

# Oldham Borough Council



**Council Meeting**  
**Wednesday 6<sup>th</sup> September 2023**



## OLDHAM BOROUGH COUNCIL

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

Tuesday, 29<sup>th</sup> August 2023

You are hereby summoned to attend a meeting of the Council which will be held on Wednesday 6<sup>th</sup> September 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 12<sup>th</sup> July 2023 be signed as a correct record (Pages 1 - 38)
- 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)*

There are no petitions to note.

- 7 Youth Council

*(time limit 20 minutes)*

There is no Youth Council Business to consider.

- 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 39 - 58)

*(time limit 15 minutes)*

19<sup>th</sup> June 2023

17<sup>th</sup> July 2023

24<sup>th</sup> July 2023

9 Notice of Administration Business

*(time limit 30 minutes)*

Motion 1

Councillor Shah to MOVE and Councillor Brownridge to SECOND:

*Fragility of the Social Care Sector*

The Social Care sector is in crisis. The market is failing residents who need society's care and support the most.

Oldham Council recently announced that it would be acquiring Chadderton Total Care Unit to prevent the nursing home from closing and creating over two-hundred redundancies and create continuity of care issues for over a hundred vulnerable residents.

The social care system is not fit for purpose and is failing the people who rely on it, despite the incredible efforts made by those who work in it.

Long-term problems, including high levels of unmet need and care providers struggling to deliver the quality of care that older and disabled people deserve, are compounded by rising demand, backlogs caused by Covid-19 and a workforce crisis. Pressures in the NHS compound these challenges even further and can sometimes lead to 'bed blocking'.

We need reform now – government cannot wait any longer to act.

This Council notes:

- That there are no quick and easy fixes to the crisis in social care, but this cannot be ignored.
- That the fragility of the care sector market is putting Oldhamers' health, quality of life and livelihoods at risk
- The council continues to receive an increased number of complaints linked to unaffordability of financial contributions and linked to the cost-of-living crisis.

This Council further notes:

- The decision to acquire the Total Care Unit in Chadderton was not one taken lightly but allowing the second biggest care-home in the Borough to close would've been cruel.
- The acquisition of the Total Care Unit has protected over 100 vulnerable residents from being moved out of borough and ensured that 200 hardworking social care staff did not lose their jobs.
- That the nursing sector in particular is facing huge challenges in recruiting staff, that agencies are driving up the cost and making it difficult for the NHS to compete and offer parity.

This Council resolves to:

- Use the newly created Oldham Total Care to combat bed blocking at the Royal Oldham Hospital, relieve some pressure in the social care sector and provide the support Oldhamers need in Oldham.
- Write to the Department for Health and Social Care to urge them to urgently adopt the delayed reforms to care sector funding and eligibility.
- Write to the Department of Health and Social Care to ask them to urgently commission a review on market volatility in the Care and Nursing Home Sectors.

- Work with the Integrated Care System across Greater Manchester and the North West, as well as the Association of Directors of Adults Social Services to raise awareness and address issues of care home market fragility, and lobby for reform to create a care system that meets resident's needs, accepts that a greater personalisation of services is required, and increases the availability of care services.

## Motion 2

Councillor Goodwin to MOVE and Councillor Taylor to SECOND:

### *No More Profit Over Pollution*

Across the borough of Oldham, our rivers are treasured by residents, as vital waterways that supported Oldham's growth during the industrial revolution. Water from the Tame, Medlock and Irk contributed to our mills, our canals and help connect us to our neighbouring towns.

Since the failed experiment in privatising our water utility in 1989, residents have seen bills go up, yet have suffered with issues getting water delivered to their homes, with leaks and water shut offs increasing in frequency whilst shareholders increase their dividends.

United Utilities was identified in 2022 as the worst water polluter in the UK, with "10 of the country's 20 pipes that spilled the most sewage in 2022 were owned by United Utilities" (The Guardian, April 2023). The River Trust identified 31 sites in Oldham where raw sewage is discharged into rivers.

One of Oldham's MP's has raised this issue in their role as Shadow Secretary of State for the Environment, Food and Rural Affairs, and the government have voted against parliamentary measures to stop sewage being pumped into our rivers.

Sampling at the River Tame near Pingle Mill in Delph found 2,4-Dichlorophenoxyacetic Acid, PFOS, and pFoctanoate. These are all chemicals that are harmful to both humans and wildlife, showcasing that pollution in our rivers is extremely harmful to the residents of the borough.

This Council notes:

1. The data from the River Trust that shows details of 31 raw sewage discharge into rivers and streams across Oldham in 2022, including along the River Tame in Saddleworth, the River Medlock at Bardsley and the River Irk in Royton.
2. Water sampling at Pingle Mill in Delph found 2,4-Dichlorophenoxyacetic Acid, PFOS, and pFoctanoate.
3. That despite United Utilities reporting £788m profits in the year to 31st March 2023 and paying dividends of £300m to their shareholders, UU proposes to add the costs of any clean up to our bills.

This Council Resolves to:

1. Instruct the Chief Executive to write to United Utilities requesting that they respond to each of these 3 points separately, giving detailed plans, including a timetable, to ensure these discharges into our local waters are prevented in future and calling for the clean-up costs to be met by United Utilities and their shareholders and not paid for by customers.
2. Write to the Secretary of State for the Environment, Food and Rural Affairs asking for the government to strengthen environmental protections around sewage discharges, including increasing fines for discharges and stronger regulatory action including mandatory monitoring of all sewage outlets.
3. Write to the Borough's 3 MPs asking them to pressure the Government to

require mandatory monitoring of all sewage outlets and an increase in fines for sewage discharges.

## 10 Notice of Opposition Business

*(time limit 30 minutes)*

### Motion 1

Councillor Woodvine to MOVE and Councillor Sheldon to SECOND:

*A State of the Art Health Centre for Saddleworth*

The Civil Parish of Saddleworth is the only District in the Metropolitan Borough of Oldham to have not had the provision of a Health Centre planned for despite the overwhelming public support for one.

While the current Centre, situated in Uppermill, has given care to many people over the years, the modern medical needs of the population of Saddleworth are not met by the current site. Many people living in Saddleworth's village communities have to travel to central Oldham for basic treatment – to Glodwick, Littlemoor, Moorside, or the Integrated Care Centre.

The provision of a state-of-the-art Health Centre of all of Saddleworth is the single biggest issue and this was made clear to The Council Leader, Councillor Arooj Shah, when she visited us in 2022 at her 'Meet the Leader' event in Saddleworth Civic Hall. Despite her warm words, no action has been taken.

The content of this Motion has an electoral mandate - in recent Elections, all successful Candidates in Saddleworth have been nominally or actively in favour of a Health Centre.

Increased pressure is being placed on the already stretched healthcare provisions in Saddleworth resulting from the increased house building, including the 78 dwellings on Huddersfield Road, Diggle, with the prospect of more developments to come at Knowls Lane, Birks Quarry, Bailey Mill, Fletcher's Mill and possibly Stonebreaks in years to come.

The Member of Parliament for Oldham East & Saddleworth hosted an event too to discuss the prospect of developing a new Health Centre, but she did not invite the Councillors for the area and we have never seen any outcomes from this discussion, at which there were senior Officers of the Council.

The Integrated Care System for Greater Manchester has stated in the past that funding is not necessarily the problem in preventing progress, but the options for siting a Health Centre in Saddleworth is the stumbling block. However, a strategic site has opened up in a central, accessible location in Uppermill with the demolition of Saddleworth School and this is in the ownership of the Council.

Therefore, this Council commits:

- To prioritise the provision of a state-of-the-art Health Centre for all of Saddleworth.
- To commit to making the site of the old Saddleworth School mixed-use, and earmarking some space for a state-of-the-art Health Centre.
- To improve the pitches and playing fields on the old Saddleworth School site for the use of local people, and for increased sporting provisions.
- To consider ways to increase capacity at the Delph site in the meantime, whilst a new Health Centre is established, as it is a source of local commentary that this service is underutilised.
- To schedule a meeting with all stakeholders, including the Leader of the

Council, the Cabinet Member for Health & Social Care and the Saddleworth North, South, and West & Lees Councillors, to discuss our priorities for the people we represent.

## Motion 2

Councillor Al-Hamdani to MOVE and Councillor Williamson to SECOND:

### *Raw Sewage Discharges*

This council notes that:

In 2011, the Environment Agency reported that our rivers were cleaner than at any time since the Industrial Revolution.

In March this year the same agency noted that there were more than 300,000 raw sewage discharges into rivers and coastal areas in 2022, lasting for more than 1.75 million hours.

In the same period our local water company, 'United Utilities', was responsible for 69,245 of those sewage discharges lasting for 425,491 hours.

In Oldham alone, raw sewage has been discharged into our waterways more than 2,500 times since 2021, lasting for more than 14,000 hours.

These hours of raw sewage went into the waterways alongside which Oldham residents walk, cycle and ride; and in which families go boating, fishing and paddling. Raw sewage in open waters has been shown to increase the risk of diseases such as hepatitis and Weil's disease.

The deterioration in the quality of our water is so apparent that it is evidenced not only by Environment Agency data but by the observations of Oldham residents who have noted the rise in unpleasant odours and visible pollution in the water.

The sewage discharge data, provided by the water companies themselves, demonstrates that not a single discharge in 2022 resulted from exceptional circumstances - rainfall or storms – but due to a lack of treatment and investment by the same water companies.

Yet since 1989, they have paid out £72 billion in dividends to shareholders and bonuses of millions of pounds to executives while accruing industry wide debts of £60 billion and inflicting a 40% real terms price increase on ordinary people.

So much value has been extracted from the sector that one of the largest companies is currently failing under its huge level of debt and there are forecasts of future huge price rises across the country, including Trafford, to make up for decades of lack of investment.

This situation is unfair and unsustainable – ordinary people are paying ever higher prices for the privilege of having raw human sewage dumped in their communities while the industry is allowed to be run for the enrichment of shareholders and executives.

This council resolves to:

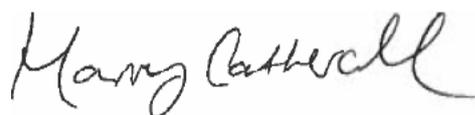
Call upon Central Government to firmly establish the 'Polluter Pays Principle' across the industry". Water companies must operate in the interests of the Public, not shareholders. They must make meaningful provision for the monitoring of water quality, publish a strategy with targets for the reduction of sewage discharges, including meaningful economic impact assessments, and provide for financial penalties in relation to sewage discharges and breaches of monitoring requirements.

11 Update on Actions from Council (Pages 59 - 82)

12 Constitution Amendments (Pages 83 - 160)

- 13 Youth Justice Plan 2023/24 (Pages 161 - 194)
- 14 Treasury Management Review 2022/2023 (Pages 195 - 216)

**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, appearing to read 'Harry Catherall', written in a cursive style.

**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



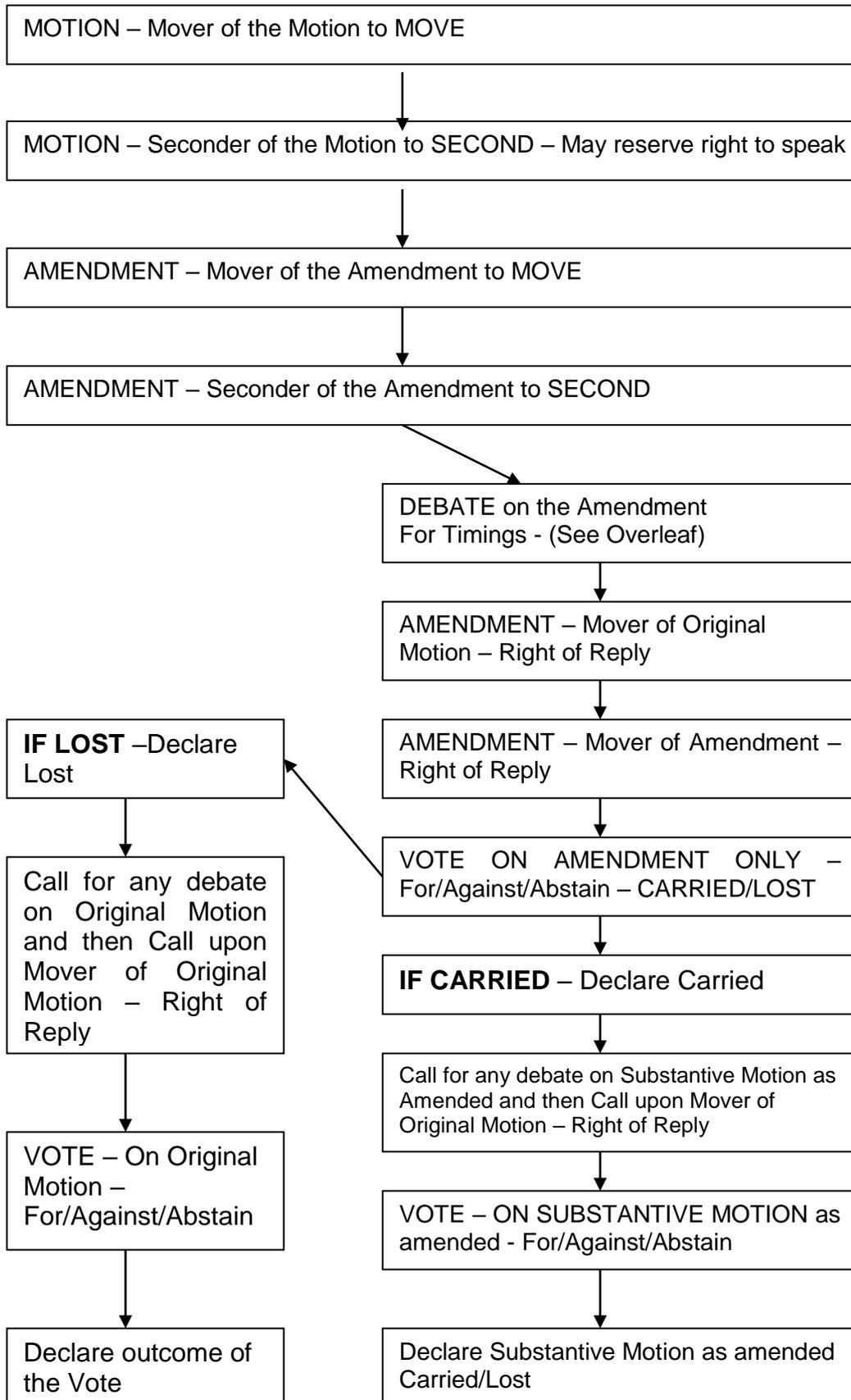
Declare outcome of the VOTE

**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





**COUNCIL**  
**12/07/2023 at 6.00 pm**

**Present:** The Mayor – Councillor Chauhan (in the Chair)

Councillors Adams, Akhtar, Al-Hamdani, Ali, Arnott, M. Bashforth, S. Bashforth, Birch, Bishop, Brownridge, Byrne, Charters, Cosgrove, Davis, Dean, Fryer, Ghafoor, H. Gloster, Hamblett, H. Harrison, J. Harrison, Hince, Hindle, Hobin, Hurley, A Hussain, F Hussain, J. Hussain, S. Hussain, Ibrahim, Iqbal, Irfan, Islam, Jabbar, Kenyon, Lancaster, Malik, Marland, McLaren, Moores, Murphy, Mushtaq, Nasheen, Quigg, 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 Ball, Goodwin and Harkness.

**2 TO ORDER THAT THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 24TH MAY 2023 BE SIGNED AS A CORRECT RECORD**

RESOLVED - That the Minutes of the meeting of the Council held on 24<sup>th</sup> May 2023, be approved as a correct record.

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

Councillor Sykes declared a other registrable interest in agenda item 8c (Questions on Cabinet Minutes) insofar as it related to Oldham Community Leisure (minutes 14, 15, 21 and 22 of the Cabinet meeting held 20<sup>th</sup> March 2023 refers).

Councillor Hobin declared a pecuniary interest in agenda item 12 (The Bee Network – Improving Greater Manchester’s Transport Governance), as he was an employee of a local public transport company.

Councillor Davis declared a pecuniary interest in agenda item 10 (Motion1 – Request for Land to build a Muslim Cemetery), as he was an employee of Co-op Funeral Care.

Councillor Dean declared a other registrable interest in agenda item 8c (Questions on Cabinet Minutes) insofar as it related to Oldham Community Leisure (minutes 14, 15, 21 and 22 of the Cabinet meeting held 20<sup>th</sup> March 2023 refers).

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

There were no matters of urgent business for this meeting of the Council to consider.

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

The Mayor asked Council to note and acknowledge the 75<sup>th</sup> anniversary of the founding of the National Health Service.

The Mayor asked Council to note and acknowledge Carers Week that had recently been held, in honour of the important role that Carers play in society.

The Mayor informed Council that a former Member Lynne Greenwood had sadly passed away. Lynne served as an Oldham Metropolitan Borough Councillor, for Chadderton North from 1991 - 1995. Council observed a minute's silence in her memory.



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

There were no petitions for this meeting of the Council to consider.

7 **YOUTH COUNCIL**

The Youth Council PROPOSED the following MOTION:  
**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.

Councillor Mushtaq spoke in support of the Motion  
Councillor Charters spoke in support of the Motion  
Councillor Arnott spoke in support of the Motion  
Councillor Hamblett spoke in support of the Motion  
Councillor Moores spoke in favour of the Motion and in doing so proposed an additional resolution requesting that 'the Adults Social Care and Health Scrutiny Board convene a Workshop to consider issues relating to vaping.'

Councillor Mushtaq MOVED and Councillor Charters SECONDED the MOTION as presented by the Youth Council and including Councillor Moores' addendum to the resolution (above).

RESOLVED:

1. The Chief Executive, be requested, 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.
2. The Adults Social Care and Health Scrutiny Board convene a Workshop to consider issues relating to vaping.

8 a

**PUBLIC QUESTIONS**

1. Question submitted by Syed Maruf Ali

Eating a healthy, nutritious meal supports pupils with their learning and has been shown to improve behaviour and academic achievements.

Oldham Council must act now to introduce universal free school meals for all primary and secondary school children regardless of their parent incomes. This would help build a better Oldham for everyone, saving families hundreds of pounds a year, ensuring all primary and secondary pupils are eating a healthy, nutritious meal at school.

All children should have an equal chance to thrive and be healthy, no matter where they live or how much their parents earn. By making school meals free for all children the Oldham Council can deliver on its levelling up promise and help children achieve their true potential – especially children living in the most deprived parts of Oldham.

Ensuring children receive a hot, nutritious meal at lunchtime will be a lifeline for many Oldhamers facing extreme cost-of-living pressures – many of whom are having to spend less on both cooking and eating at home to make ends meet.

Oldham Council should immediately prioritise the introduction of free school meals for the thousands of children who are living in poverty, but who don't currently qualify, as a first step towards rolling out free school meals to all children in primary and secondary schools in September.

I hope the Cllrs in this chamber will support this recommendation and discuss this further in their next individual political party meeting and cabinet meetings, so that every child in primary and Secondary School receives free school meal?"

Councillor Ali, Cabinet Member for Education and Skills replied, "thank you for your question. The Council provide free school meals to all pupils who are eligible via the means tested criteria, in addition we receive funding for universal infant free school meals (Years 1 and 2). We work proactively to encourage all those eligible to apply for free school meals and are keen to reach as many families as possible who may be eligible. The provision of school food is an opportunity to ensure that children and young people have healthy nutritious food. To ensure this, food served in all maintained schools and academies in England must meet school food standards. These standards help schools to provide children with healthy, balanced diets.

In addition, we also have the following initiatives to support families who maybe struggling financially:

- The Holiday Activities and Food (HAF) programme
- Poverty Proofing the School Day Audits



- Breakfast Clubs

More information on these are available on our website.”

## 2.Question from Karl Bardsley

Frontline Police officers are there to keep our communities safe. They are comprised of our neighbours, friends and relatives. They face the daily dangers of patrolling our streets to keep us safe. Sadly, some Police officers do not make it home and are killed in the line of duty.

It is why many were shocked to read in the Mail on Sunday that Oldham politicians, Leader and Deputy Leader of the Council in particular have been openly photographed celebrating with a convicted criminal who was a getaway driver for the infamous 'Cop Killer' Dale Creegan.

Could the relevant Cabinet member please clarify whether such associations are appropriate and whether they agree that such public associations only damage what little trust the public have for those running the Council?

Councillor Shah, Leader of the Council replied, “thank you to Mr Bardsley, the unsuccessful Conservative Candidate for Chadderton North in the recent local elections, for his question. I will refer the questioner to the answer to this question that I gave at the Full Council meeting in December 2019.”

## 2. Question from Julie Heywood

In the lead up to this May's Council elections, the Labour Party complained of hate speech and homophobia following a councillor's literature opposing LGBTQ+ education in schools. More recently, ZAHID CHAUHAN the new Mayor recently stated, Great Britain is called Great Britain because it has great people...who co-exist together. People from different backgrounds, people from different faiths, from different religions - they all come together.' In a town historically divided, the Labour Party's position should be applauded and hopefully the Council leader and her Cabinet will back up their words with actions. Therefore:

1. Will AROOJ SHAH in her capacity as leader of Oldham Council join Oldham's Pride march and support Oldham's LGBTQ+ community?

2. Will Dr Chauhan, in his capacity as Mayor of Oldham, join Oldham's Pride march and support Oldham's LGBTQ+ community?

3. Will Mohon Ali, in his capacity as Cabinet Member for Education & Skills join Oldham's Pride march and support Oldham's LGBTQ+ community?

