

Oldham Borough Council



**Council Meeting
Wednesday 12 July 2023**

OLDHAM BOROUGH COUNCIL

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

Tuesday, 4 July 2023

You are hereby summoned to attend a meeting of the Council which will be held on Wednesday 12 July 2023 at 6.00 pm in the Council Chamber, Civic Centre, for the following purposes:

- 1 To receive apologies for absence
- 2 To order that the Minutes of the meeting of the Council held on 24th May 2023 be signed as a correct record (Pages 1 - 8)
- 3 To receive declarations of interest in any matter to be determined at the meeting
- 4 To deal with matters which the Mayor considers to be urgent business
- 5 To receive communications relating to the business of the Council
- 6 To receive and note petitions received relating to the business of the Council
(time limit 20 minutes)
- 7 Youth Council

(Time limit 20 minutes)

Disposable Vapes

This Council notes that the UK governments are planning steps to reduce vaping among under-18s.

These are likely to include tighter rules on how vaping products are marketed and promoted as well as higher taxes on disposable e-cigarettes. This is in recognition that while the use of cigarettes has reduced with young people, vaping use has doubled in over a year and young people are starting with e-cigarettes rather than using them to stop smoking. In May, the Prime Minister has also announced that the loophole allowing shops to give free vape samples to under 18's is set to be closed.

Council recognises that over the past few years the Oldham Youth Council have made health a priority issue and have undertaken much work in this area to improve the health experiences of Oldham's young people. This includes:

- Working with Council officers and Mental Health services including CAMHS, TOG Mind and Kooth.com to raise awareness of the issues facing children and young people especially after the pandemic.
- 2018 motion to Council asking that the Chief Executive writes to the minister of Health requesting that advertising around vaping be banned, e-cigarettes be in plain packaging and point of sale restrictions, like that for tobacco products, be

applied.

- 2022 motion to Council asking that the Chief Executive writes to Government to extend the offer of the Holiday Activities and Food programme to all young people not just those on free school meals.

Council notes:

- That according to a YouGov survey for Action on Smoking and Health (Ash) there has been a rise in 11 to 17-year-olds experimenting with vaping - from 7.7% in 2022 up to 11.6% in 2023.
- A 2023 trading standards survey of 14 to 17-year-olds in Oldham, 15% had vaped and 12% used them regularly, twice as high as the previous survey in 2020.
- The same 2023 survey showed that, of those that had regularly vaping, 52% of respondents had used vapes but not cigarettes and Almost 1 in 3 young people in Oldham claim to have first tried vaping aged 12 or less.
- When asked 66% of young people said they used disposable (non-rechargeable and non-refillable) e-cigarettes.
- Scottish Government is considering a complete ban on disposable vapes.
- That hospitalisation of young people, due to vaping, has quadrupled in 2 years.
- That young people are using disposable vapes incorrectly, dropping oil into the top of the device causing 'overdose' or nicotine that cause hospitalisation.
- The Royal College of Paediatrics and Child Health have called for a complete ban on disposable e-cigarettes. They warn that e-cigarettes are not risk free as may damage young people's lungs and can be as addictive as cigarettes.
- That use of unregulated vapes and oils are being used by Oldham's young people. As unregulated these products can have higher than advised levels of nicotine and/or illicit substances such as THC.

Council recognises:

The Children's Act 1989, section 17, states that it shall be the general duty of every local authority to safeguard and promote the welfare of children within their area who are in need

- Oldham Council takes its role seriously and that health and improving the health and wellbeing of Oldham citizens is a high priority for Oldham.
- The use of e-cigarettes and oils, especially unregulated, pose a significant risk to young people's health and wellbeing.

We propose that Council therefore resolves to ask the Chief Executive to write to the Secretary of Health asking that, in the review of regulations related to vaping, that the sale of all disposable e-cigarettes be banned.

8 Questions Time

a Public Questions

(time limit 30 Minutes)

b Questions to Leader and Cabinet

(time limit 30 minutes)

c Questions on Cabinet Minutes (Pages 9 - 42)

(time limit 15 minutes)

Cabinet meetings held:

a. 27th February 2023

b. 20th March 2023

9 Notice of Administration Business

(Time limit 30 minutes)

Motion 1

Oldham Assurance Review Final Stage

MOVED by Councillor Shah and SECONDED by Councillor Mushtaq

This Council notes a year on from the publication of the Oldham Assurance review into historic safeguarding practices in Oldham, and the subsequent publication of the recommendations of the Independent Inquiry into Child Sex Abuse (CSE) led by Professor Alexis Jay, both finding institutional failings and that much more is needed to instil confidence in victims and survivors that adequate support and justice will be secured when complaints are made to officials.

This Council notes that the findings in the Oldham Assurance review into historic safeguarding practices in Oldham found a clear political commitment and a sustained attempt to develop best practice in addressing the threat of child sexual exploitation.

This Council believes that this commitment was shared by many dedicated frontline workers working hard to protect vulnerable young people. It was clear however that there were unacceptable systemic failures to provide support and justice to victims and survivors, and to hold offenders to account for the abuse they carried out.

This Council notes the response from the Mayor of Greater Manchester and Chief Constable of Greater Manchester Police and the promise to review cases as part of Operation Sherwood.

This Council believes that the findings of the national Independent Inquiry into Child Sex Abuse further demonstrated a failure to provide support and justice to victims and survivors across the country, and to hold offenders to account for the abuse they carried out. Moreover, the inquiry identified that significant reform was needed and made 20 recommendations for change.

This Council notes the response from government to the findings of the report, and to the recommendations for reform proposed by the investigation panel.

This Council believes that public confidence is essential in combating child sexual abuse and exploitation, and that public awareness and transparency on the characteristics of abuse and how it presents in various forms, are important to the public identifying indicators and patterns of potential abuse when it takes place, and in

reporting it for investigation.

This Council resolves that the Chief Executive writes to the Home Office to request:

1. that they accept each of the 20 recommendations made by the national Independent Inquiry into Child Sex Abuse, and that a plan for implementing each of the recommendations in the current parliament is secured.
2. that following the national Independent Inquiry into Child Sex Abuse (CSE) led by Professor Alexis Jay, and Oldham Assurance review into historic safeguarding practices in Oldham, the government will support the final stage assurance review announced by the Mayor of Greater Manchester, the terms of reference of which will include current operational practice across key agencies.

This Council further resolves that the Chief Executive writes to the borough Members of Parliament to request:

1. That they make representations to the Home Office supporting the Council's request for the government to accept each of the 20 recommendations made by the national Independent Inquiry into Child Sexual Abuse, and that a plan for implementing each of the recommendations in the current parliament is secured.

This Council further resolves to:

1. Develop and adopt a Victims and Survivors Charter in consultation with victim and survivor groups outlining the rights and support which will be provided to those affected by child sexual abuse and exploitation, and the requirements placed on officials in administering and investigating reports of abuse, and to secure its adoption by all relevant statutory authorities.
2. Support further work to raise public awareness among young people in all relevant settings, and with the general public to support prevention, early identification of child sexual abuse and exploitation, and to promote the greater reporting of safeguarding concerns.
3. To develop and adopt a mandatory duty to report safeguarding concerns, including child sexual abuse and exploitation, enshrined in the Code of Conduct for elected members, and consult on the duty for officials employed by Oldham Council.

This Council resolves that the Chief Executive writes to the Mayor of Greater Manchester in his capacity as Police and Crime Commissioner overseeing Greater Manchester Police to request;

1. Support in the development of a Victims and Survivors Charter, outlining the rights and support which will be provided to those affected by child sexual abuse and exploitation, and the requirements of officials in administering and investigating reports of abuse, and its adoption by all relevant statutory authorities.
2. That an update on Operation Sherwood is provided to the Children and Young People's Scrutiny Board.

Motion 2

Block Lane GP Surgery

MOVED by Councillor Brownridge and SECONDED by Councillor Fida Hussain

In late May 2023 Councillors in Chadderton and Werneth became aware that the GP partners at Block Lane Surgery had informed the Integrated Care Partnership that they intended to terminate their contract to run General Practice out of the Block Lane surgery.

For patients in Chadderton and Werneth this has led to an understandable amount of concern and confusion, as local Councillors we are equally frustrated by this process and feel powerless to help our residents when they turn to us at this time.

Despite a close and very productive working relationship between Oldham Council and partners at the old CCG and new Integrated Care Partnership, as local Councillors we have no formal decision-making powers over GPs and NHS functions more broadly.

Therefore:

- The Council regrets the decision taken by partners at Block Lane practice to relinquish their contract by mid-July.
- This Council notes that this is the second surgery the partners at Block Lane have closed in Oldham within the last twelve months and regrets that this decision has had a detrimental impact on our residents.
- This Council thanks the local NHS for its hard work to try and keep Block Lane practice open, operating and serving residents in Werneth and Chadderton.
- This Council pledges to support the local NHS in anyway it can, to ensure patients smoothly transition to nearby practices.

10 Notice of Opposition Business

(Time limit 30 minutes)

Motion 1

Request for Land to build a Muslim Cemetery

Councillor Ghafoor to MOVE and Councillor Byrne to SECOND:

This council notes that:

Oldham is a multi-faith, diverse borough and that is something we can all be proud of. The Muslim population in this borough has grown significantly in the last decade, both in terms of the raw number of people and as a percentage of the total population of Oldham, from 17.7% in 2011 to 24.4% in 2021.

There are 7 cemeteries across Oldham, but regarding cemeteries with existing separate burial sections for Muslims, there is only one, Chadderton. Other faiths have their own cemeteries with the borough, for example the Jewish Cemetery in Failsworth, whereas Muslims only have a section of a cemetery.

Within Islamic teaching, cremation is forbidden. For Muslims, that only leaves burial as an available funeral ceremony option. As our Muslim population in the borough increases, there will only be more need for space for burials as time goes on. Chadderton cemetery, as it is currently, has around 5 years remaining before it reaches capacity, and so the need to start planning for the future is essential.

This is a national problem, with discussions in the national press about a capacity crisis both across all types of cemetery and also specifically within Muslim cemeteries, a problem that was in the pipeline prior to, but exacerbated by, the Covid-19 pandemic.

Any crisis in cemetery capacity will have an oversized impact on the Muslim community because, as seen above, burials are the only option for Muslims.

Given the looming capacity crisis and the rise in the Muslim population in Oldham, the

need for an expansion of graveyard provision for Muslims across Oldham is clear. What this motion proposes is the creation of a separate Muslim cemetery within the borough to help minimise the risk of a capacity crisis at Chadderton cemetery. This motion proposes that a piece of council-owned land be identified by the Chief Executive and donated to the community, who will then be responsible for the creation and maintenance of the site, funding it through donations and burial fees, meaning that there will no expense to the council, other than the initial donation of the land. The Council would also benefit as a new cemetery would ease capacity pressures on the existing cemeteries in the borough, reducing the need for imminent expansion at the sites. This motion could also act as a model for other faiths to make similar requests to the council regarding cemetery space, further easing pressure on the council's cemeteries system.

This is a system that has worked elsewhere. The Gardens of Peace, which operates in London, has a similar model across its sites, costing taxpayers nothing whilst delivering for the community. Similar, privately run cemeteries have also been successful in other parts of the country, for example Keighley and Glasgow, as well as the Woodland Cemetery in Manchester. Indeed, the Jewish cemetery in Failsworth has this model and has operated . It is independent from the council, showing that a privately run religious cemetery can work in the borough.

This Council notes:

- That there is a growing need within the borough for a Muslim Cemetery to serve the community going forward.
- Other than the donation of the land, this council will not incur any expenses for the development of this cemetery or its upkeep.
- That the development of a Muslim graveyard will relieve capacity pressures on the existing Oldham cemeteries infrastructure.

This council therefore resolves to:

- Ask the chief executive to identify a parcel of land for use as a Muslim graveyard
- That this land be consider for donation to the Oldham Muslim Cemetery Committee (OMCC) for use as a Muslim graveyard, acting in accordance with the land and property protocols and report back to council within the next three months.

Motion 2

Time for Oldham to get the basics right

Councillor Murphy to MOVE and Councillor Gloster to SECOND:

This Council believes that:

Residents across Oldham Borough expect and deserve first class public services. Residents feel that services such as schools, maintenance of roads, planning, park maintenance and drain clearance represent some of the most significant work that the council does because they affect the everyday lives of the people we represent. When residents say they cannot rely on these services to be of consistent high quality, it undermines the trust that residents place in their council and their readiness to engage with services and that the Council should listen and take action. Pride in service, strong communication, agility, resourcefulness and good

interdepartmental cooperation are all essential values in delivering first class services across the board, and that these values must be set from the top down.

This Council notes that:

There is a growing trend of complacent underperformance that affects much of the council's key service delivery and it needs addressing. This is keenly felt by our residents, who regularly tell us that they feel their council "does not get the basics right."

Fly-tipping offences have spiralled out of control in Oldham, with the Borough seeing massive increases in offences when compared to other authorities across the North-West.

Littering and dog-fouling offences continue unabated, with the council failing to issue Fixed Penalty Notices with any meaningful consistency or to come up with stronger solutions to tackle this ongoing issue.

Oldham's schools are falling behind, with more than half now deemed as 'needing improvement and it cannot continue.

This Council resolves to:

Move away from vanity projects that do not materialise and refocus its priorities; directing as much effort and attention into supporting basic frontline services as it has done into regeneration projects.

To take this motion to Overview and Scrutiny to see what can be done to improve the situation and provide a report to council on their findings.

Motion 3

Independent Public Enquiry into Child Sexual Exploitation (CSE) (Historical & Present) within Oldham Metropolitan Borough Council (OMBC), including the actions and knowledge of Council Members and Officers.

Councillor Hobin to MOVE and Councillor Rea to SECOND:

Council notes that:

The Newsam and Ridgway review into historic Child Sexual Exploitation in Oldham was published on Monday 20th June 2022. The review found that some children had been failed by agencies that were meant to protect them and that there were serious failings in the handling of some cases.

The review was discussed at an Extraordinary Full Council Meeting on Mon 27 June 2022. The public were invited to submit questions to a panel that included the Council Leader and Greater Manchester Mayor. Councillors from all political parties were also invited to ask questions or make statements.

While questions were asked, sadly many were left unanswered, and some wholly ignored. Unfortunately, questions remain. We as a council, and as such members herein, have a duty to protect children and vulnerable people of the borough and beyond. The reality is, until we get to the root of the issue, we cannot move forward as we are unable to ensure that failings highlighted in the review are not continuing. It is very clear there is significant dissatisfaction from the public and opposition parties with the contents of the report and that this has been further evidenced in the press and on social media. There is a significant groundswell of opinion that a fully independent public inquiry is needed to address the issue of CSE in Oldham, both

historically and in the present.

The purpose of the Inquiry should be to fully investigate and establish the facts of child sexual exploitation across the Borough of Oldham, to identify if, and where, public, and other, services had failed and where possible, to establish who was accountable for any failure and to make recommendations for the future.

We acknowledge that Operation Sherwood, which has been set up by GMP, will look into the criminal activity and hopefully bring convictions on the perpetrators of these heinous crimes against children and the vulnerable in our Borough.

The Leader of the Council has previously stated that CSE has and in all probability will continue to occur in the Borough.

This issue is above any party-political leanings. Together we need to eradicate this corruption which lies within our society.

Council resolves that;

- The Chief Executive writes to the Home Secretary and the Minister for Housing, Communities and Local Government, on behalf of the council requesting that they instigate a fully independent and broad ranging public inquiry as soon as is practically possible.
- That the Terms of Reference for the inquiry are set independently of the Greater Manchester and OMBC administrations, by Government and that all relevant documentation including those relating to the recent assurance review are made available to the inquiry.
- That a cross-party steering group works alongside the inquiry which will report to the council and the public on a regular basis and will function as a conduit between the inquiry team, council officers and elected representatives.

11 Update on Actions from Council (Pages 43 - 70)

Council is asked to consider updates on actions from previous meetings.

12 The Bee Network - Improving Greater Manchester's Transport Governance (Pages 71 - 104)

To consider the appointment of a new Joint Transport Committee for Greater Manchester – the Bee Network, that will enable a more coordinated and integrated approach to transport governance.

13 Political Balance Review (Pages 105 - 112)

To appoint to committees of the Council in accordance with the Local Government and Housing Act 1989 and give consideration to committees not allocated strictly in accordance with proportionality under the Act.

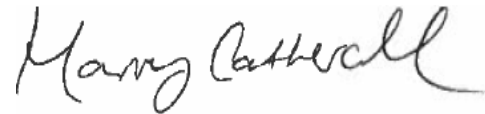
14 Constitution Update (Pages 113 - 156)

Council is asked to approve the Contract Procedure Rules and the Code of Conduct, including arrangements for dealing with complaints.

15 Recruitment to the post of Chief Executive and Head of Paid Service (Pages 157 - 162)

Council is asked to consider the arrangements for the recruitment and remuneration for the authority's Chief Executive and Head of Paid Service.

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

A handwritten signature in black ink that reads "Harry Catherall". The signature is written in a cursive style with a long, sweeping tail on the final letter.

**Harry Catherall
Chief Executive**

PROCEDURE FOR NOTICE OF MOTIONS
NO AMENDMENT

MOTION – Mover of the Motion to MOVE



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



DEBATE ON THE MOTION: Include Timings



MOVER of Motion – Right of Reply



VOTE – For/Against/Abstain



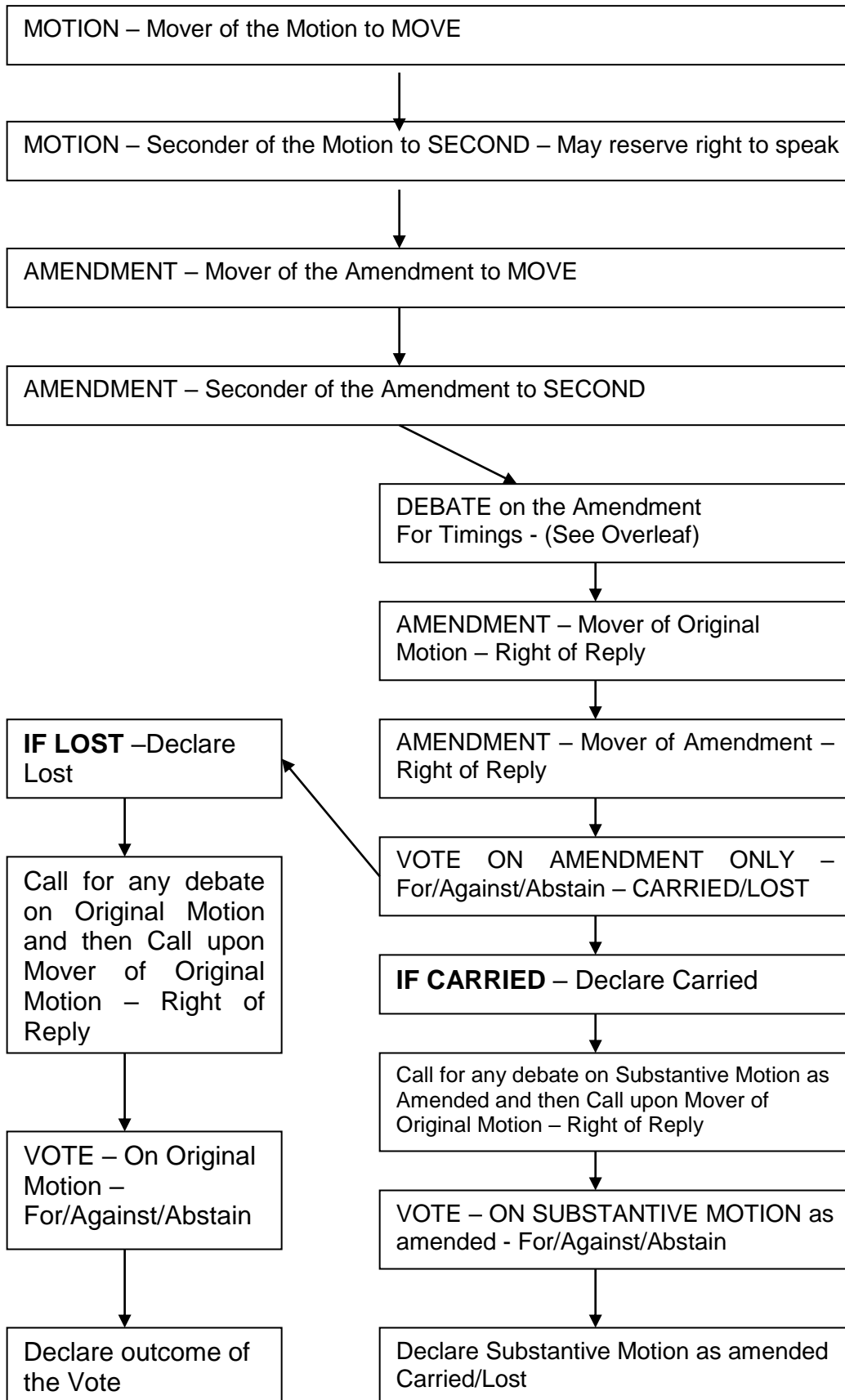
Declare outcome of the VOTE

RULE ON TIMINGS

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

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

WITH AMENDMENT



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Present: The Mayor – Mrs E. Garry (in the Chair)

Councillors Akhtar, Al-Hamdani, Ali, Ball, M. Bashforth, S. Bashforth, Birch, Bishop, Brownridge, Byrne, Charters, Chauhan, Cosgrove, Davis, Dean, Fryer, Ghafoor, H. Gloster, Goodwin, Hamblett, Harkness, H. Harrison, J. Harrison, Hindle, Hobin, F Hussain, J. Hussain, S. Hussain, Ibrahim, Iqbal, Irfan, Islam, Jabbar, Kenyon, Lancaster, Malik, Marland, McLaren, Moores, Murphy, Mushtaq, Nasheen, Rea, Salamat, Shah, Sharp, Sheldon, Shuttleworth, Surjan, Sykes, Taylor, Wahid, Williamson and Woodvine

1 **TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Adams, Arnott, Hince, Hurley, Aftab Hussain, Quigg

2 **TO ELECT THE MAYOR FOR THE 2023/24 MUNICIPAL YEAR**

Councillor Shah MOVED, Councillor Sheldon SECONDED and Councillor Sykes SUPPORTED the election of Councillor Zahid Chauhan as Mayor of the Borough and Chair of Council for the forthcoming Municipal Year.

On being put to the vote, the nomination was CARRIED.

Councillor Chauhan signed the declaration required by law, which enabled him to act in the Office of Mayor.

The retiring Mayor (Mrs Elaine Garry) invested the newly elected Mayor with the chain of office; the Mayor's Consorts were presented with their chains.

(The Mayor, Councillor Chauhan, in the Chair).

The Mayor then made a speech of acceptance of office.

Councillor Taylor MOVED, Councillor Byrne SECONDED and Councillor Sykes SUPPORTED a vote of thanks to the retiring Mayor and her Consorts.

RESOLVED

1. Councillor Zahid Chauhan be appointed Mayor of Oldham Metropolitan Borough Council and Chair for the 2023/2024 Municipal Year.
2. The sincere thanks and appreciation of the Council be recorded to Mrs Elaine Garry for her valuable services during her term of office as Mayor of the Oldham Metropolitan Borough Council.

3 **TO APPOINT THE DEPUTY MAYOR FOR THE 2023/24 MUNICIPAL YEAR**

Councillor Shah MOVED, Councillor Sheldon SECONDED and Councillor Sykes SUPPORTED the election of Councillor Moores as Deputy Mayor and Vice Chair of Council for the forthcoming Municipal Year.

On being put to the vote, the nomination was CARRIED.
Councillor Moores signed the declaration required by law which enabled him to act in the office of Deputy Mayor.

RESOLVED that Councillor Moores be appointed Deputy Mayor for Oldham Metropolitan Borough Council and Vice Chair for the 2023/2024 Municipal Year.

4 **TO ORDER THAT THE MINUTES OF THE MEETINGS OF THE COUNCIL HELD ON 15TH MARCH 2023 AND 20TH MARCH 2023 BE SIGNED AS A CORRECT RECORD**

RESOLVED that:

1. The Minutes of the meeting of the Council held on 15th March 2023 be approved as a correct record.
2. Subject to the inclusion of Councillor Woodvine as being included in the list of members present, the Minutes of the special meeting of the Council held 20th March 2023 be approved as a correct record.

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

There were no declarations of interest.

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

There were no items of urgent business for Council to consider.

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

Councillor Shah paid tribute to the work of Councillor Chadderton during her time served on the Council.

Councillor Shuttleworth paid tribute to the work of Councillor Williams during his time served on the Council.

Councillor S. Bashforth paid tribute to the work of Councillor Clint Phythian and Councillor C. Gloster during their time served on the Council.

Councillor Murphy paid tribute to the work of Councillor Chadderton and Councillor C Gloster during their time served on the Council

Councillor Charters paid tribute to the work of Councillor Roberts during her time served on the Council.

Councillor Moores paid tribute to the work of Councillor Munroe during her time served on the Council

Councillor Shah paid tribute to the work of Councillor Kyle Phythian during his time served on the Council

Councillor Davis paid tribute to the work of Councillor Wilkinson during his time served on the Council

Councillor Al-Hamdani paid tribute to the work of Councillor Wilkinson during his time served on the Council

Councillor Williamson paid tribute to the work of Councillor Kyle Phythian, Councillor Roberts and Councillor Williams during their time served on the Council

Councillor Sheldon paid tribute to the work of Councillor Barnes during his time served on the Council

Councillor Hamblett paid tribute to the work of Councillor Williams during his time served on the Council

Councillor Woodvine paid tribute to the work of Councillor McManus during his time served on the Council

Councillor Al-Hamdani paid tribute to the work of Councillor McManus during his time served on the Council.

The Mayor referred to the recent death of former Councillor Ian McInnes. Accordingly, Councillor Sykes addressed Council paying his individual condolences and a tribute.

Council held a minute's silence in memory of former Councillor McInnes.

The Mayor permitted Councillor Shah, Leader Elect of the Council, to address the meeting. Councillor Shah announced that the Chief Executive, Mr Harry Catherall, would be leaving Oldham Council at the end of the year and expressed appreciation for the work he had done since being appointed Chief Executive and continues to do.

8 **TO NOTE THE REPORT OF THE RETURNING OFFICER CONTAINING THE RESULTS OF THE LOCAL ELECTIONS WHICH TOOK PLACE ON 4TH MAY 2023**

Consideration was given to a report of the Returning Officer which informed members of the results of the Local Election which had taken place on 4th May 2023.

RESOLVED that the results of the Local Election be noted.

9 **APPOINTMENT OF LEADER OF THE COUNCIL**

Councillor Taylor **MOVED** and Councillor Mushtaq **SECONDED** a report of the Director of Legal Services which sought consideration was given to a report regarding the appointment of

the Leader of the Council in accordance with the provisions of the Local Government Act 2000 as amended.



RESOLVED that the appointment of Councillor Shah, as the Leader of the Council, from the 24th May 2023 and ending on the day when the Council holds its first annual meeting after the Leader's normal day of retirement as Councillor, as outlined at paragraph 2.1 of the report, be noted.

10

APPOINTMENT OF THE DEPUTY LEADER, CABINET MEMBERS AND DEPUTY CABINET MEMBERS AND ALLOCATION OF PORTFOLIOS AND DELEGATION OF EXECUTIVE FUNCTIONS

Consideration was given to a report of the Leader of the Council which detailed the Cabinet portfolios and the appointments to the Cabinet for the 2023/2024 Municipal Year.

