.