4. Will Arooj Shah's Oldham Council confirm that every member of her Cabinet is committed to the rights of Oldham's LGBT+ community?

As the Mayor Dr Chauhan rightly referenced, 'Oldham is a town in Great Britain'. Great Britain is an inclusive society where we do not discriminate against people because of their sexuality. Will our town's leaders join Oldham Pride in the fight against homophobia?

Councillor Mushtaq, Deputy Leader of the Council and the Cabinet Member for Children and Young People replied, "I challenge the premise, the origins, the ideology and the genesis of this question. It names only Muslim councillors in a pathetic and failed attempt to divide. Let's be clear this question does not stand up for the LGBTQ+ community, it does not stand up for Oldham Pride but most importantly it does not stand up for the values of a liberal democracy.

Mr Mayor, you speak of Great Britain of Britain being great and that is exactly what this question is directly attacking, the greatness of this great nation! Why are we referred to as the Western world, as a nation seen as a leader of the Free World and a leader in the free world? It is because questions like this can be asked, it is because people that look like me can stand up in chambers like this and speak freely without fear of torture or death. One of the things that makes Britain Great Mr Mayor is that we live in a society where everyone one of us is innocent until proven guilty. This question Mr Mayor is a direct attack on that fundamental premise upon which our free society is built. Mr Mayor this question is effectively accusing you and others of being guilty insinuating that because of your faith, culture, appearance and way of life you are homophobic and asking you, no demanding that you prove your innocence! It's a direct attack on the very foundations upon which our society is built.

They know Mr Mayor that when you treat your patients in your capacity as a GP you do not treat them on the grounds of their race, gender or sexuality you treat them all equally based on their need. They know that Councillor Arooj Shah leads a borough that is proudly diverse and represents all communities within the borough. This is what they don't like, this is what they don't want to accept.

The intolerance and hate is what they think makes their Britain great, in actual fact Mr Mayor it is our differences, our diversity and our acceptance, not tolerance, our acceptance of these differences that scares these people and leads to the creation of questions like this targeting people like you, like councillor Shah and councillor Mohon Ali

I reject the premise of the question and I reject the question"

### 3. Question from Denise Leach

The previous Council leader confirmed that an individual can self-identify their gender and that a woman can have a penis. With this in mind, and the Labour leader Kier Starmer also of a similar mind, will the Council leader, please confirm if the Councils position is that an individual can self-identify gender whereby not only can a woman have a penis, but a male can also breastfeed babies?

Furthermore, Will the relevant Cabinet member for Education please confirm whether Oldham schools will be promoting transgender education to primary school children, including providing sexual instruction? And if so, will this Council allow parents to withdraw their children from lessons where this takes place?



Councillor Shah, Leader of the Council, replied, “thank you Mr Mayor and thank you to Ms Leach for her most recent contribution to public questions.

I have to say I was surprised at some of the statements made in this question as I can find no evidence of them being true. For example, I can't find any reference or recording that shows any previous council leader confirming that women could have a penis. I find it interesting that the statement has been made with such confidence and can only imagine I must have missed something and that the evidence for this will be provided by those who are spreading this latest culture war narrative online. As to the main body of the question, as the questioner well knows there is a difference between someone's sex and someone's gender identity. Our policies here in Oldham are that we comply with the Equality Act in offering the required protections for both the characteristic of sex and separately of gender reassignment.

On the issue of transgender education I will ask my colleague and Cabinet Member for Education Cllr Ali to answer. “

Councillor Ali, Cabinet Member for Education and Skills replied, “that to be absolutely clear primary schools in Oldham do not ‘promote transgender education’ as is stated by the questioner. Children at primary school are taught about a range of issues to help them understand the diversity of British society in the spirit of respect and tolerance.

The Government's guidance on Relationships, Sex and Health Education is freely available online for any parents who are concerned about what children are being taught. It makes clear that individual primary schools can opt out of the sex education element of that curriculum. In addition, parents can also withdraw their children from the sex education element should their primary school choose to teach it. I must be absolutely clear that there is no school in Oldham providing sexual instruction to either primary school pupils or secondary school pupils. I do not know where this misinformation has come from but it is both incorrect and very damaging.

Schools in this borough work really hard to build relationships with parents around sensitive issues such as these and it is disappointing that we have people willing to damage that work for their own divisive reasons. “

#### 4. Question from Lynne Kovacs

I have heard personally from many Oldhamers who read with shock and also a sense of shame, the story in the recent Mail on Sunday where Oldham Council leader Arooj Shah was reportedly celebrating her victory with the convicted heroin dealing getaway driver of the Oldham cop killer Dale Cregan. This career criminal has posted multiple photographs of himself on social media alongside Arooj Shah whilst abusing members of the public.

Contrary to being rehabilitated, I heard that this gangster's most recent conviction was on the very morning of the voting count, 5th April, and who was actually at the count in the civic chambers.

Arooj Shah has previously described Mohammed Imran Ali, or Irish Immy as he likes to call himself, as a childhood friend and then later changed her reply to knowing him as a family friend. The people of Oldham deserve an explanation. This is in the public interest. Just what exactly is Arooj Shah's relationship with the one-time viagra and steroid salesman so there is no confusion in the future.

Councillor Shah, Leader of the Council, replied, "thank you, Mr. Mayor, and thank you to conservative campaigner and former conservative candidate Ms Kovacs for her latest public question. Again, I would refer this questioner to the response I gave to Full Council in December 2019. "

#### 5. Question from Gary Tarbuck

During the 'COVID crisis', barricades were erected around the Public Gallery in the Council Chamber. However, once all COVID restrictions had been lifted by the Government, the Council, decided they wanted to leave the barricades in place. The Council then introduced draconian entrance requirements into public meetings. So draconian, that a councillor previously challenged as, "More stringent than prisons that they had visited." Not satisfied with these two measures the Council also used Greater Manchester Police's logo on letters issued to members of the public to try and silence dissent to the Council's failings to protect the town's children from the Grooming Gangs. The very toxicity that this Council wants to tackle was instigated by the actions of this very Council.

Will the new Council leader, if not apologise, at least acknowledge the completely unacceptable actions of her Council? And will she also acknowledge that waving and pointing a finger, or simply looking at someone, are completely unacceptable reasons to ban a member of the public from meetings?

Surely, if this town is to heal, then the Council must also accept its role in what it did wrong and its attempt to stifle democracy? Three leaders have already paid the price. What more needs to happen before this Council takes a look at itself and takes action against its own politicians and officers?

How is it that this Council thinks it's right that their elected leader, Arooj Shah, is seen celebrating during an election count, inside the Council building, with someone who has been convicted as a heroin dealer, a murderers getaway driver, and who also, was yet again, convicted hours earlier that very day? Yet think it's fine denying law-abiding citizens access to the Council chamber?

Councillor Shah, Leader of the Council, replied, "thank you to Mr Tarbuck, the recently unsuccessful Independent Candidate for Saddleworth South and one time Proud of Oldham and Saddleworth candidate for this council, for his question. Mr Tarbuck provides an interesting although not quite accurate description of the security and health protection measures that we have had in place to protect our staff, elected members and the public over the last few years.

He is correct in saying that plastic screens, which he refers to as barricades, were erected in this chamber, and in many other council buildings, during the covid 19 pandemic, in keeping with national public health guidance at the time to support ongoing infection control, especially for vulnerable members of the community. The council, at the same time implemented a number of other health protection measures including distancing and the installation of hand sanitiser dispensers across our buildings.

During this time entrance requirements and sign in procedures were also strengthened as part of enabling track and trace procedures should a further outbreak be recorded. This process also supported the health and safety risk assessment undertaken as part of installing the screens as their installation meant the introduction of different emergency evacuation procedures.

Aside from our actions to protect people during the pandemic it is incredibly unfortunate that the behaviour of a small number of people at council meetings last year have led the council to have to take firm action against those who choose to shout obscene and abusive things at elected members and staff, against those who damage public property and against those who assault council staff.

While Mr Tarbuck can make inaccurate statements about the reasons for us having to ban people from this chamber for the safety of others attending meetings, I can confirm that those who received bans have been clearly informed why they were being given, were given time to appeal against them and were told that those bans would be reconsidered at an appropriate time.

I can confirm that those decisions were made in the interest of safety. It is categorically not acceptable that people who come here to take part in the democratic process, whether as elected members, council employees or members of the public be subjected to abuse, to foul language, to threats, to acts of vandalism and to violence. Those sorts of actions will not be tolerated and we will continue to take firm action against anyone behaving in that manner.

That sort of behaviour is not democracy, we do not 'stifle democracy' but we do protect people from abuse and from violence."

#### 6. Question from David Else

Don't Trash Oldham is rightly one of the Council leader's flagship projects. One of the key concerns of Oldhamers is fly tipping and the appalling state of some of our streets. Can the leader of the Council therefore explain why she is being photographed celebrating her election victory at the home of a man who was fined for trashing Oldham? Does she accept how this looks to those of us who care deeply about this issue and will she apologise to the people of our town for her indiscretion?

Councillor Shah, Leader of the Council, replied," thank you Mr Mayor and thank you to Mr Else for his question.

I have no idea who or what this question is referring to but would like to say that surely even I cannot be expected to know and

memorise the names of every person who has ever been fined or prosecuted by the council?

However, I can say that without exception I fully support the prosecution of anyone who fly-tips, litters or commits other environmental crimes in our borough – that’s why we’ve recently established our new environmental crime team so that we can take action against as many offenders as possible. My commitment to our Don’t Trash Oldham approach is absolute – we will work to clean up and transform neighbourhoods and we will work to take action against anyone who blights our great borough.”

#### 7. Question from Hannah Roberts

Data from the Rivers Trust shows that in 2022 raw sewage was discharged from 17 locations in 537 separate spills for a total of 4,703 hours across Oldham East and Saddleworth.

In Saddleworth, discharges were reported along the River Tame at Clifton Holme, Delph New Road/Station Approach, Dobcross New Road, Greenfield and Woodbrook Road.

The Conservative Government has not only allowed this to happen – it voted down Labour’s attempts to make the privatised water companies clean up our streams and rivers. United Utilities is responsible for keeping our rivers clean but despite paying out £300m to shareholders plan to add the cost onto all our water bills.

Does the Leader of the Council agree that it is unacceptable for United Utilities to continue to discharge raw sewage in our waterways and will she raise residents’ concerns with United Utilities and ask for an urgent plan to stop this happening and to pay for the clean-up out of their profits rather than asking residents to pay more?

Councillor Taylor, Statutory Deputy Leader of the Council and Cabinet Member for Housing and Licensing, replied, “thank you to Ms Roberts for this question.

It is an absolute national disgrace that raw, untreated sewage is being allowed to enter our beautiful waterways, damaging wildlife and ruining our rivers, lakes and seas. I’m appalled that here in Oldham we are being used as a free dumping ground for the waste of private companies who, while they are destroying our waterways with sewage, continue to make exorbitant profits and pay outrageous amounts to their shareholders. And the biggest disgrace is that the Government in Westminster is seemingly going to do nothing about it.

I know that those concerns are shared and have been raised by all local MPs – including Jim McMahon – both in his local constituency role and also as Shadow Secretary of State for Environment, Food and Rural Affairs. This council will absolutely do all we can to make the Government and the companies involved aware that they cannot and morally should not be destroying our environment for profit. “

#### 8. Question from Chris McManus

The council has invested in Oldham Town Centre with events such as the Reindeer Parade, Christmas Lights Switch On,

Brass Monkey's Festival, and Festival Oldham over the last few years.

Oldham Council spent £136,530 on these events last year with a further £128,910 budgeted for this year.

These events are funded by the Councils Economy Service in the Place and Economic Growth directorate.

However, outlying areas in the borough have had difficulty funding their traditional events, such as the Whit Walks, these being funded solely by the residents and local businesses of Saddleworth, and the Whit Friday Band Contest, this being funded by the residents, local businesses and contributions from local Councillors from their councillors' allowances.

Despite the popularity of these events, and in the case of the Band Contest, International popularity, funding has become a major concern, putting these cultural traditions at risk and unless resolved, I fear for the future of the Whit Friday walks and the Band Contest.

With that in mind can the following be answered:

Is the Council committed to supporting events that benefit the wider community, not just the Town centre?

Will the council commit to allocate funds for events, outside of the sphere of the Town Centre block Labour vote, and into the surrounding areas, ensuring that the historic events, such as Whit Friday can continue far into the future

If not willing to allocate funds to ensure the Whit Friday events can continue, can you confirm that the council will be happy to see the events ended and be replaced with Festival Oldham, which so happened to take place the following day this year?

Councillor Dean, Cabinet Member for Communities and Culture, replied, " thank you for your question, I can confirm that the Council is committed to events across the borough on an annual basis, however as with every local authority across the country, there is support for events in the town centre to boost footfall to support traders and local businesses.

The economic importance of local events is welcomed across the borough, and that is why the Council actively supports various events which cover different areas of the borough including the Tour of Britain, Half Marathon, and the Saddleworth and Oldham Band Contest.

Each year there are essential elements funded by the council to ensure that the Whit Friday Walks and Band Contests in the various villages can go ahead safely -

- Road closures, traffic management and stewards
- Toilet provision
- First Aid provision

In addition, there has been a regular contribution towards the central prize fund. For several years, local ward members have also chosen to make contributions from their individual councillor budgets.

The Council meets with the Band Contest organisers to support their various requirements and to support plans in development across the year. This year's contribution equated to £15k on top of contributions from ward members."

Several questions, submitted by members of the public, remained unanswered at the end of the allotted 30 minutes period for this matter. The Mayor, advised that the unanswered questions would be given with written answers, in due course.

b

## **QUESTIONS TO LEADER AND CABINET**

### **Councillor Sheldon, Leader of the Conservative Group**

#### Question 1: Oldham Elections

Councillor Sheldon referred to the election performance of the Oldham Labour Party whereby they had lost a total of 14 seats in the last three municipal elections, asking if he felt this trend would continue?

Councillor Shah, Leader of the Council, expressed her confidence that Labour would retain its current seats and make gains in forthcoming municipal elections.

#### Question 2: Carjackings

Councillor Sheldon referred to a spate of carjackings that had been occurring across the Borough of Oldham in recent weeks and months. There were instances of men, armed with weapons, threatening motorists until they surrendered their vehicles. Councillor Sheldon referred to such carjacking incidents that had taken in Saddleworth, Failsworth and Shaw, including one particular incident where a female motorist was threatened by men, one armed with a machete, near a local beauty spot in Diggle. He asked what local councillors could do to combat this growing and dangerous threat?

Councillor Shah, Leader of the Council, replied sharing Councillor Sheldon's concerns at such blatant criminal activity. Councillor Shah suggested that the Leaders of the Council's political groups could jointly meet with the Council's Community Safety team and with Greater Manchester Police to look at ways of combatting this growing problem. Councillor Shah also suggested that the Council could engage in a public campaign to raise public awareness.

### **Councillor Sykes, Leader of the Liberal Democrat Group**

This Council currently has a host of vacancies to fill at the senior and management level. Over the last few years there has been an alarming level of turnover in the senior positions. There has also been several key people leave or in the process of leaving as they approach retirement.

This puts Oldham Council and Oldham in a precarious position.

This crisis of senior leadership retention is bad for continuity at the top it also effects the delivery of frontline services and the performance of staff at every level, and across every department. It also creates a disconnect or no connect, between senior officers and elected members of this Council.

At the induction event held for new members after the local elections, none of the senior executive team were present as promised. Not one. And no alternative has been put in place or even suggested to my knowledge.

The relationship starts off on the wrong foot... and then it gets worse. Because the turnover in the top jobs creates unstable working practices. There are meetings which change times and dates with no rhyme or reason given. Staff do not know who their line managers are and are not being developed, supported, and managed as they should be.

We talk about staff being our biggest asset the reality is very, very different.

This is a cultural problem that we must get to grips with, it is residents who suffer from a Council which is constantly at odds with itself and fails to function to its best ability.

So, my question is this what is the Administration going to do about retention and recruitment for senior officers and in fact all staff? And will they also commit to collaborating with elected members right across this chamber to ensure that we foster the right relationship between officers and elected members, for the benefit of the people we are here to serve?

Councillor Shah, Leader of the Council replied that there was already a cross-party approach to the recruitment of senior staff, with members from a cross section of the Council's political groups on selection panels. Recruitment to vacant senior positions within Oldham Council was underway and had attracted a good response, thus far, with a high calibre of candidates. The levels of vacancies was not necessarily indicative of a culture problem at Oldham Council, as some of the vacancies are due to retirement and others to natural churn and turnover.

Question from Councillor S. Bashforth:

Following on from residents' concerns across the Borough and indeed across the Northwest regarding the activities and business practices of IX Telecom. Can the leader please update me on the outcome of talks held between IX and leaders of GM councils?

Councillor Shah, Leader of the Council replied, thank you for your question and thank you for the lobbying you have done on behalf of your residents.

As Leader, I have met with IX Wireless, together with Jim McMahon MP and our Chief Executive, to contribute to the ongoing discussions that council officers are also having regarding their proposals across the borough. We know that people take pride in their areas and don't want any views to be blighted by these masts. There does need to be a balance and compromise of providing a service but locations need to be sensitively handled.

During our meeting with IX Wireless, we secured a commitment from them to hold resident forums where they will act and take on board feedback. If people are troubled or have concerns where they are if they can write to us we will share their concerns directly with IX Wireless.

I do think that it's important to state that IX Wireless are one of many new operators across the country rolling out new broadband infrastructure, enabled by national legislation designed to increase the future capacity of broadband

infrastructure and introduce more competition, and cheaper broadband prices, into the market. To enable this, much of the new communications infrastructure (such as the telegraph poles) can be installed by operators under national permitted development rights, and so the Council has very limited, or no, control over that infrastructure delivery.

I cannot speak for other GM Leaders, as to what contact they have had with IX Wireless, but I do know that the GM Authorities are working towards having a joined-up and consistent approach to communications operators, and these conversations continue to happen amongst relevant officers.

Question from Councillor Charters:

We have seen a number of Road Traffic Accidents on Vulcan Street in my ward of St James, where recently a young boy was hospitalised after being struck by a car, and there has also been significant damage to properties on this road through collisions. Residents across Derker have been asking for traffic calming measures and a reduction in speed limits, and this still hasn't happened. Can the relevant Cabinet Member tell me what progress is being made to address speeding in Derker and what support residents can give to the council to protect pedestrians?

Councillor Taylor, Statutory Deputy Leader and Cabinet member for Housing and Licensing replied, Thank you for your question. The current speed limit on Vulcan Street is 30mph and the traffic counts undertaken previously show that: in 2015 – average speed was 22.5 mph; and in 2021 – the average speed was 23.0 mph. Therefore, from the evidence collected, while driving behaviours might feel different on the road, the actual speeds being recorded for the majority of vehicles are within suitable limits.

However, as we have recently received increased numbers of complaints about speeding, and given the last evidence collected was in 2021, we have requested new speed surveys be undertaken (Automatic Traffic Counts) on Vulcan Street to establish if the situation has changed.

Due to the relatively low number of injury collisions and overall general compliance with the speed limit, Vulcan Street is not considered a high priority route for highway safety measures. The available budget for such measures is very limited and is used to target sites and routes with proven high collision rates and vehicle speeds.

Within the last year, the Traffic Team have supported new "SLOW" road markings being implemented on the carriageway adjacent to the existing School warning signs associated with Willow Park Primary School, to help raise awareness for drivers and to encourage them to slow down at specific locations.

The redevelopment of previously demolished housing stock sites on Vulcan Street and throughout Derker will involve the implementation of possible new highway measures from developer contributions. These funds will be used for targeted local highway improvements including appropriate road safety measures if this is confirmed as necessary.

Question from Councillor Holly Harrison:

During the election, I was approached by two residents; a mother and a daughter, who raised their concerns regarding their sense of safety, for the daughter, while leaving the tram at Coalshaw Green Park.

Sarah Everard was simply walking home when she was kidnapped and attacked by Wayne Couzens. Prior to this, women already had an inherent sense of vulnerability when walking alone – post this, this has only heightened.

There are lit routes for this resident to walk home but why should women & girls have to curtail their freedoms due to a fear of being attacked.

Whilst I am not saying our parks are unsafe, women – across the country - do feel unsafe when they are walking alone in a park or open space after dark. Indeed, according to the Office for National Statistics (2021), for every 5 women, 4 women felt unsafe while for every 5 men, 2 felt unsafe.

Tracy Brabin, the West Yorkshire Mayor, recently commissioned a report, entitled, 'Making Parks Safe for Women and Girls'. This report found that better lighting, less dense shrubbery, visible security, help points, and more staff presence would assist in their fears.

Whilst it is acknowledged that a change in societal behaviours would help with this issue & I know funding may be an issue, I would like the Leader of the Council or relevant cabinet member to inform me, the residents of Chadderton South & the wider borough of Oldham, what they intend to do to help women and girls feel safer when using our public parks, & in particular, Coalshaw Green Park.

Councillor Taylor replied Thank you for your question.

Oldham Council and its partners are committed to safety on the public transport network. In 2021, through the Home Office Safer Streets (Violence Against Women and Girls) fund, we worked in partnership with GMCA and secured over £500,000 to support our work in this area.

The funds allowed the Council to run a number of initiatives, including: Running a Trusted People schemes (Street Angels and Youth Service. Training of 570 staff to identify and respond to concerning behaviours. A reporting campaign to promote GMP's livechat function. A poster campaign, theatre production and college festival , led by Oldham College , focussing on changing attitudes and behaviours to women and girls. Integrated CCTV in key hotspots. 51 new cameras installed and purchase of Drones as 'eye in the sky' to be used by TfGM and GMP Safer Transport Unit

The Safer Streets Project was recognised formally winning an award for innovation in practice. The work undertaken resulted in

a significant drop in reported incidents with an average 25% month on month reduction of incidents reported by females. The partnership activity continues and incidents on public transport are monitored constantly, with sharing of information with TfGM and GMP regularly. We will not hesitate to support action against any person who is identified as involved in these types of behaviours.