RESOLVED that the appointment of the Deputy Leaders, Cabinet Members, Deputy Cabinet Members, the allocation of portfolios to Cabinet Members and the determination of delegations to executive functions for 2023/2024 be noted as outlined below:

Councillor Arooj Shah	Leader of the Council and Cabinet Member for Reform and Regeneration
Councillor Elaine Taylor	Statutory Deputy Leader and Cabinet Member for Housing and Licensing
Councillor Shaid Mushtaq	Deputy Leader and Cabinet Member for Children and Young People
Councillor Abdul Jabbar	Cabinet Member for Finance and Corporate Resources
Councillor Mohon Ali	Cabinet Member for Education and Skills
Councillor Barbara Brownridge	Cabinet Member for Health and Social Care
Councillor Peter Dean	Cabinet Member for Communities and Culture
Councillor Fida Hussain	Cabinet Member for Business, Employment and Enterprise
Councillor Chris Goodwin	Cabinet Member for Neighbourhoods
Councillor Josh Charters	Deputy Cabinet Member for Children and Young People
Councillor Marie Bashforth	Deputy Cabinet Member for Health and Social Care
Councillor Ros Birch	Deputy Cabinet Member for Communities and Culture
Councillor Umar Nasheen	Deputy Cabinet Member for Education and Skills
Councillor Nazrul Islam	Deputy Cabinet Member for Business, Employment and Enterprise

Note - the executive functions are those as described in Part 3 of the constitution as amended by item 15.

11

MAIN OPPOSITION NOMINATIONS TO THE SHADOW CABINET 2023/24

RESOLVED that the appointment of the main Opposition Leader and the Shadow Cabinet, as circulated at the meeting and as set out below, be noted:

Conservative Group Leader – Councillor Graham Sheldon
Deputy Group Leader – Councillor Kamran Ghafoor

Conservative Group Shadow Cabinet:

Councillor	Graham Sheldon	Shadow Cabinet Member for Reform and Regeneration
Councillor	Max Woodvine	Shadow Cabinet Member for Finance and Corporate Resources
Councillor	Abdul Wahid	Shadow Cabinet Member for Children and Young People
Councillor	Pam Byrne	Shadow Cabinet Member for Education and Skills
Councillor	Christine Adams	Shadow Cabinet Member for Health and Social Care
Councillor	Luke Lancaster	Shadow Cabinet Member for Neighbourhoods
Councillor	Abdul Wahid	Shadow Cabinet Member for Housing and Licensing
Councillor	Beth Sharp	Shadow Cabinet Member for Communities and Culture
Councillor	Kamran Ghafoor	Shadow Cabinet Member for Business, Employment and Enterprise

12

APPOINTMENT TO COMMITTEES AND COMPOSITION OF POLITICAL GROUPS 2023/24

Councillor Shah MOVED and Councillor Sheldon SECONDED the report of the Director of Legal Services which sought a review of the political composition of committees and the composition of political groups as previously notified under Regulation 8(1) of the Local Government (Committees and Political Groups) Regulations 1990 and under Sections 15 and 16 of the Local Government Housing Act 1989.

RESOLVED that:

1. The composition of the political groups as shown in paragraph 1.1, of the submitted report, be noted;
2. The several Committees detailed at paragraph 1.5 be constituted with the Terms of Reference and delegated powers as detailed in the Constitution.
3. The number of seats on the various Committees for the 2023/2024 Municipal Year be as detailed in paragraph

1.6 be approved and the terms of office referred to therein.

4. Council confirms the allocation of seats to the political groups and makes appointments to fill the seats in accordance with Sections 15 and 16 of the Local Government and Housing Act 1989, as detailed in Appendix 1, as far as is practicable, including those Committees that are not strictly politically balanced: - Scrutiny Boards, Appeals Committee and Standards Sub-Committee.
5. Council appoints a Chair and Vice-Chair of each of the various Committees for the 2023/2024 Municipal Year, as detailed in Appendix 1, except for Selection and Appeals Committees.
6. The Council appoints District Lead and Deputy Lead Members as follows:
 - i. Central District Lead – Councillor Salamat (no Deputy Lead Member required)
 - ii. North District Lead – Councillor S. Bashforth and Deputy Lead – Councillor Williamson
 - iii. East District Lead – Councillor Cosgrove and Deputy Lead – Councillor Al-Hamdani
 - iv. South District Lead – Councillor Davis (no Deputy Lead Member required)
 - v. West District Lead – Councillor Shuttleworth (no Deputy Lead Member required)
7. The Co-opted Members detailed at paragraph 1.9 of the report be appointed to the Overview and Scrutiny Board and the Statutory Co-opted Members be given full voting rights in respect of education matters only.
8. Any outstanding appointments to be delegated to the Chief Executive in consultation with the Leader of the Council and Leader of the main opposition group.

13

APPOINTMENT TO OUTSIDE BODIES 2023/24

Councillor Shah MOVED and Councillor Sheldon SECONDED a report of the Director of Legal Services which detailed the appointments to Outside Bodies for the Municipal Year 2023/2024.

RESOLVED that:

1. The appointments to the Outside Bodies as listed in the Appendices as circulated for the 2023/2024 Municipal Year be confirmed.
2. Any outstanding appointments be delegated to the Chief Executive to determine, in consultation with the Leader of the Council and the Leaders of the two main Opposition Groups.
3. The non-administration appointments to Positive Steps, Miocare and Oldham Community Leisure be delegated to the Chief Executive in consultation with the Leader of the Council and Leaders of the two main opposition groups.

14

COUNCIL MEETINGS AND MUNICIPAL CALENDAR 2023/24

Consideration was given to a report of the Director of Legal Services which set out the Calendar of Meetings for the 2023/2024 Municipal Year.



RESOLVED that:

1. The meetings of Full Council be held on the undermentioned dates during the 2023/2024 Municipal Year, commencing at 6.00pm unless otherwise shown:

12th July 2023
6th September 2023
1st November 2023
13th December 2023
28th February 2024
13th March 2024

2. The Council's calendar of meetings for 2023/2024 be approved.
3. Approval of any outstanding dates or changes to dates to be delegated to the Chief Executive in consultation with the Group Leaders.

15

COUNCIL CONSTITUTION

Councillor Shah MOVED and Councillor Sheldon SECONDED a report of the Director of Legal Services which requested that Council considers amendments to the constitution and to re-affirm the Council Constitution as a matter of good governance.

RESOLVED

That Council re-affirms its Constitution, subject to the inclusion of revisions to the Council Procedure Rules, the Officer Scheme of Delegation, Responsibility for functions in respect of Employment Appeals, Scrutiny functions, the Planning Committee, Audit Committee and Charitable Trust Committee and Petitions Protocol as identified in the Director of Legal Services' report.

16

NOTICE OF ADMINISTRATION BUSINESS

There were no item of Administration Business for Council to consider.

17

NOTICE OF OPPOSITION BUSINESS

There were no items of Opposition Business for Council to consider.

The meeting started at 12.00pm and ended at 2.35pm

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Present: Councillor Chadderton (Chair)
Councillors Akhtar, Ali, Brownridge, Jabbar, Moores, Mushtaq,
Roberts and Taylor

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2 **URGENT BUSINESS**

The Chair agreed to accept an Item of Business, New Theatre as a matter of urgency in accordance with S.100 B (4) of the Local Government Act 1972; Urgent Cabinet approval was required to enable the Council to ensure the detail and approvals were considered as soon as possible and the decision could not reasonably wait until the next Cabinet meeting. The Item was considered at Item 6 of the agenda

3 **DECLARATIONS OF INTEREST**

Councillor Brownridge declared an other interest in Items 6 and 11 Investing in a New Theatre in Oldham, by virtue of her Council appointment as a trustee of the Coliseum Board.

4 **PUBLIC QUESTION TIME**

There were three public questions received:

1. The first question was submitted by Jane Barker.
The details of the new theatre proposal has just been announced. The plans are nothing like what was originally promised, which was a theatre with capacity similar to that of the Coliseum. The proposal contains half the seating capacity of the Coliseum, and that is not good enough. How will any theatre company be able to produce financially viable theatre with such a small capacity? Last year Oldham Coliseum sold 33000 tickets for the pantomime, but the new venue will only be able to cater for half that number. That is hundreds of thousands of pounds of lost income, not to mention thousands less visitors spending money in cafes and bars in the town. Where is the ambition and aspiration of Oldham Labour Councillors to put Oldham on the map and create a visitor attraction that we can be proud of?

The Leader responded:

Our latest proposals include a 300-350 seat auditorium which has been developed over a long period of time and many conversations, with the Coliseum itself, the Arts Council, other arts and culture organisations, and members of the community. We've also looked at comparable well-performing producing theatres in other towns across the country many of whom have similar or even fewer numbers of seats.

We're still developing the final designs with local arts companies but also with external experts in theatre who will help us scrutinise the detailed plans to make sure they can be profitable and it is workable. We'll keep having conversations with technical experts ahead of submitting a planning application.

For a local authority to be committing £24 million, in this climate of austerity and challenge to our budgets, this is an absolute marker of our ambition and aspiration for arts in this town. We're investing because we know a theatre is an important part of a thriving successful Oldham town centre and because our local communities have made this really clear when talking to us about what they want in their town. But we have to be realistic - the new theatre also has to be sustainable. Its operator has to be able to make money all year round – not just from one production a year.

On the specific issue of the pantomime – which I know is close to the hearts of lots of Oldhamers, the council has offered the use of the new event space in the Spindles with a capacity of 750 for panto in the future. This would enable the Coliseum to up capacity for that production should they need to. Obviously, their recent announcement has put this on hold but the offer is still available.

2. The second question was submitted by Kevin Leach:
I am a resident in the Borough and have worked in the arts and at the Coliseum for 17 years. I am passionate for Oldham and its people.

Given the ineptitude of the council over the years in delivering a new THEATRE in Oldham and the planned closure of the Coliseum what is the council planning to do for the 70 staff who have given so much to the town and invested in it.

These skilled workers will be lost and move elsewhere. Their money they spend and the people they bring into the town will also be lost. Their faith in the town also lost. There is no professional place for them to work in the town. So they will go elsewhere where they will be valued.

We struggle now to get a skilled workforce because of the lure of Manchester. How also do the council envisage recruitment of skilled staff for the new space given those skilled staff who now reside in the town will have no other option but to seek work outside of the borough.

The Leader responded:

We share the sadness at the Coliseum's Board's decision to close the theatre's doors after 31 March 2023, and the resulting consequences this has on the staff who have given years of service to the arts and the town.

We understand why the Coliseum has had to make the recent decisions and why they are in this position, but as an independent business with charitable status the Coliseum have sole responsibility for the employment of



their staff, their financial arrangements and their decisions. The Council has no say in the decisions of the Coliseum organisation.

The Council has spoken with Equity and continue to offer all the support we can while the consultation between staff and the Coliseum is ongoing. But we need to be clear – on matters of employment the Coliseum’s Board has to make those decisions.

We’re committing to a new theatre for the town, a theatre that will provide jobs for local people in the future. What we can also do to support the short-term future of arts and performance in Oldham is to commit to using the arts funding we already have, both the council’s own funding and any we receive from the Arts Council and other places to support local companies, for use with local artists and workers to support local arts organisations. This will be especially important over the next few years while we are working to retain and build audiences for the opening of the new theatre.

With regard to the need for a base for the Coliseum – we agree, that’s why we’ve been planning this new theatre with them as their new home. But the plan, which they were well aware of and supportive of, was always to move away from the building and take performances across the borough – reaching out to new audiences in anticipation of a new theatre to attract them into.

We continue to hope the Coliseum can play a role in Oldham’s cultural life and we are having conversations with the Coliseum Board to support them through this difficult time.

3. The third question was submitted by Gareth Forbes: Question to be asked by Chris Clarkson, on behalf of Gareth Forest (on behalf of Equity members):

- (i) Will you guarantee that the new theatre will be a producing house?

The Leader responded, it is not in the council’s gift to guarantee this but that’s absolutely our ambition, we know how valuable a producing theatre has been to the town and we want to retain one. Our conversations with the Coliseum and Arts Council are very focused on this and we’ll do everything we can to try and ensure we retain one.

- (ii) Who is going to run that theatre?

The Leader responded, on the issue of who will run it – the honest answer is we don’t yet know. The Coliseum’s news took us by surprise but as a result we need a new model for the operation of the theatre IF the Coliseum won’t be the operators. What we will say is that we’re confident about being able to shape a successful operating and business model for the new theatre and we’re already working with the Arts Council and other arts organisations locally to shape this.



- (iii) What can you/ we do to ensure that the Oldham Coliseum company survives until the new building opens?

The Leader responded, the harsh reality is that the council cannot be responsible for the future of an independent organisation – its future is in the hands of its Board. What I can say is that we are in almost daily dialogue with the Coliseum Board to support them as they build a new future for themselves. The Council has submitted a proposal to the Board to help secure and save the future of the Coliseum – we are still working with them and the Arts Council to try and find a solution. Daily dialogue with the Coliseum and the Board – Council have submitted a proposal to the Board

- (iv) What provision will the Council make to maintain a producing theatre company in Oldham operating from April 1st 2023, and who will run that producing company if the Coliseum as a company goes into administration?

The Leader responded, can I refer you to a previous answer about a producing theatre as this is the Council's ambition. We are in talks about potential future operating models for the theatre but at this time, we cannot fully answer this question, as it not within the Council's gift. Conversations with the Coliseum Board continue. A lot of this is not within the council's gift and continue conversation with Oldham Coliseum Board

- (v) How does the Council plan for the new theatre to be a viable producing house in the absence of a fly system/theatrical rigging system, which is necessary for a full pantomime production and for many live theatre production?

The Leader responded, the detailed specification for the new theatre is yet to be finalised and will be subject to full consultation at planning stage. The work to date has been shaped by external theatre specialists and local arts organisations including the Coliseum. The Council has already been in touch with other external advisors and organisations to help us scrutinise the plans as they go through the planning process. In relation to Pantomime the Coliseum has been offered the events space at the Spindles, the Council are not experts in running theatres.

- (vi) Can the Council guarantee the new theatre will be commercially viable for pantomimes with a 300 seat approx capacity theatre?

The Leader responded, the new theatre aims to provide a new space for performance but also new space to raise income for the operator through greater front of house provision and more useable, rentable space elsewhere in the building. The modelling work needs revisiting following recent announcements by the Coliseum, but the Council is confident that with the continued advice from external specialists the future of arts and performance in

Oldham will continue to be a success. On the specific issue of the pantomime I'll refer you to the previous relevant answer – we have offered the use of our event space should the new theatre prove too small for that show. We need a performance offer that is profitable year-round. I would not spend money on a non viable theatre

- (vii) Has the Council produced an assessment of the permanent jobs the new theatre will create balanced against the job losses from the current theatre, taking into account the lack of need for specialist fly/theatre rigging staff?

The Leader responded, no, this isn't something the council would lead on. This would be a piece of work for the future operator of the theatre. However, we're committing to building a new theatre precisely because we want to retain both an arts offer and arts jobs in the borough.

- (viii) Has the Council produced an assessment for how it will ensure it can hire the skilled staff needed for operating a new theatre and it will work to stop the loss of skilled staff from Oldham who will be made redundant from the Coliseum on 31st March 2023?

The Leader responded, again, I can't answer this - this will be a requirement of the future theatre operator.

- (ix) Is there absolutely no way the Council can support the Coliseum to remain open until after the next panto and then support the company to work peripatetically?

The Leader responded, the Council has not changed its plan to support the Coliseum either financially through the annual grant we provide or through the underwriting of its property rent and repair costs. As we have discussed earlier the plan was always for the Coliseum to leave the current building and provide great theatre in other venues while the new theatre was built. What has changed is the Coliseum Board's decision to close the doors from March this year. We understand the financial challenges they are facing, but at this time the future of the Coliseum after March rests with that Board and questions about their future need to be asked of them. The reality was that the theatre could not continue without Arts Council Funding and that is where we are, funding from the Council has never changed we did not want them to remove the Arts Council Funding it is a producing theatre and there was a lot of work in a short space of time to undertake and the Council would support as well as we can.

5

**MINUTES OF THE CABINET MEETINGS HELD ON 23RD
JANUARY 2023 AND 13TH FEBRUARY 2023**

RESOLVED – That the minutes of the Cabinet meetings held on 23rd January 2023 and 13th February 2023 be approved.

URGENT BUSINESS -INVESTING IN A NEW THEATRE FOR OLDHAM



Councillor Brownridge declared an other interest in Items 6 and 11 Investing in a New Theatre in Oldham, by virtue of her Council appointment as a trustee of the Coliseum Board. She left the room and took no part in the vote thereon.

Consideration was given to a report of the Executive Director, Place and Economic Growth. Director of Public Health (with responsibility for Culture) and Assistant Chief Executive which provided details of the delivery of a new theatre in Oldham Town Centre.

The planned new theatre building was successful in gaining Towns Deal funding from central government in June 2021 and work had progressed significantly with detailed plans well advanced. It was proposed that the new theatre be progressed through a further consultation ahead of submitting a planning application, and funding arrangements confirmed, including the use of Towns Deal.

Alongside this, Oldham had been offered access to £1.845 million of Arts Council funding to provide performance, arts and culture across the borough over the next three-years. In order to access this funding, Oldham Council had a requirement to indicate its acceptance of this funding and to recommit to the development of a new theatre for the borough.

Oldham Coliseum began as a circus on Henshaw Street dating back to 1885, known then as the Colosseum. Built in 1887, the current theatre building based on Fairbottom Street, off Yorkshire Street, in Oldham Town Centre, had been used as a music hall and a cinema, before reopening in 1938, as the Oldham Repertory Theatre. The Oldham Rep lasted until 1978 when it was reconstituted as the Oldham Coliseum Theatre. The current Fairbottom Street building, the adjacent office building and car park are leased by the Coliseum from the Council on a rent-free arrangement.

In 2012 Oldham Council invested £2 million into the Fairbottom Street theatre, upgrading audience areas, replacing seating, improving heating and updating ventilation. However, even with this level of investment, both the Coliseum Board and Management Team, and Oldham Council agreed that the current building could not meet the long-term needs of the theatre: it's performers, staff and its audiences deserved better. Problems with accessibility, a lack of quality back-stage and front of house facilities and a growing list of maintenance issues common to old buildings were evident (including asbestos and lack of provision for disabled performers and visitors). A full building survey, undertaken at the time (2012), gave the building a ten-year lifespan.

The scale of the issues found and Oldham Coliseum's requirement for better facilities meant that renovating, refurbishing, repurposing or re-investing in the building was not possible. In addition, the size and topography of the site meant that rebuilding on the current site would be restrictive and very expensive as a result. In 2012, both Oldham Coliseum and Oldham Council agreed that a new theatre building on a new site was required.

Since this time, the Council has continued to undertake and pay for structural maintenance required to the building (c.£20k per year for the last ten years) as the internal maintenance, repairs and building H&S compliance falls to the Coliseum management team for up-keep.

With the ongoing issues with the building itself, work has continued between Oldham Council, Arts Council England and Oldham Coliseum Board and management team (three organisations also referenced as “the partnership” in this report) to find and create a new home for the Coliseum, and a new space for arts and performance in the town.

Over the last ten years, the partnership had developed plans for two different theatre projects, but challenges of design and layout, plus the need for a sustainable business model for the Coliseum as the future operator of the site, have meant these projects were not deliverable.

However, the development of a new theatre had remained a priority given the acknowledged issues with the current building, and this agreed approach with the partnership was central in the development of Oldham’s Cultural Strategy which recognised how important arts and performance were to the town and the wider area.

In 2019/20 Oldham Council, the Arts Council and Oldham Coliseum (the partnership) jointly reviewed options once again for a new theatre – existing site and others in the town centre - and bringing back-to-life the heritage buildings (the Old Post Office and former Quaker Meeting House) on Union Street was the preferred location / site. This site was at the heart of Oldham’s growing cultural quarter, close to Oldham Gallery and Library and next door to the Old Library, which was currently being redeveloped following consultation with local communities and feedback to bring empty heritage buildings back into use as part of the Council’s Creating a Better Place Strategy.

Linked to the new Cultural Strategy for Oldham, in August 2020 the ongoing partnership between the Coliseum, Arts Council England and Oldham Council saw the development of a new performance venue. The Oldham Making Space for Live Performance Feasibility report and Making Space Vision provided the basis for the current project design and subsequent successful application for a Towns Fund grant to support the delivery of this important new building.

In late 2022, following some issues with the walls at the back of the stage, a further full building survey was commissioned. This survey, completed in January 2023, found that the building needed numerous urgent health and safety compliance works. The Coliseum had been given this report (appended to Part B report) and they had been asked to urgently action the works to ensure compliance while the doors are open till the end of March. This survey confirmed the conclusion of the 2012 survey that the building was beyond its expected lifespan.

The plan, agreed by all parties, and acknowledging the life-span of the current building was always that Oldham Coliseum would leave the Fairbottom Street theatre building. However, the Coliseum would continue to perform in a range of different venues across the borough – building new audiences in

anticipation and readiness for the new theatre opening in 2025/26.



Oldham
Council

A new theatre for Oldham

The proposals in this report were for a new £24.5 million theatre at the Union Street site that had been developed by the partnership to provide a modern, accessible venue for audiences from Oldham and beyond.

The new theatre would provide a more modern, accessible venue for performers and audiences from Oldham and beyond. The proposals included a new 300-350 seat auditorium and more intimate 120 seat studio for performance space, together with enhanced back-stage facilities, additional education, event and rehearsal space and better front-of house facilities including bar and café areas, for audiences to enjoy. The new theatre would revitalize Oldham's cultural offer and create additional jobs, both in the venue and from the surrounding area.

The space was being designed, not only as a home for Oldham Coliseum, but for use by other local arts and community organisations for both local and visiting audiences. The plans are at an advanced stage and have been developed by members of the current Oldham Coliseum Board and other cultural organisations with support from the Arts Council.

Oldham Coliseum Theatre (the Organisation)

The Oldham Coliseum had benefited from Arts Council funding as one of its National Portfolio Organisations (NPO) over a number of years. This funding accounted for around a third of their income alongside grants from other organisations and revenue from their successful productions.

Oldham Coliseum was provided with annual cultural funding from Oldham Council of £138,000 per year. Alongside this the Coliseum was also provided with rent-free use of the current theatre building, office space and car park: they also lease separate storage facilities from the Council. In addition, the Greater Manchester Combined Authority has provided annual funding to Oldham Coliseum of c.£100,000 per year through the GM Culture Fund (2020-23).

In 2022 the Oldham Coliseum submitted a bid to retain its National Portfolio Organisation status and funding for the period 2023-2026. In November 2022, the Arts Council announced that this bid had been unsuccessful deeming it 'high risk' and referencing concerns about the theatre's financial management, leadership and governance.

Following the Arts Council funding announcements in November, the Chief Executive of Oldham Coliseum left the organisation and, shortly after, the Chair of the Board resigned followed by the Vice-Chair. Chris Lawson, previously the Coliseum's Artistic Director, stepped up as Interim Chief Executive and an Interim Chair and Vice-Chair were appointed to the Board.

Oldham Council had worked with the Arts Council since November to support the Coliseum as they worked to make changes to their programme, their organisation and sought to meet the challenges they were facing. Unfortunately, in February 2023, acknowledging the significant financial

challenges they were facing, Oldham Coliseum announced its intention to close its doors stating “the current financial situation is not sustainable for the running of a full-time theatre”.



Arts Council Funding for Oldham

Despite being unable to include the Oldham Coliseum among its National Portfolio organisations, the Arts Council, acknowledging both Oldham’s designation as a levelling up place for culture and our commitment to investing in new cultural offers for the town, have ringfenced £1.845 million over three years to support the delivery of local arts and culture.

In November 2022, at the time that the outcome of the Coliseum’s funding bid was announced, Oldham Council were informed by the Arts Council that this ringfenced funding would be made available. Since then, the Arts Council have provided further information on the purpose and means of access for these funds, including that the funding must be used to:

To access this funding, Oldham Council has been asked by the Arts Council to provide a detailed plan for its proposed programme of activity and confirmation that the council intends to progress with plans for the new theatre.

The future for the Oldham Coliseum

Oldham’s new theatre was always intended to be the future home of the Oldham Coliseum with work already underway to develop a new operating and production model for the new theatre. The Council and Arts Council remain confident in the ability to form a strong operating and business model for a producing theatre without the Coliseum should that be required. The timings for the new theatre continued to be supported by the Arts Council and the Coliseum, and it was always the plan for the Coliseum to move out of its current home (in line with the expected life-span of the Fairbottom Street site) and to produce and perform works elsewhere in other venues across the borough, and wider areas, for a period while the new theatre was built. This would allow them to continue providing art for local audiences and, importantly, build new audiences in anticipation and readiness for the new theatre.

As part of these discussions, and, recognising the love and loyalty that theatre goers have for the Oldham Coliseum name and history, Oldham Council were continuing conversations with the Coliseum Board to try and retain some of the artistic legacy.

Options/Alternatives considered

Options considered over the past decade, with a summary included earlier in this report, relating to:

- The future of the Coliseum building;
- The location, size, and requirements for a theatre building in Oldham;
- The funding arrangements and receipt of external grant support (Council Capital Strategy and Town Deal); and
- The emerging business case and detailed project plans (Town Deal).

RESOLVED – That the Cabinet would consider the commercially sensitive information at Item 11 of the agenda before making a decision.

7

GRANT ACCEPTANCE: CITY REGION SUSTAINABLE TRANSPORT SETTLEMENT (CRSTS) - MANCHESTER STREET VIADUCT REFURBISHMENT



Consideration was given to a report of the Director of Environment which sought to notify Cabinet of the value of a grant the Council Oldham Council had secured for additional funding for the refurbishment of Manchester Street Viaduct, via the Department for Transport (DfT) City Region Sustainable Transport Settlement (CRSTS) and to notify Cabinet of the intention to bring this additional resource into the transport capital programme to design and undertake refurbishment works to Manchester Street Viaduct.

The Greater Manchester CRSTS programme business case was submitted to the Department for Transport (DfT) in September 2021 by Transport for Greater Manchester (TfGM) on behalf of themselves and all 10 GM districts.

Greater Manchester Combined Authority (GMCA) received confirmation of the full CRSTS allocation of £1.07bn for spend across 2022/23-2026/27 on the 1st of April 2022.

On the 29 July 2022, the DfT, as the funders of the CRSTS, 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 Strategic Maintenance scheme - Manchester Street Viaduct refurbishment.

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 scheme design and delivery, utilising the now approved DfT CRSTS capital budget.

The next steps included

- The approval goes through GMCA on 27 January 2023.
- Oldham Council accept the grant offer of £4.5m to deliver the Manchester Street Viaduct refurbishment scheme.
- Oldham Council bring the additional resource into the transport capital programme in 2022/23 and programme across subsequent financial years, and commence design development for the scheme.
- Completion of design development in 2024/25.
- Construction of the Manchester Street Viaduct Refurbishment works in 2025/26.
- Monitoring and Evaluation Plus 1 Year Assessment completed in 2027/28.

External support required included:

- Structural investigations, testing, assessment and reporting.
- Procurement and commissioning of design consultants and Early Supply Chain Involvement (ESI) contractor.
- Surveys, site investigations and Traffic Management proposals.
- Preliminary design development of refurbishment works.

- Detailed design of refurbishment works.
- Procurement of main works contractor.
- Construction of refurbishment works.

Options/alternatives considered

Option 1 - Undertake works that would extend the life of the structure and retain the essential link

Option 2: Refuse the grant – leading to the eventual closure of the bypass with severe consequences to Oldham and the surrounding area.

1. RESOLVED – That:
2. The grant offer of £4.5m from the CRSTS for the refurbishment of Manchester Street Viaduct be accepted. This would contribute to the overall scheme budget of £6.5m (£4.5m CRSTS grant plus £2m local highways maintenance contribution from Oldham's allocation across 2024/25 and 2025/26).
3. The intention to bring the additional resource into the transport capital programme in 2022/23, and profile across subsequent financial years, to complete development of the scheme in the appropriate timescales be noted.
4. The approval to procure and make tender awards relating to the necessary external support required to design and deliver the Manchester Street Viaduct refurbishment scheme (examples listed in the report) be delegated to the Director of Environment.
5. The use part of this resource to appoint temporary agency support within the Highways Team to progress the design and deliver the scheme be approved.

8

SHORT BREAKS PLAY AND LEISURE - APPROVAL TO AWARD CONTRACT FROM 1 APRIL 2023

Consideration was given to a report of the Managing Director, Children's Services and the Director for Education, Early Years and Skills that sought approval of a high quality, flexible and inclusive statutory Short Breaks Play and Leisure offer for children and young people with SEND and their families in place from 1 April 2023.

Local authorities had a statutory responsibility to provide a range of Short Breaks Play and Leisure (SBPL) opportunities for children and young people with SEND and their families. A Short Breaks Duty Statement giving details of the local range of services and how they can be accessed, including any eligibility criteria must be published as a statutory responsibility under The Breaks for Carers of Disabled Children Regulations 2011. The SBPL offer must provide opportunities enabling children and young people to access development and leisure activities suitable to meet their needs. The broad aims of SBPL were to provide:

- respite for families preventing breakdown and escalation to higher cost intensive services
- a safe place for children and young people to develop independence skills, build self-esteem and self-confidence and engage and interact with their peers.

- an alternative to more costly one to one Personal Advisor support where appropriate to meet individual needs.

Under the existing contractual arrangements, three providers currently delivered SBPL activities for children, young people and their families. They are Ability Wheelz, Sports Works and Starfish Swim, all within contract until 31st March 2023. This arrangement had been extended on an annual basis previously within a funding envelope which had seen no increase since 2017. During this time, demand had continued to rise, this was predicted to be a continuing trend. Data demonstrated that within this same period, demand for Education Health and Care plans had grown by 80% and this was expected to continue. As part of the commissioning intentions and following discussions at a senior strategic level between Oldham Council and the Integrated Care Partnership (ICP previously known as the CCG), there was now an agreed funding envelope in place. In order to develop commissioning intentions from 1 April 2023 onwards and as part of governance arrangements, a project group consisting of young people from Barrier Breakers supported by the Youth Service, Parent Carer Forum, Children's Commissioning Team, Children with Disabilities Team, SEND Team, Children's Social Care, ICP, Legal, Finance, HR and Procurement had been established.

A meet the market event to stimulate demand and seek feedback from providers on commissioning intentions and the service specification was held on 18 November 2022. This was advertised via The Chest in accordance with procurement protocols. In total 7 providers attended the event.

The intention was to award the contract with the funding envelope for a period of three years with the option to extend for up to a further two years. The option to extend would be subject to the successful provider achieving outcomes within the specification, the delivery of high quality, value for money services for our children and young people and continued funding being available. This would support the Council's early intervention approach and contribute to the invest to save agenda by reducing demand for higher cost, more intensive services.

The Council was seeking one lead provider who would work in flexible partnership arrangements with a range of other organisations including community based and voluntary, faith and social enterprise groups enabling the service offer to respond to identified and emerging needs. There was an expectation within the service specification that the lead provider will be flexible in terms of their delivery model to meet any local and national changes including those arising from the recent SEND Green Paper consultation

Consultation had taken place with families in partnership with the Parent Carer Forum and with young people through Barrier Breakers.

Options

Option 1 - Approve delegated decision making to award and enter into the statutory SBPL contract to the Managing Director, Children's Services. The contract would become operational from 1 April 2023 for a period of three years with the option to

extend for up to a further two years subject to performance and continued funding

Option 2 - Decide not to award the contract. This would mean a failure to meet statutory duties causing reputational risk to the Council and risk of challenge.

RESOLVED – That the Cabinet would consider the commercially sensitive information contained at Item 12 of the agenda before making a decision.

9

APPROVAL OF TEMPORARY ACCOMMODATION FRAMEWORK

Consideration was given to a report of the Director, Place and Economic Growth which sought approval from Cabinet to award and to enter into contract with each of the successful bidders for the Temporary Accommodation Framework (following on from the recent Temporary Accommodation tender).

The Council's Temporary Accommodation (TA) Strategy was approved by Cabinet in October 2021. Consequently, this put the accompanying delivery plan into motion and the first priority was to develop a TA framework to help the Council deliver sustainability and cost-efficiency to the Council's TA portfolio. Given the demand for TA and associated costs of managing a compliant statutory service, the identified service requirements were separated into three lots, including sub-lots for additional clarity.

The procurement exercise was administered in accordance with the Council's Contract Procedure Rules (CPR) incorporating the Public Contract Regulations 2015 and the successful procurement exercise motivates the recommendations set out in the report namely, to appoint the successful bidders under Lot 1 & 3 frameworks

In October 2021 the Council approved its inaugural Temporary Accommodation (TA) Strategy 2021-24. The accompanying delivery plan committed to conducting a procurement exercise to create a TA framework to increase housing supply and deliver housing repairs and maintenance to TA dwellings.

Following the approval of the strategy, further work commenced to develop detailed tender documents to help progress priorities of the delivery plan and support the development of a TA framework.

Based on qualitative and quantitative assessments of the Council's TA needs, three service requirements had been identified and had been categorised into three separate lots:

- Lot 1 – A framework of providers that could help increase the Council's supply of nightly paid accommodation for a range of property sizes broken down within the following sub-lots:
 - Lot 1.1 – Bedsit accommodation
 - Lot 2.1 – One Bedroom accommodation
 - Lot 2.3 – Two Bedroom accommodation
 - Lot 2.4 – Three Bedroom accommodation
 - Lot 2.5 – Four bedroom accommodation
- Lot 2 – A framework of reputable contractors that could undertake housing repairs and maintenance work on the Council's TA stock. The type of

contractors required were set out in the following sub-lots:

- Lot 2.1 – Building and Joinery work
- Lot 2.2 – Plumbing, Heating, Gas and Boiler work
- Lot 2.3 – Electrical work
- Lot 2.4 – Clean and Cleanse
- Lot 2.5 – Painting and Decorating
- Lot 3 – A housing supplier framework which is also described as a private sector lease (PSL) framework. Bidders for Lot 3 could range from traditional Registered Social Landlord (RSL) to property investors and consultants. The overall objective and desired outcome was delivery of suitable dwellings that the Council could take a short, medium or long-term leasehold interest in for the purpose of providing much needed self-contained and family sized TA. The Council has not negotiated any bespoke leases with bidders just yet, this process will be progressed following contract award and prior to the identification and on-boarding of suitable dwellings. Should the Council agree to this it will enter into an agreement whereby it agrees to pay a guaranteed monthly rent in accordance with proposed lease terms irrespective of whether the property is occupied or vacant, similar to the existing TA dwellings currently under lease between the Council and First Choice Homes Oldham for example.

The tender documents were published on the Chest Portal on 9th September 2022 and bids were to be returned by 12pm 10th October 2022. The 4 weeks' period granted bidders sufficient time to compile detailed submissions to support a competitive tender process.

The most notable shortfall of the tender exercise was that only a single bid was received for Lot 2, specifically Lot 2.3 – Electrical Work. As a result, the decision was taken not to evaluate Lot 2 on this occasion, instead take the opportunity to market again to cultivate additional bids and stimulate a more competitive process.

Given the interest received from Lots 1 & 3, a panel consisting of Housing and Procurement colleagues proceeded to evaluate all the responses received for Lots 1 & 3.

The award criteria for Lot 1; Price (50%) and Quality (40%) and enlisted weightings were intended to filter through providers that understand the nuances of providing nightly paid accommodation and the unique expectations that accompany this sort of provision. The Council has a number of vulnerable households, particularly single people that need higher levels of supervision and support. Hence, the opportunity emphasised the need to produce a framework of providers that could not only deliver quality housing, but more importantly, had the capability to also provide quality housing management.

Though immaterial for this particular exercise, Lot 2 was heavily weighted towards Price (70%). A detailed pricing schedule,

widely acceptable and recognised standards of workmanship in the sector helped determine the weighting for Quality (20%). Social Value (10%) rounded out the scoring criteria for Lot 2. The approach taken for Lot 3 was to increase the supply of self-contained dwellings and help the Council meet a growing demand for family and self-contained accommodation. It was considered beneficial to place an emphasis on Quality (90%). Therefore, bidders had to explain how their processes and methods would help them deliver outcomes – for the purpose of Lot 3, outcomes were clearly identified as supply of suitable dwellings.

In order to achieve a high quality score, bidders were expected to demonstrate a robust and fundamentally sound approach for identifying, acquiring and consequently providing properties to the Council on leasehold terms. Social Value (10%) rounded out the scoring criteria for Lot 3.

Following detailed and thorough evaluation and moderation meetings, the evaluation panel were able to successfully rank bidders for Lot 1 and Lot 3.

There was sufficient reassurance that the provider Contractor solutions would remain competitive for the duration of the contractual term and ultimately help the Council deliver its strategic aims and objectives. Also, the solutions would ensure the Council continued to meet its statutory obligations.

Subject to approval to enter into framework agreements, contractors would be monitored against key performance measures with the aim of maintaining high standards of service delivery across the board.

Options/alternatives considered

Option 1 – Do not approve the appointment of the successful bidders under Lot 1 and Lot 3 onto the respective framework agreements and conduct another procurement exercise.

Option 2 – Approve the appointment of each of the successful bidders under a framework agreement for Lot 1 and Lot 3 in the order of ranking and authorise the Council to enter into call-off contracts under the respective framework agreements as and when required.

Option 3 – Approve the appointment of each of the successful bidders to Lot 1 only and defer the appointment of successful bidders to Lot 3. This will allow time for the Council to explore self-delivery of Council owned dwellings in bulk.

Option 4 - Approve the appointment of each of the successful bidders to Lot 1 only, immediately halt all further progress in respect of Lot 3 indefinitely and promptly commit necessary resource to self-delivery – whereby the Council purchases dwellings directly at market value on an invest to save basis.

RESOLVED – That the Cabinet would consider the commercially sensitive information at Item 13 before making a decision.

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

11

URGENT BUSINESS - INVESTING IN A NEW THEATRE FOR OLDHAM

Councillor Brownridge declared an other interest in Items 6 and 11 Investing in a New Theatre in Oldham, by virtue of her Council appointment as a trustee of the Coliseum Board. She left the room and took no part in the vote thereon.

The Cabinet gave consideration to the commercially sensitive information in relation to Item 6 - Urgent Business - Investing in a New Theatre for Oldham.

RESOLVED – That:

1. Oldham Council's intention to accept £1.845 million Arts Council England funding to provide cultural activity for the borough for the years 2023-2026 be approved.
2. The development of a new theatre for Oldham, funding arrangements and progression of the new theatre on Union Street to planning stage be recommitted to and approved.
3. That ongoing partnership working with Coliseum and Arts Council while further decisions are made about the future of arts and performance in Oldham be approved.
4. The progression of a new theatre in the Old Post Office Building and Quaker Meeting House on Union Street be approved.
5. The funding arrangements for the project bringing together both Council capital funds and Town Deal funds be approved.
6. Public consultation activities ahead of planning application submission to build on the feedback from the Big Town Centre consultation and engagement activity be approved.
7. The Government approval of the Towns Fund full business case for the new theatre be noted.
8. The design plans and layout as appended to this report be approved.
9. All other commercially sensitive recommendations as contained within the report be approved.

12

SHORT BREAKS PLAY AND LEISURE - APPROVAL TO AWARD CONTRACT FROM 1 APRIL 2023

The Cabinet gave consideration to the commercially sensitive information in relation to Item 8 Short Breaks Play and Leisure - Approval to award contract from 1 April 2023.

RESOLVED – That decision responsibilities be delegated to the Managing Director, Childrens Services to award the Short Breaks Play and Leisure contract to be operational from 1 April 2023. This would follow an open, competitive robust commissioning, tendering and moderation process.

**APPROVAL OF TEMPORARY ACCOMMODATION
FRAMEWORK**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 9 Approval of Temporary Accommodation Framework.

RESOLVED – That:

1. The appointment, under a framework agreement of each of the successful bidders detailed in this report to the relevant Lots in ranked order following completion of a compliant procurement exercise be approved.
2. Contract mobilisation and the placement of subsequent call-off contracts at the end of a 10-day standstill period be approved.
3. A further tender exercise to successfully procure contractors under a framework arrangement to meet the service requirements pertaining to Lot 2 be approved.

The meeting started at 6.00pm and finished at 6.45pm

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CABINET
20/03/2023 at 4.00 pm



Present: Councillor Chadderton (Chair)
Councillors Akhtar, Ali, Brownridge, Moores, Mushtaq, Roberts
and Taylor

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Jabbar.

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**

5 **MINUTES OF THE CABINET MEETING HELD ON 27TH
FEBRUARY 2023**

RESOLVED that the minutes of the meeting held on 27th
February 2023 be approved as a correct record.

6 **REVENUE MONITOR AND CAPITAL INVESTMENT
PROGRAMME 2022/23 QUARTER 3 – DECEMBER 2022**

Consideration as given to a report of the Director of Finance which provided the Cabinet with an update on the Council's 2022/23 forecast revenue budget position at Annex 1 of the report and the financial position of the capital programme as at 31 December 2022 (Quarter 3) together with the revised capital programme 2022/23 to 2027/28, as outlined in section two of the report at Annex 2 of the report.

Revenue Position

The forecast outturn position for 2022/23 was a projected deficit variance of £1.280m after allowing for approved and pending transfers to and from reserves. An operational deficit of £2.055m reduced by £0.775m with the anticipated effect of management actions and strengthened restrictions in relation to expenditure and recruitment. Whilst improving, it was recognised that this remained a challenging position and every effort would be made to further reduce the overall variance before the year end.

The position included additional costs and pressures that had been identified by the Authority in this financial year because of the lasting impact of the COVID-19 pandemic. There were currently two areas which continued to experience significant pressures attributed to the on-going impact of the pandemic; Community Health and Adult Social Care was reporting an adverse variance of £5.717m and Children's Social Care was recording £3.555m. These pressures were being offset against a corporate provision of £12.000m COVID-19 Legacy funding which was set aside during the 2022/23 budget setting process specifically to mitigate the on-going costs of the pandemic. The residual balance of £2.728m was being used to reduce the

operational pressure. This would be monitored for the remainder of the financial year with action taken to address variances and take mitigating action as detailed in the report.

An update on the major issues driving the projections was detailed within Annex 1,

The forecast pressure of £1.280m at Quarter 3 was a £0.953m decrease to the adverse position of £2.233m reported at month 8 and forecasted the impact of, as previously reported, the management actions that had been strengthened across all service areas to review and challenge planned expenditure, control recruitment and to maximise income.

Information on the Quarter 3 position of the Dedicated Schools Grant (DSG), Housing Revenue Account (HRA) and Collection Fund was also outlined in the report.

Against a generally improving position, the DSG was forecasting an unchanged in-year surplus of £3.287m, which reverses the deficit brought forward leaving a forecast year-end surplus of £0.514m. Action would continue to be taken with the aim of mitigating cost pressures and delivering and maintaining a surplus position. To assist, Oldham had been invited by the Government to take part in the Delivering Better Value in SEND (Special Educational Needs and Disabilities) Programme which would provide dedicated support for the SEND Review reforms to 55 Local Authorities with historical DSG deficit issues with the aim of putting the DSG of participating Authorities on a more financially sustainable footing. Working with partners, detailed work had commenced on compiling the grant application for submission in late June/ early July.

There were currently no significant issues of concern in relation to the HRA.

The Collection Fund was forecasting an in-year surplus of £0.060m which in turn contributed to an estimated surplus of £4.179m being carried forward into 2023/24. The Collection Fund had been particularly volatile largely because of COVID-19. Whilst currently in surplus, the position would continue to be closely monitored throughout the year as any surplus or deficit at the end of the financial year would have a direct budgetary impact in future financial years.

Capital Position

The report outlined the most up to date capital spending position for 2022/23 to 2027/28 for approved schemes. The most recent estimated revised capital programme budget for 2022/23 was £50.361m, a net decrease of £49.887m from the original budget of £100.248m. The most recently recorded expenditure level was £44.073m (87.51% of the forecast outturn).

It was likely that the forecast position will continue to change as the year draws to a close with additional re-profiling into future years.

Options/alternatives considered

Option 1 – To consider the forecast revenue and capital positions presented in the report including proposed changes

Option 2 – To propose alternative forecasts

RESOLVED – That:

1. The forecast revenue outturn for 2022/23 at Quarter 3 being a £1.280m adverse variance having regard to the action being taken to manage expenditure be noted.
2. The forecast positions for the Dedicated Schools Grant, Housing Revenue Account and Collection Fund be noted
3. The revised capital programme for 2022/23 and the forecast for the financial years to 2027/28 as at Quarter 3 be noted.

7

LOCAL TAXATION AND BENEFITS DISCRETIONARY POLICIES 2023/24

Consideration was given to a report of the Director of Finance which sought approval for a number of amended Local Taxation and Benefits Discretionary Policies, and the introduction of an Empty Property Premium Policy for 2023/34.

The report provided the full detail of proposed updates to the discretionary policies used to support Local Taxation and Benefits administration i.e., Council Tax, Business Rates, Housing Benefits and Council Tax Reduction administration.

The policies and proposed changes were:

- The Discretionary Council Tax Discount Policy
 - To introduce the option to award a discretionary discount under the Exceptional Hardship Payment (EHP) scheme to Council Tax arrears accrued outside of the current financial year. The EHP scheme is the means in which the Council consider requests for discretionary discounts from residents in Exceptional financial hardship under Section 13A (1)(c) of the Local Government Finance Act.

The Discretionary Council Tax Discounts Policy provided guidance in regard to requests for the removal of empty property premiums. The proposed update would remove this guidance so that a new expanded policy can be introduced solely for this purpose as outlined in the Empty Property Premium Policy. The proposed Discretionary Discount Policy was presented at Appendix 1 to the report.

- The Discretionary Rate Relief Policy
 - Central Government had introduced additional discounts and reliefs for the 2023/24 financial year. They had been incorporated into the proposed

Discretionary Rate Relief Policy 2023/24 which was presented at Appendix 2 to the report.

- The Empty Property Premium Policy
 - For 2023/24 there was the introduction of a policy covering the application of the Empty property Premium in relation to Council Tax.

The Council currently applied a 100% empty property premium for property unoccupied and unfurnished for over 2 years. From April 2023, further premiums would be applied for properties unoccupied and unfurnished for over 5 years. This would mean empty property premiums will be applied as set out below.

- 100% premium on properties unoccupied and unfurnished for at least 2 years
- 200% premium on properties unoccupied and unfurnished for at least 5 years

- 300% premium on properties unoccupied and unfurnished for at least 10 years

To help provide guidance to affected property owners and to Council Officers administering the premium it was proposed that a specific policy detailing the circumstances in which the Council would consider the removal of the premium was appropriate. This was included at Appendix 5 of the report.

- Local Welfare Provision and Discretionary Housing Payments - The Local Welfare Provision (LWP) and Discretionary Housing Payments (DHP) policies had also been subject to an annual review. No proposals for changing the policies had been identified for 2023/24.

Options/alternatives considered

Option 1 – Do Nothing

Option 2 - Approve the Local Taxation and Benefits Discretionary Policies

RESOLVED – That:

1. The proposed amendments to the existing Local Taxation and Benefits Discretionary Policies for 2023/24 together with and the introduction of the Empty Property Premium Policy for the 2023/24 financial year be approved.
2. The Discretionary Policies presented as appendices 1-5 of the report be adopted for 2023/24.

8 **SECTION 75 AND INTEGRATION AGREEMENT ARRANGEMENTS**

Report deferred.

9 **ENHANCEMENT OF COMMUNITY SPORTS PITCHES**

Consideration was given to a report of the Executive Director, Place and Economic Growth which sought approval to support the provision of a new high specification pitch facilities to unlock wider opportunities for further investment in community sports pitches, enhanced education provision, more health opportunities and creation of additional employment opportunities.

It was reported that the Council was aware of the Borough's outstanding sporting achievements with some amazing contributions locally, regionally, nationally and internationally from Oldham's residents and communities. The elite sporting achievements were now in a number of different sporting fields including netball, cricket, rugby, and we're now hoping for a turn of fortune following the recent acquisition of Oldham Athletic Football Club.

As with many sporting activities, grass roots provision and investment in youth provision, clubs and community facilities were paramount to help secure a more successful and sustainable future, with talent management and development opportunities to help people, teams and clubs reach their highest possible potential.

The Council had facilitated the coming together of the Football and Rugby clubs in Oldham, both Oldham Athletic and Oldham RLFC.

The investment in a new pitch at Boundary Park the Council would assist with the Rugby Club's shared ambition of playing their home games at Boundary Park from the 2024 season.

Options/alternatives considered

Option 1 – To approve the capital grant funding, subject to agreeing a formal grant funding agreement and subject to subsidy control rules. This would unlock all the opportunities identified in this report, and careful / robust monitoring regimes would ensure obligations are met for wider community benefit.

Option 2 – Do not proceed with the finance agreement. This would protect Council capital funds, but it would not bring about any of the enhanced facilities described in this report for sport, enhanced skills and training programmes, nor importantly facilities for Oldham's residents and community groups.

Option 3 – To consider the development of a business case for a new multi-million pound sports facility to bring about the same benefits as options 1, to secure rugby league within the borough and to provide enhanced community facilities. This option is not recommended due to the significant impact on time, resource and future funding investment decisions needed to secure the same outcomes as the grant award / financial agreement.

RESOLVED – That:

1. The retention of rugby league matches for Oldham Rugby League Football Club within the Borough boundaries and to facilitate growth in community engagement and participation be approved.
2. The growth and enhancement of higher education provision within the Borough to support a new pipeline of complementary health and sporting employment opportunities be approved.
3. A grant of £1million capital funding from Council Capital Strategy to enable the provision of an enhanced pitch facility at Boundary Park, which was needed to unlock recommendations 1 and 2 above be approved.
4. Delegation be given to the Executive Director for Place and Economic Growth, and Directors of Finance and Legal Services in consultation with the Leader of the Council to finalise the grant agreement subject to subsidy control, terms and conditions, and obligations for wider community use linked to recommendations 1 and 2 above, and as set out in this report.

10

APPROVAL OF GRANT FUNDING AGREEMENT WITH GREATER MANCHESTER COMBINED AUTHORITY

Consideration was given to a report of the Executive Director for Place and Economic Growth which sought approval to enter into a grant agreement with Greater Manchester Combined Authority.

Under the proposed grant agreement, Oldham have been allocated grants funding that would enable the expansion and continued delivery of three services dedicated to supporting residents who are homeless or at risk of homelessness between 2022-25.

The Council were currently delivering three specific services that are intrinsically linked by virtue of the support they provided to people who were homeless or at risk of homelessness. The three respective service were:

- A Bed Every Night (ABEN)
- Community Accommodation Support Tier 3 (CAS-3)
- Rough Sleepers Initiative (RSI)

For the Council to secure the funding needed to continue delivering these vital services locally and to formalise monitoring and reporting arrangements, it needed to enter into a grant agreement with Greater Manchester Combined Authority. The services had been operational for a number of years, save for CAS-3 which was entering its second year of delivery following a successful pilot year (2021-22).

The identified services that GMCA sought to provide ongoing funding between 2022-25 were very much embedded in Oldham and were seen as vital services support the ongoing delivery of its Homelessness Prevention and Reduction Strategy and Central Government's Ending Rough Sleeping Strategy.

Options /alternatives considered

Option 1 – Do not enter into grant agreement with GMCA. Proceeding with this option would result in the Council being unable to deliver the 3 projects detailed in this report and increased numbers of rough sleepers in Oldham during a period of significant homelessness and pressure, which is further exacerbated by the cost of living crisis.

Options 2 – Enter into agreement with GMCA to continue delivering ABEN, CAS-3 and RSI programmes. Taking this approach would enable the Council to continue funding provision that prevents rough sleeping in the borough. The grant available will fund ongoing temporary accommodation placements for rough sleepers and individuals open to HMPPS, not owed a statutory accommodation duty by the LA. The funds will also make resources available that would stimulate move on into alternative, settled accommodation.

RESOLVED- That the Cabinet would consider the commercially sensitive information at Item 18 before making a decision.

11

UKSPF GRANT ACCEPTANCE

Consideration was given to a report of the Director of Economy that sought approval and acceptance of the £2,295,803 UK Shared Prosperity Fund (UKSPF) grant allocation following confirmation of award from the Department for Levelling Up, Housing and Communities (DLHUC) in early December 2022. Oldham submitted applications against three interventions from the UKSPF Communities and Place programme; namely:

- E1: Funding for improvements to town centres and high street, including better accessibility for disabled people, including capital costs and running costs.
- E3: Creation of and improvements to local green spaces, community gardens, watercourses and embankments, along with incorporating natural features into wider public spaces.

- E6: Support for local arts, cultural, heritage and creative activities.

The UK Shared Prosperity Fund (UKSPF or the Fund) provided £2.6 billion of new funding for local investment by March 2025, with all areas of the UK receiving an allocation from the Fund via a funding formula.

Local Authorities were directed to identify and build on their own strengths and needs at a local level, focused on pride in place and increasing life chances. Local places will be able to use the Fund to complement funding such as the Levelling Up Fund, and mainstream employment and skills provision to maximise impact and simplify delivery. There are three key investment priorities under the Fund:

- Community and Place
- Supporting Local Business; and
- People and Skills

This report related to the Community and Place investment priority.

GMCA were the accountable body for the Fund and, following submission of the GM UKSPF Investment Plan to Government at the end of July 2022, the focus of UKSPF in GM was on implementation planning.

GMCA invited local authorities to submit proposals to ensure projects are compliant with Government guidance and would collectively meet the required outputs and outcomes as set out in the GM UKSPF Investment Plan for the Communities and Place Investment Priority.

Oldham had been allocated £2.298m from UKSPF across the key interventions of the programme namely E1, E3 and E6. The Council had focused its proposals around active, accessible public realm and travel routes; rehabilitation of green space including infrastructure for community and visitor use; and a programme of cultural events that build upon and generate legacy projects for Oldham's residents and visitors alike. The proposed programme was drawn from the Creating a Better Place strategy and action plan and will support a range of projects that will meet the core 3 interventions.

Options/Alternatives

Option 1- Do nothing. Failure to accept the grant allocation of UKSPF would reflect negatively on the perception of the town and its ambitions. It would have significant implications for delivery of the project budgets and, therefore, the achievement of regeneration ambitions and objectives.

Option 2 - Formally accept the UKSPF award allocation for £2.296m and enter into the Memorandum of Understanding as set out in this report.

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

to accept the £20m Levelling Up Round 2 (LUF2) capital grant allocation following confirmation of award from the Department for Levelling Up, Housing and Communities (DLUHC) in January 2023.