**Councillor Hobin, Leader of the Failsworth Independent Party**

Councillor Hobin felt that a number of questions that were asked earlier in the meeting, during the time set aside for Public Questions, were either unanswered by the Leader or Cabinet Members or were only partially answered.

Councillor Shah, Leader of the Council, replied that she and her Cabinet members were always prepared to answer questions, including difficult ones. The Council encouraged the submission of public questions and made sure that they were all answered. Unasked questions were given written answers after the meeting.

**Councillor Hince, Leader of the Independent Group**

Councillor Hince asked if the Leader of the Council, the Mayor and Councillor Mushtaq would be attending the Oldham Pride Event in 2023?

Councillor Shah, Leader of the Council replied confirming that the Mayor would be attending the event.

Question from Councillor Jenny Harrison:

I understand that some changes have been made to the way in which private hire taxi companies now display their taxi logos. Can the Cabinet Member for Licensing please explain the rationale for these changes and provide reassurance that this will lead to a safer and more robust system for users and drivers?

Councillor Taylor Statutory Deputy Leader and Cabinet Member for Housing and Licensing replied, thank you for your question. Following consultation in Spring 2023, the Licensing Committee implemented a number of changes to our taxi policy last month (in June this year).

Some of the changes support local residents feedback about wanting to see more taxi's licenced in their home authority and not elsewhere in the country. Other changes are following trade feedback, supported by government guidance, which includes the removal of the front licence plate and door operator signs, instead being replaced with smaller council issued door signage and a window disc.

This will make drivers feel less like targets in their vehicles from anti-social behaviour aimed at them and in turn will ensure passengers are less likely to suffer injury or distress from such

actions. Initial feedback has been very positive on this policy change which will bring a welcome boost to the local economy.



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Question from Councillor Birch:

Could the relevant Cabinet Member please provide an update on the status for the recruitment of the Director of Finance given that this is a statutory role?

Councillor Jabbar, Cabinet Member for Finance and Corporate Resources, replied that it is with sadness that I answer this question as it is only necessary due to the impending retirement of our current Director of Finance, Anne Ryans after 17 years' service to Oldham Council. Recruitment to the position of Director of Finance is currently underway with the advert due to close this week. We are hoping to be in a position where we make an offer to a successful candidate by the end of this month – this will allow time for a reasonable handover to take place.

Question from Councillor Lancaster:

I understand that the Council has previously declined to seek Community Safe Scheme Accreditation for its staff, but will the Administration now revisit that decision, with a view to pursuing this Accreditation?

It would not be a silver bullet and further powers may still be wanted outside those awarded under this Accreditation. However, it would be a step in the right direction with more weapons in the arsenal, so to say, such as the ability for Enforcement Officers to issue Fixed Penalty Notices for littering. In their campaign to combat fly-tipping, the National Farmers' Union are strongly encouraging all local authorities to pursue Community Safe Scheme Accreditation, and Oldham should meet that ask.

Furthermore, apart from this Accreditation, can I invite the Administration to pursue all other actions to strengthen the powers available to its staff responsible for community safety? This is an important statutory duty of the Council, and no stone should be left unturned in improving delivery of that duty.

Councillor Taylor Statutory Deputy Leader and Cabinet Member for Housing and Licensing replied, thank you for your question. The accreditation scheme has been considered previously; however, it was determined that the accreditation would not be pursued, and this remains the Council's view at this time as the Council already has a significant number of powers which are used effectively.

Officers in the Environmental Health team are already delegated to issue Fixed Penalty Notices for fly-tipping or littering offences where the investigations carried out warrant that action.

Key to the decision is the fact that without the additional power to demand names and addresses, the delegation of more police related enforcement powers which the accreditation would bring, would not bring any added value. There is also the lack of the power to detain a person who fails to provide their name and address, so an individual can simply refuse or run off. Council colleagues are not equipped to detain persons, so even if these

powers were introduced through accreditation, in reality they would not be actionable.

We need to manage the expectations of residents and it would not be fair to our residents if they thought that the Council could respond to a presenting situation instead of the police, when in reality we would not have the full powers and resources that we would need to do this.

The ongoing changes to the policing model to reduce the number of PCSOs and increase the number of PCs is indicative of the recognition that Police Officers need to be the immediate front-line response to most community safety/crime and disorder related matters in their capacity as fully warranted and specially trained Officers. We will of course always support police colleagues where we are able to do so with follow on action, using the tools and powers that we have at our disposal.

c

### **QUESTIONS ON CABINET MINUTES**

The Council was requested to note the minutes of the Cabinet meetings held on 27<sup>th</sup> February 2023 and 20<sup>th</sup> March 2023. The Council was asked to receive questions on these minutes, from members of the Council who are not members of the Cabinet and to receive appropriate responses from Cabinet members.

Members asked the following questions: -

a. Question from Councillor Gloster

The Council have stated that Northern Roots is being funded by outside funding and grants, and not by the council. However, this means that significant bids have been made to fund Northern Roots that could have funded alternative projects across Oldham borough.

How many grant applications for capital funding have been made related to Northern Roots over the last five years? Given that very few capital funding applications have been put in for projects in other wards, such as Shaw and Crompton over the same period of time, does this mean that most wards have missed out on capital bids that could have been made if the Council were not focusing their attention on grant funding for this major project in Alexandra and Medlock Vale?

Councillor Jabbar, Cabinet member for Finance and Corporate Resources, replied, thank you for your follow up questions regarding Northern Roots' funding.

Firstly, the capital funding for this project is from two funding bids that have been made over the last 5 years – the Towns Fund and the Levelling Up Fund, Round 2. These two successful grant awards were both from central government in alignment with the very strict eligibility criteria, and both grants were to support a package of projects not solely Northern Roots. Grant funding applications are extremely limited now, many of the old grant awards have gone and simply don't exist anymore. The latest opportunities have been extremely competitive geographically and thematically, pitching education and skills, against heritage and arts, against transport and accessibility etc. During the Big Conversation a few years ago, significant community consultation, awareness and insight was collated to

help shape and inform potential projects / priorities in readiness for when grant funding applications became available. This included feedback from members, key stakeholders, businesses, and local communities in various different forums, methods and opportunities. The Oldham Big Town Centre Conversation engaged thousands of local residents, businesses and visitors.

We have already committed to supporting the development of District Growth Plans, and therefore this major engagement and consultation process will run once again to understand the issues and opportunities in all our local areas, in readiness for whatever new grant opportunities come along for further projects in Oldham.

b. Question from Councillor Al-Hamdani

With regards to the decision on the new theatre for Oldham, I warmly welcome the Council's decision to ensure a new theatre building for the town, and the decision to make Oldham Coliseum the anchor tenant.

The Arts Council has previously indicated that they are not supportive of producing theatres – one that creates its own shows such as the Oldham Coliseum. It has also been stated by other arts organisations that in order for a producing theatre to be financially viable, it requires a minimum seating capacity of 450 seats, considerably more than the current plans. Having a producing theatre gives people in Oldham an opportunity to build a career in theatre.

Can Oldham Council confirm that the Arts Council is fully supportive of Oldham Coliseum being a producing theatre in the new building, and confirm that the business plan is based on the Coliseum Theatre producing its own shows?

Councillor Dean, Cabinet member for Communities and Culture, replied, thank you, Councillor Al-Hamdani, for your question. There remains a joint determination between the Council and the Coliseum to work together to support a future for a producing theatre in Oldham, with regular discussions taking place between the Council and the new Board of Trustees at Oldham Coliseum Theatre, and with ongoing support of the Arts Council, we will continue to shape the business plans together.

c. Question from Councillor Hamblett

Could the Leader of the Council confirm if the recent works undertaken outside the site of Tommyfield Market in Oldham were subject to Equality Impact Assessments, as there had been a number of people who had suffered falls and tripping injuries in that area.

Councillor Shah, Leader of the Council, replied expressing her concern at the question but undertaking to provide Councillor Hamblett with a full written answer in due course.

Resolved:

1. That the Minutes of the Cabinet meetings held on 27<sup>th</sup> February 2023 and on 20<sup>th</sup> March 2023, be noted.

2. That the questions, above and responses thereon be noted.



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## **NOTICE OF ADMINISTRATION BUSINESS**

### **Motion 1 – Oldham Assurance Review – Final Stage**

Councillor Shah **MOVED** and Councillor Mushtaq **SECONDED** the following Motion:

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.

#### 1<sup>st</sup> AMENDMENT

Councillor Quigg MOVED and Councillor Arnott SECONDED the following AMENDMENT

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 and apologises to the survivors of the horrific crime of Child Sexual Exploitation in Oldham. It notes with disappointment that the Assurance Review did not go far enough to make conclusions beyond the narrow terms of reference that it was set, and which can only really be met by a full public inquiry.

For many the failures only scratched the surface. Given the scale of criminality in areas such as Rotherham, Rochdale, and Telford. The Assurance Review only assured the Council and Greater Manchester Police that whilst there were failings in the past, that they are now attempting to right that wrong today. This is not good enough and it only adds to the belief that there is a cover up and an attempt to not address the large-scale negligence and criminality of those involved.

As the Home Secretary Suella Braverman identified political correctness was to often to blame for child sexual abuse signs being overlooked. This saw institutions and state agencies, whether social workers, teachers, the police turn a blind eye, to those signs of abuse out of political correctness, out of fear, of being called racists, out of fear, of being called bigoted. As a result, they failed to bring justice to those victims and survivors. Justice delayed is justice denied. To this day those who worked and held positions of authority within Oldham Metropolitan Borough Council and at Greater Manchester Police who were in a duty of care have not been held to account for their failures. No one no matter how high or low in an important public role or organisation should be exempt from the law.

We cannot ignore the negligence of public officials. Their failure to do the right thing ultimately failed survivors and allowed criminals to get away with this horrific crime. Oldham Metropolitan Borough Council and Greater Manchester Police cannot be allowed to continue to effectively mark their own homework.

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. However, Operation Sherwood does not go far enough, nor meet the expectations of the public and survivors as was set out to the full Council back on the 27/06/2022. Greater Manchester Police must deliver justice and they must follow the evidence beyond the 11 cases identified without fear or favour. Political Correctness, political stakeholders and cultural sensitivities must not get in the way of a full and proper pursuit of justice. Victims and survivors must not be failed by public officials again.

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.

It is however important to remember that we must seek justice for all the victims of this crime in Oldham and that Oldham Metropolitan Borough Council and Greater Manchester Police cannot blame their failures on prevailing cultural attitudes, prejudices, or bureaucracies elsewhere in the Country or the passage of time. It only adds to the belief that there is a cover up and an attempt to deflect from the failures here in Oldham. It is a fact that abusing Children has been a crime since at least the introduction of the Prevention of Cruelty to, and Protection of, Children Act 1889, and all subsequent acts of Parliament since. No matter how long ago, abusing Children is an evil crime. Oldham should be leading the way in prosecuting all those who failed our Children, not following the failures and lack of action elsewhere.

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 look to go further and beyond 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, by granting a full public inquiry into the historic allegations of Child Sexual Exploitation within the Oldham Metropolitan Borough Council area.
3. formally request a full public inquiry into the historic allegations of Child Sexual Exploitation within the Oldham Metropolitan Borough Council area.

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.
2. A full public inquiry into the historic allegations of Child Sexual Exploitation within the Oldham Metropolitan Borough Council area.
3. That they use the opportunity to table a private members bill, an opposition day debate and lobby HM Government to change the law to make it easier to prosecute public officials for failing to protect the most vulnerable in our society.

A vote was taken on the 1<sup>st</sup> AMENDMENT which was LOST

2<sup>nd</sup> AMENDMENT

Councillor Al-Hamdani MOVED and Councillor Marland SECONDED the following AMENDMENT

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 has, in response to a request from the Liberal Democrat group, committed to implementing all recommendations from the IICSA report which were applicable to local councils.

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.



**Oldham**  
Council

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.
4. Oldham Council will fully support any further investigations that are brought forward into pre-existing cases of child sexual exploitation.

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.

On being put to the vote the AMENDMENT was CARRIED

On being out to the vote the MOTION as AMENDED was CARRIED.

RESOLVED:

1. That the Chief Executive writes to the Home Office to request:
  - a. 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.

b. 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.

2. That the Chief Executive writes to the borough Members of Parliament to request:

a. 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.

4. That the Council 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.

5. That the Council 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.

6. That the Council develop and adopt a mandatory duty to report safeguarding concerns, including child sexual abuse and exploitation, to be enshrined in the Code of Conduct for elected members, and consult on the duty for officials employed by Oldham Council.

7. That Oldham Council will fully support any further investigations that are brought forward into pre-existing cases of child sexual exploitation.

8. That the Chief Executive be requested to write to the Mayor of Greater Manchester in his capacity as Police and Crime Commissioner overseeing Greater Manchester Police to request:

a. 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.

9. That an update on Operation Sherwood be provided to the Children and Young People's Scrutiny Board.

### **Motion 2 – Block Lane, GP Surgery**

Councillor Brownridge MOVED and Councillor Fida Hussain SECONDED the following Motion

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.

## AMENDMENT

Councillor Bishop MOVED and Councillor Gloster SECONDED the following AMENDMENT:

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. This Council notes the commitment to funding towards a new health centre in Chadderton and Saddleworth that was in the 2020/21 Council Budget, but which was removed in the 2021/22 budget.

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.
- This Council commits to ensuring that scrutiny of the Northern Care Alliance is restored, and a new joint scrutiny panel is created to ensure that elected members can deliver direct messages on their residents' concerns about the delivery of NHS services.

On being put to the vote the AMENDMENT was declared LOST.

On being put to the vote the MOTION was CARRIED.

RESOLVED:

1. That the Council regrets the decision taken by partners at Block Lane practice to relinquish their contract by mid-July.
2. That 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.
3. That 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.
4. That this Council pledges to support the local NHS in anyway it can, to ensure patients smoothly transition to nearby practices.

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## **NOTICE OF OPPOSITION BUSINESS**

**MOTION 1 - Request for Land to build a Muslim Cemetery**  
Councillor Ghafoor MOVED and Councillor Byrne SECONDED  
the following Motion:

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.

#### AMENDMENT

Councillor Hince MOVED and Councillor Hobin SECONDED the following AMENDMENT

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 two, Chadderton and Greenacres.

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.

What this motion proposes is the creation of extra capacity in our cemeteries for all faiths, including those of the Islamic faith. This Council will cater for all faiths and those of none. There is a duty of care as set out in statue to run efficient and well organised burial grounds. We do not believe it is appropriate or right to gift public land to a private organisation that then excludes the majority of the tax paying public. Nor do we believe that the Council should be allowed to opt out of its responsibility to one section of our community.

Public cemeteries are for all communities. Indeed as we seek to live harmoniously with each other in life, then we should do so in death.

This Council notes:

That all faiths deserve a place to be buried and as we live in a tolerant multi faith society that we accommodate people's needs in a dignified way.

This Council therefore resolves to:

- Accommodate needs of Oldham's communities through expanding burial sections in all Oldham Council run cemeteries
- Ask the Chief Executive to identify a plot of public owned land in the Civil Parish area of Saddleworth suitable for a new cemetery which will cater for all.
- Make provision for a Muslim section in all existing Council run cemeteries.

A vote was taken on the AMENDMENT which was LOST.

A recorded vote was requested and taken on the MOTION as follows:

A recorded vote was requested and taken on the Motion, as follows:

<b>COUNCILLOR</b>		<b>COUNCILLOR</b>	
Adams Christine	AGAINST	Hussain Junaid	AGAINST
Akhtar Shoab	AGAINST	Hussain Sajed	AGAINST
Al-Hamdani Sam	ABSTAIN	Ibrahim Nyla	AGAINST
Ali Mohon	AGAINST	Iqbal Nadeem	AGAINST
Arnott Dave	AGAINST	Irfan Muhammed	FOR
Ball Sandra	ABSENT	Islam Mohammed Nazrul	AGAINST
Bashforth Marie	AGAINST	Jabbar Abdul	AGAINST
Bashforth Steven	AGAINST	Kenyon Mark	ABSTAIN
Birch Ros	AGAINST	Lancaster Luke	FOR
Bishop Helen	ABSTAIN	Malik Abdul	AGAINST
Brownridge Barbara	AGAINST	Marland Alicia	ABSTAIN
Byrne Pam	FOR	McLaren Colin	AGAINST
Charters Josh	AGAINST	Moore Eddie	AGAINST
Cosgrove Angela	AGAINST	Murphy Dave	ABSTAIN
Davis Peter*	ABSENT	Mushtaq Shaid	AGAINST
Dean Peter	AGAINST	Nasheen Umar	AGAINST
Fryer Paul	AGAINST	Quigg Lewis	AGAINST
Ghafoor Kamran	FOR	Rea Lucia	AGAINST
Gloster Hazel	ABSTAIN	Salamat Ali Aqeel	AGAINST
Goodwin Chris	ABSENT	Shah Arooj	AGAINST
Hamblett Louie	ABSTAIN	Sharp Beth	FOR
Harkness Garth	ABSENT	Sheldon Graham	FOR
Harrison Holly	AGAINST	Shuttleworth Graham	AGAINST
Harrison Jennifer	AGAINST	Surjan Ruji Sapna	AGAINST
Hince Marc	AGAINST	Sykes Howard	ABSTAIN
Hindle Neil	AGAINST	Taylor Elaine	AGAINST
Hobin Brian	AGAINST	Wahid Abdul	FOR
Hurley Maggie	AGAINST	Williamson Diane	ABSTAIN
Hussain Aftab	AGAINST	Woodvine Max	FOR
Hussain Fida	AGAINST	Chauhan Zahid (MAYOR)	AGAINST

\*Councillor Davis having earlier an interest in this agenda item and he left during the room during the consideration of this Motion.

On a recorded VOTE being taken 8 VOTES were cast in FAVOUR of the MOTION with 39 VOTES cast AGAINST and

there were 9 ABSTENTIONS. The MOTION was therefore LOST.



**Motion 2 - Time for Oldham to get the basics right**  
Councillor Murphy MOVED and Councillor Gloster to  
SECONDED the following Motion:

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.

On being put to the vote the MOTION was LOST.

**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 MOVED and Councillor Rea SECONDED the following Motion:

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.

A recorded vote was requested and taken on the Motion, as follows:



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<b>COUNCILLOR</b>		<b>COUNCILLOR</b>	
Adams Christine	FOR	Hussain Junaid	AGAINST
Akhtar Shoab	AGAINST	Hussain Sajed	AGAINST
Al-Hamdani Sam	FOR	Ibrahim Nyla	AGAINST
Ali Mohon	AGAINST	Iqbal Nadeem	AGAINST
Arnott Dave	FOR	Irfan Muhammed	FOR
Ball Sandra	ABSENT	Islam Mohammed Nazrul	AGAINST
Bashforth Marie	AGAINST	Jabbar Abdul	AGAINST
Bashforth Steven	AGAINST	Kenyon Mark	FOR
Birch Ros	AGAINST	Lancaster Luke	FOR
Bishop Helen	FOR	Malik Abdul	AGAINST
Brownridge Barbara	AGAINST	Marland Alicia	FOR
Byrne Pam	FOR	McLaren Colin	AGAINST
Charters Josh	AGAINST	Moore Eddie	AGAINST
Cosgrove Angela	AGAINST	Murphy Dave	FOR
Davis Peter	AGAINST	Mushtaq Shaid	AGAINST
Dean Peter	AGAINST	Nasheen Umar	AGAINST
Fryer Paul	AGAINST	Quigg Lewis	FOR
Ghafoor Kamran	FOR	Rea Lucia	FOR
Gloster Hazel	FOR	Salamat Ali Aqeel	AGAINST
Goodwin Chris	ABSENT	Shah Arooj	AGAINST
Hamblett Louie	FOR	Sharp Beth	FOR
Harkness Garth	ABSENT	Sheldon Graham	FOR
Harrison Holly	AGAINST	Shuttleworth Graham	AGAINST
Harrison Jennifer	AGAINST	Surjan Ruji Sapna	AGAINST
Hince Marc	FOR	Sykes Howard	FOR
Hindle Neil	FOR	Taylor Elaine	AGAINST
Hobin Brian	FOR	Wahid Abdul	FOR
Hurley Maggie	FOR	Williamson Diane	FOR
Hussain Aftab	AGAINST	Woodvine Max	FOR
Hussain Fida	AGAINST	Chauhan Zahid (MAYOR)	AGAINST

On a recorded VOTE being taken 25 VOTES were cast in FAVOUR of the MOTION with 32 VOTES cast AGAINST and there were 0 ABSTENTIONS. The MOTION was therefore LOST.

## UPDATE ON ACTIONS FROM COUNCIL

Councillor Shah MOVED and Councillor Sheldon SECONDED a report which presented Members with details of the actions officers have taken on Motions that were approved at the 15<sup>th</sup> March 2023 Council meeting and informed on the response position regarding outstanding matters from the 2022/23 Municipal Year.



Council was advised that at the Annual meeting on 24<sup>th</sup> May 2023, 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.

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

Resolved:

1. That Council notes the actions taken and notes the correspondence has been received regarding some Motions agreed at previous Council meetings.
2. That Council notes 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.