Three projects were selected by DLUHC for progression and financial support from LUF2 broken down as follows: -

- £4.790m for Jubilee Park and Greenway Corridor,
- £6.400m for Northern Roots Learning Centre
- £8.810m for Green Shoots Business Centre

The Levelling Up Fund Round 2 (LUF2) prospectus was introduced in March 2022 with a focus on the following three investment themes:

- local transport projects that make a genuine difference to local areas
- town centre and high street regeneration; and
- support for maintaining and expanding the UK's world-leading portfolio of cultural and heritage assets.

LUF2 is a competitive process between local authorities and funding award decisions made by Central Government, specifically the Department for Levelling Up, Housing and Communities (DLUHC). In August 2022, Oldham submitted 2 bids into LUF2; the Green Technology and Innovation Network and the Creative Improvement District.

Within Round 2, more than 100 projects totaling £2.1 billion had been supported to boost economies, regenerate communities, and enhance transportation links across the UK. Oldham was successful in its application for £20m for the Green Technology and Innovation Network. The bid for Creative Improvement District was unfortunately unsuccessful in this round; however there remained further opportunities within the LUF programme to develop and resubmit in the future.

Oldham was one of 111 areas awarded funding to support the three projects within the town centre included in the Green Technology and Innovation Network bid, which aim to enhance active travel networks, deliver vital education infrastructure and create transformational public open space.

The Creating a Better Place Operations Board and Programme Board would provide oversight and strategic management of the projects. This board was already established and working successfully to deliver the Manchester Mayor's Cycling and Walking Challenge Fund. The Programme Board would meet monthly to discuss Oldham's wider public realm and active travel projects and are ideally placed to include the LUF projects within their remit.

A Monitoring Group is being established to oversee financial obligations against performance and will report into the CAPB structures. Wider governance within the Council is in place to ensure issues can be managed with an appropriate level of authority which will ensure the delivery of the project objectives to cost, quality and time.

Delivery for the projects would require the appointment of experienced external contractors and service providers, including project managers/employers' agents; cost consultants; design consultants and other specialist consultants as required, along with main contractors. All the aforementioned will hold the

relevant insurances and will be required to indemnify the Council in event of any adverse impact resulting from their involvement. The appointment of project professionals would be closely managed through enforceable contracts. External legal and other appropriate professional advice will be in place to supplement in-house advice and to support the delivery of the projects, which will be developed to support the Council's vision and to assist in the discharge of its fiduciary duties.

Option 1 - Do Nothing This option means relinquishing the opportunity to bring investment of £20m into Oldham. Not only would this be a significant loss of valuable resources but also an extremely negative reflection of Oldham and its ambitions. As one of only three GM authorities to be successful in its application to LUF2, Oldham's standing within GM would suffer significant political and reputational damage in this scenario.

Option 2:

- Formally accept the LUF2 Grant Award of £20m in respect of the Green Innovation and Technology Network and agree and enter into a grant agreement with DLUFC
- Approve the expenditure of the LUF2 Grant Award in accordance with this report

RESOLVED – That The Cabinet would consider the commercially sensitive information contained at Item 20 of the agenda before making a decision.

13

ACCEPTANCE OF FUNDING ALLOCATIONS 2022-2023 FOR OLDHAM LIFELONG LEARNING SERVICE

Consideration was given to a report of the Director of Education, Skills and Early Years which sought approval to accept the funding allocation for the academic year 2022-2022 for the Lifelong Learning Service.

The report provided detail of the funding offer received from the Education & Skills Funding Agency (ESFA) and Greater Manchester Combined Authority (GMCA) funding allocations of the Adult Education Budget grant for the 2022-2023 academic year and highlighted how this funding would be used to meet the ESFA's, GMCA's and Council's key priorities.

Following devolution of the Adult Education Budget, the Council's Lifelong Learning Service was now funded by the Greater Manchester Combined Authority (Prior to devolution this was directly awarded by the Education & Skills Funding Agency).

The Service delivery was designed to meet the GMCA Strategy Council's ambition and key objectives as set out in the Corporate Plan and to support the Oldham Partnership Our Future. The Service worked with the 6 district partnerships with a focus upon the Council's 'Get Oldham Working' campaign and the Co-operative Agenda.

The Service delivered a range of employability programmers in liaison with the Employment and Skills team (GOW), Job Centre Plus, Welfare to Work Providers and the 6 districts. The Service also works closely with the Voluntary and Community sector via Action Together. Partnerships with Children's Centres, Schools,

Public Health, Adult and Children Social Care and others to enable the Service to deliver targeted work which develops self-reliance, confidence, independence, health and progression to further learning, training and employment.

For the academic year 2022 – 2023, the Adult Education Budget would continue to be split based on the initial 2019/20 geographical delivery with an allocation of GMCA Devolved Education Budget. The allocation provided for the service was a total of £2,804,560.02.

All funds were to be used to support Oldham Lifelong Learning Service's Strategic Plan, Self-Assessment Report (SAR), Quality Improvement Plan (QIP), the Oldham Community Learning Plan and Lifelong Learning Service's Business Plan and the Council Corporate Plan. The funding would also support the GM Strategy and GM Local Industrial Strategy and in negotiation with GMCA it will maintain the position of prioritising Adult Skills funded provision.

The Adult Education Budget (AEB) block grant aimed to engage adults and provide skills and learning they need to equip them for work, an apprenticeship or other learning. It enabled more flexible tailored programmes of learning to be made available, which may not require a qualification. This would help those furthest from learning or the workplace.

Options/Alternatives considered

Option 1 - To accept the funding and to enter into suitable funding agreements.

Option 2 - To decline the funding.

RESOLVED – That the funding of £2,804, 560.02.for the academic year 2022-2023 be accepted.

14

OLDHAM COMMUNITY LEISURE - CONTRACT

Consideration was given to a report of the Assistant Director Youth, Leisure & Communities which approval to extend the term of the Leisure Management Contract between Oldham Council and Oldham Community Leisure (OCL) and the proposed contract variations (as detailed in the commercially sensitive report at Item 21).

The contract, in respect of leisure facilities in Oldham, commenced on 28 March 2013 for an initial term expiring on 31 March 2023 (Contract).but under the terms of the contract this term could be extended for a period of up to 5 years.

OCL delivered the leisure offer through operating leisure centres owned by the Council, and a wider community offer.

The council worked in close partnership with OCL to ensure that the outputs and outcomes it required from the services were met and that continuous improvement was achieved throughout the Contract Period.

A performance monitoring system was in place with the aim of providing reasonable and prudent checks, while focusing on KPIs which confirmed that a high quality of service was being delivered and measuring the contribution of the service to the Council's outcomes. OCL we performing well.

The level of subsidy the Council provided was low in comparison to other GM authorities and many nationally. Overall financial performance was positive.

To support the monitoring of the performance of OCL, in addition to the contracted quarterly performance meetings, monthly monitoring meetings were also in place.

Prior approval was given by Cabinet to undertake negotiations with OCL around the contract extension and any required contract modifications and the commercially sensitive information contained at Item 21 of the agenda included the outcome of those negotiations.

The Leisure contract, which is for a 10 plus 5-year term, is due for consideration this financial year with the extension (if approved) beginning 1 April 2023. If an additional 5-year extension was agreed the contract would finish at the end of March 2028.

Options/alternatives considered

Options were considered at Item 21 of the agenda due to the commercial nature.

RESOLVED – That the cabinet would consider the commercially sensitive information contained at Item 21 of the agenda before making a decision.

15

OLDHAM COMMUNITY LEISURE (OCL) - UTILITY BENCHMARKING

Consideration was given to a report of the Assistant Director, Youth, Leisure and Communities, which sought approval of Utilities Benchmarking under the contract with Oldham Community Leisure (OCL).

Utilities benchmarking can be carried out where there are extraordinary fluctuations in the utility market. OCL had served notice on the Council invoking the Utility benchmarking clause in the Contract and the details were included at Item 22 of the agenda due to commercial sensitivities.

There had been ongoing discussions with OCL regarding increased energy costs for both gas and electricity in 2022/23. OCL had provided figures as detailed at Item 21 of the agenda. Internal discussions had taken place with Finance and Legal colleagues to understand the Utility benchmarking provisions in the Contract and it was concluded that OCL had the contractual right to undertake a benchmarking exercise due to the fluctuations in the utility costs.

Options/alternatives considered

Options were considered at Item 22 of the agenda due to commercial sensitivities.

RESOLVED – That the Cabinet would consider the commercially sensitive information contained Item 22 of the agenda before making a decision.

16

CONTRACT NOVATION - GREEN SQUARE ACCORD TO ALLIED HEALTH SERVICES LTD (CARE AT HOME)

Consideration was given to a report of the Director of Adult Social Care (DASS) which sought approval to novate the Green Square Accord contract to Allied Health Services Ltd. The report provided an updated position regarding the due diligence checks that had been completed.

Green Square Accord Limited (GSA) were one of the preferred providers working in East Cluster under the Flexible Purchasing Agreement (FPA) for the Provision of Care at Home, Extra Care and Specialist Care at Home Services (DN373470). Contracts for the provision of the Services to individuals were made under the FPA. GSA delivered over 500 hours of care per week to over 50 service users.

In December 2022 GSA requested Oldham Council's written agreement for their contract to be novated to Allied Health Services Ltd, a company owned by Cera Care, by 23rd January 2023.

The Council commenced due diligence in response to the request to novate and specified the information needed for a decision to be reached. The due diligence process could not be concluded by the date of the proposed sale of the business on 23rd January 2023 and, therefore, delegated decision approval was obtained for GSA to sub-contract the FPA and the delivery of the Services under the current contract to Allied Health Services Ltd as an interim arrangement so that ongoing service delivery could continue whilst a decision on the proposed novation was reached.

GSA sold the care at home part of its business in the North of England to Allied Healthcare Limited (a part of the Cera Care Group), as planned, on 23rd January 2023.

GSA remained under contract with the Council pending a decision on novation, but services were currently being delivered by Allied.

The due diligence process was complete and authority was sought to novate the GSA contract to Allied Health Services Ltd.

Options/Alternatives considered

Option 1 – To novate the GSA contract to Allied Health Services Ltd.

Option 2 – Not to provide agreement to novate the GSA contract to Allied. This option would present an immediate risk to service delivery. GSA have no operational functions remaining within the North West and there would be a risk to service delivery within the contract notice period.

RESOLVED – That the Cabinet would consider the commercially sensitive information at Item 23 before making a decision.

17

EXCLUSION OF THE PRESS AND PUBLIC

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

APPROVAL OF GRANT FUNDING AGREEMENT WITH GREATER MANCHESTER COMBINED AUTHORITY

Consideration was given to the commercially sensitive information in relation to Item 10, Approval of Grant Funding Agreement with Greater Manchester Combined Authority



RESOLVED – That:

1. Oldham Council to agree and enter into grant agreement with Greater Manchester Combined Authority be approved.
2. The continued delivery of the three services captured in the grant agreement namely, ABEN, CAS-3 and RSI be approved.

UKSPF GRANT ACCEPTANCE

Consideration was given to the commercially sensitive information in relation to Item 11 UKSPF Grant Acceptance.

RESOLVED – That:

1. The acceptance of the £2.296m UKSPF grant against the three interventions approved for funding by DLHUC BE approved and broken down as follows:
 - a. E1: Accessible Oldham – allocation £1,283,853 - Increase accessibility into and around the town centre – primarily on the Eastern Gateway and new park staff to maintain and improve the public realm
 - b. E3: Active Travel Oldham – allocation £506,000 - Increase the take up of active travel, modal shift away from cars and increase access to the Northern Roots Urban Farm and Eco-Park Northern Roots Bike Hub
 - c. E6: Support for Local Arts, Culture and Heritage Events –allocation £505,950 - Co-designed community led events including satellite sessions from Oldham Theatre Workshops and the exciting 'Illuminate Festival'. These directly support Oldham's Place Marketing approach, a core element of the Cultural Strategy and will support the emerging Creative Improvement District and Night-Time Economy strategy and action plan. This allocation includes a Cultural Strategy Co-Ordinator post for two years.
2. It be noted that as accountable body for UKSPF, GMCA has issued a Memorandum of Understanding (MOU) in respect of the grant, along with supporting documentation, which is currently under review by the Council 's legal services.
3. Authority be delegated to the Executive Director for Place and Economic Growth to agree the terms of the MOU issued by GMCA in respect of the grant award in consultation with the Director of Legal Services and approve appointments of professional teams and contract award in respect of the agreed budgets.

4. Authority be delegated to Director of Legal Services or their nominated representative to finalise and enter into the MOU issued by GMCA in respect of the grant award subject to the completion of any necessary due diligence on subsidy control compliance and authority to agree and complete any project change requests under the MOU.
5. Authority be delegated to the Director of Economy or their nominated representative to agree monitoring and evaluation of defined outputs and negotiations thereupon as required over the grant delivery period of 2022/23 – 2024/2025.
6. The internal governance and administration for the UKSPF grant will be performed via the Creating a Better Place Programme Board (CAPB) structures alongside a dedicated UKSPF Delivery Group for which Terms of Reference will be agreed by the Director of Economy or their nominated representative be endorsed.

20

LEVELLING UP FUND GRANT ACCEPTANCE

Consideration was given to the commercially sensitive information in relation to Item 12, Levelling Up Fund Grant Acceptance.

RESOLVED – That:

1. The acceptance of the £20m LUF2 grant over financial years 2022/23 – 2024/25 be approved against the three projects approved for funding by DLUHC broken down as follows:
 - a. Jubilee Park and Greenway Corridor – allocation £4.790m - a sustainable network through the town centre creating a modal shift towards active travel
 - b. Northern Roots Learning Centre – allocation £6.400m - 813sqm of educational space to be used to strengthen environmental skills through vocational courses
 - c. Green Shoots Business Centre – allocation £8.810m - a new business incubation centre for environment technology start-ups, 2285sqm of incubation space for local green business development and enterprise
2. Authority be delegated to the Director of Economy to progress the Northern Roots Learning Centre and the Green Shoots Business Centre projects and to meet revenue costs including design, business case development and any such expenditure as is necessary to deliver the grant funding conditions of the award.
3. Authority be delegated to the Executive Director for Place and Economic Growth, in consultation with the Director of Legal Services, to agree terms of the grant funding agreement issued by DLHUC in respect of the grant award and to approve the procurement and appointment of contractors and service providers to supply any works, supplies or services needed to deliver the three projects within the agreed budgets
4. Authority be delegated to Director of Legal Services or their nominated representative to finalise and enter into

any grant funding agreement that is issued by DLUHC and approved by the Executive Director for Place and Economic Growth in respect of the grant award, to complete any necessary due diligence on subsidy control compliance, to agree and complete any project change requests under the grant agreement and to finalise and enter into any contracts for the supply of any works, supplies or services needed to deliver the three projects within the agreed budgets.

5. Authority be delegated to the Director of Economy or their nominated representative to agree monitoring and evaluation of defined outputs and negotiations thereupon as required over the grant delivery period of 2022/23 – 2024/2025.
6. The internal governance and administration for the £20m LUF grant will be performed via the Creating a Better Place Programme Board (CAPB) structures alongside a dedicated Monitoring Group for which Terms of Reference will be agreed by the Director of Economy or their nominated representative be endorsed.

21

OLDHAM COMMUNITY LEISURE - CONTRACT

Consideration was given to the commercially sensitive information in relation to Item 14 Oldham Community Leisure – Contract.

RESOLVED – That:

1. A contract extension of five years from 1 April 2023, together with the contract modifications detailed in the commercially sensitive report be agreed.
2. Alternative future delivery models for leisure services be explored.
3. The financial requirements in respect of the contract, as detailed in the commercially sensitive report be approved.

22

OLDHAM COMMUNITY LEISURE (OCL) - UTILITY BENCHMARKING

Consideration was given to the commercially sensitive information in relation to Item 15 Oldham Community Leisure (OCL) - Utility Benchmarking.

RESOLVED – That:

1. The requirement for Utility Benchmarking under the terms of the contract be approved.
2. All further recommendations as contained in the commercially sensitive report be approved.

23

CONTRACT NOVATION - GREEN SQUARE ACCORD TO ALLIED HEALTH SERVICES LTD (CARE AT HOME)

Consideration was given to the commercially sensitive information in relation Item 16 Contract Novation - Green Square Accord to Allied Health Services Ltd (Care At Home).

RESOLVED – That

1. The Green Square Accord contract be novated to Allied Health Services Ltd.

2. The service delivery would be monitored robustly and provider failure processes would be implemented if necessary.

The meeting started at 6.00pm and finished 6.16pm.





COUNCIL

Update on Actions from Council

Portfolio Holder: Various

Officer Contact: Director of Legal Services

Report Author: Peter Thompson, Constitutional Services
Ext. 4716

12th July 2023

Reason for Decision

The decision is for Elected Members to note the updates to the actions from the previous Council meetings on 15th March and 24th May 2023 and any matters outstanding from Council meetings held during the 2022/23 municipal year.

Executive Summary

This report provides information to the Council on actions taken at recent Council meetings and outstanding matters during the 2022/23 Municipal Year.

Recommendations

Council is asked to:

1. Agree the actions taken and to note that the correspondence that has been received regarding some Motions agreed at previous Council meetings.
2. Note the appointments detailed at paragraph 1.3 of this report.

Update on Actions from Council

1 Background

- 1.1 This report sets out the actions officers have taken on motions approved at the 15th March 2023 Council meeting and informs members on the response position on outstanding matters for the Municipal Year 2022/2023.
- 1.2 At the Annual meeting on 24th May, in respect of the appointment to outside bodies in 2023/24 (minute 13 refers), it was resolved that any outstanding appointments be delegated to the Chief Executive to determine, in consultation with the Leader of the Council and the Leaders of the two main Opposition Groups and that the non-administration appointments to Positive Steps, Miocare and Oldham Community Leisure be delegated to the Chief Executive in consultation with the Leader of the Council and Leaders of the two main opposition groups.
- 1.3 Council is asked to note the following appointments:
- a. Positive Steps – Councillors Mushtaq, Ali, Nasheen and Byrne
 - b. Miocare – Councillors S. Bashforth, Brownridge, Ibrahim and Arnott
 - c. Oldham Community Leisure – Councillors Taylor and Sykes
 - d. Unity Partnership Board – Councillors Fida Hussain, Jabbar and Arnott
 - e. Joint Scrutiny Panel for Pennine Care (Mental Health) Trust – Councillors McLaren, Moores and Adams

2 Current Position

- 2.1 The current position on actions is set out in the table at Appendix One.

3 Options/Alternatives

- 3.1 N/A

4 Preferred Option

- 4.1 N/A

5 Consultation

- 5.1 N/A

6 Financial Implications

- 6.1 N/A

7 Legal Services Comments

- 7.1 N/A

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- 8. **Co-operative Agenda**
 - 8.1 N/A
 - 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**
 - 17.1 No
 - 18 **Key Decision Reference**
 - 18.1 N/A
 - 19 **Background Papers**
 - 19.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

-
- Agenda and minutes of the Council meetings held 15th March 2023 and 24th May 2024 are available online at:
<http://committees.oldham.gov.uk/mgCommitteeDetails>

20 **Appendices**

- 20.1 Appendix 1 – actions taken following the Council meeting held on 15th March 2203 and outstanding matters since the commencement of the municipal year.
Appendix 2 – Reply from Executive Director, Place and Economic Growth to the Motion that Council approved on 15th March 2023 – Actions Not Ambitions – A Renewable Energy Future
Appendix 3 – email reply from department of Health and Social Care to the Motion that Council approved on 14th December 2022 – A Fit and Proper Healthy Start
Appendix 4 – Reply from the Department for Levelling Up to the Motion that Council approved on 14th December 2022 - Don't Take It Out On Us: Properly Funded Public Services

Appendix 1

Actions from Council – 15th March 2023

ISSUE	WHO RESPONSIBLE	DATE COMPLETED	RESPONSE
<p>1. That the Council recognises that care experienced people are a group who are likely to face discrimination.</p> <p>2. That the Council recognises that Councils have a duty to put the needs of disadvantaged people at the heart of decision-making through co-production and collaboration.</p> <p>3. That future decision, services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic.</p> <p>4. That in the delivery of the Public Sector Equality Duty the Council includes care experience in the publication and review of Equality Objectives and the annual</p>	<p>All to note the resolutions and to incorporate into future actions</p>	<p>Work is ongoing</p>	<p>Work Ongoing with officers</p>

Appendix 1

<p>publication of information relating to people who share a protected characteristic in services and employment.</p> <p>5. That this Council will treat care experience as if it were a Protected Characteristic.</p> <p>6. To formally call upon all other bodies to treat care experience as a protected characteristic until such time as it may be introduced by legislation.</p> <p>7. For the council to continue proactively seeking out and listening to the voices of care experienced people when developing new policies based on their views.</p>			
<p>RESOLVED: That the Council</p> <p>1. Ensures that it continues its ambitious plans for the council to be operating as a carbon neutral council by 2025.</p> <p>2. Continues to work towards a carbon neutral Oldham by 2030, and a carbon neutral Greater Manchester by 2038.</p> <p>3. Explores further options for renewable energy schemes across the Borough.</p>	<p>Executive Director (Place and Economic Growth)</p>	<p>17th March 2023</p>	<p>Letter sent by Chief Executive on 17th March 2023 and response is detailed at Appendix 2.</p>

Appendix 1

<p>Specifically, by identifying companies who could be involved in running a Mine Water Heat Network and working with them to develop a successful plan for Oldham Borough.</p> <p>4. Commits to re-evaluating all council owned assets for the viability of having solar panels installed to maximise the renewable energy generated by the Council.</p> <p>5. Explores the creation of a Local Energy Market to sell excess energy generated by council renewable assets to residents at a reasonable price, independent of the main energy providers, and to support the development of privately owned renewable energy generation in Oldham which can also help residents and businesses to reduce their energy bills through schemes like the Oldham Energy Futures project - piloted in Sholver and Westwood – and the Oldham Green New Deal Delivery Partnership.</p>			
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Appendix 1

<p>6. Requests that Greater Manchester Pension Fund (GMPF) divest from fossil fuel companies by 2030 at the latest</p> <p>7. Requests that GMPF provide an annual report - until such a time that they are fully divested - to record active interventions they are making to change those companies' policies to become carbon neutral.</p> <p>8. Works alongside the partner agencies to identify more sites in the Borough which could potentially help Oldham reduce its reliance on fossil fuels.</p> <p>9. Works alongside future governments to support the creation of a national public energy company, where the income generated will be reinvested into the UK, rather than into the pockets of shareholders or other nations who own energy companies operating in the UK.</p> <p>10. Reaffirms its commitment to a true windfall tax on the runaway profits of oil and gas giants. This tax revenue is</p>			
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Appendix 1

<p>needed to support families who are struggling.</p>			
<p>The Council resolved:</p> <ol style="list-style-type: none"> 1. That the Council instructs the Managing Director of Children and Young People to organise a campaign to further increase take up of Healthy Start vouchers in the Borough. 2. That the Chief Executive be requested to write to the Secretary of State for Education asking the Government to increase the value of the Healthy Start vouchers by at least 14% to match general food inflation to support residents with the cost-of-living crisis. 3. That the Council continues to push for reform to provide affordable childcare to all Oldhamers. 4. That the responsible Cabinet member(s) be requested to explore whether any extra support can be provided to early years providers in the Borough. 5. That the Council continued to work with schools on our poverty 	<p>Managing Director for Children and Young People/Chief Executive</p>	<p>17th March 2023</p>	<p>A reply from the Department of Education is attached at Appendix 3</p>

Appendix 1

<p>proofing audits – to make sure children from low-income backgrounds can participate fully in all aspects of learning and reduce stigma attached to poverty.</p> <p>6. That the Council commits to use the newly developed Equality Impact Assessment Tool to determine the impact of council decisions on Children and Young People.</p>			
<p>Further to Council on 14th December Keira Arnold and Hannah Miah attended to receive their Civic Appreciation Award 2023</p>	<p>Chief Executive</p>	<p>Council approved the report on 14th December 2022</p>	<p>Award ceremony was held prior to the meeting on 15th March 2023</p>
<p>1. To ensure that the council continues it's joined up approach to supporting residents during the cost-of-living crisis, working across all areas to ensure that no resident suffers hardship due to their financial situation.</p> <p>2. Continue to support residents to access all the benefits they are entitled to</p>	<p>Chief Executive, Deputy Chief Executive, Executive Director for Place and Economic Growth and Director of Finance</p>	<p>4th November 2022</p>	<p>No response received to date from the Secretary of State for Work and Pensions</p>

Appendix 1

<p>access, through the Council's Welfare Rights Team.</p> <p>Commit to working alongside Age UK to identify how the council can support older people during the cost-of-living crisis, including ensuring that everyone has access to food and heating.</p> <p>3. The Chief Executive to write to the Secretary of State for Work and Pensions, asking them to make changes to the benefits system to ensure that eligible residents receive benefits automatically, rather than having to claim them; asking them to commit to raising all social security benefits in line with inflation.</p> <p>4. To work alongside the Greater Manchester Combined Authority Ageing Hub to identify more avenues of support for older people in the borough.</p>			
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Appendix 1

<p>The Leader of Oldham Metropolitan Borough Council continues to use her position on the Greater Manchester Combined Authority to monitor the Places for Everyone plan and ensure that Oldham's housing needs are met.</p> <p>Brownfield sites to continue to be prioritised over Green Belt development by the administration.</p> <p>To continue to ensure 'shovel ready' projects on brownfield sites are not held back by delays, and notes that they are included in the overall housing supply (SHLAA) in the Oldham Metropolitan Borough.</p> <p>Oldham Council to continue to rationalise its brownfield site assets where reasonable and practicable, including the regeneration of the civic centre site after the council moves into the Spindles Shopping centre.</p>	<p>Leader of the Council, Chief Executive and Executive Director for Place and Economic Growth</p>	<p>4th November 2022</p>	<p>No response received to date from the Secretary of State for Transport</p>
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Appendix 1

<p>The Council confirms that homeownership is one of the fundamental tenets of building stronger communities and regrets that due to the recent Conservative Government crashing the economy homeownership is now unattainable by many Oldhamers.</p> <p>The Council continues to deliver its plans for Place Based Integration, as set out in the Oldham and Corporate Plans, to district and neighbourhood level.</p> <p>The Leader of Oldham Metropolitan Borough Council will look to create a Pennines Economic Co-operation Board which works with the GMCA, WYCA and both Mayors, to maximise the potential economic benefits of maximising the opening of new</p>			
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Appendix 1

road and rail links between Oldham and West Yorkshire.

The Chief Executive to write to the Secretary of State for Transport to:

- a. Seek a meeting with the Department of Transport, TfGM, and the relevant Oldham Council Cabinet member to restore public transport funding that has been cut by consecutive Conservative Governments.

- b. Build on the initial work done by Oldham's Members of Parliaments regarding the option of reopening existing railway stations such as

Appendix 1

<p>those at the Middleton Junction in Chadderton, Diggle in Saddleworth or a new Oldham line which connects to Oldham, Manchester and West Yorkshire for both freight and passenger services which can service the Borough more widely</p> <p>c. Request that the government restore brownfield remediation funding to help make brownfield sites more attractive to developers, instead of insisting that Oldham meet its housing targets</p>			
<p>The Council resolved to:</p> <p>a. Continue to gather the evidence to monitor the situation, paying attention to minimise any potential negative</p>	<p>Chief Executive and Executive Director for Place and Economic Growth</p>	<p>4th November 2022</p>	<p>No response received to date from the Secretary of State for Levelling Up, Housing & Communities</p>

Appendix 1

<p>impacts HMO's are having on areas. Also, to work with Councillors and residents to protect the interests of the residents, in the future development of HMO's.</p> <p>b. That automatic development rights for HMOs of up to six occupants be removed IF and WHEN the threshold for an Article 4 Direction is met. So developers are required to seek planning permission for a HMO of any size.</p> <p>c. Recognise that when managed by good landlords HMO's meet the housing needs of some Oldhamer's, but that residents have concerns around the number of inadequate landlords converting</p>			
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Appendix 1

<p>decent homes into HMOs solely for profit in particular neighbourhoods.</p> <p>d. Where HMOs are developed that require Planning Permission, the council will continue to consult with neighbouring residents, when development opportunities are sought by landlords to develop HMO's.</p> <p>e. That the Chief Executive will write to the Secretary of State for Levelling Up, Housing & Communities and request that the current planning regulations are reviewed and insist that local planning authorities are able to have more control over developments and</p>			
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Appendix 1

<p>changes of use in their boundaries.</p>			
<p>That letters be forwarded, on behalf of Oldham Council as follows:</p> <ol style="list-style-type: none"> 1. Oldham Council will write to the three MPs representing Oldham Borough, asking them to confirm their commitment to action to cut the costs of energy for residents. 2. Oldham Council will write to the Secretary of State for Energy to demand investment into the Oldham Mine Water Heat Network, which would provide an alternative way of delivering a secure heating source for hundreds of homes in the borough and 	<p>Chief Executive</p>	<p>9th September 2022</p>	<p>A response letter received from the relevant department and provided to Council on 2 November.</p> <p>Still awaiting response on Part 4 of the resolution, from the Chancellor of the Exchequer.</p>

Appendix 1

<p>commits to finding funding for this project at the soonest possible opportunity.</p> <p>3. Oldham Council will write to the Secretary of State for Education to ask that damaging cuts to Free School Meals are reversed.</p> <p>4. Oldham Council will write to the Chancellor of the Exchequer, urging him to reinstate the uplift for Universal Credit and extend Free School Meals to all families on Universal Credit.</p>			
<p>Letter sent to the Prime Minister ‘demanding an end to ‘fire and rehire’ and keep his promise to local residents to protect their employment terms and conditions, and to ask that all key workers get a pay-rise that is at least equal to inflation’</p>	<p>Chief Executive</p>	<p>26th July 2022</p>	<p>No response received to date from the Prime Minister’s office</p>

Appendix 1

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Actions Not Ambitions - A Renewable Energy Future

The Council, on 15th March 2023 passed the following Motion and the Executive Director – Place and Economic Growth has broken down her answer to this Motion in the following terms:

- **Ensure that the council continues its ambitious plans for the council to be operating as a carbon neutral council by 2025.**

The Council has an estates decarbonisation programme which will support this resolution. The programme has already successfully secured almost £2.5m in grant funding for a number of schemes at Alex Park Eco-Centre, Oldham Leisure Centre and the Spindles, and will deliver further projects going forward. The Council is also carrying out a review of energy purchasing arrangements which will include zero carbon electricity for Council Buildings and Street Lighting as well as carbon offsetting measures for our residual gas consumption.

- **Continue to work towards a carbon neutral Oldham by 2030, and a carbon neutral Greater Manchester by 2038.**

Oldham Council has been successful in securing £75K of grant funding from the Innovate UK Net Zero Living Pathfinder Places programme, to carry out feasibility work around establishing an Oldham Green New Deal Delivery Partnership, to secure the £5.6bn investment needed to deliver the low carbon infrastructure in Oldham's Local Area Energy Plan. The Council is currently in discussion with the GM Combined Authority and Manchester City Council, both of whom were also successful in Phase 1 of the Innovate UK programme, with a view to a consortium application to Phase 2 of the programme to secure up to £5m to implement the projects in our feasibility studies. If successful, this funding will help Oldham, Manchester and GMCA to put in place delivery mechanisms which will drive progress towards the 2030 and 2038 carbon neutrality targets.

- **Explore further options for renewable energy schemes across the Borough. Specifically, by identifying companies who could be involved in running a Mine Water Heat Network and working with them to develop a successful plan for Oldham Borough.**

The Detailed Project Development / Outline Business Case feasibility work for the proposed minewater heat network is currently underway, funded by the Department for Net Zero and Energy Security, and this includes some market engagement with heat network developers. Additionally, two rounds of market engagement for the Oldham Green New Deal Delivery Partnership work that the Council has already undertaken have identified a number of large companies which could deliver heat networks plus other low carbon infrastructure, and a further number of these companies have expressed an interest in working in Oldham following the UKREiF event earlier this year.

- **Commit to re-evaluating all council owned assets for the viability of having solar panels installed to maximise the renewable energy generated by the Council.**

The Council is currently undertaking a review of up to 20 Council-owned sites looking at feasibility for the installation of solar panels and other low carbon technologies. We are being supported in this review by the GM Combined Authority via the Go Neutral and Decarbonising of the Public Estate programmes. The review will identify a potential portfolio of low carbon projects for investment where the business case allows.

- **Explore the creation of a Local Energy Market to sell excess energy generated by council renewable assets to residents at a reasonable price, independent of the main energy providers, and to support the development of privately owned renewable energy generation in Oldham which can also help residents and businesses to reduce their energy bills through schemes like the Oldham Energy Futures project - piloted in Sholver and Westwood – and the Oldham Green New Deal Delivery Partnership.**

As well as being a partner in the Greater Manchester Local Energy Market project, the establishment of a LEM for Oldham is a key aim of the Oldham Green New Deal Strategy, and part of the OGND Delivery Partnership initiative referenced above. The OGND Delivery Partnership will create a pipeline of renewable energy projects, including on privately owned land and also community owned and led projects, which could feed electricity into an Oldham Local Energy Market to supply Oldham businesses and residents. This initiative has the potential to deliver fair energy costs over the medium term, but discussions are already underway with a number of potential private and community renewable energy projects with a view to securing energy supplies for the Oldham LEM.

- **Request that Greater Manchester Pension Fund (GMPF) divest from fossil fuel companies by 2030 at the latest**
- **Request GMPF provide an annual report - until such a time that they are fully divested - to record active interventions they are making to change those companies' policies to become carbon neutral.**

The Council has raised the issue with GMPF but at the time of writing has not received a response.

This Council further resolves to:

- **Work alongside the partner agencies to identify more sites in the Borough which could potentially help Oldham reduce its reliance on fossil fuels.**

Working with the private, third and community sectors to identify and support the development of further renewable energy projects across the borough is a key aim of the Oldham Green New Deal Delivery Partnership initiative referenced above, and discussions are already underway with a number of potential project leads.

- **Work alongside future governments to support the creation of a national public energy company, where the income generated will be reinvested into**

the UK, rather than into the pockets of shareholders or other nations who own energy companies operating in the UK.

- **No update.**
- **Reaffirm our commitment to a true windfall tax on the runaway profits of oil and gas giants. This tax revenue is needed to support families who are struggling.**

No update

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A Fit and Proper Healthy Start

The Council, on 15th March 2023 passed a Motion - A Fit and Proper Healthy Start - and the reply that has been received from the Department of Health and Social Care is copied below:

Our ref: DE-1451347

Dear Mr Catherall,

Thank you for your correspondence of 22 March to the Minister for Social Care about the Healthy Start scheme. I have been asked to reply and I apologise for the delay in doing so.

I appreciate your concerns.

You may be aware the Healthy Start scheme is delivered by the NHS Business Services Authority (NHS BSA) on behalf of the Department of Health and Social Care. The NHS BSA led the work to digitise the Healthy Start scheme, on behalf of the department, to help families to apply for, receive and use the benefits. The digitised Healthy Start scheme introduced an online application form, to replace the paper form, and a pre-paid card to replace the paper vouchers. The paper voucher system ended on 31 March 2022.

Following the introduction of the online application form the department was aware of some issues for some applicants, these have now been resolved. More generally the NHS BSA continues to work with stakeholders and users on service improvements to make the user experience as simple as possible

You ask that the Government increase the value of the Healthy Start benefit by at least 14%. The Healthy Start scheme is kept under continuous review. In April 2021 the value of the Healthy Start benefit increased from £3.10 to £4.25 per week, providing additional support to pregnant women and families on lower incomes to make healthy food choices. Due to this increase, eligible families with children aged under one each receive £8.50 per week instead of £6.20. There are currently no plans to increase the value of Healthy Start.

The latest figures for May 2023 show that uptake of the Healthy Start scheme in Oldham is 70%, higher than the national average figure of 64.9%. The NHS BSA actively promotes the Healthy Start scheme through multiple digital channels and has created tools to help stakeholders promote the scheme at a local level, which are easy to access through the Healthy Start website. The NHS BSA has also reached out to stakeholders to see how it can support them to promote the Healthy Start scheme and is engaging with contacts in priority areas.

Uptake of the fully digitised scheme is higher than the previous paper voucher scheme.

I hope this response is helpful.

Yours sincerely,

K Jarvis
Ministerial Correspondence and Public Enquiries
Department of Health and Social Care



Department for Levelling Up,
Housing & Communities

Lee Rowley MP

*Parliamentary Under-Secretary of State for Local
Government and Building Safety*

**Department for Levelling Up, Housing and
Communities**

Fry Building
2 Marsham Street
London
SW1P 4DF

Our Ref:23808596

Mr Harry Catherall
Oldham Council
Level 3, Civic Centre
West Street
Oldham, OL1 1UG

13 April 2023

Dear Harry,

Thank you for your letter of 16 December to the Rt Hon Michael Gove MP regarding funding and council tax in Oldham. I am replying as the Minister responsible for this policy area; please accept my apologies for the delay in responding.

I note the motion passed by the Council and that Councillors take a particular view to spending choices and where funds should be raised from. It is absolutely the case that the last thirteen years have been difficult, caused by the need to repair the public finances post-2010 and then a series of exogenous large shocks which have meant significant additional taxpayer subsidy has been needed in times of challenge. That has inevitably meant difficult choices have to be made regarding where taxpayer subsidy can be apportioned.

As the Council will no doubt be aware, the settlement for 2023 / 2024 has now come forward and makes available substantial additional taxpayer subsidy for local Councils. Taken together with continuing efficiency and transformation savings which all Councils should continue to do every year, we hope that provides a solid basis upon which to progress in the coming twelve months.

Thank you for writing in on this important matter.

Yours sincerely,

LEE ROWLEY MP

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Report to COUNCIL



The Bee Network – Improving Greater Manchester Transport Governance

Officer Contact: Paul Entwistle, Director of Legal Services

12th July 2023

Executive Summary

To propose new governance arrangements to enable a more coordinated and integrated approach to transport governance.

Recommendations

1. Agree to the establishment of a new joint transport committee (The Bee Network Committee) of the GMCA, the Mayor, and the ten Greater Manchester Constituent Councils.
2. Approve the appointment of Members to the Bee Network Committee as set out in Appendix 1 and appoint 1 member, preferably the lead member with responsibility for transport and 1 substitute member to the Bee Network Committee.
3. Approve the Terms of Reference of the Bee Network Committee as set out in Appendix 2.
4. Note the delegations of the functions of the GMCA as set out in the Terms of Reference of the Bee Network Committee and note the delegations of Mayoral functions as set out in the Terms of Reference, attached as Appendix 2.
5. Agree the delegation of the functions of the Local Authority Constituent Councils as set out in the Terms of Reference, attached as Appendix 2, (which for the avoidance of doubt are the same delegations given to the former Transport Committee)
6. Approve the Rules of Procedure for the Bee Network Committee as set out in Appendix 3.

The Bee Network – Improving Greater Manchester Transport Governance

1. Purpose of the report

- 1.1. To propose new governance arrangements to enable a more coordinated and integrated approach to transport governance.

2. Introduction

- 2.1. The creation of Greater Manchester's (GM's) integrated transport system, the Bee Network, will require a more coordinated and integrated approach to transport governance, that places accountability to local people at its heart.
- 2.2. Local control of the GM transport network, and bus franchising in particular, will change the type and number of decisions being made. GM therefore needs to change the make-up of its decision-making bodies so as to ensure GM's new responsibilities are discharged in an effective and transparent way.

3. Current Arrangements

- 3.1. GMCA, the Mayor and the 10 GM Constituent Councils have delegated some of their functions to the GM Transport Committee (GMTC). The functions delegated provide limited opportunities for GMTC to influence strategic decision-making and therefore transport policy. Its role combines elements of both decision-making around relatively minor issues and performance monitoring which is usually considered to be a scrutiny committee function. This has led to a lack of clarity both within and outside of the GM system.

4. Principles for Future Governance

- 4.1. To help shape future governance, seven principles that set out the requirements of any new structures have been identified. They should:
 - Support shared ownership of the transport agenda across GM, informed by local priorities and driven by consensus.
 - Support an integrated approach to policy development to support the delivery of an integrated network.
 - Separate decision-making and policy development from oversight and scrutiny.
 - Strengthen decision-making, scrutiny and local involvement.

-
- Be simplified and transparent.
 - Support enhanced member and public engagement.
 - Ensure delegation to officers to enable operational flexibility, as appropriate.

5. The Way Forward

5.1. In alignment with these principles, the proposal is:

- A new, smaller, and more strategically focused 'Bee Network Committee' (BNC), which would lead transport decision-making at a regional level, taking greater ownership and responsibility for the GM integrated transport network.
- Strengthened local engagement by increasing opportunities for local councilors and members of the public to contribute to and influence transport policy and services in their area.
- Formal scrutiny of the Bee Network Committee being part of the work programme of the newly strengthened GM Overview & Scrutiny Committee.

5.2 Although the new committee itself would have greater delegated powers, no additional constituent council functions are to be transferred or delegated to the GMCA.

5.3 The GMCA would delegate additional functions that are already conferred on or delegated to it, to TfGM. Such functions would be of a day-to-day operational nature, for example, local bus information, consultation procedures, transport and road safety studies. This will require corresponding amendments to the GMCA constitution which will be included in the annual review of the constitution.

6. The Bee Network Committee (BNC)

6.1. As with the present GMTCC, the BNC would be structured as a joint committee, able to exercise decision-making powers and develop policy on behalf of the CA, the Mayor and constituent councils.

6.2. It is anticipated that the new committee would have no more than 16 members, as set out below:

- GM constituent councils appoint one member each to ten places (expected to be the transport portfolio holder – see below)
- GMCA appoints to one place
- The Mayor
- Additional members appointed by Mayor for political balance (up to a maximum committee size of 16).

-
- 6.3. The constituent councils would be expected to nominate their cabinet member with transport responsibility to the committee, or another councilor with decision-making responsibility where more appropriate
- 6.4. By bringing together executive members from across the city region, the BNC will be able to take a holistic and integrated view of transport in GM, and can better support and co-ordinate activity across district boundaries e.g. co-ordination of highways management.
- 6.5. Functions of the new committee could include:
- a) Decision-Making – Approving significant changes to transport network operations, and the draw down of funding to invest in transport infrastructure and operations.
 - b) Performance Monitoring – Oversight of the performance and financial sustainability of the transport network, holding transport operators and TfGM to account.
 - c) Policy Development – Developing transport policy to support the delivery of the Local Transport Plan (Greater Manchester 2040 Transport Strategy) and the Greater Manchester Strategy, within the parameters of the budgets set by GMCA.
 - d) Local Coordination – Facilitating coordination between the Constituent Councils to support effective highways management and infrastructure delivery. For example, oversight of the coordination of road works through the Greater Manchester Road Activity Permit Scheme (GMRAPS).
- 6.6. The GMCA would continue to approve:
- Transport Budgets
 - The Local Transport Plan and any sub-strategies
 - Metrolink and Bus Franchise contract awards
 - TfGM Executive and Non-Executive Appointments
- 6.7 TfGM would make day-to-day operational decisions within agreed parameters and policies.
- 6.8 The TfGM Executive Board would retain responsibility for ensuring TfGM has or develops the organisational capabilities and culture to deliver the transport strategies, policies and interventions of the Transport Authority as directed by the Mayor, the GMCA, GM constituent councils and BNC.

7. Strengthened Member and Public Engagement

- 7.1. A key part of these new governance arrangements will be an increased number of opportunities for local councillors and members of the public to influence transport policy and services in their area and better hold TfGM and other agencies to account for the

operational performance of the network (e.g. around safety and personal security). These will include:

- Opportunities for local members to inform reviews of the transport network, including regular reviews of the franchised bus network, through direct engagement and consultation.
- Virtual and in-person drop-ins established for local members to raise issues/concerns directly with TfGM officers.
- Opportunities for local members to input via Transport Executive Members represented on Bee Network Committee.
- Opportunities for constituent councils to refer petitions regarding the transport network to the Bee Network Committee, providing they comply with the requirements of that constituent council's petitions scheme.

8. Clear Scrutiny Arrangements

- 8.1. As GM takes on new responsibilities and functions, it is important that scrutiny arrangements are appropriately strong. Under these proposals, the GMCA's single, integrated Overview & Scrutiny Committee will consider transport matters in one place, alongside other policy areas, allowing for integrated consideration of issues. This approach has been highlighted within the Government's recently published English Devolution Accountability Framework as an example of good practice.
- 8.2. The Overview & Scrutiny Committee will scrutinise the decisions of the BNC and will be able to call in Decisions as it feels appropriate. It may also initiate task and finish groups, which can provide greater opportunity to focus on a particular issue.

9. Implementation

- 9.1. The attached draft Terms of Reference (Appendix 2) set out the proposed functions of and delegations to the Bee Network Committee. Appendix 3 sets out a draft of the proposed Rules of Procedure.
- 9.2. The GMCA and the Mayor at the GMCA meeting held on 26th May 2023 approved the new arrangements and the establishment of the Bee Network Committee as set out in the appendices and recommended it on for approval by the GM district councils. Each GM constituent council will need to agree to the establishment of the new Bee Network Committee, approve the proposed terms of reference and rules of procedure and appoint an appropriate representative and substitute to the committee.
- 9.3. On conclusion of this process, it would be the intention to hold the first meeting of the new Bee Network Committee in July 2023, prior to the first franchised bus services entering operation in September 2023.

10. Preferred Option

10.1 The preferred option is the new arrangement which has been agreed by the GMCA and the Mayor.

11. Consultation

11.1 There will be an increased number of opportunities for the public to influence transport policy and services.

12. Financial Implications

12.1. N/A

13. Legal Services Comments

13.1. The legal comments are detailed in the report

14. Co-operative Agenda

14.1. N/A

15. Human Resources Comments

15.1. N/A

16. Risk Assessments

16.1. N/A

17. IT Implications

17.1. N/A

18. Property Implications

18.1. N/A

19. Procurement Implications

19.1. Not applicable for this report

20. Environmental and Health & Safety Implications

20.1. N/A

21. Equality, community cohesion and crime implications

21.1. N/A

22. Oldham Impact Assessment Completed?

22.1. For the purpose of this report an assessment has not been completed (Lewis Greenwood)

23. Key Decision

23.1. No

24. Key Decision Reference

24.1. N/A

25. Background Papers

25.1. 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:

Name of File: Transport Governance
Records held in: Legal Services
Officer Name: Paul Entwistle
Contact No: 0161 770 4822

26. Appendices

Appendix 1 – Appointment of Members
Appendix 2 – Terms of Reference
Appendix 3 – Rules of Procedure

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Appendix 1

Bee Network Committee – Joint Committee of the Mayor, the GMCA and the Constituent Councils pursuant to the Greater Manchester Combined Authority (Functions and Amendment) Order 2019 (the GM Transport Order)

1. The number of members of the Bee Network Committee shall not exceed 16.
2. Each Constituent Council shall appoint one of their elected members to be a member of Bee Network Committee.
3. Each of the Constituent Councils is expected to appoint their district's executive member with responsibility for transport to be a member of the Bee Network Committee.
4. Each Constituent Council shall appoint one of their elected members to act as substitute member of the Bee Network Committee in the absence of the member appointed in accordance with clause 3 above.
5. The GMCA will appoint one member of the GMCA to be a member of the Bee Network Committee.
6. The GMCA will appoint one member or substitute member of the GMCA to act as substitute member of the Bee Network Committee in the absence of the member appointed in accordance with clause 5 above.
7. The Mayor will be a member of the Bee Network Committee.
8. The Mayor will appoint, one member or one substitute member of the GMCA (insofar as is reasonably practicable) or (if not reasonably practicable) an elected member of one of the constituent councils to act as substitute member of the Bee Network Committee in the Mayor's absence.
9. The Mayor will appoint up to 4 additional members to the Bee Network Committee, from the elected members of the Constituent Councils. The appointments to the Bee Network Committee made by the Mayor under this clause 9 will be made so as to ensure that the members of the Bee Network Committee, taken as a whole, reflect as far as reasonably practicable the balance of political parties for the time being prevailing among the Constituent Councils when taken together. The appointments to the Bee Network Committee made by the Mayor under this clause 9 will reflect the wishes of the relevant political group as to the members to be appointed to any seat on the Bee Network Committee allocated to that political group.
10. The GMCA will appoint elected members of the Constituent Councils to act as substitute members of the Bee Network Committee in the absence of the members appointed in accordance with clause 9 above.

Bee Network Committee – Terms of Reference

1. Overview

- 1.1 As a joint committee of the ten Greater Manchester district councils ('the Constituent Councils'), the GMCA and the Mayor, the Bee Network Committee brings together the principal transport decision-makers in Greater Manchester, allowing a holistic, integrated view of transport to be taken.
- 1.2 The Bee Network Committee is responsible for overseeing delivery of Greater Manchester Local Transport Plan set by GMCA and within the transport budgets set by the GMCA.
- 1.3 The Committee leads transport decision-making at a city regional level, and is responsible for monitoring the performance of Greater Manchester's transport network, and the performance of Transport for Greater Manchester (TfGM), the local government body responsible for delivering Greater Manchester's transport strategy and commitments.
- 1.4 The Committee has an important role in developing transport policy, and advising and supporting the Constituent Councils, the GMCA and Mayor on specific transport issues.
- 1.5 The Committee also supports shared ownership of the transport agenda across the city region, informed by local priorities and driven by consensus. It facilitates an integrated approach to policy development to support the delivery of Greater Manchester's fully integrated transport system, the 'Bee Network', which will change the way people travel across the city region.
- 1.6 In summary, the four key roles for the Bee Network Committee are:
 - a) **Decision-Making** – Determining changes to transport network operations as set out in Part 2, and the draw down of funding to invest in transport infrastructure and operations.

- b) **Performance Monitoring** – Oversight of the performance and financial sustainability of the transport network, holding transport operators and TfGM to account.
- c) **Policy Development** – Developing transport policy to support the delivery of the Local Transport Plan and the Greater Manchester Strategy, within the parameters of the budgets set by GMCA.
- d) **Local Coordination** – Facilitating coordination between the Constituent Councils to support effective highways management and infrastructure delivery.

2. Transport functions of the GMCA delegated or referred to the Bee Network Committee

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

- a) Determining a programme of reviews to inform changes to the transport network;
- b) Determining any proposed changes to the transport network resulting from the programme of network reviews, subject to compliance with any statutory requirements. For example, the introduction of new routes, withdrawal of existing routes, or major changes to routes, frequencies or vehicle specifications;
- c) Receiving updates, where appropriate, on other operational changes to the transport network, such as: schedule changes to improve reliability, minor route changes, capacity changes, changes in response to emergency events and planned temporary changes;

- d) Determining the operation of subsidised bus services in Greater Manchester;
- e) Determining the operation of the GMCA's accessible transport provision pursuant to Sections 106(1) and 106(2) of the Transport Act 1985;
- f) Approving the draw down of capital funds to invest in transport infrastructure, services and operations in accordance with the budgets set and the capital programme/s approved by the GMCA;
- g) Monitoring the performance of Greater Manchester's transport network, including the parts of the network which are not within the control of the Mayor, the GMCA or local authorities such as rail services and the strategic highways network managed by National Highways;
- h) Monitoring delivery of the Local Transport Plan and other transport policies of the Mayor and the GMCA;
- i) Monitoring delivery of key transport programme including, but not limited to, the transport capital programme;
- j) Monitoring and overseeing the activities and performance of TfGM (and where appropriate recommending that the GMCA exercise the power pursuant to Section 15(6) of the Transport Act 1968 to give to TfGM such directions as appear to the Bee Network Committee to be appropriate to secure the observance of the rights of the GMCA);
- k) Ensuring that TfGM secures the provision of appropriate public passenger transport services pursuant to Section 9A(3) of the Transport Act 1968 and monitoring the operation and performance of these services and initiating appropriate action, including making recommendations to the GMCA and/or the Mayor;
- l) Ensuring that TfGM implements those actions delegated to it for promoting the economic, social and environmental well-being of Greater Manchester and its residents pursuant to Section 99 of the Local Transport Act 2008;

- m) Undertaking policy reviews and development, to support the delivery of the Local Transport Plan and the Greater Manchester Strategy, in accordance with any transport policies of the GMCA or Mayor, and the GMCA's agreed transport budget and borrowing limits;
- n) Reviewing fares, tariffs, charges and concessions functions and making recommendations to the GMCA, in accordance with any transport policies of the GMCA and the Mayor, the Local Transport Plan and the agreed transport budget and borrowing limits;
- o) Considering proposals by TfGM to promote or oppose any Bill in Parliament pursuant to Section 10(1)(xxix) of the Transport Act 1968 and making recommendations to the GMCA as to whether it should approve such proposals; and
- p) Promotion of Greater Manchester's transport and travel interests as set by the GMCA and the Mayor.

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

- a) Producing and developing policies in relation to the road safety function;
- b) Drawing up budgets in relation to the road safety function insofar as it is exercised by the TfGM. Determining the tasks to be carried out in relation to the road safety function by TfGM;
- c) Making recommendations to the GMCA and the Mayor in respect of the development of policies for the promotion and encouragement of safe transport to, from and within its area under s108 Transport Act 2000; and
- d) Monitoring and overseeing the activities and performance of TfGM, in respect of the road safety function.

3. Transport functions of the Constituent Councils delegated directly to the Bee Network Committee

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

- a) Carrying out actions to facilitate the performance by local traffic authorities of their duty to manage their road traffic on their own roads and facilitating the same on other local authorities' roads pursuant to Sections 16 and 17 (except for sub-sections 17 (2) and (3)) of the Traffic Management Act 2004, including in particular –
 - i. establishing processes for identifying things (including future occurrences) which are causing or have the potential to cause road congestion or other disruption to the movement of traffic on the road network;
 - ii. determining specific policies and objectives in relation to strategic roads; and
 - iii. monitoring the effectiveness of traffic authorities in managing their road network.

3.2 The delegated functions referred to in paragraph 3.1 enable the Bee Network Committee to coordinate local authority transport responsibilities, where cross border cooperation is required.

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Bee Network Committee

Rules of Procedure

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

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

2. Chair

2.1*The Chair of the Bee Network Committee will be appointed annually by the Mayor from among its members and shall, unless they resign, cease to be members of the Bee Network Committee or become disqualified, act until their successor becomes entitled to act as Chair.

2.2The appointment of the Chair, for recommendation to the Mayor, shall be the first business transacted at the Annual Meeting of the Bee Network Committee.

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

3. Meetings

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

3.2 Ordinary meetings of the Bee Network Committee for the transaction of
* general business shall be held on such dates and at such times as the Bee Network Committee shall determine.