## THE BEE NETWORK - IMPROVING GREATER MANCHESTER'S TRANSPORT GOVERNANCE

Councillor Shah MOVED and Councillor Sheldon SECONDED a report of the Director of Legal Services which informed Council of proposed new governance arrangements, in respect of the Greater Manchester Combined Authority (GMCA), which were

intended to enable a more coordinated and integrated approach to transport governance with agreement of executive members. The creation of Greater Manchester's (GM's) integrated transport system, the Bee Network, would require a more coordinated and integrated approach to transport governance, that placed accountability to local people at its heart.

Local control of the GM transport network, and bus franchising, would change the type and number of decisions being made. GM therefore needed to change the make-up of its decision-making bodies to ensure GM's new responsibilities were discharged in an effective and transparent way

The proposal from GM was the creation of 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. This was intended to provide a strengthened local engagement by increasing opportunities for local councillors and members of the public to contribute to and influence transport policy and services in their area.

The proposals were intended to allow for formal scrutiny of the Bee Network Committee being part of the work programme of the GMCA's newly strengthened Overview and Scrutiny Committee. Although the new committee itself would have greater delegated powers, no additional constituent council functions were to be transferred or delegated to the GMCA.

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.

Resolved:

1. The Council agrees 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. The Council approves the appointment of Members to the Bee Network Committee as set out in Appendix 1, of the submitted report with Councillor Elaine Taylor appointed to the Bee Network Committee.
3. The Council approves the Terms of Reference of the Bee Network Committee, as set out in Appendix 2 of the submitted report.
4. The Council notes the delegations of the functions of the GMCA, as set out in the Terms of Reference of the Bee Network Committee and notes the delegations of Mayoral functions as set out in the Terms of Reference, as detailed at Appendix 2, of the submitted report.
5. The Council agrees the delegation of the functions of the Local Authority Constituent Councils as set out in the Terms of Reference, attached as Appendix 2, of the

submitted report (which for the avoidance of doubt were the same delegations given to the former Transport Committee)

6. The Council approves the Rules of Procedure for the Bee Network Committee as set out in Appendix 3 of the submitted report.

15

### **POLITICAL BALANCE REVIEW**

Councillor Shah MOVED and Councillor Sheldon SECONDED a report of the Director of Legal Services advising that notification had been received 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 were Councillors Ball, Hince and Hurley and Councillor Hince has been nominated as their Group Leader.

Considering this, the Council was 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.

Resolved:

1. That the composition of the Council's political groups, as shown at paragraph 1.1 of the report of the Director of Legal Services, be noted.
2. That the number of seats on the various Committees for the 2023/24 Municipal Year, as detailed at paragraph 1.5 of the report of the Director of Legal Services, be approved.
3. That 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 at Appendix 1 of the report, including those Committees that are not strictly politically balanced – Scrutiny Boards, Appeals Committee and Standards Sub-Committee.
4. That 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.

16

### **CONSTITUTION UPDATE**

Councillor Shah MOVED and Councillor Sheldon SECONDED a report of the Director of Legal Services which advised that the Council's Constitution required to be updated regularly to ensure that it was and remained fit for purpose.

The report set out proposed amendments to the Contract Procedure Rules and to its Code of Conduct.

Resolved:

That the Council approve the proposed amendments, detailed in the Director of Legal Services' report in respect of:

- a. the Contract Procedure Rules (detailed at Appendix 1).
- b. the Code of Conduct and Arrangements (detailed at Appendix 2).



17

## **RECRUITMENT TO THE POST OF CHIEF EXECUTIVE AND HEAD OF PAID SERVICE**

Councillor Shah MOVED and Councillor Sheldon SCONDED a report of the Assistant Director Policy, Performance and Corporate Leadership, which reminded members that at the Annual Council meeting, held 24<sup>th</sup> May 2023, the Leader Elect advised Council that she had received early notification from the Chief Executive that he was intending to retire at the end of December 2023.

Council was informed that since the Annual Council meeting, the Appointments Committee had met to consider the recruitment approach to be taken and the remuneration for the post. The Assistant Director's report set out various recommendations, from the Appointments Committee, for Council's consideration.

Resolved:

That Council:

1. Authorises an external recruitment exercise to the post of Chief Executive and Head of Paid Service.
2. That, in accordance with the authority's Pay Policy Statement, approves the remuneration for the post be £165 - 180k per annum.
3. Notes that the post incorporates the responsibility for the roles of:
  - a. Returning Officer for Local Elections and for the Combined Authority Mayoral Election.
  - b. 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.

The meeting started at 6.00pm and ended at 9.48pm



**Present:** Councillor Shah (in the Chair)  
Councillors Ali, Brownridge, Dean, Goodwin, F Hussain, Jabbar,  
Mushtaq and Taylor

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

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

5 **MINUTES**

Resolved:

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

6 **CONTRACTUAL ARRANGEMENTS - HUMAN RESOURCES AND PAYROLL SYSTEM (MHR iTRENT)**

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

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

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

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

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

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

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

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

Resolved:

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

7

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

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

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



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

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

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

Resolved:

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

## **TOWN CENTRE PRIVATE SECTOR PARTNERSHIP**

The Cabinet considered a report of the Executive Director for Place and Economic Growth that was seeking approval to appoint a preferred bidder in the role of Private Sector Partner

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

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

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

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

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

Resolved:

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

9

## **EXCLUSION OF THE PRESS AND PUBLIC**

Resolved:

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

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

10

### **TOWN CENTRE PRIVATE SECTOR PARTNERSHIP**

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



Resolved:

The Cabinet approved:

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

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

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**Present:** Councillor Shah (in the Chair)  
Councillors Ali, Brownridge, Goodwin, F Hussain, Jabbar,  
Mushtaq, Shah and Taylor

1           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Dean.

2           **URGENT BUSINESS**

There were no items of urgent business received.

3           **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4           **PUBLIC QUESTION TIME**

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

5           **EXCLUSION OF THE PRESS AND PUBLIC**

Resolved:

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

6           **ADULT HEALTH CARE/NURSING CARE PROVISION**

Consideration was given to a confidential report of the Director of Adult Social Care (DASS) which presented details of an impending emergency at one of the Borough's significant care homes.

Options/Alternatives considered

Five Options – 1, 2,3 4 and 5 were detailed in the report.

Options 1,2, 3 and 5 were rejected for the reasons detailed in the confidential report.

Resolved:

1. That Option 4, as detailed in the Director of Adult Social Care's report, be approved.
2. Given the urgency of this decision, it be exempted from call-in.

The meeting started at 6.00pm and ended at 6.10pm

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# Public Document Pack

## CABINET

24/07/2023 at 6.00 pm



**Oldham**  
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**Present:** Councillor Shah (in the Chair)  
Councillors Ali, Brownridge, Dean, Goodwin, F Hussain, Jabbar,  
Mushtaq and Taylor

1           **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2           **URGENT BUSINESS**

There were no items of urgent business received.

3           **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4           **PUBLIC QUESTION TIME**

A question was received from Councillor Al-Hamdani:  
"With regards to the proposed £1 million grant for the installation of a new pitch at Oldham Athletic, to ensure that the pitch is of sufficient standard for the proposed use by multiple clubs, I note that in paragraph 8.3(c) it requires "the production of a fit for purpose grant funding agreement, which not only deals with the expenditure of any grant funding, but also clawback and security of the grant funding in prescribed circumstances and the continued use of the site for the approved purpose."

I note that in a previous grant agreement with former owners of the club, a similar clause was present. However, a decision was taken behind closed doors not to exercise the agreement, with no formal record of the decision, no public record of the decision, and no report made to either Cabinet or Council.

With that in mind, I would like to ensure that any such clawback clause cannot be assessed without due record and transparency. As such, any decisions on such a clawback clause must be done in such a way that they include a formal record of the decision, and oversight by an elected body such as Cabinet or Full Council, and these requirements should be expressly laid out in the clause. Could you please confirm that this is the case."

Councillor Shah, Leader of the Council, responded:

"Many thanks for submitting your question to Cabinet – this was only brought to my attention very recently, so apologies it was not considered as part of due process at Cabinet the other week.

In consultation with the Executive Director for Place and Economic Growth, and Directors of Finance and Legal Services, I can confirm the following information to answer your query on behalf of the Cabinet –

- the finance agreement does indeed include a clause about clawback;
- in the event that clawback is required, to enable the Council to recover any of the grant deemed ineligible, the formal procedure would be for Officers to prepare a

formal report for the relevant Cabinet Member(s) and then depending on the nature of the concerns / issues being raised, this could then be escalated to Cabinet.

In either occurrence, the formal decision relating to the issues and enactment of clawback would be a matter of public record.”

5

## **MINUTES**

Resolved:

That the minutes of the meeting of the Cabinet held on 19<sup>th</sup> June 2023, be approved as a correct record.

6

## **APPOINTMENTS TO CABINET SUB-COMMITTEES AND JOINT COMMITTEE**

Consideration was given to a report of the Director of Legal Services which sought appointments to the following Cabinet Sub-Committees:

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

The terms of reference for each sub-committee were considered by the Cabinet.

Options/alternatives considered:

Option 1 – To appoint to the sub-committees

Option 2 – Not to appoint to the sub-committees

**RESOLVED** That:

1. Membership of the Local Investment Fund Cabinet Sub Committee, in 2023/24, comprise:
  - The Leader of the Council
  - The Statutory Deputy Leader of the Council
  - The Cabinet Member for Finance and Corporate Resources
2. Membership of the Commissioning Partnership Board, in 2023/24 comprise:
  - The Leader of the Council
  - The Statutory Deputy Leader of the Council
  - The Cabinet Member for Health and Social Care
  - The Cabinet Member for Children and Young People
3. Membership of the Shareholder Cabinet Sub-Committee, in 2023/24 comprise:
  - The Leader of the Council
  - The Statutory Deputy Leader of the Council
  - The Cabinet Member for Finance and Corporate Resources
  - The Cabinet Member for Neighbourhoods.
4. The terms of reference for the Local Investment Fund Cabinet Sub-Committee, the Commissioning Partnership Board and the Shareholder Cabinet Sub-Committee, be noted.

7

## **TREASURY MANAGEMENT REVIEW 2022/23**

The Cabinet considered a report of the Director of Finance which advised that the Council was required by regulations

issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2022/23.



The Director of Finance's report met the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

During 2022/23 the minimum reporting requirements were that full Council should receive the following reports: An annual treasury strategy in advance of the year, which was approved by the Council on 2<sup>nd</sup> March 2022. A mid-year (minimum) treasury update report, which was approved by the Council on 14<sup>th</sup> November 2022 and an annual review following the end of the year describing the activity compared to the strategy (which was covered in the report detailing this item).

The regulatory environment placed responsibility on Members for the review and scrutiny of treasury management policy and activities. The report before the Cabinet was considered important in that respect, as it provided details of the outturn position for treasury activities and highlights compliance with the Council's policies that had previously approved by members. The Council had confirmed that it had complied with the requirements under the Code to give prior scrutiny to the treasury strategy and the mid-year update.

The Audit Committee was charged with the scrutiny of treasury management activities in Oldham and had therefore considered and approved the contents of the Treasury Management Review 2022/23 report at its meeting on 27<sup>th</sup> June 2023. The Audit Committee had been content to commend this report to Cabinet. As such, Cabinet was therefore requested to approve the content of this annual report and to commend it to Council (to ensure full compliance with the Code for 2022/23).

Options/Alternatives considered:

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

Resolved that the Cabinet:

1. Approves the actual 2022/23 prudential and treasury indicators presented in the Director of Finance's report.
2. Approves the annual Treasury Management Review report for 2022/23.
3. Commend this report to Council.

The Cabinet considered a report of the Deputy Chief Executive that sought approval to enter into a call-off contract with Access UK Limited to provide the Mosaic Social Care System, including Workflow API, together with any additional modules and services for Mosaic, subject to budget approval.

The current contract for Mosaic was due to expire on 16<sup>th</sup> July 2023; however, the Council required continued use of the system and, therefore, a replacement contract was required to commence immediately following the expiry of the current contract.

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

Options/alternatives considered:

Option A – to approve the recommendations in the report

Option b – to do nothing. This may ultimately result in significant increased costs for the Council, which are associated with buying a Business-Critical system.

Resolved:

That the Cabinet would consider the commercially sensitive information contained at item 15 of the agenda before making a decision.

9

## **APPROVAL TO AWARD THE TREE SURGERY FRAMEWORK**

The Cabinet considered a report of the Executive Director, Place and Economic Growth, which sought approval for the awarding of the framework agreement for Tree Surgery Services.

The Cabinet was informed that a framework agreement was to be established and used for allocating jobs, either by direct award to the first ranked bidder, or mini competition if the value of works is above £5,000. To establish the framework, an Invitation to Tender (ITT) was advertised using the open tender procedure. Following the advertisement, a supplier engagement event was held, with the primary objective of providing support and guidance in the tender process which included social value. The event was well received with 10 organisations attending; two of which were local and four were located with Greater Manchester.

In total 16 submissions were received; 11 of which were compliant. These were evaluated by the Commercial Procurement Unit and arboriculture specialists within the Environmental Services Team using the following criteria: Quality – 60%, Social Value – 10% and Price – 30%. Five bidders had been identified, as the outcome of the evaluation, as offering the most economic advantageous packages in relation to service delivery, cost, and social value. Details

thereon were contained within Part B of the Executive Director's report.



**Oldham**  
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Options/alternatives considered:

Option 1 - to award the framework agreement to the most economically advantageous bidders.

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

Resolved:

That the Cabinet would consider the commercially sensitive information contained at item 16 of the agenda before making a decision.

10

### **ENVIRONMENTAL WARRANTY AT FITTON HILL**

The Cabinet considered a report of the Director of Economy that sought to confirm settlement to a Notice that had been issued by ForHousing on 28<sup>th</sup> September 2022, notifying the Council of purported breaches of the environmental warranties in the Transfer Agreement between the Council and Villages Housing Association in 2004.

Members were advised that the Cabinet had approved the disposal of land at Fitton Hill to Countryside in March 2020. The land was being sold in partnership with ForHousing who owned 43.28% compared to the Council's 56.72% holding. Sales proceeds were split accordingly. Countryside had reserved the right to complete further Site Investigations and to revise the offer accordingly. An independent report by Savills was commissioned by the Council and ForHousing which confirmed these additional costs were reasonable and justified.

Part of the land which ForHousing had sold was formerly owned by the Council. This land was acquired by The Village Housing Association Limited from the Council in 2004 via a small-scale stock transfer. In the relevant transfer agreement, the Council had provided a warranty to The Village Housing Association Limited which effectively confirmed that there was no contamination in the relevant land. In 2019 The Village Housing Association Limited merged into City West Housing Trust, which was renamed ForHousing Limited.

Options/alternatives considered:

Option 1 – Settle the Claim. Based on the information above, the Council provided a Warranty when the land was transferred to Villages in 2004. Now that the sale to Countryside has been completed, the claim against the Council has been crystallised. The quantum of this claim had been independently verified as accurate.

Option 2 – Challenge the claim. The Council had no grounds to defend the claim and would only incur additional legal costs should this option be pursued.

Resolved:

That the Cabinet would consider the commercially sensitive information contained at item 17 of the agenda before making a decision.



**Oldham**  
Council

11

### **SETTLED ACCOMMODATION PROGRAMME FOR AFGHAN AND UKRAINIAN REFUGEES**

The Cabinet considered a report of the Director of Economy which informed Members that the Department for Levelling Up, Housing and Communities (DLUHC) had made £500 million available to local authorities across England to assist with housing refugees who are homeless, at risk of homelessness or living in unsuitable temporary accommodation and who are in the UK under certain specific programmes.

Oldham Council had therefore been allocated grant funding from the £500m which intended to be used to make 11 properties available in the borough that will be designed to support Ukrainian and Afghan refugees between 2022 - 2024.

The Director of Economy's report confirmed the allocation of funding and the completion of a Memorandum of Understanding between the Council and the DLUHC. The report was also seeking approval to enter into a grant agreement with two Registered Providers to contribute to the delivery of these homes. Oldham had been identified to be eligible for capital grant funding totaling £1,027,244 from DLUHC. This was not a competitive fund and the Council would be expected to use the grant to provide a minimum of eight homes, in addition to a minimum of three larger properties as bridging accommodation relief for the benefit of Afghan and Ukrainian refugees.

The grant funding would also support ongoing delivery of the Greater Manchester Combined Authority's wider Homelessness Prevention and Reduction Strategy.

Options/alternatives considered:

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

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

Resolved:

That the Cabinet would consider the commercially sensitive information contained at item 18 of the agenda before making a decision.

## **CULTURAL QUARTER PUBLIC REALM**



The Cabinet considered a report of the Executive Director, Place and Economic Growth, which advised members that the existing community garden located outside Oldham Library and Gallery Oldham would be subject to damage and changing levels as part of the refurbishment works to the Old Library and Old Post Office buildings, as the Council continues to deliver projects to bring both heritage buildings back into public use. This would also apply to the footways and carriageway as construction vehicles access the area on a more regular basis, and part of the area is used as a compound for important materials needed in close proximity to the buildings.

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

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

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

The Executive Director reported that culture and heritage were critical elements, which members of the public had asked the Council to enhance and protect during the Big Oldham Town Centre Conversation, that was held two years ago. This feedback had influenced and shaped the Creating a Better Place Programme of works, which included where possible bringing the borough's heritage buildings back into public use for future generations to enjoy.

Options/alternatives considered:

Option 1 – to approve the recommendations contained in the commercially sensitive information contained at item 19.

Option 2 – do nothing.

Resolved:

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

## **CITY REGION SUSTAINABLE TRANSPORT SETTLEMENT (CRSTS) - TRANSPORT CAPITAL PROGRAMME 2023/24**

The Cabinet considered a report of the Executive Director, Place and Economic Growth regarding the City Region Sustainable

Transport Settlement (CRSTS) - Transport Capital Programme 2023/24. Historically, highway maintenance funding was received through the Core Highways Maintenance and Integrated Transport Block (ITB): this has now been 'consolidated' into the CRSTS and Oldham had a new funding settlement, effective from 1<sup>st</sup> April 2022 and lasting for a 5 year period.

Cabinet was advised that with the strategic approach for the 5-year CRSTS programme, that had previously been approved in March 2022, the submitted report sought formal acceptance of the funding and the programmes recommended for delivery in 2023/24.

The Executive Director reported that a core highway maintenance allocation of £35m (covering the first year of the £175m) would be made available to local authorities based on an allocation process agreed with the Greater Manchester (GM) Delivery Group, the GM Highways Group and the GM Treasurers.

To sustain the progress made as part of Oldham Council's recently completed Highway Investment Programme (HIP), it was planned to prioritise funds going forward in the same manner. Ensuring that the scheme selection was to be carried out in the same manner will allow the Council to continue to prioritise the correct intervention on the highway at the correct time. Prioritising the programme using the most recent condition data from the range of condition surveys carried out annually, and cross referencing those against claims and enquiry data, had allowed Highways Officers to not only target the worst roads across the borough, but also to continue in their efforts to reduce highway claims and revenue repairs throughout Oldham.

Options/alternatives considered:

Option 1 – that the Cabinet agrees that the proposed programme of schemes, which would fully utilise the expected City Region Sustainable Transport Settlement highway maintenance and Integrated Transport Block (ITB) allocations, available for 2023/24 as per the formal grant notification from GMCA.

Option 2 – that the Cabinet does not agree that the proposed programme of schemes, which would fully utilise the expected City Region Sustainable Transport Settlement highway maintenance and Integrated Transport Block (ITB) allocations, available for 2023/24 as per the formal grant notification from GMCA.

Resolved that the Cabinet approves:

1. The allocation of CRSTS maintenance funding to the figures shown below

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

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

14

#### **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 five items of business on the grounds that they contain exempt information under paragraphs 3 and 5 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.

15

#### **CONTRACTUAL ARRANGEMENTS - ADULT & CHILDREN SOCIAL CARE SOFTWARE APPLICATION (MOSAIC - THE ACCESS GROUP)**

The Cabinet considered the commercially sensitive information in relation to Item 8: Contractual Arrangements - Adult & Children Social Care Software Application (MOSAIC - The Access Group).

Resolved:

That Cabinet approves a Call-Off Contract under YPO Ref No 1095 Software Applications Solutions Framework Agreement

Lot 12 Health & Social Care Systems largely on the call-off terms and conditions prescribed by the Framework Agreement and delegate authority to the Director of Legal Services to formalise any relevant legal requirements, including the execution of the Call-Off Contract as a Deed.

16

### **APPROVAL TO AWARD THE TREE SURGERY FRAMEWORK**

The Cabinet considered the commercially sensitive information in relation to Item 9: Approval to Award Tree Surgery Framework.

Resolved:

That the Framework Agreement is awarded to the 5 highest ranking bidders.

17

### **ENVIRONMENTAL WARRANTY AT FITTON HILL**

The Cabinet considered the commercially sensitive information in relation to Item 10: Environmental Warranty at Fitton Hill.

Resolved:

1. Cabinet agrees that the claim from ForHousing under the Notice of Breach, for the amount specified in the report, be paid.
2. Cabinet authorises the Director of Legal Services, or his nominated representative, to sign and/or affix the Common Seal of the Council to all documents required to bring effect to the recommendations in the report.

18

### **SETTLED ACCOMMODATION PROGRAMME FOR AFGHAN AND UKRAINIAN REFUGEES**

The Cabinet considered the commercially sensitive information in relation to Item 11: Settled Programme for Afghan and Ukrainian Refugees.

Resolved that Cabinet:

1. Confirms acceptance of the grant from the Department for Levelling Up, Housing and Communities.
2. Delegates authority to the Director of Economy to agree and enter into grant agreements with First Choice Homes Oldham and Cromwood Homes (which will incorporate the requirements under the MoU) to deliver the homes, subject to the Subsidy Control regime.
3. Delegates authority to the Director of Legal Services to formalise any necessary legal requirements including signing and/or sealing any documentation required to give effect to the recommendations and/or delegations in this report.
4. Delegates authority to the Director of Economy and/or their nominee to approve the appointment of external legal advisers required to protect the Council's interests and give effect to the recommendations in this report.

19

### **CULTURAL QUARTER PUBLIC REALM**

The Cabinet considered the commercially sensitive information in relation to Item 12: Cultural Quarter Public Realm.

Resolved that Cabinet:

1. Approves the proposals for the Cultural Quarter Public Realm as indicated in Appendix 1.
2. Approves a budget, for the amount specified in the report, for the Cultural Quarter Public Realm project
3. Approves the delivery of the Phase 1 Cultural Quarter Public Realm works within the Old Library Phase 2 works.
4. Delegates authority to the Executive Director for Place and Economic Growth, in consultation with the Cabinet Member for Reform and Regeneration, to approve the final delivery mechanism/agent for the Phase 2 works of the Cultural Quarter Public Realm (prior to the conclusion of the Oldham Theatre project).
5. Delegates authority to the Executive Director for Place and Economic Growth, in consultation with the Cabinet Member for Reform and Regeneration, to apportion the final funding requirement to each phase of the Cultural Quarter Public Realm project (capped with the approved overall funding envelope in point 4 above) and funded from the various funding streams identified in this report.
6. Approves the submission of a planning application in respect of the earthworks and public realm proposals.
7. Approves the submission of a highways stopping up order application for Ashworth St and the northern end of Southgate St. (subject to planning approval being obtained).
8. Subject to the progression of all the above, Cabinet authorises the Director of Legal Services, or his nominated representatives, to sign and/or affix the Common Seal of the Council to all contractual documentation and associated or ancillary documentation referred to above and/or required to give effect to the above approvals/authorisations, delegations and recommendations in this report.

The meeting started at 6.00pm and ended at 6.20pm

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## COUNCIL

# Update on Actions from Council

**Portfolio Holder:** Various

**Officer Contact:** Director of Legal Services

**Report Author:** Liz Drogan, Head of Democratic Services  
**Ext.** 4716

**6<sup>th</sup> September 2023**

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### Reason for Decision

The decision is for Elected Members to note the updates to the actions from the previous Council meeting held on 12<sup>th</sup> July 2023 and any matters outstanding from earlier Council meetings.

### Executive Summary

This report provides information to the Council on actions taken at the most recent Council meeting and outstanding matters from earlier Council meetings.

### Recommendations

Council is asked to:

1. Note the report.

## **Update on Actions from Council**

### **1 Background**

- 1.1 This report sets out the action's that officers have taken on motions approved at the 12<sup>th</sup> July 2023 Council meeting and informs members on the response position on various outstanding matters for the Municipal Year 2022/2023.

### **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

### **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

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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:

- The agenda and minutes of the Council meetings held 12<sup>th</sup> July 2023 are available online at: <http://committees.oldham.gov.uk/mgCommitteeDetails>

20 **Appendices**

20.1 Appendix 1 – Reply from the Department for Levelling Up to the Motion that Council approved on 14<sup>th</sup> December 2022 - Don't Take It Out On Us: Properly Funded Public Services

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## Appendix 1

### Actions from Council – 12<sup>th</sup> July 2023

ISSUE	WHO RESPONSIBLE	DATE COMPLETED	RESPONSE
<p>Youth Council Motion – Disposable Vapes Resolved that:</p> <ol style="list-style-type: none"> <li>1. The Chief Executive, be requested, 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.</li> <li>2. The Adults Social Care and Health Scrutiny Board convene a Workshop to consider issues relating to vaping.</li> </ol>	<p>Letter forwarded to Secretary of State for Health – 19<sup>th</sup> July 2023</p>	<p>Work is ongoing</p>	<p>Awaiting a reply from the Secretary of State for Health.</p> <p>Work is ongoing with officers and members to schedule a scrutiny board workshop</p>
<p><b>Administration Motion 1 – Oldham Assurance Review – Final Stage</b> Resolved:</p> <ol style="list-style-type: none"> <li>1. That the Chief Executive writes to the Home Office to request:</li> </ol>	<p>Letters forwarded to the Home Secretary, the Borough's three MP's and the Mayor of Greater Manchester - 19<sup>th</sup> July 2023</p> <p>Chief Executive/Managing</p>	<p>Work is ongoing</p>	<p>Awaiting a reply from the Home Secretary, the three MP's and the Mayor of Greater Manchester.</p>

Appendix 1

<p>a. 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.</p> <p>b. 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.</p> <p>2. That the Chief Executive writes to the borough Members of Parliament to request:</p> <p>a. 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</p>	<p>Director for Children's Services</p>		
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## Appendix 1

that a plan for implementing each of the recommendations in the current parliament is secured.

4. That the Council 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.

5. That the Council 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.

6. That the Council develop and adopt a mandatory duty to report safeguarding concerns, including child sexual abuse

## Appendix 1

and exploitation, to be enshrined in the Code of Conduct for elected members, and consult on the duty for officials employed by Oldham Council.

7. That Oldham Council will fully support any further investigations that are brought forward into pre-existing cases of child sexual exploitation.

8. That the Chief Executive be requested to write to the Mayor of Greater Manchester in his capacity as Police and Crime Commissioner overseeing Greater Manchester Police to request:

a. 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.

9. That an update on Operation Sherwood be provided to the Children and

## Appendix 1

<p>Young People's Scrutiny Board</p>			
<p><b>Administration Motion 2 – Block Lane, GP Surgery</b>  Resolved:  That the Council regrets the decision taken by partners at Block Lane practice to relinquish their contract by mid-July.  2. That 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.  3. That 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.  4. That this Council pledges to support the local NHS in anyway it can, to ensure patients smoothly transition to nearby practices.</p>	<p>Letters forwarded to Accountable Officer Oldham NHS, Oldham Integrated Care Centre  19<sup>th</sup> July 2023</p>	<p>Work is ongoing</p>	<p>Awaiting a reply from the Accountable Officer  Oldham NHS</p>

## Appendix 1

<p><b>The Bee Network - Improving Greater Manchester's Transport Governance</b></p> <p>The Council resolved to:</p> <ol style="list-style-type: none"> <li>1. The Council agrees 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.</li> <li>2. The Council approves the appointment of Members to the Bee Network Committee as set out in Appendix 1, of the submitted report and appoints Councillor Elaine Taylor, to the Bee Network Committee.</li> <li>3. The Council approves the Terms of Reference of the Bee Network Committee, as set out</li> </ol>	<p>Director of Legal Services</p>	<p>Council approved the report on 12<sup>th</sup> July 2023</p>	<p>Not applicable</p>
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## Appendix 1

<p>in Appendix 2 of the submitted report.</p> <p>4. The Council notes the delegations of the functions of the GMCA, as set out in the Terms of Reference of the Bee Network Committee and notes the delegations of Mayoral functions as set out in the Terms of Reference, as detailed at Appendix 2, of the submitted report.</p> <p>5. The Council agrees the delegation of the functions of the Local Authority Constituent Councils as set out in the Terms of Reference, attached as Appendix 2, of the submitted report (which for the avoidance of doubt were the same delegations given to</p>			
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## Appendix 1

<p>the former Transport Committee)</p> <p>6. The Council approves the Rules of Procedure for the Bee Network Committee as set out in Appendix 3 of the submitted report</p>			
<p><b>Political Balance review</b> <b>Council resolved:</b></p> <ol style="list-style-type: none"> <li>1. That the composition of the Council’s political groups, as shown at paragraph 1.1 of the report of the Director of Legal Services, be noted.</li> <li>2. That the number of seats on the various Committees for the 2023/24 Municipal Year, as detailed at paragraph 1.5 of the report of the Director of Legal Services, be approved.</li> <li>3. That Council confirms the allocation of seats to the political groups and makes appointments to fill the</li> </ol>	<p>Director of Legal Services</p>	<p>Council approved the report on 12<sup>th</sup> July 2023</p>	<p>Not applicable</p>

## Appendix 1

<p>seats in accordance with Sections 15 and 16 of the Local Government and Housing Act 1989 as far as is practicable, as detailed at Appendix 1 of the report, including those Committees that are not strictly politically balanced – Scrutiny Boards, Appeals Committee and Standards Sub-Committee.</p> <p>4. That 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</p>			
<p><b>Constitution Update</b> Council resolved to approve the proposed amendments, detailed in the Director of Legal Services’ report in respect of:</p> <p>a. the Contract Procedure Rules (detailed at Appendix 1).</p>	<p>Director of Legal Services</p>	<p>Council approved the report on 12<sup>th</sup> July 2023</p>	<p>Not applicable</p>

## Appendix 1

<p>b. the Code of Conduct and Arrangements (detailed at Appendix 2)</p>			
<p><b>Recruitment to the post of Chief Executive and Head of Paid Service</b></p> <p><b>Council resolved to</b></p> <ol style="list-style-type: none"> <li>1. Authorises an external recruitment exercise to the post of Chief Executive and Head of Paid Service.</li> <li>2. That, in accordance with the authority's Pay Policy Statement, approves the remuneration for the post be £165 - 180k per annum.</li> <li>3. Notes that the post incorporates the responsibility for the roles of:             <ol style="list-style-type: none"> <li>a. Returning Officer for Local Elections and for the Combined Authority Mayoral Election.</li> <li>b. Returning Officer for any Parliamentary</li> </ol> </li> </ol>	<p>Assistant Chief Executive</p>	<p>Ongoing</p>	<p>Council will formally appoint the new Chief Executive</p>

## Appendix 1

<p>Elections, for which is subject to a separate payment as determined by central government and the role of Electoral Registration Officer.</p>			
<p>RESOLVED: That the Council</p> <ol style="list-style-type: none"> <li>1. Ensures that it continues its ambitious plans for the council to be operating as a carbon neutral council by 2025.</li> <li>2. Continues to work towards a carbon neutral Oldham by 2030, and a carbon neutral Greater Manchester by 2038.</li> <li>3. Explores 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.</li> <li>4. Commits to re-evaluating all council owned assets for the viability of having solar</li> </ol>	<p>Executive Director (Place and Economic Growth)</p>	<p>17<sup>th</sup> March 2023</p>	<p>Response from the Executive Director, Place and Economic Growth is detailed at Appendix 2.</p> <p>A Letter sent by Chief Executive on 17<sup>th</sup> March 2023 to the Greater Manchester Pension Fund is still awaiting a reply.</p>

## Appendix 1

<p>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> <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'</p>			
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## Appendix 1

<p>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 needed to support families who are struggling.</p>			
<p>The Council resolved:</p> <p>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.</p>	<p>Managing Director for Children and Young People/Chief Executive</p>	<p>17<sup>th</sup> March 2023</p>	<p>An email reply from the Department of Education is attached at Appendix 3</p>

Appendix 1

<p>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.</p> <p>3. That the Council continues to push for reform to provide affordable childcare to all Oldhamers.</p> <p>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.</p> <p>5. That the Council continued to work with schools on our poverty 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</p>			
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## Appendix 1

of council decisions on Children and Young People.			
<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 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</p>	<p>Chief Executive, Deputy Chief Executive, Executive Director for Place and Economic Growth and Director of Finance</p>	<p>4<sup>th</sup> November 2022</p>	<p>No response received to date from the Secretary of State for Work and Pensions</p>

## Appendix 1

<p>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>			
<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</p>	<p>Leader of the Council, Chief Executive and Executive Director for Place and Economic Growth</p>	<p>4<sup>th</sup> November 2022</p>	<p>No response received to date from the Secretary of State for Transport</p>

## Appendix 1

delays, and notes that they are included in the overall housing supply (SHLAA) in the Oldham Metropolitan Borough.

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.

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.

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.

## Appendix 1

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 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

## Appendix 1

<p>consecutive Conservative Governments.</p> <p>b. Build on the initial work done by Oldham's Members of Parliaments regarding the option of reopening existing railway stations such as 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</p>			
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## Appendix 1

attractive to developers, instead of insisting that Oldham meet its housing targets			
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## Report to COUNCIL

# Constitution amendments

Report of the Deputy Chief Executive, Director of Finance and Director of Legal

**6<sup>th</sup> September 2023**

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### Recommendations

To amend the constitution as detailed in the report with the amendments to the Rules specified.

**Constitution Amendments****1 Background**

The Constitution requires regular review to ensure it is fit for purpose and reflects best practice. There are a number of areas detailed below for Council to consider.

**1.1. Council Procedure Rules**

The Council Procedure Rules detail the rules which apply to meetings of the Council and its committees. The Leader of the three main groups have reviewed the rules particularly relating to motions and the question section of the Council meeting. It has been identified that in order to ensure sufficient time is given to motions submitted that time limits will be specified. It is also proposed that the question period be amended so that there is a 90-minute section for reports from the Leader and Cabinet Members with an opportunity for non executive Members to ask questions of the Leader and Cabinet Members in each section where reports are provided. Also, the minutes of the Greater Manchester Combined Authority and Executive will be received by Council. The time specified for public questions will be 15 minutes. It is also proposed that the public questions should be focused on the services which the Council provides or commissions. The remote access to meetings provisions are removed. The proposed revised Council Procedure Rules are attached at Appendix 1 and the amendments to the procedures are at Rule 2.1.3. and Rule 10. If approved by Council, the Rules will be operative for all meetings after this meeting.

**1.2. Financial Procedure Rules**

Over the past few months, a detailed review of Financial Procedure Rules (FPRs) has been undertaken by officers from the Finance and Internal Audit Teams. This has resulted in a range of proposed changes to improve the FPRs. The revised FPR's were presented to the Audit Committee on 20 July 2023 where Members suggested some further changes, which have been incorporated into this report. Council is required to review and approve FPR's prior to their inclusion within the Council's Constitution

Whilst the current FPRs have served the Council well and remain fully functional, the document at Appendix 2 is an updated version of FPRs which is recommended for approval.

The changes that have been incorporated and are recommended for approval can be summarised as follows;

- a) Changes which appear throughout the document:
  - A general review to strengthen and tighten wording and to align with other policies and protocols that have been subject to a separate review;
  - Revisions to the titles of posts and responsibilities of officers of the Council to reflect the current operational arrangements;
  - An updating of the Overview and Scrutiny Committee arrangements to reflect the introduction of Scrutiny Boards; and
  - Updating of the Risk Management policy statement and strategy to the Risk Management Strategy and Framework

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b) Specific changes:

- A revision to the definition of Senior Officer to include Assistant Directors;
- The inclusion of a requirement for any changes to Financial Procedure Rules to be scrutinised by the Audit Committee to align with the terms of reference of the Committee (paragraph 1.3);
- The requirement for the Scrutiny Boards to work with the Audit Committee on key operating decisions including scrutinising and reviewing key partnerships and grant programmes (paragraphs 1.9 and 1.10);
- Given the increasing range and complexity of grant regimes, the inclusion of a specific requirement of the Director of Finance to ensure that the terms and conditions of grants awarded to the Council by Government and other public bodies and organisations, including the Greater Manchester Combined Authority, are complied with and that all grant claim forms are completed accurately and in a timely manner (paragraph 1.12 (j));
- The specific extension (previously implicit) of the requirements of the Director of Finance to report, under S114 of the Local Government Act 1988, that the expenditure of the Authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure (paragraph 1.14 (d));
- A slight amendment to the wording of paragraph 1.26 to reflect the role of the Audit Committee;
- Confirming established practice that the Reserves Policy will be subject to detailed scrutiny by the Audit Committee (paragraph 2.13);
- Providing the Director of Finance with some additional flexibilities to approve virements to address identified budgetary challenges having regard to the financial position of services and the Council (paragraph 3.6) and updating officer virement values (as these have not been changed for several years and the values are now considered too low);
- Changing the positioning of wording in relation to capital virements (moving 3.16 to 3.12);
- Introducing a specific requirement for managers of key Regeneration Projects to notify the Director of Finance in writing of all new risks or assets to be insured and of any alterations affecting existing insurances (paragraph 7.2);
- Inclusion of reference to a community asset transfer in relation to the disposal of an asset (paragraph 8.3);
- Revising the reporting of Treasury Management arrangements to reflect the new requirement to report on a quarterly basis (paragraph (10.3));
- Further clarification of the responsibilities regarding debt write off (paragraphs 12.17 and 12.18)
- Introducing a requirement, where an advance payment to the supplier or contractor of a supply/ works has already been agreed under a tender/ contract process, that the payment can only be agreed following the submission of an mod.gov report setting out the rationale (paragraph 13.20);
- Revising the requirements of the Director of Finance in relation to partnership working (paragraphs 20.1 and 20.2);
- Specific reference as per paragraph 20.7 and 20.9 that the offering any loan or grant must clearly demonstrate how it would support the delivery of Corporate Objectives;
- Specifying when a loan must be approved by Cabinet – a value at over £0.400m (paragraph 20.8); and
- Revision to the value (paragraph 20.10) of the requirement for any grant award to be approved by Cabinet to align with the requirement for a key decision.

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Whilst it may seem that there are a significant number of changes, the FPRs have been subject to a comprehensive review and some of the revisions are comparatively minor but provide improved clarity of purpose. It is important that the Council's FPRs reflect best practice and are updated to reflect recent local and national changes.

The revised proposed Financial Procedure Rules are attached at Appendix 2.

### 1.3 Access to Information Procedure Rules

The Access to Information Procedure Rules are proposed to be amended to remove the Remote Access to meetings paragraph as the permitting regulations are no longer of effect and the matters considered in reports are clarified at paragraph 7. The relevant extract of the Rules is attached at Appendix 3.

### 1.4 Contract Procedure Rules

Council will be aware that there is a requirement to review and as necessary, revise the Contract Procedure Rules (CPRs) on a regular basis. In this regard a review has been undertaken by officers of the Procurement, Legal, Finance and Internal Audit Teams to ensure that the CPRs reflect current best practice. The outcome of that review and consequent revised CPR's were presented to and approved by Council on 12 July 2023

After a further, review the Director of Finance is recommending some additional revisions as detailed below. The proposed revisions were presented to and accepted by the Audit Committee on 20 July 2023. The revised proposed CPRs are presented as an extract at Appendix 4

- An amendment to the wording is recommended to better reflect the use of Framework Agreements for entering into contractual arrangements for the procurement of goods and services for the Council. These changes are at paragraph 8.1.1(c),8.1.2 and 8.1.4
- Paragraph 14.1 also to be amended to reflect the fact that Unity remains a live entity and the inclusion in CPRs gives the Council flexibility if an unspecified future use of the Company is required.
- A new paragraph at 21.9 to require that on an annual basis the record of authorised exemptions to CPRs maintained by the Head of the Commercial Procurement Unit, should be reported to the Audit Committee

## 2 Current Position

The constitution requires to be updated regularly.

### 3 Options/Alternatives

3.1 The options are to amend the constitution or not amend

### 4 Preferred Option

4.1 The preferred option is to amend the constitution.

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5	<b>Consultation</b>
5.1	Consultation has taken place with the three largest group leaders, Audit Committee and officers.
6	<b>Financial Implications</b>
6.1	None
7	<b>Legal Services Comments</b>
7.1	Included in the report
8.	<b>Co-operative Agenda</b>
8.1	N/a
9	<b>Human Resources Comments</b>
9.1	N/a
10	<b>Risk Assessments</b>
10.1	N/a
11	<b>IT Implications</b>
11.1	N/a
12	<b>Property Implications</b>
12.1	N/a
13	<b>Procurement Implications</b>
13.1	N/a
14	<b>Environmental and Health &amp; Safety Implications</b>
14.1	N/a
15	<b>Community cohesion and crime and disorder implications</b>
15	N/a
16	<b>Equality impact</b>
16.1	N/a
17	<b>Oldham Impact Assessment Completed?</b>
17.1	No
18	<b>Key Decision</b>

---

18.1 No

19 **Key Decision Reference**

19.1 N/a

20 **Background Papers**

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

File Ref	Reports to the Audit Committee of 20 July 2023 Revision to Financial Procedure Rules Amendment to Contract Procedure Rules and Proposed Future Revisions
Officer Name	Sayyed Osman/ Paul Entwistle/Anne Ryans
Contact No :	0161770 4902

21 **Appendices**

21.1 Appendix 1 – Council Procedure Rules  
Appendix 2 – Financial Procedure Rules – Proposed Changes  
Appendix 3 – Access to Information Procedure Rules  
Appendix 4 - Further Proposed Revisions to Contract Procedure Rules

**APPENDIX 1**



# Part 4A

# Council Procedure Rules

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#### **PART 4 - COUNCIL PROCEDURE RULES**

Matters reserved to Council are outlined in the Council Terms of Reference at Section 3 to Part 3 of this Constitution.

## **1. ANNUAL MEETING OF THE COUNCIL**

### **1.1 Timing and Business**

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place on a date to be set by Council.