3.3 An Extraordinary Meeting of the Bee Network Committee may be called
* at any time by the Chair.

4. Notice of Meetings

4.1 At least five clear days before a meeting of the Bee Network Committee:

- (a) notice of the time and place of the intended meeting shall be published by the Secretary and posted at Broadhurst House, Oxford Street, Manchester, M1 6EU; and
- (b) a summons to attend the meeting, specifying an agenda for the meeting, shall be sent by electronic email to the usual email address of each member of the Bee Network Committee, or any other email address notified to notified to the Secretary by a member of the Bee Network Committee.

4.2 Lack of service on a member of the Bee Network Committee of the
* summons shall not affect the validity of a meeting of the Bee Network Committee.

4.3 A member of the Bee Network Committee may require a particular item
* of business, including any motion, which is relevant to the powers of the Bee Network Committee, to be discussed at an ordinary meeting of the Bee Network Committee subject to at least eight clear days' notice of such intention being given to the Secretary in writing, signed by the member concerned and specifying the business to be discussed. The Secretary shall set out in the agenda for each meeting of the Bee Network Committee the items of business requested by members (if any) in the order in which they have been received, unless the member concerned has given prior written notice to the Secretary prior to the issue of the agenda for the meeting, for it to be withdrawn. If the member concerned is not present at the meeting when an item of which they have given notice comes up for discussion, this item shall, unless the Bee Network Committee decides otherwise, be treated as withdrawn. A

member shall not have more than one item of business, or motion, standing in their name to be discussed at any meeting of the Bee Network Committee.

- 4.4 No motion by way of notice to rescind any resolution which has been passed within the preceding six months, nor any motion by way of notice to the same effect as any motion which has been negatived within the preceding six months, shall be in order, unless the notice thereof shall have been given in time for inclusion on the agenda for the meeting, in accordance with paragraph 4.3 above, and the notice shall have been signed by four other members in addition to the member who is to propose the motion.
- 4.5 * Except in the case of business required by these Rules to be transacted at a meeting of the Bee Network Committee, and other business brought before the meeting as a matter of urgency, and of which the Secretary shall have prior notice and which the Chair considers should be discussed at the meeting, no business shall be transacted at a meeting of the Bee Network Committee other than that specified in the agenda for the meeting.

5. Chair of Meeting

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

6. Quorum

- 6.1 * No business shall be transacted at any meeting of the full Bee Network Committee unless at least 6 of the members are present).
- 6.2 If at the time for which a meeting is called, and for 15 minutes thereafter, a quorum is not present, then no meeting shall take place.
- 6.3 If during any meeting of the Bee Network Committee the Chair, after counting the number of members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the Bee Network Committee.

7. Order of Business

- 7.1 At every meeting of the Bee Network Committee the order of business shall be to select a person to preside if the Chair is absent and thereafter shall be in accordance with the order specified in the agenda for the meeting, except that such order may be varied -
- (a) by the Chair at his/her discretion, or
 - (b) on a request agreed to by the Bee Network Committee
- 7.2 The Chair may bring before the Bee Network Committee at their discretion any matter that they consider appropriate to bring before the Bee Network Committee as a matter of urgency.

8. Rules of Debate

Motions

- 8.1 A Motion (or amendment) shall not be discussed unless it has been proposed and seconded. It shall, if required by the Chair, be put in writing and handed to the Chair, who shall determine whether it is in order before it is further discussed or put to the meeting.
- 8.2 A member when seconding a Motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate. No member may, except at the discretion of the Chair, address the Bee Network Committee more than once on any Motion. The mover of the original Motion may reply but shall confine such reply to answering previous speakers and shall not introduce any new matter into the debate. After the reply the question shall be put forthwith.
- 8.3 A member when speaking shall address the Chair. If two or more members signify their desire to speak, the Chair shall call on one to speak: the other or others shall then remain silent. While a member is speaking no other member shall intervene unless to raise a point of order or by way of personal explanation.
- 8.4 A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes except by consent of the Chair.

Amendments to Motions

- 8.5 An amendment shall be relevant to the Motion and shall be:-

- (a) (i) to leave out words from the Motion
- (ii) to leave out words from, and insert or add others to, the Motion:
- (iii) to insert words in, or add words to, the Motion:

but such omission, insertion or addition of words shall not have the effect of negating the Motion before the Bee Network Committee.

8.6 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. The mover of an amendment shall read the same before speaking to it.

8.7 If an amendment is rejected, other amendments may be moved on the original Motion. If an amendment is carried, the Motion as amended shall take the place of the original Motion and shall become the substantive Motion upon which any further amendment may be moved, except any amendment which would be inconsistent with that already carried. The right of reply under paragraph 9.2 above shall not extend to the mover of an amendment which, having been carried, has become the substantive Motion. No member shall move more than one amendment on any Motion.

8.8 A member with the consent of the Bee Network Committee, signified without discussion:-

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

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

- 8.9 A Motion or amendment may be withdrawn by the mover with the consent of the Bee Network Committee (which shall be signified without discussion) and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission has been refused.
- 8.10 When a Motion is under debate no other Motion shall be moved except the following:-
- (a) That the Motion be amended
 - (b) That the Bee Network Committee proceed to the next business
 - (c) That the question be put
 - (d) That the debate be adjourned
 - (e) That the meeting be adjourned
 - (f) That the member named be warned
 - (g) (By the Chair under paragraph 11.2 below) That the member named leave the meeting, or
 - (h) That the press and public be excluded (in accordance with Section 100A of the Local Government Act, 1972)
- 8.11 A member who has not already spoken on the item under consideration may move without comment at the conclusion of a speech of another member “That the Bee Network Committee proceed to the next business”, “That the question be put”, “That the debate be adjourned” or “That this meeting of the Bee Network Committee be adjourned” and on the seconding of that Motion the Chair shall proceed as follows:
- (a) on a Motion to proceed to the next business, unless in their opinion the original Motion or amendment has been insufficiently discussed, they shall first give the mover of the original Motion a right of reply, and then put to the vote the Motion to proceed to the next business; if this latter

Motion is carried, the original Motion or amendment under discussion shall be deemed to be withdrawn

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

8.12 No member may move any of the Motions in paragraph 9.11 above on more than one occasion at each meeting and, when such a Motion is not carried, a

second Motion of the like nature shall not be made within half an hour unless, in the opinion of the Chair, the circumstances of the question are materially altered.

Points of Order

- 8.13 A member may, with the permission of the Chair, raise a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of the Rules of Procedure or statutory provision and the member shall specify which part of the Rules of Procedure or statutory provision and the way in which they consider it has been broken. A personal explanation shall be confined to some material part of a former speech by the member which they consider to have been misunderstood in the present debate.
- 8.14 The ruling of the Chair on a point of order, or the admissibility of a personal explanation, shall not be open to discussion.
- 8.15 Whenever the Chair intervenes during a debate a member then speaking or offering to speak shall give way.

Motion to exclude the Press and Public

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

9. **Voting**

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

10. **Conduct of Members at meetings**

- 10.1 If at a meeting any member of the Bee Network Committee, misconducts him or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by willfully obstructing the business of the Bee Network Committee, the Chair or any other member may move "That the member named be warned" and the Motion if seconded shall be put and determined without discussion.
- 10.2 If the member named continues such misconduct after a Motion under the foregoing paragraph has been carried, the Chair shall either:-
- (a) move "That the member named leave the meeting" (in which case the Motion shall be put and determined without seconding or discussion)
 - (b) adjourn the meeting of the Bee Network Committee for such period as they consider expedient

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

11. Disturbance by Members of the Public

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

12. Interests of Members

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

13. Publication of Reports

13.1 * Reports or other documents for the consideration of the Bee Network Committee shall be marked "Private & Confidential Not for Publication" only if the Secretary, as Proper Officer under Section 100B(2) of the Local Government Act 1972 determines that this should be done on one or more of the grounds specified in the Act.

13.2 A Member of the Bee Network Committee or a member of the public may request that an item of business containing exempt information should be taken in public and such a request should be dealt with by the meeting at

which the item is to be considered in private as the first item on the agenda. The procedure for dealing with such requests is set out in Rules 14 and 15 below.

13.3 * Copies of the agenda of meetings of the Bee Network Committee, including prints of reports or other documents to be submitted to the Bee Network Committee (other than reports or other documents marked "Not for Publication") shall be furnished prior to the meeting to representatives of the press, radio and television and shall also be furnished at the meeting to members of the public attending such meetings. Such documents shall also be made available for public inspection, at least five clear days before any meeting, at Broadhurst House, Oxford Street, the Town Hall, Manchester, M1 6EU.

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

14. Access to Information Procedure Rules

14.1 Except as otherwise indicated, these rules apply to all meetings of the Bee Network Committee.

14.2 The Rules in Section 14 do not affect any more specific rights to information contained elsewhere in these Rules of Procedure or the law.

14.3 The Bee Network Committee will supply copies of:

(a) any agenda and reports that are open to public inspection

- (b) any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda
- (c) if the Secretary thinks fit, copies of any other documents supplied to members in connection with an item
- (d) to any person on payment of a charge for postage and any other costs.

14.4 The Bee Network Committee will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting
- (d) reports relating to items when the meeting was open to the public

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

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

15. Admission of the Public

15.1 *All meetings of the Bee Network Committee shall be open to the public (including the press) except to the extent that they are excluded whether during the whole or part of the proceedings either:

- a. In accordance with Section 100A(2) of the Local Government Act 1972;
or
- b. By resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as defined in Section 100I of the Local Government Act 1972. Any such Resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

15.2 Exclusion of access by the public to meetings

(a) Confidential information – requirement to exclude public

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

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

(b) Meaning of confidential information

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

(c) Meaning of exempt information

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

- (i) information relating to any individual
- (ii) information which is likely to reveal the identity of any individual
- (iii) information relating to the financial or business affairs of any particular person (including the authority holding that information)
- (iv) information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the Bee Network Committee or a Minister of the Crown and employees of, or office holders under, the Bee Network Committee
- (v) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
- (vi) information which reveals that the Bee Network Committee proposes a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment
- (vii) information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

In each case, information is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(d) Exclusion of Access by the public to reports

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

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Report to COUNCIL

Political Balance Review

Officer Contact: Paul Entwistle, Director of Legal Services

Report Author: Peter Thompson, Constitutional Services
Ext. 4716

12th July 2023

Reason for Decision

The Council has received notification that three Independent Members of the Council wish henceforth to be known as the Independent Group, further to Regulation 8 (1) of the Local Government (Committees and Political Groups) Regulations 1990 and under Section 15 and 16 of the Local Government and Housing Act 1989. The three members are Councillors Ball, Hince and Hurley and Councillor Hince has been nominated as group Leader.

In light of this the Council is asked to review the political composition of committees and to note the composition of the political groups as previously notified under Regulation 8 (1) of the Local Government (Committees and Political Groups) Regulations 1990 and under Section 15 and 16 of the Local Government and Housing Act 1989.

Recommendations

- (a) The composition of the political groups as shown in paragraph 1.1 be noted.
- (b) The number of seats on the various Committees for the 2023/24 Municipal Year as detailed in paragraph 1.5 be approved.
- (c) Council confirms the allocation of seats to the political groups and makes appointments to fill the seats in accordance with Sections 15 and 16 of the Local Government and Housing Act 1989 as far as is practicable (as detailed in Appendix 1 – which will be

circulated at the meeting), including those Committees that are not strictly politically balanced – Scrutiny Boards, Appeals Committee and Standards sub-committee.

- (d) Any outstanding appointments to be delegated to the Chief Executive in consultation with the Leader of the Council and Leader of the main opposition group.

Political Balance Review

1 Background

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

1.1 Political Groups

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

(i)	The Labour Group	32	Members
(ii)	The Conservative Group	11	Members
(iii)	The Liberal Democrat Group	10	Members
(iv)	Failsworth Independent Party	3	Members
(v)	Independent Group	3	Members
	1 Independent Member		

1.2 Political Balance

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

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

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

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

Labour Group	$32/60 \times 100 = 53.33\%$	105 seats x $53.33\% = 56$	56 seats
Conservative Group	$11/60 \times 100 = 18.33\%$	105 seats x $18.33\% = 19.25$	19 seats

Liberal Democrat Group	10/60 x 100 = 16.66%	105 seats x 16.66%= 17.49	17 seats
Failsworth Independent Party	3/60 x 100 = 5%	105 seats x 5% = 5.25	5 Seats
Independent Group	3/60 x 100 = 5%	105 seats x 5% = 5.25	5 seats

There is one Independent Member.

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

COMMITTEE SIZE	Labour (L)	Conservative (LD)	Liberal Democrat (C)	FIP	IND Group	IND
15	8.00	2.75	2.50	0.75	0.75	0.25
14	7.47	2.57	2.33	0.70	0.70	0.23333
13	6.93	2.38	2.17	0.65	0.65	0.21666
12	6.40	2.20	2.00	0.60	0.60	0.2
11	5.87	2.02	1.83	0.55	0.55	0.18333
10	5.33	1.83	1.67	0.50	0.50	0.16667
9	4.80	1.65	1.50	0.45	0.45	0.15
8	4.27	1.47	1.33	0.40	0.40	0.13333
7	3.73	1.28	1.17	0.35	0.35	0.11667
6	3.20	1.10	1.00	0.30	0.30	0.1
5	2.67	0.92	0.83	0.25	0.25	0.08333
4	2.13	0.73	0.67	0.20	0.20	0.06667
3	1.60	0.55	0.50	0.15	0.15	0.05
2	1.07	0.37	0.33	0.10	0.10	0.03333

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

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

Committee	Seats	L	C	LD	FIP	Ind Group	I
Licensing	15	8	3	2	1	1	0
Planning	14	8	2	2	1	1	0
Audit Committee	9	5	2	2	0	0	0
Place, Economic Growth and Environment Scrutiny Board*	8	4	1	1	0	0	0
Governance, Strategy and Resources Scrutiny Board*	8	4	1	1	0	0	0
Adults Social Care and Health Scrutiny Board*	8	4	1	1	0	0	0
Children and Young People Scrutiny Board*	8	4	1	1	0	0	0

Employment Committee/Local NJC	7	4	1	1	0	0	0
Appointments Committee	5	3	1	1	0	0	0
Commons Registration	5	3	1	1	0	0	0
Charitable Trust Committee	5	3	1	1	0	0	0
Standards Committee	5	3	1	1	0	0	0
Traffic Regulation Order Panel	5	3	1	1	0	0	0
Appeals Committee	3*	2	1	0	0	0	0
Total	105	58	18	16	2	2	0

* In accordance with political balance rules, Labour should have a majority of seats but this is proposed to be waived.

The above calculation leaves 9 committee places to be allocated and 2 places to be reallocated.

1.5 Adjustment of Seats

In accordance with the rules of political balance the number of seats must be allocated to accord with the rules above. It is therefore proposed that the number of seats on the various Committees for the 2023/24 Municipal Year be fixed as follows:-

Committee	Seats	L	C	LD	FIP	Ind Gp	I
Licensing	15	8	3	2	1	1	0
Planning	14	8	2	2	1	1	0
Audit Committee	9	5	2	2	0	0	0
Place, Economic Growth and Environment Scrutiny Board*	8	4	1	1	1	1	0
Governance, Strategy and Resources Scrutiny Board*	8	4	1	1	1	1	0
Adults Social Care and Health Scrutiny Board*	8	4	2	1	1	0	0
Children and Young People Scrutiny Board*	8	4	1	1	0	1	1
Employment Committee/Local NJC	7	4	1	1	0	0	1
Commons Registration	5	3	1	1	0	0	0
Appointments Committee	5	3	1	1	0	0	0
Charitable Trustee Committee	5	3	1	1	0	0	0
Standards Committee	5	3	1	1	0	0	0
Traffic Regulation Order Panel	5	3	1	1	0	0	0
Appeals Committee*	3	1	1	1	0	0	0
Total	105	57	19	17	5	5	2

* In accordance with political balance rules, Labour should have a majority of seats Committee seats but this is proposed to be waived. On adjustment Labour is showing a slight increase of one seat.

The Health and Well Being Board is not included in the calculation above. Although the Committee is appointed by Council, the Local Authority (Public Health and Well Being Boards and Health Scrutiny) Regulations 2013 provide for the disapplication of Section 15 and 16 of the Local Government and Housing Act 1989

It was previously resolved, at Annual Council on 24th May 2023, that the standards sub-committee dealing with assessments or hearings consist of 3 members and be non - politically balanced with 1 Member from each Group represented on the Standards Committee and on the Standards Sub-Committee.

1.6 Substitutes are to be appointed by the political groups in accordance with the Substitute Scheme contained in the Constitution. Substitutes for Overview and Scrutiny Boards may be nominated up to a maximum of the number of Members of that Group serving on the Board. Substitutes are not permitted for Licensing. For the Planning Committee, up to 14 substitutes are to be nominated in accordance with the political balance of each Committee.

1.7 Council is asked to review the political composition of the Committees; to determine the allocation of seats to political groups; and to make the appointments to fill the seats in accordance with Sections 15 and 16 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations.

2 **Options/Alternatives**

2.1 To approve the report
Not to approve the report

3 **Preferred Option**

3.1 To approve the report

4 **Consultation**

4.1 Consultation has taken place with relevant officers and councillors.

5 **Financial Implications**

5.1 n/a

6 **Legal Services Comments**

6.1 There are no legal comments (Paul Entwistle).

7 **Human Resources Comments**

7.1 There are no human resources issues.

8 **Risk Assessments**

8.1 A risk assessment is not required.

9 **IT Implications**

9.1 There are no IT implications.

10 **Property Implications**

10.1 There are no property implications.

11 **Procurement Implications**

11.1 There are no procurement implications.

12 **Environmental and Health & Safety Implications**

12.1 There are no environmental or health and safety implications.

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

13.1 There are no community cohesion implications.

14 **Equality Impact Assessment Completed?**

14.1 No

17 **Key Decision**

17.1 No

18 **Key Decision Reference**

18.1 n/a

19 **Background Papers**

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does include documents which would disclose exempt or confidential information as defined by the Act:

Local Government (Committees and Political Groups) Regulations 1990.

Local Government and Housing Act 1989.

Contact – Constitutional Services: constitutional.services@oldham.gov.uk telephone 0161 7705151, Level 4 Civic Centre, West Street, Oldham, OL1 1NL

20. **Appendices**

Appendix 1 – Membership of Committees.



Report to COUNCIL

Constitution Update

Officer Contact: Paul Entwistle, Director of Legal Services

12th July 2023

Executive Summary

The constitution requires to be updated regularly to ensure it is fit for purpose.

Recommendations

Council is requested to approve the Contract Procedure Rules at Appendix 1 and the Code of Conduct and Arrangements at Appendix 2.

Council

12th July 2023

Constitution Update

1 Background

- 1.1 The Constitution requires regular review to ensure it reflects any legislative, organisational and good governance amendments.

Contract Procedure Rules

- 1.2 Officers from Procurement, Finance and Legal have reviewed the Contract Procedure Rules and propose a number of technical amendments.

These technical amendments to the Contract Procedure Rules are required to ensure that the procurement framework for the Council is appropriate.

The main amendments are:

- The definition of “contracts” has been extended to include call off contracts.
- The Procurement Procedures at section 4 be amended to clarify the Procedure for Call off Contracts under Framework Agreements to ensure the Procurement Unit advise on the appropriate procedures.
- It is clarified that the Procurement Unit must be satisfied that contracts commissioned by another Contracting authority to which the Council is a party have been compliantly procured.

A revised document is included as Appendix 1 to the report.

1.3 Code of Conduct and Arrangements

The Standards Committee have recently considered the existing Members Code of Conduct and have recommended no amendments. It is appropriate though to confirm the Code. The Arrangements for dealing with complaints have been updated and consolidated and include the procedure to be followed at a local hearing at paragraph 9 of the Arrangements. The documents are included at Appendix 2.

2 Recommendation

- 2.1 Council agree the Contract Procedure Rules, the Code of Conduct and Arrangements identified at Appendix 1 and 2 in this report.

3 Preferred Option

- 3.1 The preferred option is to review and update the constitution.

4 Consultation

- 4.1 Officers have been undertaking work on the appropriate documents

5 Financial Implications

- 6.1 N/A

7 Legal Services Comments

- 7.1 N/A

8. Co-operative Agenda

- 8.1 N/A

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	These are contained in the Report
14	Environmental and Health & Safety Implications
14.1	N/A
15	Equality, community cohesion and crime implications
15.1	N/A
16	Oldham Impact Assessment Completed?
16.1	Not applicable
17	Key Decision
17.1	N/A
18	Key Decision Reference
18.1	N/A
19	Background Papers
19.1	N/A

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:

Name of File: Constitution
Records held in Legal Service Department
Officer Name: Paul Entwistle
Contact No: 0161 770 4822

20	Appendices
20.1	Appendix 1 – Contract Procedure Rules Appendix 2 – Code of Conduct and Arrangements

APPENDIX 1

Contract Procedure Rules

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Note: All references to Council posts in these Contract Procedure Rules shall be read as a reference to the equivalent post at the relevant point in time

1. APPLICATION/COMPLIANCE WITH CONTRACT PROCEDURE RULES

- 1.1 These Contract Procedure Rules are made under Section 135 of the Local Government Act 1972 and apply to all Contracts and Call-Off Contracts for the procurement of Supplies, Works, Services or Concessions made in the name of the Council. Where in these Rules “the Council” is referred to, the term shall include the reference to School Governing Bodies by virtue of the Scheme for Financing Schools, to the Council in its roles as charitable trustee and to the Unity Partnership Limited and the Miocare Group and any other Contracting Authority owned in whole or in part by the Council.
- 1.2 For the avoidance of doubt, in instances of pooled funds arrangements made under section 75 of the National Health Service Act 2006 and the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 the lead commissioning organisation’s rules will take precedence.
- 1.3 Every Contract entered into by the Council shall be entered into pursuant to or in connection with the Council’s functions and shall comply with:
 - 1.3.1 all relevant statutory legislation and provisions and in particular the Procurement Regulations and any relevant case law;
 - 1.3.2 the Council’s Constitution including these Contract Procedure Rules, the Council’s Financial Procedure Rules and the Officer and the Executive Member Scheme of Delegation; and
 - 1.3.3 the Council’s strategic objectives and policies including, amongst others, the Corporate Plan.
- 1.4 These Contract Procedure Rules apply to all Contracts awarded by the Council for Supplies, Works, Services or in respect of Concessions, regardless of the source of funding for the Contract. They apply to procurement by any form, including by way of a Council purchase order by any other form of Contract awarded by any person, firm or body on the Council’s behalf.
- 1.5 No Contract shall be entered into unless those officers specified in the Scheme of Delegation at Part 3 of the Council’s Constitution with budget responsibilities are satisfied that there is adequate budget provision and all necessary consents to the expenditure have been obtained.
- 1.6 Where a Contract involves the making of a Key Decision as defined in Part 2, Article 14.3.2 -14.3.3 of the Constitution, those relevant officers specified in the Scheme of Delegation at Part 3 of the Council’s Constitution shall ensure that the Director of Legal Services and the Director of Finance are consulted throughout the procurement or commissioning process.
- 1.7 It shall be a condition of any Contract between the Council and any persons (not being Officers of the Council) who are required to supervise a Contract on the Council’s behalf, that in relation to such Contract, those persons shall comply with the requirements of these Contract Procedure Rules as if they were Officers of the Council.
- 1.8 These Contract Procedure Rules shall not apply to:
 - 1.8.1 Contracts of employment.

-
- 1.8.2 Contracts for direct payments or for personal social or health care or educational need where neither a quotation or tender procedure are, in the opinion of the Deputy Chief Executive, or Managing Director (following consultation with Director of Legal Services) viable methods of procurement in the circumstances.
 - 1.8.3 Contracts for the purchase or sale of land or securities, or Contracts for the taking or granting of any interest in land, unless such Contracts involve details of the Council's specific requirements which would amount to a Works contract and must be procured in accordance with these Rules.
 - 1.8.4 Contracts for supplies to be purchased at auction and where the Director of Finance has agreed in writing that the Council's interests will best be served by purchase through auction and has similarly agreed an upper limit for bids.
 - 1.8.5 Contracts for the use of counsel or other legal representation where the Director of Legal Services considers that a Procurement exercise would not protect or support the Council's interests. All contracts for the use of counsel or other legal representation must be commissioned and/or approved by The Director of Legal Services.
 - 1.8.6 Contracts for works of art or theatre, which are genuinely exclusive.
 - 1.8.7 Contracts commissioned by another Contracting Authority as lead authority in accordance with their own contract procedures and Procurement Legislation provided the Commercial Procurement Unit (in consultation with Legal Services) is satisfied that the Contracts have been compliantly procured.
 - 1.8.8 A Call-Off Contract made by the Council or a lead Contracting Authority on behalf of the Council under a legally compliant Framework Agreement where the Council is a named Contracting Authority provided the Commercial Procurement Unit (in consultation with Legal Services) is satisfied that the Call-Off Contract has been compliantly procured (see Rule 8).
 - 1.8.9 The sale or provision of Supplies, Works or Services delivered by the Council as traded services.
 - 1.9 Save for Rule 14.1 and Rule 14.8 and Rule 14.12, these Contract Procedure Rules shall not apply to Grant funding received by the Council and Grant funding distributed by the Council provided always that this exclusion does not apply to the procurement of Supplies, Works or Services using Grant funding received by the Council..
 - 1.10 Any failure to comply with any of the provisions of these Contract Procedure Rules shall be reported to the Head of Commercial Procurement Unit who will refer the matter to the Director of Legal Services or the Director of Finance, as appropriate and the officer. A breach of these Rules may result in disciplinary action.
 - 1.11 The relevant officer referenced in Rule 1.10 shall, where appropriate, take immediate action in the event of a failure to inform the appropriate Director who will consider and determine the appropriate action.
 - 1.12 Any dispute regarding the application of these Contract Procedure Rules shall be referred to the Directors of Finance and Legal Services for advice.
 - 1.13 The final arbiter for resolution of disputes regarding the application or interpretation of these Contract Procedure Rules shall be the Director of Legal Services whose decision shall be binding and final.

-
- 1.14 Persistent breach of the Contract Procedure Rules will also be reported to the Audit Committee.
- 1.15 These Contract Procedure Rules make provision for the overriding Procurement Regulations. It is anticipated that the Procurement Regulations will be amalgamated and replaced with new legislation which governs the way in which Contracts that have a Contract Value in excess of the prescribed thresholds are procured. It is also anticipated that the Provider Selection Regime (PSR), which will be a set of new rules for arranging healthcare services in England (but not the procurement of goods or non-healthcare services) will also be implemented. In the event that new legislation or rules are imposed, the definition of the Procurement Regulations shall be deemed to be modified to refer to the replacement legislation and rules and any procedures within these Contract Procedure Rules which comply with the Procurement Regulations as currently in force shall be deemed to be modified to refer to the replacement rules and procedures.