### **1.2 The annual meeting will:**

- a) elect a person to preside if the Mayor or Deputy Mayor is not present;
- b) elect the Mayor;
- c) appoint the Deputy Mayor;
- d) approve the Minutes of the last meeting;
- e) deal with matters which the Mayor considers to be urgent business;
- f) receive any communications from the Mayor relating to the business of the Council;
- g) receive any petitions relating to the business of the Council (all petitions to be dealt with in accordance with the Council's Petitions Protocol);
- h) elect the Leader (if required);
- i) receive the report of the Leader on executive arrangements;
- j) decide the allocation of seats to political groups in accordance with the political balance rules;
- k) establish at least one Overview and Scrutiny Committee, a Licensing Committee (or such Committee as meets the requirements of the Licensing Act 2003) and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
- l) decide, within any statutory restriction, the size and terms of reference for those Committees;
- m) appoint to those Committees, including substitute Members;
- n) appoint a Chair for those Committees;
- o) appoint to outside bodies, except where appointment to those bodies has been delegated by the Council or are executive appointments;
- p) if not previously determined by Council, approve a programme of ordinary meetings of the Council for the year;
- q) consider notices of Administration business in the order in which they have been received by the Chief Executive in accordance with Procedure Rules 2, 8 and 12 (time limit – 30 minutes);
- r) consider motions of opposition business in accordance with Procedure Rules 2, 8 and 12 (time limit – 30 minutes);
- s) agree amendments to and/or re-affirm the Constitution, including the Council (non-executive) Scheme of Delegation; and
- t) consider any business set out in the notice convening the meeting.

## **2. ORDINARY MEETINGS**

### **2.1 Timings and Business**

- 2.1.1 All ordinary meetings shall normally be held at 6.00pm and shall conclude at 9.30pm unless some other time fixed by statute or specified in the summons. The Mayor shall determine whether meetings where significant tranches of Budget proposals or major communications are considered shall conclude at 10.00pm.
- 2.1.2 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting or by the Council at an ordinary meeting preceding the annual meeting.
- 2.1.3 Subject to any variation in the order of business under Procedure Rule 12.4(c) or when the Mayor, in consultation with the Leaders of the political groups of the Council, considers it appropriate to move an officer report higher on the agenda, the order of business at every ordinary meeting of the Council will be:
- a) To choose a person to preside if the Mayor and Deputy Mayor are not present;
  - b) To approve as a correct record the Minutes of the last meeting of the Council; provided that, if a copy has been circulated to each Member of the Council not later than the date of issue of the Summons to attend the meeting, they will be taken as read;
  - c) To receive any declarations of interest from Members;
  - d) To deal with matters which the Mayor considers to be urgent business.
  - e) To receive any communications from the Mayor relating to the business of the Council. At the final ordinary Council meeting of any municipal year, the Mayor will indicate which members have provided notice that they are not returning as members in order to give other members the opportunity to address the meeting on their retirement;
  - f) To receive any petitions relating to the business of the Council (all petitions to be dealt with in accordance with the Council's Petitions Protocol); **(time limit - 20 minutes)**
  - g) To consider a presentation or resolution on a specific topic of relevance to the Borough, from the Youth Council; **(time limit – 20 minutes)**;
  - h) Public Questions **(time limit 15 minutes )** ( see Council Procedure Rule 10)
  - i) Leader and Cabinet reports and questions **( time limit 90 minutes)**. To receive reports on updates on main activities in the portfolio area of Leader and Cabinet members and receive questions from non-executive members. (Each portfolio holder section will last a maximum of 10 minutes with 6 minutes permitted for questions from non-executive members. The Leader section will receive the minutes of the Cabinet and Greater Manchester Combined Authority and Executive meetings minutes .To also receive annually a list of any urgent key decisions taken since the last annual report. ) In the Leader section, the Leader of the main opposition group is entitled to ask 2 questions and the Leader of the next largest group may ask 1 question.
  - j) To consider Administration business. To consider a maximum of two notices of motion in the order in which they have been received by the Chief Executive; **(time limit - 30 minutes)**
  - k) To consider Opposition business. The order of consideration of Opposition motions is in accordance with group size with one motion considered from each group sequentially .The main opposition group motion is limited to 15

minutes . The motion from the next largest group is limited to a maximum of 10 minutes . Other motions submitted to be considered within the permitted period of 30 minutes. **(time limit – 30 minutes)**

- l) Other business (if any) specified in the Summons, including matters of call-in and any matters expressly required by statute. Without the suspension of Council Procedure Rules, the Chair of the Audit Committee may speak with permission and if requested when Council is considering a report from the Chair of the Audit Committee.

2.1.4 Any period of time not utilised in relation to items (a) – (k) in section 2.1 above is to be distributed to items (l).

2.1.5 The Council Budget Meeting shall be a sole item meeting, except that a communications item may be included.

2.1.6 If time has expired on any motion section, any motion under debate will be put to the vote and any outstanding motions will be moved and seconded and a vote taken.

### **3. EXTRAORDINARY MEETINGS**

#### **3.1 Calling Extraordinary Meetings**

An extraordinary meeting of the Council may be called at any time by:

- a) the Council;
- b) the Mayor;
- c) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition; or
- d) the Monitoring Officer or the Chief Finance Officer in pursuance of their statutory duties.

#### **3.2 Business**

Any request or requisition for an Extraordinary Meeting of the Council shall specify the reason for the calling of the meeting and give notice of a motion to be debated, unless the purpose is to receive reports or adoption of recommendations of Committees or Officers or any resolutions following from them. No business other than that specified in the summons to the meeting may be considered at an extraordinary meeting.

### **4. NOTICE AND SUMMONS TO MEETINGS**

4.1 The Chief Executive or nominated Officer shall give notice to the public of the date, time and place of any meeting in accordance with the Access to Information Procedure Rules at Part 4B of this Constitution. At least five clear working days before a meeting, the Chief Executive or deputed Officer shall send a summons by post or by electronic mail to every Member of the Council or leave it at their usual place of residence. Every Member of the Council will be served with a copy of the summons prior to the meeting, unless they give written notice to the Chief Executive or nominated Officer that they do not wish

to receive a physical copy. The summons shall give the date, time and place of each meeting and specify the business to be transacted and shall be accompanied by any reports to be considered.

- 4.1A For all purposes of these Rules and the Constitution in general, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:
- a) “open to inspection”, shall include for these and all other purposes as being published on the website of the Council; and
  - b) to be published, posted or made available at offices of the Authority, shall include publication on the website of the Authority.

## **5. CHAIR OF MEETING**

5.1 The Mayor shall preside at meetings of the Council and may exercise any power or duty of the Chair in ensuring the proper conduct of the meeting. If the Mayor is absent, the Deputy Mayor shall preside. If both are absent, the members of the Council in attendance shall appoint one of their number to Chair that meeting.

5.2 Whenever the Mayor speaks during a debate, or should the Mayor stand at any point during a meeting, or should the Mayor declare “Mayor standing” at any meeting being held wholly or in part by remote means, any Member speaking or standing shall fall silent, and the meeting shall fall silent also.

## **6. MEMBERS SPEAKING TO THE COUNCIL**

6.1 A Member shall speak to address the Council only when called upon by the Chair of the meeting. A Member called to speak shall, if present at the physical location of a meeting and able, stand when speaking and shall address the Mayor. If two or more Members indicate they wish to speak, the Mayor shall call on one to speak.

## **7. QUORUM**

7.1 No business shall be transacted at a meeting of the Council unless at least one quarter of the whole number of Members of the Council are present. If, at the expiration of 15 minutes after the time for which any meeting is called, a quorum is not present then the Mayor or in his/her absence the Deputy Mayor or in the absence of both, the Monitoring Officer or his/her representative shall state that no meeting shall take place. If, during a meeting, a quorum is questioned and the Mayor, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned for an appropriate period to be determined by the Mayor.

## **8. DURATION OF MEETING**

### **8.1 Interruption of the Meeting**

Unless otherwise stated on the summons or provided for in accordance with Procedure Rule 2.1, at 9.30pm the Mayor will cease all debate and any Member speaking must immediately sit down. The Mayor will call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion.

**8.2 Motions and Recommendations Not Dealt With**

If there are other motions or recommendations on the summons that have not been dealt with by 9.30 pm or such other time arising from Procedure Rule 8.1 above and the mover indicates that he/she wishes it to be determined at the current meeting the Mayor shall then establish whether there is any opposition to the resolution. If that be the case then the Mayor will take one speech from the mover and one other member in opposition before the vote is taken. Any other outstanding motions or amendments will be moved and seconded and the vote will be taken without further debate until each outstanding matter has been concluded.

**8.3 Recorded Vote**

If during this process a recorded vote is requisitioned in accordance with Procedure Rule 16.3, the vote will be taken immediately.

**9. SIGNING OF MINUTES**

9.1 As soon as the Mayor has put the question that the Minutes of the last preceding meeting of the Council be signed as a correct record, any Member of the Council may put to the Mayor any question which has reference to their accuracy and no motion or discussion shall take place upon the Minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Mayor shall sign the minutes.

9.2 At an extraordinary meeting of the Council the minutes of the preceding meeting need not be signed and may instead be signed at the next ordinary meeting.

**10. PUBLIC QUESTIONS**

**10.1 Notice of Public Questions**

Written notice of the public question must be delivered to the Head of Democratic Services no later than noon on the day prior to the Full Council meeting (12 noon two working days before the meeting for all other Council Committees). Delivery includes the submission of questions via electronic media. Questions can only be submitted by those who reside or own a business within the Borough and the notice of the public question must include the questioner's name and full postal address.

**10.2 Scope of Questions**

Questions can be asked of Cabinet Members. Questions may only be asked on services provided by or commissioned by the Council. Questions may not be

accepted if the Chief Executive, in consultation with the Monitoring Officer, considers that the question:

- a) is not about a matter for which the Council provides or commissions services;
- b) requires or is likely to lead to the disclosure of exempt or confidential information;
- c) is defamatory, offensive, factually incorrect or uses inflammatory language;
- d) is substantially the same as a question which has been asked at a Council meeting in the past six months;
- e) is formed to make a statement rather than to receive information.

The question must not exceed more than 100 words.

### 10.3 **Order of Questions**

Questions from members of the public will be taken in the order received. Multiple questions by the same member of the public will only be considered after questions submitted singly, and then in the order of all second questions submitted, then all third questions submitted and so on.

### 10.4 **Asking the Question at the Meeting**

The Mayor will advise of the name of a questioner and will either read out the question or ask for the question to be read out to the Council.

### 10.5 **Answers to Questions**

The relevant Cabinet Member or their Deputy may respond and the time allowed for responses to be limited to a maximum of two minutes each.

### 10.6 **Record of Questions**

Notices of questions will be dated and numbered as received and be open to public inspection.

### 10.7 **Time Limit on Public Questions**

The time allowed for public questions will be a maximum of 15 minutes.

## 11. **QUESTIONS BY MEMBERS**

### 11.1 **Questions to Leader and Cabinet Members**

Advance notice of questions to the Leader and Cabinet Members is not required. However, if a detailed or technical answer is expected at the meeting, notice should be given to the Chief Executive by noon at least two working days before the date of the meeting of Council. The time allowed to put the question shall be limited to a maximum of two minutes for each question.

### 11.2 **Answers to Questions**

An answer may be provided in the form of:

- a) A direct oral answer;
- b) A reference to a publication of the Council containing the desired information; or

c) In the case of a detailed or technical response, a written response. The time allowed for responses is limited to a maximum of two minutes for each question.

### 11.3 **Supplementary Questions and Observations**

After a question has been responded to, a Member may ask one supplementary question or make an observation which must relate to the original question or response.

## 12. **NOTICES OF MOTION**

### 12.1 **Notice**

Except for Motions which can be moved without notice under Procedure Rule 12.4, written or electronic notice of every motion, including those motions to be submitted by the Youth Council, signed by at least one Member, must be delivered to the Chief Executive no later than noon, seven working days before the meeting of Council. Such notices will be dated and numbered as received, filed in the office of the Chief Executive and be open to public inspection.

### 12.2 **Scope**

Every notice of motion will be relevant to some matter over which the Council has an influence.

### 12.3 **Mover of Motion**

12.3.1 No motion of which notice has been given in accordance with Procedure Rule 12 shall be moved in the absence of the Member of the Council in whose name it stands, unless he or she has given their authority in writing to the Chief Executive that the business shall be taken over by some other Member. Unless moved in accordance with this Procedure Rule or postponed by leave of the Council, such motion shall be considered as dropped and shall not be again moved without fresh notice.

12.3.2 A Member shall not speak more than once on any motion except to move or speak to an amendment, except in the exercise of the right of reply, or on a point of order, or by way of personal explanation.

### 12.3.3 **Secunder of Motion**

No motion of which notice has been given in accordance with Procedure Rule 12 shall be seconded in the absence of the Member of the Council in whose name it stands, unless he or she has given notice in writing to the Chief Executive that the business shall be seconded by another Member.

### 12.4 **Motions without Notice**

The following motions may be moved without notice:

- a) to appoint a Chairman of the meeting at which the motion is made;
- b) motions relating to the accuracy of the minutes
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a Committee or an individual arising from an item on the summons;

- f) to receive reports or recommendations of the Executive, Committees or officers and determine any resolutions following from them;
- g) to withdraw a motion;
- h) to proceed to the next business;
- i) that the question be now put;
- j) to adjourn a debate;
- k) to adjourn a meeting;
- l) to extend the time limit for speeches as detailed in Procedure Rule 14.5;
- m) that the meeting continue beyond 9.30 pm or such other time as provided for under Procedure Rule 8.1 above;
- n) to suspend a particular Procedure Rule;
- o) that the Council does resolve itself into Committee;
- p) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- q) to give the consent of the Council where the consent of the Council is required by the Constitution.

## **12.5 Alteration of Motions**

A Member may alter a motion which he/she has proposed, or of which notice has been given, with the consent of the seconder and of the Council. The consent of the meeting will be signified without discussion.

## **12.6 Motions Contravening Financial Procedure Rules**

12.6.1 Any motion or report submitted to the Council which, if carried, would increase the Council's net revenue or capital budget or might otherwise contravene Financial Procedure Rules shall stand adjourned without debate and be referred to the Cabinet to receive a report on the detailed financial implications. When the Council reconvenes to consider the motion or report it shall receive the recommendation of the Cabinet on the matter before making a decision on the motion or report and on whether to effect any change to the Council's approved Budget.

12.6.2 In the event of urgency, the Council may consider such an item without delay on receipt of a report from the Cabinet Member with responsibility for Finance as to the financial implications.

12.6.3 Where a report of the Cabinet contains a recommendation at variance with that of another body, the Mayor will call upon the Leader of the Council to move the adoption of the relevant recommendation of the Cabinet. If the matter is then settled or disposed of by the Council, no further discussion on the matter shall take place at that Council meeting and the alternate recommendation shall fall.

## **13. NOTICE OF AMENDMENTS**

13.1 An amendment to any matter contained within the summons to the meeting shall not be discussed unless the mover has given written or electronic notice of the text of the amendment in writing to the Chief Executive not later than noon the day preceding the meeting.

13.2 Where notice has been given of more than one amendment to a recommendation or a motion under Procedure Rule 12.1, those amendments shall be considered and put in the order of receipt of the notice.

13.3 It is not permissible to amend an amendment.

13.4 Amendments may only be merged or composited with the approval of the proposer and seconder of the amendment.

## **14. RULES OF DEBATE**

### **14.1 No Speeches until Motion or Amendment Seconded**

A motion or amendment shall not be discussed unless it has been proposed and seconded.

### **14.2 Right to Require Motion in Writing**

Unless notice of the Motion has already been given in accordance with Procedure Rule 12 or the Motion is to be moved under Procedure Rule 12.4 it shall be reduced to writing and handed to the Mayor before it is further discussed or put to the meeting.

### **14.3 Seconder's Speech**

Any Member who seconds a motion or amendment without making a speech may reserve his/her right to speak at a later period of the debate.

### **14.4 Content of Speeches**

A Member shall direct their speech to the question under discussion or to a point of personal explanation or to a point of order.

### **14.5 Length of Speeches**

14.5.1 Speeches - No Member may speak for longer than four minutes on any motion or amendment. The Council may consent to one extension of thirty seconds per speech.

14.5.2 Replies - A Member replying to debate on any motion or amendment may speak for six minutes. The Council may consent to one extension of one minute per reply.

### **14.6 Amendments to Motions**

14.6.1 An amendment to a motion must be relevant to the motion and will either be:

- a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - b) to leave out words;
  - c) to leave out words and insert or add others (It is not permissible to delete a motion in its entirety and replace with a differently worded amendment);  
or
  - d) to insert or add words;
- providing the effect of b) and d) is not to negate the motion or introduce a new proposal into the motion.

14.6.2 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

14.6.3 If an amendment is rejected, other amendments may be moved on the original motion.

14.6.4 If an amendment is carried, the motion as amended, will take the place of the original motion and will become the substantive motion upon which any further amendment may be moved.

#### 14.7 **Withdrawal of Motion**

A Member may withdraw a motion which he/she has proposed or of which notice has been given with the consent of the seconder and of the Council, the meeting's consent will be signified without discussion. No member shall speak on the motion after the proposer has asked permission for its withdrawal, unless such permission is refused.

#### 14.8 **Right of Reply**

- a) The mover of a motion shall have a right of reply at the close of the debate on the motion, immediately before it is put to the vote.
- b) If an amendment is proposed, the proposer of the original motion is entitled to reply at the close of the debate on the amendment.
- c) The proposer of the amendment shall have a right to reply at the close of the debate on the amendment immediately before it is put to the vote.
- d) After every right of reply a decision shall be taken without further discussion.
- e) A Member exercising a right of reply shall not introduce a new matter.
- f) If any business is moved by the Leader of the Council at the closing of the debate the main Opposition Party Group Leader shall have a right to speak prior to the Leader exercising their right of reply.

#### 14.9 **Motions which may be Moved During Debate**

When a motion is under debate, no other motion shall be moved except the following procedural motions:

- a) to withdraw a motion;
- b) to amend a motion;
- c) to proceed to the next business;
- d) that the question be now put;
- e) to adjourn a debate;
- f) to adjourn a meeting;
- g) to resolve into a Committee in accordance with Procedure Rule 12.4;
- h) to refer the subject of debate to Cabinet or an Overview and Scrutiny Committee;
- i) to exclude the press and public in accordance with the Access to Information Procedure Rules;
- j) to not hear further, or to exclude from the meeting, a member named under Procedure Rule 17.

#### 14.10 **Closure Motions**

14.10.1 A Member who has not spoken on the matter before the Council may, at the conclusion of a speech of another Member, move without comment:  
"That the matter be now put";  
"That the debate be now adjourned";  
"That the Council proceeds to the next business";  
"That the Council does now adjourn"; or  
"That *the subject of debate* be referred to the Cabinet" or "to an Overview and Scrutiny Committee", as the case may be"

14.10.2 On seconding of any of the above, the Mayor will, if he/she considers that the matter before the meeting has been sufficiently discussed, put that closure motion to the vote. If such a motion is carried, the matter before the meeting shall be put to the vote, subject to the right of reply under Procedure Rule 14.8, or the debate shall be adjourned, or the Council shall proceed to the next business or the Council shall stand adjourned, or the business shall stand referred, as the case may be.

#### 14.11 **Points of Order or Personal Explanation**

14.11.1 A Member may raise a point of order or make a personal explanation at any time.

14.11.2 A point of order is an objection submitted to the Mayor claiming some irregularity in the Constitution or the conduct of the meeting or a breach of the law such as:

- a) the use of irrelevant or improper language;
- b) a quorum is not present;
- c) an amendment negates the motion before the meeting;
- d) the motion is ultra vires or not within the scope of the notice given;
- e) no question is before the meeting; or
- f) these Procedure Rules are not being complied with.

14.11.3 A point of order relates to procedure only, and not the arguments or principals or political views put forward, nor with the truth or falsehood, correctness or incorrectness of statements made in the course of debate. A Member raising a point of order may not make a speech beyond clarification of the point of order. Any member raising a point of order shall state at the outset the Procedure Rule considered to have been infringed. Every point of order shall be decided by the Mayor, whose ruling shall be final and not open to discussion, before the debate on the business proceeds.

14.11.4 A personal explanation shall be confined to clarifying briefly some material part of a former speech by that Member at the same meeting which may have been misunderstood. A personal explanation may also enable a Member to refute or correct a statement attributed to him/her in any action he/she may have taken. The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall be final and may not be discussed.

### 15. **RESCISSION OF PRECEDING RESOLUTION**

No question or matter which within any Municipal Year has been twice decided by the Council in the same way shall, in the same Municipal Year, again be submitted for consideration, and this Procedure Rule shall not be evaded by the substitution of any motion differently worded, but, in principle, the same.

## **16. VOTING**

### **16.1 Majority**

Unless this Constitution or the law provides otherwise, any matter will be determined by a show of hands, and by a simple majority of those Members voting and present in the room at the time the question was put.

### **16.2 Chairman's Casting Vote**

In the case of equality of votes, the Mayor shall have a second or casting vote.

### **16.3 Recorded Vote**

If required by law or on the requisition of any member supported by five other Members who signify their support by show of hands before the voting on any question, the vote shall be recorded as to how each Member present and voting gave his/her vote. Immediately after any vote is taken at a budget meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the members who cast a vote for the decision or against the decision or who abstained from voting . " Budget decision meeting " means a meeting of the Council at which it makes a calculation under the Local Government Finance Act 1992 or issues a precept under Chapter 4 of Part 1 of that Act.

### **16.4 Individual Member Recorded Vote**

Where, immediately after a vote is taken at a meeting of the Council, any Member so requires, the Minutes of Council will record whether that person cast his or her vote for the question or against the question, or whether he/she abstained from voting.

### **16.5 Voting on Appointments**

16.5.1 Where there are more than two persons nominated for any position to be filled by the Council, and of the votes given there is not a majority in favour of one person, the name of the person receiving the least number of votes of those present and voting shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

16.5.2 Where there are at any time two or more vacancies on the same body to be filled by the Council and more persons are nominated to fill those vacancies, each vacancy shall be dealt with separately in accordance with paragraph a) above.

## **17. MEMBERS' CONDUCT**

17.1 The Mayor may call the attention of the Council to continued irrelevancy, tedious repetition, unbecoming language or any breach of order on the part of a Member addressing the meeting and, after two warnings, shall not allow the

Member to proceed. The Mayor shall call upon another Member to address the Council or, if no Member shall rise (subject to the right of the Mover to reply), put the question to the vote without further debate.

- 17.2 No Member may impute motives to, or use offensive expressions concerning, any other Member of the Council. In the event of any Member offending against this Rule, the Mayor may call upon the Member to withdraw the offensive remark.
- 17.3 If any Member of the Council persists in disregarding the authority of the Mayor or behaves irregularly, improperly or offensively or wilfully obstructs the business of the Council, the Mayor may call upon the Member to retire from the meeting for the remainder of the business.

## **18. SUSPENSION OF SITTING**

In a case of defiance of the authority of the Mayor, the Mayor may, on obtaining the consent of a majority of the Members of the Council present and voting on the question so to do, have the offending Member or Members of the Council, removed, and either declare the meeting closed (and leave the Chair) or declare the meeting to be adjourned indefinitely or until some stated time. Upon such declaration the meeting shall forthwith be closed or stand adjourned accordingly, and no business shall be transacted until the next duly convened meeting, or until the resumption of the meeting, in accordance with the Mayor's pronouncement.

## **19. POWER TO RESOLVE INTO COMMITTEE**

- 19.1 Should a Motion be moved in accordance with Procedure Rule 11.4(p) at the close of any speech, the Council may pass a resolution resolving itself into Committee.
- 19.2 These Council Procedure Rules shall apply to proceedings of the Council in Committee, except that any Member may speak more than once with the permission of the Mayor.

## **20. QUESTIONS AND CONFIDENTIAL OR EXEMPT INFORMATION**

- 20.1 If any question arises on any matter as to the appointment, promotion, dismissal, salary or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council has decided whether or not the power of exclusion of the public under Section 100A(4) of the Local Government Act 1972 shall be exercised.
- 20.2 If any question arises on any matter and it is questioned whether a consideration of that matter will require matters containing confidential or exempt information to be disclosed, such question shall not be the subject of discussion until the Council has decided whether or not the power of exclusion

of the public under Section 100A(4) of the Local Government Act 1972 shall be exercised.

## **21. ADMISSION OF THE PUBLIC TO MEETINGS**

- 21.1 The public shall be admitted to all meetings of the Council so far as there is accommodation, but:
- a) at any meeting the Council may temporarily exclude the public from such meeting or any part thereof in accordance with Section 100A(2) or (4) of the Local Government Act 1972;
  - b) if a member of the public interrupts the proceedings at any meeting, the Mayor may, after warning, order that he/she be removed from the Council Chamber or that the part of the Chamber open to the public be cleared in accordance with Section 100A(8) of the Local Government Act 1972;
  - c) if a member of the public making an audio or video recording of the meeting causes disruption to the meeting or to other members of the public in attendance, the person shall comply with any direction of the Mayor;
  - d) a member of the public making an audio or video recording of the meeting shall remove their recording equipment from the room should the Council resolve to exclude the press and public.
- 21.2 Any person attending a meeting for the purpose of reporting the proceedings is to have reasonable facilities made available for taking their report.

## **22. ANNUAL BOROUGH REPORT**

The Mayor will call upon the Leader to present an Annual Borough Report. After Council has considered the report it will be:

- a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- b) considered by the Leader in proposing the Budget and Policy framework to the Council for the coming year.

## **23. YOUTH COUNCIL ANNUAL REPORT**

The Mayor will call upon the Youth Council on a date within the Municipal Year to present to Council an annual presentation of work undertaken by the Youth Council.

## **24. RULES WHICH APPLY TO COMMITTEES OF THE COUNCIL**

The following Council Procedure Rules will apply to all Committees and Sub-Committees of the Council as described within Section 4 of Part 3 of this Constitution -

- Rule 4 Notice and Summons to Meeting
- Rule 5 Chair of Meeting

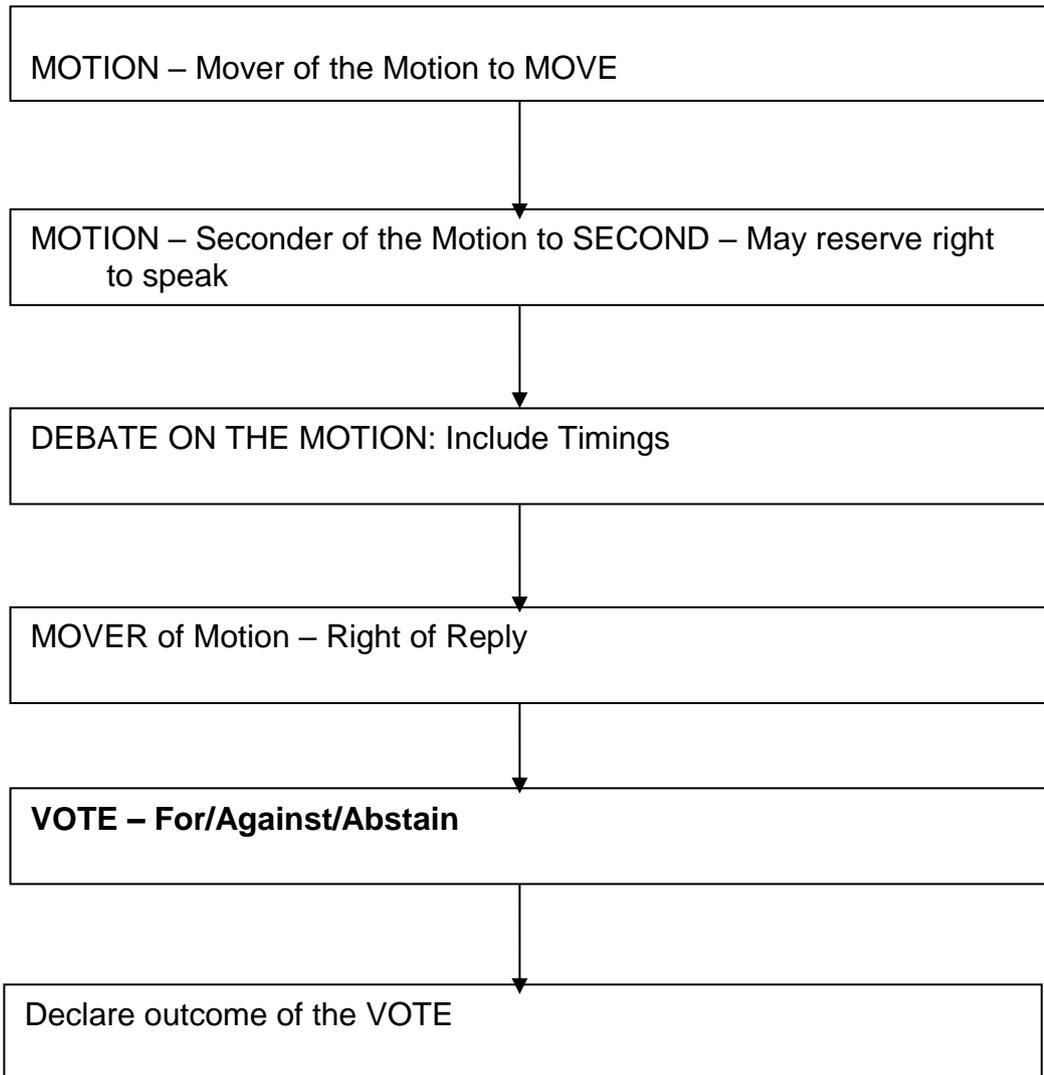
- Rule 6 Speaking to the Council (except for requirement to stand when speaking)
- Rule 7 Quorum (quorum for individual meetings are specified at Section 4 of Part 3 of this Constitution)
- Rule 9 Signing of Minutes
- Rule 10 Public Questions (for all non-full Council Meetings, a public question must be received before 12 noon 2 working days before the date of the meeting)
- Rule 14 Rules of Debate (except for time limits on speaking and, with the consent of the Chair, a Member may speak more than once on any matter)
- Rule 16 Voting (but not 16.3)
- Rule 17 Members' Conduct
- Rule 18 Suspension of Sitting
- Rule 20 Questions and Confidential or Exempt Information
- Rule 21 Admission of the public to meetings

## AGENDA AND TIMINGS FOR COUNCIL MEETING

1. Minutes
2. Declaration of interest
3. Urgent business
4. Communications
5. Petitions
6. Youth Council **20 mins**
7. Public questions **15 mins**
8. Leader and Cabinet member reports and questions **90 mins**
9. Administration Motions **30 mins**
10. Opposition Motions **30 mins**
11. Other business, including reports

**Note** Any time not utilised in Items 1 – 10 will be allocated to Item 11.

## PROCEDURE FOR NOTICE OF MOTIONS (NO AMENDMENT)

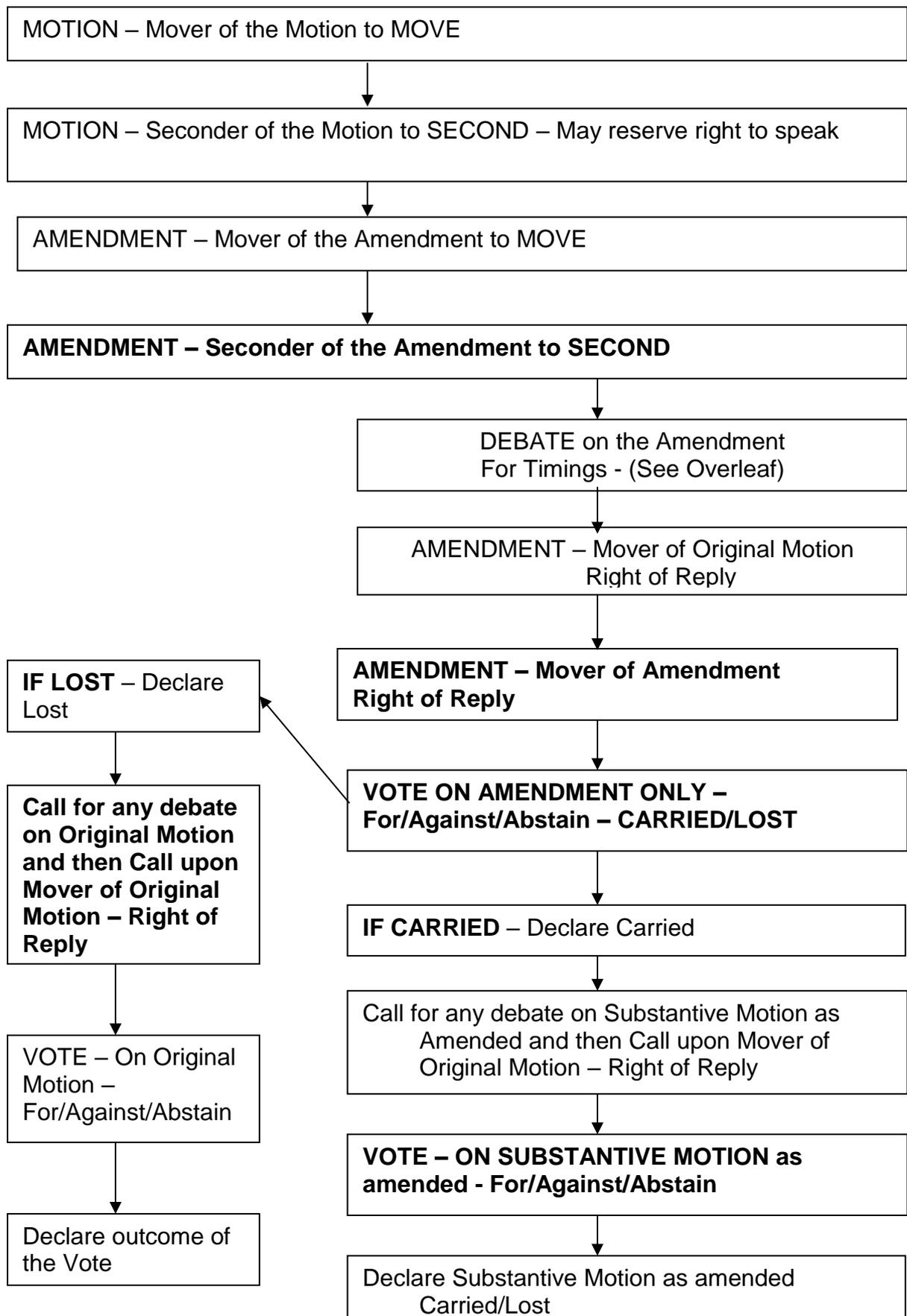


### **RULE ON TIMINGS**

(a) Subject to (b) below, 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 thirty seconds shall be allowed.

(b) A Member replying to debate or questions shall be entitled to speak for six Minutes, and shall be allowed, with the consent of the Members of the Council present, on extension of one minute. (This would be the MOVER)

## PROCEDURE FOR NOTICE OF MOTIONS (WITH AMENDMENT)



## Appendix 2



# Part 4 F Financial 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.**

For the purposes of these Financial Procedure Rules only, the following definitions apply:

**Senior Officer refers to** The Deputy Chief Executive, Assistant Chief Executive, Executive Director Place and Economic Growth, Managing Directors, Directors, Assistant Directors and Heads of Service

**Authorised Senior Officer refers to** those specific officers under the approved Scheme of Delegation to Officers under part 3 of the Council's Constitution.

## **1. FINANCIAL GOVERNANCE**

### **Council's responsibilities**

- 1.1 The Council has a statutory duty to make arrangements for the proper administration of its financial affairs and to ensure that one of its officers has responsibility for the administration of those affairs. The Council has resolved that the Chief Financial Officer (the post is currently designated as the Director of Finance) is the responsible officer.
- 1.2 The Council is responsible for the approval of the Financial Procedure Rules to be used by all Members and officers, including any amendments or additions presented by the Director of Finance. The Council is responsible for approving the procedures for recording and reporting decisions taken by the Council itself, or by the Executive, or under approved delegation arrangements. The Scheme of Delegation, which includes financial limits, is set out in the Constitution at Part 3.

### **Cabinet's responsibilities**

- 1.3 The Cabinet is responsible for ensuring that the Financial Procedure Rules are followed across the Council. The Cabinet is also responsible for arranging for a review of the Financial Procedure Rules following scrutiny by the Audit Committee at least every three years and for recommendations for any changes to be made to the Council. This is normally arranged through the Constitutional Working Group.
- 1.4 The Cabinet is responsible for preparing and recommending to Council the annual revenue budget and Council Tax level and once approved, for implementing and monitoring that budget.
- 1.5 The Cabinet is responsible for reviewing and recommending to Council a Capital Strategy and Capital Programme, a Medium Term Financial Strategy (which may be included within the Annual Revenue Budget Report), a Housing Revenue Account Budget, a Treasury Management Strategy and a Council

Tax Reduction Scheme, and once approved for implementing and monitoring the budgets and strategies.

- 1.6 The Cabinet is responsible for approving the Council's Risk Management Strategy and Framework and for reviewing the effectiveness of risk management arrangements.

### **Overview and Scrutiny responsibilities**

- 1.7 The Council will identify a relevant Scrutiny Board or Boards to be responsible for scrutiny of the Administration's Budget proposals, including all related calculations, Policies and Strategies and for the forwarding of comments and recommendations on those matters to the Cabinet, prior to recommendation to Council.
- 1.8 The Council will identify a relevant Scrutiny Board or Boards to be responsible for the overview of the Council's in-year financial performance.
- 1.9 The Council will identify a relevant Scrutiny Board to provide appropriate oversight of key operational decisions which fall within their remit including key partnerships and grant programmes where required, in conjunction with the Audit Committee.

### **Audit Committee's responsibilities**

- 1.10 The Audit Committee is responsible for reviewing the draft Annual Statement of Accounts and the Annual Governance Statement and approving the audited Council's Annual Statement of Accounts which incorporates the Annual Governance Statement. This Committee also provides oversight on the Council's Treasury Management Processes and practices, the Corporate Risk Management Strategy, Counter Fraud Suite of Policies, Internal Control matters and Information Governance including the role of the Senior Information Risk Owner and companies and partnerships (in conjunction with the appropriate Scrutiny Board).

### **Capital Investment Programme Board (CIPB)**

- 1.11 The Capital Investment Programme Board has terms of reference which specify that it will oversee the preparation and the delivery of the capital strategy and capital programme by:
  - (a) Developing the overall Capital Strategy and annual programme in accordance with the priorities set out in the corporate plan
  - (b) Recommending the overall capital strategy and programme to Cabinet and Council
  - (c) Once the overall strategy and annual programme of expenditure has been approved at Council, the role of the CIPB is to:

- i) Consider and recommend approval of the detail of the thematic programmes (e.g. Transport Capital Programme);
- ii) Consider and recommend approval of any amendments to the annual programme;
- iii) Recommend approval of any new capital projects;
- iv) Undertake the detailed appraisal of projects, taking into consideration the Council's Capital Strategy, priorities and annual aims and objectives;
- v) Review the potential commercial risk and Value for Money issues on any proposal for the use of capital expenditure or funding;
- vi) Provide a forum for establishing and providing robust challenge and debate around the Capital Programme;
- vii) Undertake a detailed annual review of the Capital Programme;
- viii) Review the Council's Capital Programme on an on-going basis and to ensure it is achieving the agreed outcomes together with consideration of the financial monitoring report;
- ix) Monitor the performance of projects and programmes within the Council's Capital Programme.

The CIPB oversees capital projects from inception to completion to ensure they are delivered efficiently and effectively and in line with the Council's corporate objectives.

The CIPB assesses all submissions for capital expenditure prior to them entering into the normal reporting process for approval. The Board therefore makes recommendations to the appropriate decision maker/forum, whether this is a Member or officer under delegated responsibility, Cabinet or Council.

### **The Director of Finance**

1.12 The Director of Finance is responsible for the proper administration of the Council's financial affairs, and particularly for:

- (a) maintaining a continuous review of the Financial Procedure Rules and the submission of any additions or changes necessary for Council approval;
- (b) providing corporate financial advice and information to the Council i.e. on those issues where the Authority is regarded as one legal entity;

- (c) setting standards for good financial management including the accounting policies and financial procedures and records for the Council and monitoring compliance with those standards;
- (d) advising on the key financial controls necessary including maintaining an effective internal audit function to secure sound financial management;
- (e) ensuring that proper systems of internal control are operated and reporting breaches of the Financial and Contract Procedure Rules to Council, Cabinet, Audit Committee, or the Standards Committee as appropriate;
- (f) co-ordinating the preparation of the General Fund Revenue Budget and Medium Term Financial Strategy, the Housing Revenue Account Budget, Capital Strategy and Programme, the Treasury Management Strategy, the Council Tax Reduction Scheme, and once approved preparing reports to monitor budgets and strategies;
- (g) preparing the annual financial statements in accordance with the relevant accounting standards and codes of practice and any necessary technical accounting adjustments ;
- (h) treasury management activities, including reporting on prudential indicators;
- (i) preparing a Risk Management Strategy and Framework and promoting/ embedding it throughout the Council;
- (j) ensuring that the terms and conditions of grants awarded to the Council by Government and other public bodies and organisations, including the Greater Manchester Combined Authority, are complied with and that all grant claim forms are completed accurately and in a timely manner.

1.13 The Director of Finance also has a range of statutory duties, rights and responsibilities in relation to the financial administration and stewardship of the Council and will have regard to the Statement of the Chartered Institute of Public Finance and Accountancy on the Role of the Chief Financial Officer in Local Government

1.14 The Director of Finance must report to the Council under Section 114 of the Local Government Finance Act 1988, if:

- (a) a decision has been made, or is about to be made, which involves the incurring of expenditure which is unlawful;
- (b) there has been, or is about to be, an unlawful action resulting in a financial loss to the Council;
- (c) anyone or anybody is about to make an unlawful entry in the Council's accounts; or

- (d) it appears to him/her that the expenditure of the authority incurred (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.
- 1.15 The Director of Finance may issue any instruction intended to fulfil these responsibilities and is entitled to any information or explanations as he/she may require.
- 1.16 The Director of Finance shall issue instructions and guidance to the Council in line with Section 25 of the 2003 Local Government Act, with regard to the robustness of the estimates.

### **Senior Officers**

- 1.17 Senior Officers must ensure that proper financial controls are maintained in their service area.
- 1.18 Senior Officers must make arrangements to ensure that all officers involved in financial matters are aware of, and competent in the use of, these Financial Procedure Rules and the Council's financial ledger. The extent of delegated authority to officers must be recorded. See further guidance on the Scheme of Delegation in Part 3 of the Constitution. The main documents are also available on the Council's Website –  
[https://www.oldham.gov.uk/info/100004/about\\_the\\_council](https://www.oldham.gov.uk/info/100004/about_the_council)
- 1.19 Senior Officers must ensure that the financial implications of all proposals in advance of any “key decision” report have been subject to approval by the Director of Finance and their representatives and the subsequent report sets out the financial implications.
- 1.20 Senior Officers must ensure that the legal implications of all proposals in advance of the “key decision” report production have been subject to approval by the Director of Legal Services and the subsequent report sets out the legal implications.

### **Head of Paid Service (the Chief Executive)**

- 1.21 The Head of Paid Service is responsible for the corporate and overall strategic management of the Council as a whole. They must report to and provide information for the Council, the Cabinet; the Scrutiny Boards, and any other Committees of the Council. The Chief Executive is responsible for establishing the framework for management direction, style and standards and for the monitoring of performance for the organisation. The Head of Paid Service and the Monitoring Officer (the post is currently designated as the Director of Legal Services) are responsible for the system(s) of record keeping in relation to all the Council's decisions (see below).