2. COMMISSIONING AND PROCUREMENT PLANNING

- 2.1 Prior to the start of each financial year, the Council shall create a strategic procurement forward plan in consultation with the Head of the Commercial Procurement Unit and members of the Legal Services team setting out its current Contracts and any Works, Supplies or Services to be procured for the forthcoming financial year. The procurement pipeline should be refreshed at intervals as the need arises. The coordination and updating of this plan will be the responsibility of the Commercial Procurement Unit. The strategic procurement forward plan will be published on the Oldham Council website.
- 2.2 The Council shall, where appropriate, make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness in accordance with Section 3 Local Government Act 1999 ("Best Value"). This includes where appropriate, consultation with representative groups of payers of Council Tax and Business Rates stakeholder(s) and any other relevant interested groups prior to commissioning services.
- 2.3 The Council shall consider its obligations under the Public Services (Social Value) Act 2012 and have regard to economic, social and environmental well-being in connection with public services contracts and for connected purposes in its planning and commissioning processes.
- 2.4 The Council shall, where appropriate, consider its obligations with regard to data protection under the UK General Data Protection Regulation and the Data Protection Act 2018 as amended from time to time and in particular its responsibilities and that of the Contractor in relation to the processing of personal data through the outsourcing of its services, including specifying the conditions for processing and retaining personal data.
- 2.5 The Council shall, where appropriate, ensure that any collaborative arrangements/agreements with other public bodies to procure Supplies, Works or Services comply with the Procurement Regulations and ensure value for money and that the Council's interests are fully protected.
- 2.6 As permitted by the Procurement Regulations, soft market testing may be undertaken provided it does not distort competition and is transparent and non-discriminatory.
- 2.7 Where an organisation has been involved at a pre-procurement stage (whether in soft market testing or otherwise, e.g., incumbents), the Council must ensure fairness, transparency and equal treatment when the tender process starts such as making certain information available to all Tenderers that has previously been made available at a pre-procurement stage.

2.8 The Contract Owner is responsible for the full commissioning cycle including contract management and must ensure the Council enters into a legally binding Contract with the Contractor prior to the provision of the Supplies, Works or Services. The Contract Owner must ensure that the Contract is correctly executed and completed and then lodged with the Commercial Procurement Unit where the value of the Contract is £10,000 and over.

3. CALCULATION OF CONTRACT VALUE

3.1 The estimated value of a Contract shall be the total consideration payable, including Value Added Tax (where applicable), which the Council expects to be payable under the Contract and shall be calculated in accordance with Rule 3.2 below.

3.2 The total Contract Value shall be calculated as follows:

3.2.1 Where the Contract is for a fixed period, by taking the total price to be paid during the lifetime of the Contract or the price which might be paid during the whole of the period including any permitted extension.

3.2.2 Where the term of a Contract is indefinite or uncertain, by taking the monthly price payable under the Contract multiplied by 48.

3.2.3 In relation to a compliant Framework Agreement with no guaranteed commitment, the Contract Value will be the estimated value of the required Supplies, Works or Services over the full duration of the Framework Agreement.

3.3 Under the Procurement Regulations, Contracting Authorities may divide tender opportunities into smaller lots to encourage small and medium sized business enterprises to submit bids and must provide reasons for not doing so. The cumulative value of the individual lots will form the total Contract Value. If the Council chooses not to divide tender opportunities into smaller lots, it will record a reason for not doing so, and this record will be held by the Commercial Procurement Unit.

3.4 A Contract Value shall not be artificially under or overestimated or divided into two or more separate Contracts where the purpose is to avoid the application of these Contract Procedure Rules.

4. PROCUREMENT PROCEDURES

4.1 Where an existing Contract or in-house service is available to meet the Council's specific procurement requirements and offers value for money it should be used unless there are particular circumstances which justify an alternative route to market.

4.2 An E-auction process may form part of the overall tender process and shall be used in conjunction with the relevant procedures. The Contract Notice or advertisement and the Invitation to Tender / Quote documentation shall state that an E-auction will form part of the process.

4.3 If Rule 4.1 does not apply, the Council must comply with the procurement table below, which sets out the required procedure for different Contract Values, the minimum number of offers that must be invited and how invitations to submit offers must be publicised.

Contract Value	Procurement Activity	Instructions	Minimum Requirement for Advertising the Opportunity
Less than £10,000 for Supplies, Works and Services	1 Written Quotation.	Service Area to obtain at least 1 written Quotation in accordance with Rule 5.1 below. Local Supply Chains and SMEs to be considered where practical.	N/A
Between £10,000 and £24,999 for Supplies, Works and Services	Approach a minimum of 3 organisations for a written Quotation.	Service Area to contact the Commercial Procurement Unit who will conduct an appropriate procurement procedure and facilitate the process using the Council's E-Procurement System (The Chest). Local Supply Chains and SMEs to be considered – at least 1 local Contractor (where practical) to be included.	The Chest
Between £25,000 and £99,999 for Supplies, Works and Services	Open Request for Quotations	Service Area to contact the Commercial Procurement Unit who will conduct an appropriate quotation procedure and facilitate the process using the Council's E-Procurement System (The Chest). Local Supply Chains and SMEs to be considered.	The Chest Contracts Finder
Between £100,000 and Procurement Regulations threshold for Supplies, Works and Services or Concessions	Formal Open Tender Process	Service Area to contact the Commercial Procurement Unit who will conduct an appropriate procurement procedure in accordance with these Contract Procedure Rules and facilitate the process using the Council's E-Procurement System (The Chest).	The Chest Contracts Finder
Procurement Regulations threshold and above for Supplies, Works and/or	Full Procurement Regulations compliant Procedure	Service Area to contact the Commercial Procurement Unit who will conduct an appropriate procurement procedure, in compliance with the Procurement Regulations, and follow and facilitate the process using the Council's E-Procurement System (The Chest) and	Open advert mandated in Find a Tender Service and Contracts Finder

Services or Concessions		Contracts Finder.	
Call-Off Contracts of any value	Procedure governed by the overarching Framework Agreement	Service Area to contact the Commercial Procurement Unit who will advise on the available procedures and, where appropriate, conduct a mini competition in compliance with the relevant Framework Agreement using the Council's E-Procurement System (The Chest) where possible.	The Chest or via the Framework Agreement holder's system

4.4 The rules relating to the required process and timescales shall be observed for all Contracts as shall the principles of the Procurement Regulations. The procurement process needs to be conducted in accordance with the principles of equal treatment, non-discrimination, transparency, mutual recognition, proportionality, competition, the protection of legitimate expectations, the requirement to act without manifest error and good administration – which underpin the Procurement Regulations.

5. QUOTATION PROCESS

5.1 Full written Quotation(s) below £10,000 shall be obtained from Contractor(s) pursuant to the procedure set out in the table in Rule 4.3 before a formal Contract can be issued. A formal Contract shall be issued after receipt of the Quotation(s) and shall specify the Supplies, Works or Services to be provided or the Concession to be granted, set out the price and terms of payment and incorporate the Council's relevant terms and conditions of contract unless approval from the Commercial Procurement Unit (in consultation with Legal Services) is given to use alternative terms and conditions.

5.2 Requests for Quotations of £10,000 or above for Supplies, Works and Services or a Concession must be advertised on the Council's E-procurement system (The Chest) and any Requests for Quotations of £25,000 and above must also be advertised on Contracts Finder.

5.3 At least one local Contractor should be included in each Request for Quotation, where possible.

5.4 The standard Council templates for Quotations shall be utilised for all Procurement activity and these are held by the Commercial Procurement Unit.

5.5 All Quotation(s) sought shall be recorded in writing for audit purposes via the Council's E-procurement system (The Chest).

6. TENDER PROCESS – Below Public Contracts Regulations Thresholds

6.1 All Procurement opportunities should be advertised via the Council's e-procurement system (The Chest) and Contracts Finder (See table Rule 4.3). The Invitation to Tender should include all of the information listed in Rule 9.2 below.

6.2. Any Procurement opportunity advertised shall:

6.2.1 specify the terms and conditions which will apply;

6.2.2 invite persons or bodies to express an interest in tendering;

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

7. TENDER PROCESS – Above the Procurement Regulations Thresholds

7.1 Where an estimated Contract Value exceeds the current Procurement Regulations' Thresholds, the Contract shall be tendered in accordance with the Procurement Regulations. Under the Public Contract Regulations 2015, the Contract may largely be Tendered under Open, Competitive Dialogue, Competitive Procedure with Negotiation or Innovation Partnerships Procedure. Under the provisions relating to Social and Other Specific Services within the Public Contract Regulations 2015 and under the Concession Contracts Regulations 2016 the Council shall have more freedom to organise the procedure, subject to compliance with the relevant Regulations

7.2 A Contract Notice in the prescribed form must be published in Find a Tender and Contracts Finder in order to invite Tenders..

7.3 All Find a Tender and Contracts Finder notices shall be published by the Commercial Procurement Unit.

7.4 Competitive Procedures

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

7.4.2 A Competitive Dialogue procedure or a Competitive Procedure with Negotiation allows the Council to negotiate proposed solutions with Tenderers to achieve a desired outcome.

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

7.4.4 Advice from the Commercial Procurement Unit, in consultation with Legal Services, must be sought prior to embarking upon a Competitive Dialogue Process or a Competitive Procedure with Negotiation.

7.5 Concession Contract

A Concession governed by The Concession Contracts Regulations 2016 must be advertised in accordance with those Regulations and the value of the concession must be calculated in accordance with Regulation 8. There are certain procedural guarantees which must be met; award criteria must be published in descending order of importance and the tender evaluation made in accordance with them; minimum time limits for the receipt of tenders and the mandatory and discretionary exclusion criteria must be applied. A Find a Tender / Contracts Finder notice must be published for over threshold tenders.

8 COMPLIANT FRAMEWORK AGREEMENTS

8.1 CALL-OFF CONTRACTS

- 8.1.1 Where an appropriate compliant Framework Agreement is recommended by the Commercial Procurement Unit, that has been established by a consortium, collaboration, the Council or other public body, the Council may consider using this compliant Framework Agreement to place an order (Call-Off) if:
- (a) the Framework Agreement has been established by an entity, and via a process, which permits the Council to access those arrangements lawfully;
 - (b) the Council is a named Contracting Authority in the original advertisement.
- 8.1.2 Before undertaking a Call-Off under any compliant Framework Agreement, thorough due diligence should be undertaken and advice sought from the Commercial Procurement Unit and Legal Services to confirm the following (as a minimum):
- the Council is a named Contracting Authority in the original advertisement,
 - the compliant Framework Agreement is in place and binding,
 - the compliant Framework Agreement is still valid,
 - the estimated Contract Value in respect of the proposed Call-Offs that would be made under the compliant Framework Agreement,
 - that the maximum aggregate spend under the Framework Agreement has not been reached,
 - that the Call-Off terms and conditions are fit for purpose,
 - a copy of any User Guide / any other documentation is available.
- 8.1.3 Call-Off Contracts must be awarded based on the evaluation criteria identified in the compliant Framework Agreement.
- 8.1.4 Where the Call-Off is undertaken via a direct award process (which is prescribed in the compliant Framework Agreement), in advance of executing a Call-Off Contract the Contractor must be requested, in writing, to supply confirmation, that is verified by the Council, that it can meet the requirements of the Council in accordance with the relevant terms and conditions and the pricing established in the compliant Framework Agreement..

8.2 ESTABLISHING A COMPLIANT FRAMEWORK AGREEMENT

- 8.2.1 Where the Council is establishing a compliant Framework Agreement which may be accessed by other named Contracting Authorities, including any subsidiary companies of the Council, the estimated Contract Value that may be contracted for under the compliant Framework Agreement must take account of all potential work that may be put through the agreement (see Rule 4) and follow the procedures set out in these Contract Procedure Rules.
- 8.2.2 If the Council is establishing a compliant Framework Agreement in accordance with Contract Procedure Rule 8.2.1, reference must be made within the procurement documents explaining if the compliant Framework Agreement is intended for a wider use and advice should be sought from Legal Services to

ensure the terms upon which other Contracting Authorities access those arrangements are clear and offer appropriate protection to the Council.

- 8.2.3 In establishing a compliant Framework Agreement, the total duration (including any extensions) cannot exceed four years except in exceptional circumstances where this can be duly justified (as required under Public Contract Regulations. Any proposal to establish a compliant Framework Agreement with a duration exceeding four years should be referred to the Commercial Procurement Unit and Legal Services for advice.
- 8.2.4 Where, taking into account the above, the estimated value of the compliant Framework Agreement is above the relevant procurement threshold, the authorised officer must ensure that any other public bodies (Contracting Authorities) intended to be able to access the Framework Agreement are included in Find a Tender or contracts Finder or any official notice either individually or by an identifiable class.
- 8.2.5 In establishing a compliant Framework Agreement, the Council must ensure that the terms of the compliant Framework Agreement make the process clear by which Call-Off Contracts are to be entered into.

9. TENDER DOCUMENTATION

- 9.1 Save where a mini competition is to be carried out under another Contracting Authority's Framework Agreement, the standard Council templates for Tendering shall be utilised for all Procurement activity for Tenders of £10,000 or above.
- 9.2 As a minimum, Tender documents shall include details of the Council's requirements for the particular Contract including, but not limited to:
- 9.2.1 a description of the Supplies, Works or Services being procured, or Concessions granted now or in the future;
 - 9.2.2 the Procurement timetable including the Tender return date and time, which shall allow a reasonable period (a minimum of 14 days) for applicants to prepare their Tenders to submit electronically;
 - 9.2.3 the timetables prescribed by the Procurement Regulations;
 - 9.2.4 a detailed specification and instructions on whether any variant bids are permissible;
 - 9.2.5 the Council's terms and conditions of Contract (where a compliant Framework Agreement is to be used, the template Call-Off Contract shall be included)
 - 9.2.6 the evaluation criteria to be used, including Social Value and including any weightings as considered appropriate;
 - 9.2.7 payment schedule and terms and instructions for completion;
 - 9.2.8 whether TUPE may apply (if applicable);
 - 9.2.9 the pension arrangements for existing/former Council employees (if applicable);
 - 9.2.10 form and content of method statements to be provided (if applicable);

9.2.11 rules for submitting of Tenders; and

9.2.12 any further information, which will inform or assist Tenderers in preparing Tenders.

10. CONTRACT TERMS AND CONDITIONS

10.1 All written Contracts and Purchase Orders shall include appropriate terms and conditions for Supplies, Works, Services or Concessions (as relevant) or, where a compliant Framework Agreement is used, the applicable Call-Off terms and conditions. The Invitation to Tender or Quotation documentation shall state within the Contract which terms and conditions or Call-Off terms and conditions will apply, and these shall be available via Legal Services. Purchase Orders shall refer to the applicable terms and conditions.

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

- Public Liability Insurance - £10m
- Employer's Liability Insurance - £5m and
- Professional Indemnity Insurance - £2m (if applicable)

except where a compliant Framework Agreement is used, in which case the levels of cover specified in the compliant Framework Agreement shall apply.

Any departure from the agreed thresholds must be approved by the Assistant Director of Corporate Governance and Strategic Financial Management.

10.3 Any bespoke contractual terms and conditions required shall be confirmed by Legal Services prior to them being issued as part of the Tender process.

10.4 All Contracts shall be documented before the Supplies, Works or Services are provided or Concession arrangements begin and shall include the following, as a minimum:

10.4.1 every Contract shall, as a minimum, unless there is good and sufficient reason to the contrary (or except where a compliant Framework Agreement is used, in which case the compliant Framework Agreement shall apply), require that all Supplies, Works or Services and all workmanship shall, if applicable, be in accordance with the relevant standard or equivalent International standard without prejudice to any higher standard required by the Contract.

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

11. RECEIPT AND OPENING OF TENDERS

11.1 Electronic Tenders

11.1.1 Requests for Quotations and Invitations to Tender must be transmitted by electronic means in accordance with the advice of the Head of Commercial

Procurement Unit. Quotations and Tenders shall be submitted by electronic means e.g., the E procurement system (The Chest).

- 11.1.2 Evidence that the transmission was successfully completed is obtained and recorded.
- 11.1.3 Electronic Tenders are kept in a separate secure folder in The Chest or equivalent system and cannot be opened until the deadline has passed for receipt of Tenders.
- 11.1.4 A member of the Commercial Procurement Unit, who is not responsible for the procurement exercise, will open all requests for Quotations or bids received under a compliant Framework Agreement with a value in excess of £10,000.

12. PRE AND POST TENDER CLARIFICATIONS

- 12.1 Pre-tender clarifications can be provided to potential or actual Tenderers. All responses should be published on The Chest and communicated to all concerned.
- 12.2 Post tender clarifications may be undertaken with Tenderers provided the Council ensures equal treatment of all participants and specifies and applies a process for post tender clarifications in the Invitation to Tender and ensures that no Tenderer is given an advantage over any other Tenderer. For the sake of clarity, any clarifications on the commercial element of a bid must not change the original price offer. This includes verifying abnormally low bids where specific legal advice is required.
- 12.3 All pre and post tender clarifications must be conducted via The Chest. All communication must be documented and retained on The Chest.
- 12.4 At all times during the clarification process, the Council shall consider and implement the principles of non-discrimination, equal treatment and transparency.
- 12.5 Unless otherwise permitted by the Procurement Regulations, in no circumstances are post award negotiations permitted.

13. TENDER EVALUATION

- 13.1 All Tenders subject to the Public Contracts Regulations 2015 or the Concession Contracts Regulations 2016 shall be evaluated in accordance with the relevant Procurement Regulations and the evaluation criteria set out in the Invitation to Tender. All other Tenders shall be evaluated in accordance with the evaluation criteria set out in the Invitation to Tender.
- 13.2 The procurement lead from within the Commercial Procurement Unit shall ensure that a representative from Finance is involved in the evaluation of tenders and that, where deemed appropriate by the Head of the Commercial Procurement Unit, Legal Services is consulted regarding the evaluation process for procurements in excess of £1 million.
- 13.3 The procurement lead of the evaluation team must ensure that no member of the evaluation team has a conflict of interest and completes the appropriate documentation.
- 13.4 The procurement lead must ensure that each bid is compliant and that the Tenderer is not excluded from bidding under any of the mandatory or discretionary grounds listed in the Procurement Regulations.

- 13.5 The evaluation criteria shall be predetermined and approved by the procurement lead and listed in the Invitation to Tender documentation, in order of importance. In addition, the evaluation criteria shall be strictly observed (and remain unchanged) at all times throughout the award procedure.
- 13.6 All Tenders shall be awarded on the basis of being the “Most Economically Advantageous” unless otherwise agreed with the Commercial Procurement Unit, in consultation with Legal Services.
- 13.7 All Tenders must be evaluated in accordance with the following principles:
- Transparency – there should be no departure from the award criteria
 - Equal treatment - there should be an identical approach to the evaluation of each tender
 - Manifest error – all scores and calculations should be checked to ensure that there is no manifest error.
 - Record keeping – all original records should be kept together with handwritten comments to complete the audit trail.
- 13.8 Tenderers shall be given written feedback regarding their bid in accordance with the Procurement Regulations.

14. AWARDING CONTRACTS AND CALL-OFF CONTRACTS

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

Contract Value	Awarded By	Decision Recorded on
Less than £10,000	Authorised Officer (as per Departmental Scheme of Delegation)	Related spend is recorded (Purchase Order) via Finance Management System (Agresso)
Between £10,000 and £99,999	Authorised Officer (as per Departmental Scheme of Delegation)	Related spend is recorded (Purchase Order) via Finance Management System (Agresso), The Chest, Modern Governance System and Find a Tender/Contracts Finder for Contracts and Call-Off Contracts with a value over £25,000.00.
Between £100,000 and £399,999	Executive Member in consultation with the Deputy Chief Executive, Assistant Chief Executive,	The Chest Modern Governance System and Find a Tender/Contracts Finder and the Key decision document for

	Executive Director for Place and Economic Growth, Managing Directors and Directors (as relevant)	Contracts with a value of £250,000 plus
£400,000 or over	Cabinet or Sub-Committee including Commissioning Partnership Board	The Chest, Modern Governance System, Find a Tender/Contracts Finder and the Key Decision Document

- 14.2 No Contract or Call-Off Contract may be awarded unless budget release has been obtained in accordance with the Financial Procedure Rules and a Modern Gov report and Decision Notice is published authorising any spend of £25,000 or more confirming that the approved expenditure will be constantly monitored. A copy of the final version of the Modern Gov report must be forwarded to the procurement lead within the Commercial Procurement Unit to upload on The Chest. Spend below £25,000 shall be approved in writing by the Officer with delegated approval.
- 14.3 Where the Tender is not within the relevant approved budget, but additional budgetary provision is available, the Contract may be awarded, with the approval of the Director of Finance having ensured compliance with the Financial Procedure Rules.
- 14.4 Once the decision to award a Contract is made, each Tenderer must be notified in writing of the outcome. All Tenderers must be notified simultaneously and as soon as possible of the intention to award the Contract to the successful Tenderer(s) and this should be done via The Chest. The letters must include a description of the characteristics and relative advantages of the successful Tender.
- 14.5 A Contract award letter will be sent to the successful Tenderer(s) containing all relevant information, including all information prescribed by the Procurement Regulations, where relevant.
- 14.6 A Contract which has a Contract Value above the Procurement Regulations thresholds can only be awarded after a notice of the proposed award has been given to all unsuccessful Tenderers and the 10 day standstill period has elapsed from the day after the date upon which the notice was given. If the 10 days expire on a non-working day, then the notice period will be deemed to have lapsed on the next working day.
- 14.7 A Contract award notice must be published in Find a Tender and on the Council's website no later than 30 days after the date of award of the Contract (48 days in the case of a Concession Contract) where the Contract Value exceeds the Procurement Regulations threshold. A Contract award notice must also be published on Contracts Finder.
- 14.8 Save for Call-Off Contracts for personal social or health care or educational need where the overarching Framework Agreement has been sealed, Contracts for Supplies, Services or Works and any other contracts, including but not limited to Grant Agreements, Deeds of Variation, Deeds of Novation and Deeds of Assignment with a Contract Value of £100,000 or more shall be executed by deed and attested by no less than one authorised sealing officer within Legal Services.
- 14.9 Contracts for Supplies, Services or Works and any other contracts, including but not limited to Grant Agreements, agreements to vary, novate or assign together with Call-Off

Contracts for personal social or health care or educational need and with a Contract Value of less than £100,000 shall be executed by no less than one officer of the Council with delegated authority to sign a Contract or contractual document under the Council's Officer and Executive Member Scheme of Delegation.

- 14.10 Reasonable endeavours shall be used to ensure that performance of a Contract does not commence before the Contract is executed.
- 14.11 All Contracts over £5,000 shall be published on and embedded in the Council's Contracts Register maintained by the Commercial Procurement Unit.
- 14.12 Where approved by the officer with delegated approval to sign or an authorised sealing officer within Legal Services or the Director of Finance, Contracts and Call-Off Contracts for Supplies, Services or Works and any other contracts, including but not limited to Grant Agreements, agreements to vary, novate or assign with a Contract Value of less than £100,000 may be executed using the electronic signature of an officer of the Council authorised under the Council's Officer and Executive Member Scheme of Delegation or by such authorised officer using an e-signature via appropriate and secure digital signature software.
- 14.13 Contracts for Supplies, Services or Works and any other contracts, including but not limited to Grant Agreements, agreements to vary, novate or assign may be executed by a contractor using an electronic signature or by using an e-signature via appropriate and secure digital signature software.

15. FINANCE MANAGEMENT SYSTEM

- 15.1 The Council's Financial Management System (Agresso), or equivalent, shall be used to process all orders with Contractors. This includes all orders processed after Quotations are received or a Tender process has been undertaken.
- 15.2 To set up a new Contractor, the guidance that is available to all officers (on the intranet) should be followed.

16. LIQUIDATED DAMAGES AND RETENTIONS

- 16.1 The Director of Finance and the Director of Legal Services shall advise as to the appropriate degree of security (if any) required to protect the Council from a Contractor default prior to the invitation to tender. Liquidated damages clauses should always be used in a Contract or Call-Off Contract where appropriate.
- 16.2 A retention sum (appropriate to the circumstances of the Contract) should be written into the terms and conditions of any Contract for Works with a Contract Value of over £50,000, unless the Director of Legal Services agrees to waive the specific requirement.

17. MODIFICATIONS

- 17.1 Subject to Rule 17.2 a Modification of a Contract which is not subject to the Procurement Regulations may be permitted if any of the limited criteria below applies:
- (a) the original tendered Contract or Call-Off Contract contains clauses allowing such Modifications provided that such clauses:
 - (i) list the scope and nature of possible Modifications as well as the conditions under which they may be used, and

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- (ii) do not provide for Modifications that would alter the overall nature of the Contract or the Call-Off Contract;
 - (b) the Modification is for additional Supplies, Works and Services by the original Contractor that have become necessary and were not included in the initial procurement or commissioning exercise, where a change of Contractor:
 - (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, and
 - (ii) would cause significant inconvenience or substantial duplication of costs for the Council
 - (c) where all of the following conditions are fulfilled:
 - (i) the need for the Modification has been brought about by circumstances which a diligent Contracting Authority could not have foreseen; and
 - (ii) the Modification does not alter the overall nature of the Contract or Call-Off Contract;
 - (d) where a new Contractor replaces the one to which the Council had initially awarded the Contract or Call-Off Contract as a consequence of:
 - (i) a clause or option in conformity with Rule 17.1(a); or
 - (ii) a takeover of the Contractor following corporate restructuring, including takeover, merger, acquisition or insolvency, by another Economic Operator that fulfils the criteria for qualitative selection initially established, provided that this does not entail any other substantial Modifications to the Contract or Call-Off Contract;
 - (e) provided that the proposed Modification, irrespective of its value, is not substantial within the meaning of Rule 17.2.
- 17.2 A Modification of a Contract or Call-Off Contract during its term shall be considered substantial for the purposes of Rule 17.1 where one or more of the following conditions is met:
- (a) the Modification renders the Contract or Call-Off Contract materially different in character from the one initially concluded;
 - (b) the Modification introduces conditions which, had they been part of the initial procurement procedure, would have:
 - (i) allowed for the admission of other candidates than those initially selected,
 - (ii) allowed for the acceptance of a Tender other than that originally accepted, or
 - (iii) attracted additional participants in the procurement procedure;
 - (c) the Modification changes the economic balance of the Contract or Call-Off Contract in favour of the Contractor in a manner which was not provided for in the initial Contract or Call-Off Contract;
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- (d) the Modification extends the scope of the Contract or Call-Off Contract considerably;
 - (e) a new Contractor replaces the one to which the Council had initially awarded the Contract or Call-Off Contract in cases other than those provided for in Rule 17.1(d)
 - (f) the Modification increases the contract value for Supplies or Services by more than 10% and for Works by 15%.
- 17.3 For the purposes of Rule 17.2, if several successive Modifications are made, the value shall be assessed on the basis of the net cumulative value of the successive Modifications.
- 17.4 A Modification of a Contract which is subject to the Procurement Regulations, shall be governed by the relevant legislation and the procedure in Rule 17.5 below.
- 17.5 Procedure for Modifications
- 17.5.1 a Modern.gov report must be completed which provides full details of the Modification and any supplementary documentation to enable the relevant Decision Maker (see table in Rule 14.1) giving the approval to make a fully informed decision. For the avoidance of doubt, the value of the modification and not the modified value of the Contract shall govern the Decision Maker.
 - 17.5.2 in giving approval, the Decision Maker must take account of any advice given by the Head of the Commercial Procurement Unit and the Director of Legal Services and must ensure that such advice is included in any report to the Decision Maker.
 - 17.5.3 written approval must be obtained to any Modification in accordance with the Council's Officer and Executive Member Scheme of Delegation.
 - 17.5.4 no commitment should be made to a potential Contractor prior to approval.
 - 17.5.5 the Head of the Commercial Procurement Unit is responsible for ensuring that a complete record of all Modifications is kept and a record of the decision approving a Modification and the reasons for it must be stored electronically in Modern.gov and on The Chest.
 - 17.5.6 a notice of the Modification of a Contract under Rules 17.1 (b) and (c) with a value over the relevant procurement threshold shall, where required, be published in the Find a Tender in accordance with the Procurement Regulations.

18. TERMINATION OF CONTRACTS

- 18.1 Prior to any action being taken, the Director of Legal Services shall be consulted with regard to any proposed termination of any Contract or Call-Off Contracts.

19. CLAIMS ARISING FROM CONTRACTS

- 19.1 Officers shall inform the Head of the Commercial Procurement Unit immediately of any claims (or anticipated claims) by or against a Contractor that are the subject of a dispute between the Council and the Contractor, and the Head of the Commercial Procurement Unit shall inform and consult with the Director of Legal Services to agree a course of action.
- 19.2 Claims arising in respect of matters not clearly within the terms of any existing Contract shall be determined by the Deputy Chief Executive, the Assistant Chief Executive, a

Managing Director or a Director (as appropriate) after having taken the advice of the Director of Legal Services and the Director of Finance.

- 19.3 Where completion of the supply of Works, Supplies or Services under a Contract are likely to be delayed, resulting in claims under the Contract, Officers shall inform the Head of the Commercial Procurement Unit immediately, and the Head of the Commercial Procurement Unit shall inform and consult with the Director of Legal Services to agree a course of action.

20. MONITORING CONTRACTS AND CALL-OFF CONTRACTS

- 20.1 All Contracts must have a Contract Owner.
- 20.2 The Contract Owner will be responsible for the whole of the commissioning, cycle including completing the governance and legal formalities, reviewing, monitoring and evaluating the Contract to ensure that its provisions and the Supplies, Works or Services or (or Concession) within it are being followed and performed as they should be. The Contract Owner shall understand the Specification, contractual terms and the performance framework and must manage activity ensuring that Contracts do not require any extensions beyond the permitted or planned expiry.
- 20.3 During the life of the Contract, the Contract Owner will monitor the Contract in respect to the following, as a minimum:
- (a) performance (against agreed KPIs where relevant) ensuring that where performance falls below expected standards this is managed promptly;
 - (b) compliance with the Specification and the terms and conditions of Contract;
 - (c) cost, ensuring that there are no unanticipated variations in price or spend;
 - (d) any Social Value requirements;
 - (e) risk Management ensuring risks associated with the Contract are identified and managed and any risk registers are kept up to date;
 - (f) safeguarding where appropriate; and
 - (g) user satisfaction.
- 20.4 The final certificate for payment for any Contract for the delivery of Works shall not be paid until the Contract Owner has performed a reconciliation of all Works completed against the approved costs of the scheme.
- 20.5 Where any sum or damages is payable to the Council as a result of the default of a Contractor, for example where completion of Works is delayed beyond the contractual completion date, it shall be the duty of the Contract Owner to claim whatever liquidated or other damages may be due under the terms of the Contract and no waiver of such sum or damages may be given without the approval of the Director of Legal Services and the Director of Finance.
- 20.6 Where a Contractor is in breach of its performance of a Contract, a default notice should be issued under the terms and conditions of the Contract to enable the Council to exercise its discretion to claim damages and/or terminate the Contract and exclude the Tenderer from any future tender process.

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- 20.7 Where the Contract is to be re-let, any information gathered by the Contract Owner shall be available to inform the approach to re-letting the next Contract.
- 20.8 The Contract Owner shall provide advice and support, as required, on good practice in performance management of Contracts.
- 20.9 All Contracts with a value in excess of £5,000 must be included and published on the Contracts Register maintained by the Commercial Procurement Unit in line with the Local Government Transparency Code 2015. This is a mandatory requirement and it is the responsibility of the commissioning officers to inform the Commercial Procurement Unit.

21. EXEMPTION FROM THE CONTRACT PROCEDURE RULES

- 21.1 These Rules are mandatory but, in limited circumstances, it may be necessary to seek an Exemption from these Rules. Guidance from the Commercial Procurement Unit must be sought before any Procurement activity commences for which an Exemption may be required.
- 21.2 An Exemption cannot be given where this would contravene the Procurement Regulations or any other legislation.
- 21.3 Exemptions will only be considered in exceptional circumstances, including but not limited to:
- (a) Proprietary or patented Supplies or Services are proposed to be purchased which are only obtainable from one entity and it can be demonstrated that no reasonably satisfactory alternative to those proprietary or patented Supplies or Services is available;
 - (b) No genuine competition can be obtained in respect of the purchase of particular Supplies, Services or execution of Works;
 - (c) The Services or execution of Works are of such a specialist nature that they can only be carried out by one entity (e.g., statutory undertakers);
 - (d) Supplies are proposed to be purchased by or on behalf of the Council at a public auction;
 - (e) Supplies or Services are proposed to be purchased which are of a specialist or unique nature (such as a particular performance artist or antiquities for museums);
 - (f) Repairs or parts if the only option is to repair or buy new parts for existing Supplies, equipment or buildings, and there is only one Contractor;
 - (g) To comply with a change in legal requirements;
 - (h) The Contract is for Supplies, Services or the execution of Works which are required in circumstances of extreme urgency, for example, where immediate repairs are required to buildings, structures and other assets damaged by fire, bad weather or vandalism;
 - (i) The provision of Supplies, Works or Services is urgently required because of the failure of a Contractor through unsatisfactory performance or the appointment of an administrator, receiver or liquidator to administer its affairs. The Contract should be re-let at the earliest opportunity in compliance with these Rules;

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- (j) Where continued provision of Supplies, Works or Services is required for an additional period and this can be justified, for example where a service review includes the intention to co-terminate relevant Contracts within a reasonable period

with all exceptional circumstances to be objectively evidenced in the exemption request to enable the decision maker to reach an informed and reasonable decision in the circumstances.

21.4 Procedure for Exemptions over £10,000

- 21.4.1 To request an exemption from these Contract Procedure Rules, a Modern.gov report must be completed seeking approval for the exemption and authorisation for any expenditure. It must be signed only by those authorised to award a Contract under Rule 14.1.
- 21.4.2 An exemption request can be authorised by the Deputy Chief Executive, the Assistant Chief Executive, the Executive Director or a Managing Director who does not have direct line management responsibility for the service.
- 21.4.3 The Modern.gov report must provide full details of the request and any supplementary documentation to support the request and evidence the specific ground for the exemption.
- 21.4.4 No commitment should be made to a potential Contractor prior to authorisation.
- 21.4.5 The Head of the Commercial Procurement Unit is responsible for ensuring that a complete record of all Exemptions is maintained. A copy of the signed delegated/Cabinet decision approving an Exemption and the reasons for it must be forwarded to the Commercial Procurement lead.
- 21.4.6 In circumstances of extreme urgency, the relevant decision maker utilising Rule 21.3 (h) or (i) above may authorise an Exemption in writing without the need to complete a Modern.gov report. As soon as practicable a Modern.gov report must be submitted and approved in accordance with this Rule.
- 21.4.7 The written authorisation must be provided in accordance with this Rule 21.4 and must be stored electronically on The Chest.
- 21.5 All Exemptions reports require comments from the Assistant Director of Corporate Governance and Strategic Financial Management.
- 21.6 A direct award of a Contract following an exemption should comply in all other respects with the Council's Contract Procedure Rules and the Council's terms and conditions of contract should be used where possible.
- 21.7 The Council cannot use an exemption to depart from the Procurement Regulations and a Voluntary Transparency Notice may be required to inform the market of a direct award.
- 21.8 Where an Exemption is granted, the Contract shall still be made subject to the Council's standard terms and conditions where possible and in accordance with any relevant requirements detailed in Rule 10.1. Any amendments required to the Council's standard terms and conditions shall be approved by Legal Services prior to issuing as part of the procurement process. Legal Services will review and draft the terms and conditions for any bespoke contracts.

22. DECLARATIONS OF INTEREST and ANTI-BRIBERY and CORRUPTION

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- 22.1 The Council's reputation with regards to Procurement activity is important and should be safeguarded from any imputation of dishonesty or corruption. All elected Members of the Council and Officers are reminded of their responsibilities in relation to gifts, hospitality and any conflicts of interest and should ensure that they comply with the obligations set out in the Council's Members' Code of Conduct and the Officers' Code of Conduct respectively and any other relevant policies, guidance or strategies relating to bribery, fraud and corruption issued or endorsed by the Council from time to time.
- 22.2 Any Officer or Member must declare any interest which could influence their judgement in relation to Procurement activity in accordance with the Council's Codes of Conduct.
- 22.3 No gifts or hospitality should be accepted from any Tenderers involved in Procurement activity except in accordance with the Council's Codes of Conduct. Relevant interests, gifts and hospitality should be registered on the Council's e-register.

23. DEFINITIONS

- 23.1 Within the Contract Procedure Rules, the following definitions are used:
- 23.1.1 "Call-Off Contract" means a Contract which is entered into under a Framework Agreement in accordance with the terms and conditions of that Framework Agreement
- 23.1.2 "Concession" means a Contract under which a Contracting Authority outsources Supplies, Services or Works to a contractor or provider, who then has the right to commercially exploit those Supplies, Services or Works in order to recoup its investment and make a return on the proviso that the contractor or provider bears the operating risk and has no guarantee of recouping its investment or operating costs
- 23.1.3 "Contract" means an agreement in writing for consideration (money or money's worth) between the Council and a Contractor for the provision of Supplies, Works or Services by the Contractor or the granting of a Concession, including a compliant Framework Agreement and a Call-Off Contract under a compliant Framework Agreement and a Purchase Order
- 23.1.4 "Contracting Authority" has the meaning set out in the Public Contracts Regulations 2015
- 23.1.5 "Contractor" includes any sole trader, partnership or company (limited or unlimited) or any duly incorporated trade, consortiums or unincorporated bodies, professional or commercial body or voluntary body; (although the Council must only contract with legal entities)
- 23.1.6 "Contract Owner" means the lead stakeholder or commissioner for the proposed contract
- 23.1.7 "Contract Value" means the amount the Council pays to the Contractor under the Contract inclusive of VAT
- 23.1.8 "Contracts Finder" the UK's electronic procurement portal for contracts with a value of £25,000 or above
- 23.1.9 "Contracts Register" means a comprehensive list of all Contracts that the Council procures, detailing key attributes such as type, term, value and Contractor and Procurement/ Directorate contact details

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- 23.1.10 “Director of Finance” means the Chief Officer designated under section 151 of the Local Government Act 1972 or his/her nominated representative
- 23.1.11 “Director of Legal Services” means the Council’s Principal Solicitor
- 23.1.12 “E-auction” is a means of carrying out purchasing negotiations via the Internet. It is a real time event that occurs online, allowing multiple Contractors in different geographic regions to place bids and modify simultaneously
- 23.1.13 “E-procurement System” means Council’s e-tendering portal, The Chest (or equivalent)
- 23.1.14 “Find a Tender” means the UK’s electronic procurement portal for contracts with a value which is above the relevant Procurement Regulations threshold
- 23.1.15 “Financial Management System” means the Council’s electronic purchasing and payments system, Agresso (or equivalent)
- 23.1.16 “Framework Agreement” means an agreement which allows the Council to enter into Call-Off contracts for Supplies, Works or Services or Concessions in accordance with the terms of the overarching agreement, including an agreement for a Dynamic or Flexible Purchasing System
- 23.1.17 “Grant” means an award of money from the Council to another organisation or an award to the Council from a third party for the purpose of giving a benefit to a third party which is not Supplies, Services or Works. A grant awarded by the Council shall, where appropriate, be made subject to a written Grant agreement specifying the conditions upon which the grant is made and including that the grant can be clawed back if the conditions are not met
- 23.1.18 “Invitation to Tender” means a request for Contractors to submit a Tender to supply Supplies, execute Works or provide Services at specified charges or rates of charges
- 23.1.19 “Modification” means any change to a Contract
- 23.1.20 “Most Economically Advantageous” means using a cost-effectiveness approach or price/quality ratio which offers the best price (this will not necessarily be the lowest price)
- 23.1.21 “Open Procedure” means a procedure for inviting Tenders by advertisement in which an Invitation to Tender is sent to all Contractors who express an interest in Tendering
- 23.1.22 “Officer” includes any employee of the Council
- 23.1.23 “Procurement” means the process leading to the award of a Contract
- 23.1.24 “Procurement Regulations” means the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016 and the Utilities Contracts Regulations 2016 as amended by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 (EU Exit Regulations) and as may be consolidated, extended, re-enacted or replaced together with such other UK regulations as may be made from time to time

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- 23.1.25 “Purchasing Consortia” means an organised and constituted body of individuals who jointly participate in the Procurement and award of a Contract
- 23.1.26 “Quotation” means a formal offer to supply Supplies, execute Works or provide Services at specified charges or rates of charges
- 23.1.27 “Scheme of Delegation” means the document described as such within the Constitution
- 23.1.28 “Services” includes services for the provision of labour, advice, care and support services for people, installation, implementation, testing, management services (including project and programme management and consultancy services), maintenance, repair and support services
- 23.1.29 “Supplies” covers an item(s) of equipment, plant, machinery, vehicle, tool, portable building, materials, software or other similar object, whether inanimate or electronic, to be supplied or delivered by the Contractor and procured by Oldham Council and includes any documentation
- 23.1.30 “Tender” means a formal offer to supply or purchase Supplies, execute Works or provide Services at a stated price or offer to be granted a Concession
- 23.1.31 “Tenderer” shall mean any potential Contractor submitting a Tender
- 23.1.32 “Works” means the carrying out of construction or undertaking of engineering or other practical work, which normally requires the provision of labour services and materials to build, construct or physically provide parts of Services during a project implementation period.

Appendix 2

Councillor Model Code of Conduct

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub- committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor. This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

The general conduct guidance follows below:

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor

Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor - officer protocol.

2. Bullying, harassment, and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force

them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- **a. given to me in confidence by anyone**
- **b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - **i. I have received the consent of a person authorised to give it;**
 - **ii. I am required by law to do so;**
 - **iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or ? iv. the disclosure is:**
 - **1. reasonable and in the public interest; and**
 - **2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - **3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its

functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- **a. act in accordance with the local authority's requirements; and**
- **b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"**Disclosable Pecuniary Interest**" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"**Partner**" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non-participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or

-
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the **Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.**

Table 1: Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and property	<p>Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interest

<p>You must register as an Other Registrable Interest :</p> <ul style="list-style-type: none"> a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

Oldham Borough Council
Arrangements for dealing with complaints about the Code of Conduct for Members
1. Introduction

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- 1.1 This procedure applies when a complaint is received that a Member, Co-opted Member or Parish Council Member has or may have failed to comply with the Code of Conduct for Members.
 - 1.2 The person making the complaint will be referred to as “the complainant” and the person against whom the complaint is made will be referred to as the “Subject Member”.
 - 1.3 No member of officer will participate in any stage of the arrangements if he or she has, or may have, any personal conflict of interest in the matter

2. Making a complaint

- 2.1 A complaint must be made in writing, either by post or e-mail to; The Monitoring Officer, Oldham Council, Civic Centre, West Street, Oldham, OL1 1UL or monitoringofficer@oldham.gov.uk
- 2.2 The Monitoring Officer will acknowledge receipt of the complaint within five working days of receiving it and, at the same time, write to the subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council also) with details of the allegations (subject to any representations from the complainant on confidentiality, which are accepted as valid by the Monitoring Officer). The subject member may, within 10 working days of receipt, make written representations to the Monitoring Officer which must be taken into account when deciding how the complaint should be dealt with. Representations received after this time may be taken into account, at the discretion of the Monitoring Officer, but will in any event not be considered after the Monitoring Officer has issued the initial assessment of the complaint.

3. Initial Assessment of Complaint

- 3.1 The Monitoring Officer will reject a complaint if it is not a complaint against a Councillor of Oldham MBC or a Parish Councillor within the area or the Councillor was not in office at the time of the alleged conduct. The Monitoring Officer will review the complaint and following consultation with the Independent Person, take a decision (Initial Assessment) as to whether it merits investigation, or another course of action. This decision will normally be taken within 20 working days of receipt of a complaint.
- 3.2 If appropriate, the Monitoring Officer will consider the following criteria where relevant in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected;
 - Whether a substantially similar allegation has previously been made by the complainant to The Council, or the complaint has been the subject of an investigation by another regulatory authority
 - whether the complaint appears to be malicious, vexatious, politically motivated or tit for tat.
 - Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
 - Whether the allegation is anonymous
 - Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations and whether in all the circumstances there is no overriding public benefit in carrying out an investigation.
 - Whether the complaint suggests that there is a wider problem throughout the Authority;
 - Whether it is apparent that the subject of the allegation is relatively inexperienced as a Member or has admitted making an error and the matter would not warrant a more serious sanction;
 - Whether training or conciliation would be the appropriate response.

The Monitoring Officer will consult with the Independent Person and then give a decision on how the complaint will be dealt with. The Monitoring Officer may in exceptional circumstances refer the question of how to proceed to a sub-committee of the Standards Committee.

4. Additional Information

- 4.1 The Monitoring Officer may require additional information to come to a decision and may request information from the Subject Member. Where the complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Clerk of the Parish Council of the complaint and seek the views of the Clerk of the Parish Council before deciding whether the complaint merits formal investigation or other action. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the subject member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps. Where the subject Member or the Council (in appropriate cases) makes a reasonable offer of local resolution, but it is rejected by the complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.
- 4.2 If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authority in addition, to any action taken pursuant to the Code of Conduct.

5. Confidentiality

- 5.1 If a complaint has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the initial assessment stage.
- 5.2 As a matter of fairness and natural justice the subject Member should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Office may withhold the complainant's identity if on request from the complainant, or otherwise, they are satisfied that the complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the complainant's identity being disclosed.
- 5.3 If the Monitoring Officer decides to refuse a request by a complainant for confidentiality, they will offer the complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the complainant's wish to have his or her identity withheld from the subject Member.

6. Investigation

- 6.1 The Monitoring Officer will appoint an investigating officer where a complaint merits formal investigation. The investigating officer may be a Council officer, an officer from another Council, or an external investigator.
- 6.2 The investigating officer will follow guidance if issued by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost effective use of Council resources and shall be interpreted in line with these principles.
- 6.3 At the end of their investigation, the investigating officer will produce a draft report and will send copies of that draft report to the complainant and to the Subject Member, for comments. The investigating officer will take such comments into account before issuing their final report to the Monitoring Officer.

7. Investigating Officer finding of no failure to comply with the Code of Conduct

- 7.1 Where the Investigating Officer's report finds that the Subject Member has not failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with the

Independent Person, will review the Investigating Officer's report and if satisfied, will confirm the finding of no failure to comply with the Code of Conduct.

- 7.2 The Monitoring Officer will write to the Complainant and the Subject Member (and to the Clerk of the Parish Council, where the complaint relates to a Parish Member), with a copy of the decision and the Investigating Officer's report.
- 7.3 If the Monitoring Officer is not satisfied that the investigation has been conducted thoroughly, the Investigating Officer may be asked to reconsider the report and the conclusions.

8. Investigating Officer finding of sufficient evidence of failure to comply with the Code of Conduct

Where the Investigating Officer's report finds that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer will review the Investigating Officer's report and will then having consulted the Independent Person either send the matter for local hearing before the hearing panel or seek local resolution.

8.1 Local Resolution

If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing, they will consult with the Independent Person and the Complainant and seek to agree a fair resolution. Such resolution may include the Subject Member accepting their conduct was unacceptable and offering an apology, and/or other remedial action including mediation or training. If the Subject Member accepts the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee and the Clerk to the Parish Council (if appropriate) for information, but will take no further action. If the Complainant or the Subject Member refuses local resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a local hearing without further reference to the Complainant or the Subject Member.

8.2 Local Hearing

Where, in the opinion of the Monitoring Officer, local resolution is not appropriate or the Complainant and/or Subject Member refuses to accept local resolution, then the Monitoring Officer will report the Investigating Officer's findings to the Hearing Panel which will conduct a local hearing before deciding whether the Member has failed to comply with a Code of Conduct and, if so, what action (if any) to take in respect of the Member.

9. Constitution of the Hearing's Panel

The Hearing's Panel is a sub-committee of the Council's Standards Committee. It will comprise of one of the independent persons and three members of the Council drawn from the Standards Committee. Where the complaint is about a Parish Council Member, the hearing panel will include at least one of the Parish Council Members co-opted to the Standards Committee. The Standards Committee comprises such elected members as determined by the Council, four Independent persons and a Parish Councillor representative from each Parish Council. Oldham Council members have voting rights only.

Procedure at the hearing

1. The sub-committee comprises currently three members of the Standards Committee, one from each group on the Standards Committee. An independent person will also attend the sub-committee and a Parish Councillor if the matter relates to a Parish Council Councillor.
2. The Chair shall explain the procedure and ask all present to introduce themselves. The member against whom the complaint has been made shall be known as the Subject Members for the purpose of this procedure.
3. The Investigating Officer outlines his/her report and presents the report, including any documentary evidence and calls such individuals as he/she considers appropriate to give evidence.

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4. The Subject Member or their representative may question the Investigating Officer upon the content of their report and may question any witnesses called by the Investigating Officer.
 5. Members of the sub-committee may ask questions of the Investigating Officer and any witnesses called.
 6. The Subject Member or their representative may present his/her case and call witnesses as required.
 7. The Investigating Officer may question the Subject Member and/or any witnesses.
 8. Members of the sub-committee may also question the Subject Member and/or any witnesses.
 9. The Investigating Officer may sum up the complaint.
 10. The Subject Member or representative may sum up their case.
 11. Members of the sub-committee consider in private the complaint and consider whether there has been a breach of the code.
 12. In the presence of all the parties, the Chair of the sub-committee will announce the decision that either the Subject Member the opportunity to make representations on whether action or sanctions should be taken.
 13. If the sub-committee decides that the Subject Member has failed to follow the code, the sub-committee will give the Subject Member the opportunity to make representations on whether action or sanctions should be taken,
 14. The sub-committee will consider in private what action should be taken and then in the presence of all the parties, the chair shall announce the decision.
 15. The Chair will confirm that the decision will be provided in writing to the Subject Member within 7 days following the meeting.

10. The Independent Person

The independent person must be a person who has applied for the post following advertisements of a vacancy for the post and appointed by a positive vote from a majority of all the Members of the Council at a meeting of the full Council.

A person is not eligible for appointment if they:

- are, or have been within the past five years a Member, co-opted Member or officer of the Council
- are, or have been within the past five years a Member, co-opted Member or officer of a Parish Council within the Borough; or
- are a relative or close friend of a person within the 2 above bullet points.

For this purpose, “relative” means that:

- Spouse or civil partner
- Living with the other person as husband and wife or as if they were civil partners
- Grandparents of the other person
- A lineal descendant of a Grandparent of the other person
- A parent, sibling or child of the person within the above bullet points
- A spouse or civil partner of a person within the above bullet points; or
- Living with a person within the above bullet points as husband and wife or as if they were civil partners.

12. Action

Where a hearings panel find that a Member has failed to comply with the Code of Conduct, the hearing panel may;

- Publish its findings in respect of the Member’s conduct
- Report its finding to Council (or to the Parish Council) for information
- Recommend to Council (or to the Parish Council) that the member be censured

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- Recommend to the Members Group Leader (or in case of ungrouped members recommend to Council) that he/she be removed from any or all committees or sub-committees of the Council.
 - Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from their portfolio responsibilities
 - Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member
 - Recommend to Council (or recommend to the Parish Council) that the Member be removed from all outside bodies, appointments to which they have been appointed or nominated by the Council (or by the Parish Council).
 - Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council such as a computer, website and/or email and internet access.
 - Exclude (or recommend that that Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and sub-Committee meetings or place such restrictions on access to staff as may be reasonable in the circumstances.

13. Revision of these Arrangements

The Council may by resolution or the Monitoring Officer may, in consultation with the Chair of the Standards Committee amend these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matters.

14. Appeals

Subject to judicial review or a decision of a local ombudsman, there is no right of appeal against the decision of a Monitoring Officer or of the Hearing Panel.

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Report to COUNCIL

Recruitment to the post of Chief Executive and Head of Paid Service

Officer Contact: Lewis Greenwood, Assistant Director Policy, Performance and Corporate Leadership

Report Author: Lewis Greenwood, Assistant Director Policy, Performance and Corporate Leadership

12 July 2023

Reason for Decision

Members will be aware that at the meeting of Annual Council held on 24 May 2023, the Leader Elect delivered a communication to the Chamber confirming that she had received early notification from the Chief Executive that he is set to retire at the end of December 2023.

Since Annual Council, the Appointments Committee has met to consider the recruitment approach to be taken and the remuneration for the post. This paper sets out recommendations from the Appointments Committee for Full Council consideration.

Recommendations

The Appointments Committee recommends that Council:

1. Approves the Council undertakes an external recruitment exercise for the post of Chief Executive and Head of Paid Service;
2. In accordance with the Pay Policy Statement approves the remuneration for the post be £165-180k;

3. Notes that the post incorporates the responsibility for the roles of:

- Returning Officer for Local Elections and for the Combined Authority Mayoral Election
- Returning Officer for any Parliamentary Elections, for which is subject to a separate payment as determined by central government and the role of Electoral Registration Officer

1.0 Background

- 1.0 Members will be aware that at the meeting of Annual Council held on 24 May 2023, the Leader Elect delivered a communication to the Chamber confirming that she had received early notification from Harry Catherall, Chief Executive and Head of Paid Service that he is set to retire at the end of December 2023. At this meeting, Members were also updated that recruitment to the post of Chief Executive and Head of Paid Service would commence imminently. The Appointments Committee have now met and this paper sets out two recommendations for consideration by Full Council.
- 1.2 It is a statutory requirement for the Local Authority to appoint a Head of Paid Service. In addition, it is important that any candidate appointed to the role delivers on the Council's corporate ambitions as set out in the Corporate Plan and delivery of the Administration priorities and drives forward transformation programme of the Council through a resident focused approach. To ensure Oldham successfully recruits to the post, this paper sets out a recommendation from the Appointments Committee that the Council undertakes an external recruitment process to the post of Chief Executive and Head of Paid Service.
- 1.3 The Appointments Committee also considered the remuneration for the post following a benchmarking exercise that had been completed. The current salary for the post is a spot salary at £164k and is subject to national Chief Executive pay award. A benchmarking exercise for similar roles in reasonable proximity and similar sized organisations to Oldham has been undertaken. As a result of this exercise the Appointments Committee are recommending a salary band of £165k-180k for the post be introduced.
- 1.4 If approved, Full Council is asked to note that recruitment to the post will commence imminently by way of a full external recruitment process.

2.0 Consultation

- 2.1 As appropriate, the Council's policy and procedures will be followed.

3.0 Financial Implications

- 3.1 The salary for the post of Chief Executive and Head of Paid Service is included in the budget available for the Senior Management Team of the Council.

Anne Ryans, Director of Finance

4.0 Legal Implications

- 4.1 Full Council are asked to consider salary for the post of Chief Executive and Head of Paid Service. Full Council will also be asked to approve the appointment to the post.

Paul Entwistle, Director of Legal

5.0 Human Resources Implications

5.1 As appropriate, the relevant HR policy and procedures will be followed.

Shelley Kipling, Assistant Chief Executive

6.0 Risk Assessments

6.1 None

7.0 IT Implications

7.1 Not applicable

8.0 Property Implications

8.1 Not applicable

9.0 Procurement Implications

9.1 Not applicable

10.0 Environmental and Health and Safety Implications

10.1 Not applicable

11.0 Community Cohesion and Crime Implications

11.1 Not applicable

12.0 Equality Impact Assessment Completed (EIA)

12.1 Not applicable

13.0 Key Decision

13.1 No

14.0 Forward Plan Reference

14.1 Not applicable

15.0 Background Papers

15.1 None

16.0 Appendices

16.1 None



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