## **Monitoring Officer (Director of Legal Services)**

- 1.22 The Monitoring Officer is responsible for promoting and maintaining high standards of conduct, including about financial matters, and therefore provides support to the Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of law or maladministration to the Council and/or to the Cabinet, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- 1.23 The Monitoring Officer must ensure that executive decisions and the reasons for them are made public as required by the Council's Access to Information Procedure Rules. The Monitoring Officer must ensure that Councillors are aware of such decisions made by the Cabinet, a Council Officer, or anyone else acting on the Authority's behalf, who have delegated executive responsibility.
- 1.24 The Monitoring Officer is also responsible for providing advice to anyone regarding who has responsibility or authority to take a particular decision. In relation to financial matters, s/he will consult with the Director of Finance before giving advice.
- 1.25 The Monitoring Officer is responsible for advising the Council or Cabinet about whether a decision is likely to be considered contrary to or wholly in accordance with the Policy Framework. Responsibilities for actions contrary to the budgetary framework lie with the Director of Finance.

## **External agencies and partnerships**

- 1.26 Where, as a result of legislation or a decision of the Council or the Executive, as the case may be, part of the Council's or the Executive's functions are delivered by an associated organisation, funded partly or wholly by the Council, the organisation must submit for approval by the Council its own arrangements for corporate governance. These arrangements will incorporate the spirit of the Council's Financial Procedure Rules and will include the Council's right of access to financial information about the associated organisation and information of the Council processed by the third-party organisation. Whilst Cabinet is responsible for overall risk management and strategy, the Audit Committee and Scrutiny functions shall provide oversight of the specific Council risks in relation to partnerships as part of their governance role
- 1.27 Specific technical terms and conditions may be used when the Council is deemed the Accountable Body for external Government or other funding. Where the establishment of such terms and conditions is a condition of the funding, the obligations of and risk to the Council in its role will be set out in reports where approval to act as the Accountable Body is sought.
- 1.28 Schools with delegated budgets are subject to, and must comply with, the 'Oldham Scheme for Financing Schools', which has tailored these Financial Procedure Rules for use in those Schools.

- 1.29 A reference in the Financial Procedure Rules to the Director of Finance includes his or her nominees; and to an officer means any employee of the Council, or other persons contracted to carry out functions where these Financial Procedure Rules apply.

### **Staff and Councillors**

- 1.30 All staff and Councillors within the Authority are required to maintain and provide the highest standards of financial management, integrity and administration in line with the Financial Procedure Rules. Their conduct is also set out in the relevant Codes of Conduct included at Part 5 of the Constitution which they must be aware of and comply with at all times.

### **Council Owned Companies**

- 1.31 If the Council wants to set up an alternative delivery model for its services which involves the creation of a company including a Shareholding of the Council or the making of a loan, it can only do so following consultation on the implications with the Director of Finance and the Director of Legal Services.

## **2. PREPARING AND MANAGING THE REVENUE AND CAPITAL BUDGET**

### **Financial Planning Framework**

- 2.1 It is a legal requirement for the Council to ringfence and separately manage many of its financial resources and expenditure. The main “ringfenced” areas include:
- Housing Revenue Account income and expenditure;
  - Income and expenditure relating to schools (including the Dedicated Schools Grant);
  - Capital expenditure and resources;
  - The Collection Fund (Council Tax and Business Rates income).
- 2.2 Any income or expenditure which does not fall within ringfenced categories is deemed to fall within General Fund (non-schools).
- 2.3 Ringfencing means that the Council is either not permitted or is heavily restricted in its ability to vire resources in or out of a particular ring-fenced area. For example, the Council is not generally permitted to use capital resources to fund revenue expenditure (an exemption to this exists for the period 2022/23 to 2024/25 whereby the flexible use of capital receipts permits the use of such resources to finance expenditure incurred on transformational activity).
- 2.4 The situation is further complicated by the fact that certain resources within each of the ring-fenced areas have to be earmarked to particular activities. For example, capital and/or revenue grants that have been provided specifically to finance particular schemes.

- 2.5 Having regard to all statutory ring-fencing arrangements, the Director of Finance, after consulting the Cabinet and Authorised Senior Officers shall be responsible for designing and implementing the annual budget and medium-term financial planning arrangements. The Director of Finance is responsible for the preparation of a corporate revenue budget and the provision of advice on the setting of a Council Tax, a Capital Strategy and programme, a Treasury Management Strategy, a Housing Revenue Account budget and a Council Tax Reduction Scheme.

### **Preparation of the Corporate Plan**

- 2.6 The Chief Executive is responsible for proposing the Corporate Plan to the Cabinet for consideration before its submission to the Council for approval. When compiling the Plan, and in conjunction with other Authorised Senior Officers the Chief Executive will ensure that the plan is assessed and moderated by the Director of Finance

### **Budget Preparation**

- 2.7 The Director of Finance will advise the Cabinet of each year about the detailed plans to prepare both the Annual Budget for the next financial year or two years and to update the Medium Term Financial Strategy (which can cover a period of up to five years). The budget process will then be prepared following the standards set out by the Director of Finance.
- 2.8 The Director of Finance, following the detailed work, will submit to the Budget Council meeting (usually held in February) each year a Medium Term Financial Strategy for the following three to five years, and budget planning totals for all services and central budgets.
- 2.9 Senior Council officers will prepare budget reduction proposals for Members to consider, however, prior to final decision making, and in good time to allow meaningful consultation, the Council will make arrangements to consult with the public, partners, staff and business community on the budget reduction proposals being considered for future financial years.
- 2.10 The Cabinet, having regard to comments resulting from the consultation process outlined above (including those of the relevant Scrutiny Board), will consider these budget reduction proposals in detail and make its recommendations to the Council before the date set for the meeting of the Council which will determine the budget (Budget Council).
- 2.11 The Director of Finance will advise the Cabinet and the Council on the overall budget, the levels of Council Tax, the use of reserves and the need for contingency budgets/balances, the robustness of the estimates and affordability and prudence of capital investments and on the risks that may exist in relation to the forecasts of spending levels and income.

- 2.12 Senior Officers will, in accordance with the Business Planning timeframe, produce draft service plans and budgets in accordance with the Budget Planning totals. These draft plans will explain the service changes proposed to be made, taking into account the Council's Corporate Plan, performance targets and the resources allocated.

### **Resource Allocation**

- 2.13 The general level of balances and reserves to be maintained by the Council shall be calculated and recommended for approval by the Director of Finance using a risk based approach in advance of the setting of the Budget for the approaching financial year. This will support the budget decisions being taken at the Council meeting which sets the Council Tax. The level of balances and reserves shall be subject to regular review in the budget monitoring reports presented to Cabinet during the financial year. At the year-end as part of the production of the Annual Statement of Accounts the Director of Finance shall assess the risks facing the Council and prepare the Accounts to minimise future unbudgeted expenditure including the assessment of required reserves in accordance with the Councils agreed policy on Reserves. The Reserves Policy will be subject to detailed scrutiny by the Audit Committee.
- 2.14 The Director of Finance is responsible for developing and maintaining a resource allocation process which: ensures due consideration of the Council's policy framework; and takes into account properly, current information on the Council's financial position and prospects for the future. It will also include an annual review of the budget to ensure that the resources allocated to each budget heading remain appropriate in the light of corporate priorities, business developments and national and local spending trends.

### **Reporting**

- 2.15 The Cabinet is responsible for ensuring that Service and Corporate Plans are implemented within the resources allocated in the Revenue and Capital Budgets. The Director of Finance will provide information on the Council's performance against the Revenue and Capital Budgets to Cabinet and the relevant Scrutiny Board at regular intervals over the financial year. The report will include the projected out-turn for the agreed budgets, Collection Fund, Housing Revenue Account and Dedicated Schools Grant. In addition, and as appropriate, the Audit Committee and/or Scrutiny Board will receive reports that include financial information on key partners and the progress made on issues identified with the Annual Governance Statement.
- 2.16 The general format of the budget proposed by the Cabinet to Council will follow that advised by the Director of Finance. The draft budget should include indicative allocations to different services and projects, proposed taxation levels and any contingency funds/balances. The headings proposed will be those advised by the Director of Finance.
- 2.17 Senior Officers will control income and expenditure within their areas of responsibility. They will monitor performance, taking account of financial

information provided by the Director of Finance. They should report on actual variances within their own areas, and on the possible likelihood of them. They must also: alert the Director of Finance to any problems; consult with the Director of Finance about the remedial action necessary to avoid exceeding their budget allocations: and take the remedial action agreed.

- 2.18 CIPB is responsible for advising Cabinet on the overall financial commitments of the overall capital programme in accordance with the overall Capital Strategy agreed by Cabinet.

### **Managing Budgets**

- 2.19 Senior Officers are responsible for managing budgets within their delegated authority. They must take action to avoid overspending respective budgets and report any difficulties to the Director of Finance.
- 2.20 Senior Officers should delegate authority to commit budgets to the appropriate level of management, make arrangements to set out clearly the extent of authority of managers, and review the performance of managers in managing and controlling these budgets.
- 2.21 Senior Officers must, in consultation with their financial support officers, use the financial reports from the financial ledger and review their budgets on a monthly basis. This must inform the regular budget monitoring undertaken by the Director of Finance.
- 2.22 The Director of Finance is accountable for all corporate and contingency budgets, which will be managed in the same way as service and activity budgets.
- 2.23 Where, as a result of a mistake or error by an officer, the Council becomes liable for any charges, penalties or additional expenses, such costs will be met by the Service in which the error is made.

### **Carry forwards and recovery of overspends**

- 2.24 Carry forward is a mechanism for transferring budgetary resources from one year to the next, or vice versa. This will be determined during the production of the Statement of Accounts.
- 2.25 The Cabinet is responsible for approving changes to the Council's Revenue Budget arising from the carry forward process.
- 2.26 If the carry forward process is to be applied, there will be a presumption that the carrying forward of any underspending will only be allowed subject to a Directorate managing its resources in line with its agreed budget. All overspendings may be recovered in the following financial year following the advice of the Director of Finance.

- 2.27 The Council, in determining the Revenue Budget for a particular year, will review any arrangements for carry forward for that year and can change the guidance on advice from the Director of Finance.

### **Risk Management and Control of Resources**

- 2.28 It is essential that robust, integrated systems exist to identify and evaluate all significant operational risks to the Council. These systems will be maintained by the proactive participation of everyone associated with the planning and delivery of Oldham Council's services to its residents.
- 2.29 The Director of Finance is responsible for preparing the Council's Risk Management Strategy and Framework, which includes the approach to ensuring proper insurance cover, and for promoting the Strategy and Framework throughout the Council, and for ensuring advice to the Cabinet Member with responsibility for Finance on appropriate insurance cover.
- 2.30 The Cabinet is responsible for approving the Council's Risk Management Strategy and Framework. Monitoring of the effectiveness of risk management is undertaken by the Audit Committee on behalf of the Cabinet.
- 2.31 Internal Control is the systems of control devised by management to help ensure the Council's objectives are achieved in ways which promote economic, efficient and effective use of resources and which ensure that the Council's assets and interests are safeguarded.
- 2.32 The Director of Finance will advise the Council at all levels on the requirements for an effective system of Internal Control. Arrangements devised and implemented will ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They will also ensure that public money is properly safeguarded; and is used economically, efficiently, effectively and in accordance with the statutory and other authorities which govern their use.
- 2.33 It is the responsibility of Senior Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets. In doing this they must consult as necessary with the Director of Finance about matters past and present and future which bear upon the framework of Internal Control.
- 2.34 The CIPB will develop and maintain sound arrangements for managing the Council's Capital Programme in accordance with the instructions of the Cabinet.

### **Production of Accounts**

- 2.35 The Director of Finance shall consolidate and produce the Authority's statutory accounts. Accounts will be prepared in accordance with the relevant statutory requirements (including timelines) and Codes of Practice.
- 2.36 Senior Officers shall assist the Director of Finance to undertake the closure of their Directorate accounts which must be in accordance with the standards, timescales and format set by the Director of Finance.
- 2.37 The Director of Finance is responsible for ensuring that the Annual Statement of Accounts is prepared in accordance with the CIPFA/LASSAC Code of Practice on Local Authority Accounting in the United Kingdom. This will include an assessment of the financial risks facing the Council.
- 2.38 The Audit Committee has delegated authority from the Council for approving the Annual Statement of Accounts.
- 2.39 The Director of Finance shall report to Cabinet and Council, after the accounts have been audited, the out-turn for the previous year for both the revenue and capital programme, identifying the out-turn against budget and the findings outlined in the Audit Completion Report prepared by the External Auditor.

### **Grants from third parties (other than from Central Government or GMCA)**

- 2.40 Where a Senior Officer proposes to accept grant funding from a third party or taking on accountable body status, which exceeds the sum of £50,000, then the Senior Officer should, in advance of accepting the funding, seek an appraisal of that proposal which will involve the approval of the Director of Legal Services and Director of Finance.
- 2.41 Where the amount of the proposed third party grant exceeds the sum of £250,000, this will become a key decision and therefore a report to Cabinet will be required in order to gain approval to accept the funding.

## **3. CHANGES TO THE OVERALL AGREED REVENUE AND CAPITAL BUDGET**

- 3.1 Senior Officers will propose items during their normal course of business which could have financial implications to increase the overall agreed net revenue and/or capital budget of the Council. Where the expenditure is capital, the revenue implications also need to be calculated. Notification of Government grant funding often arrives late, after the annual budget has been set and therefore outside the normal budget approval cycles. Such grant notifications also often have short acceptance timeframes. If the net impact of a Government grant is neutral (i.e., the grant covers in full the anticipated expenditure) to the overall agreed budget, then the grant can be accepted, and funding committed in accordance with the grant conditions.

- 3.2 Where there is additional cost to the Council, then in each case the potential commitment needs to be fully costed setting out the impact on the budget with details of how any additional cost will be financed and its performance effect. Where appropriate and after consultation with the Director of Finance, a report must be presented to Cabinet for consideration, but a capital matter must first be considered at the CIPB.
- 3.3 Any motion or report submitted to the Council which, if carried, would increase the Council's net revenue or capital budget or might otherwise contravene Financial Procedure Rules shall stand adjourned without debate and be referred to the Cabinet to receive a report on the detailed financial implications. When the Council reconvenes to consider the motion or report, it shall receive the recommendation of the Cabinet on the matter before making a decision on the motion or report and on whether to effect any change to the Council's approved Budget.
- 3.4 In the event of urgency, the Council may consider such an item without delay on receipt of a report from the Cabinet Member with responsibility for Finance as to the financial implications.
- 3.5 All proposals which involve a change to the overall revenue or capital budget need to be considered in accordance with the advice of the Director of Legal Services and Director of Finance.

## **Virements**

### **Revenue Budget Virements**

- 3.6 The Cabinet is responsible for agreeing procedures for virements (the transfer of resources) between department, earmarked reserves and service budget headings. The framework that exists ensures that virements which are associated with a significant change in the level of service from that set out in the service plan must be approved by the Member with Portfolio in consultation with the relevant Authorised Senior Officer. However, the Director of Finance may approve virements to address identified budgetary challenges having regard to the financial position of services and the Council has a whole.
- 3.7 The Director of Finance may approve an increase in an approved Department budget by a transfer from another approved Department budget under the control of another Authorised Senior Officer where: -
- (i) both budget heads are cash limited; and
  - (ii) the variation does not exceed £250,000.
- 3.8 Authorised Senior Officers, are authorised to transfer resources within a service budget subject only to the maximum amount of virement on any one activity not exceeding 5% or £50,000, whichever is the smaller. Where the

aggregate of such virements exceeds £250,000 in a financial year, and if in the opinion of the Director of Finance it is appropriate to do so, the Director of Finance and the appropriate Authorised Senior Officer will jointly report to the relevant Member with Portfolio and the Cabinet Member with responsibility for Finance.

3.9 Authorised Senior Officers may approve a virement into an approved budget head under their management control by a transfer from another approved budget head where: -

- (i) both budget heads are cash limited; and
- (ii) the virement does not exceed £100,000.

Authorised Senior Officers are responsible for formally approving, and for notifying to the Director of Finance, the record of their approval to in-year virements within service budget headings, and within the limits delegated to them.

3.10 Authorised Senior Officers must consult with the Director of Finance about all virements above their approved, delegated limits before allowing any action in respect of them to take place. All virements above the above limits must be approved by the relevant Members with responsibility for Portfolios and Cabinet.

Note - "Approved budget" above means the original provision made when the annual budget was approved by Council, plus or minus any variation which has been approved subsequently.

### **Capital Budget Virements**

3.11 The Council has agreed that CIPB will make recommendations on virements within the overall agreed capital plan of the Council in the following areas:

- Between programme areas. This will be actioned by the Executive Director, Place and Economic Growth in consultation with the Director of Finance and Cabinet Member with responsibility for Finance;
- Within approved programme areas. This will be actioned by the Executive Director, Place and Economic Growth in consultation with the Director of Finance and Cabinet Member with responsibility for Finance.

3.12 Whenever a project is to be funded via prudential borrowing it shall be done in accordance with the Council's Borrowing Strategy.

### **Virements – General Protocols**

3.13 The Director of Finance will report as part of the regular budget monitor to the Cabinet and the relevant Scrutiny Board, summarising any variations of the

annual estimates including transfers to and from earmarked reserves for consideration at that meeting.

- 3.14 A virement is specifically not allowed where the transfer of resources is from budgets for capital charges and statutory taxes and levies.
- 3.15 All virements will be recorded in a way prescribed by the Director of Finance, who will arrange for virements to be reported to the Cabinet, where appropriate.
- 3.16 Senior Officers are authorised to incur any expenditure included in the approved revenue budget for the Service, as amended by any virement.

#### **4. CAPITAL PLAN PREPARATION AND MANAGEMENT**

##### **Responsibilities**

- 4.1 The Council is responsible for agreeing the overall allocation of resources to the Council's Capital Strategy and Programme.
- 4.2 The Cabinet is responsible for recommending to the Council a multi-year Capital Strategy and Programme. The CIPB undertakes overall management oversight for the Capital Strategy and Capital Programme on behalf of the Cabinet.

##### **Capital Strategy and Programme Preparation**

- 4.3 The Cabinet will submit to the Council each year a multi-year Capital plan with planning totals for the main programme areas for at least the three following years, to align with the Medium Term Financial Strategy.
- 4.4 The Capital Investment Programme Board determine the criteria for the selection of projects to form the Capital Programme. This will assist the Director of Finance to prepare a programme of capital schemes for consideration by the CIPB, Scrutiny Board and then by Cabinet.
- 4.5 The Cabinet will recommend, and Council will approve the initial allocations to projects and programme areas.
- 4.6 CIPB will recommend the subsequent allocations of resources from programme areas to projects within the overall total agreed by Council.
- 4.7 The Director of Finance will advise the Cabinet and the Council on the overall Capital Programme and levels of funding available.
- 4.8 Senior Officers are responsible for providing details of all projects in a format prescribed by the Director of Finance.

## **Capital Programme Management**

- 4.9 The Cabinet is responsible for implementing the Capital Programme within the resources allocated. The Cabinet will provide summary monitoring information to the Council when required. The CIPB delivers the detailed implementation of the Capital Programme. CIPB operates in accordance with the principles set out in these Financial Procedure Rules.
- 4.10 The CIPB will recommend capital budget virements in accordance with the protocol set out at paragraph 3.5
- 4.11 The Leader of the Council in consultation with the Chair of the CIPB , may also delegate authority under Financial Procedure Rules 4.10 to individual Cabinet members, in consultation with key statutory officers. The Leader of the Council, in consultation with the Chair of the CIPB is required to determine arrangements for delegation, which may differ between service areas. The Leader, in consultation with the Chair of the CIPB, may delegate to Directors authority to exercise virement within a programme area, provided that: -
- (a) the spending on the whole programme area being contained within the resources allocated;
  - (b) Directors report retrospectively to Cabinet on the use of this authority as part of the regular monitoring on the Capital Programme.
- Such delegations will be recorded in a scheme of delegation to Cabinet members included at Part 3 of the Constitution.
- 4.12 All virement will be recorded in a way prescribed by the Director of Finance, who will arrange for virements to be reported to the Cabinet.
- 4.13 Senior Officers are responsible for managing programmes and projects. They must take action to avoid overspending the amounts provided in the Capital Plan and report any difficulties to the Director of Finance.
- 4.14 Senior Officers must prepare regular reports on the progress of projects in a format and to a timetable prescribed by the Director of Finance.
- 4.15 The Director of Finance will report to the Cabinet and the relevant Scrutiny Board on the projected overall out-turn of the Capital Programme as part of the regular budget monitoring reports.
- 4.16 The inclusion of a project within the Capital Programme confers authority to proceed with planning applications and the completion of feasibility studies and option appraisals.
- 4.17 Senior Officers must prepare a business case in respect of each project before proceeding to detailed project design or land acquisition. The business case should be prepared in a format prescribed by the Director of Finance and must be considered by the CIPB. The Cabinet will in some instances decide that

the business case should be prepared for a whole programme area, or a group of projects. The Cabinet may delegate its authority to approve business cases to Authorised Senior Officers in consultation with Cabinet members or CIPB.

- 4.18 Once a business case is approved, Senior Officers are authorised to proceed to detailed design and to commit to contracts providing:
- (a) that the total costs of a project including tenders or quotations, fees etc, are estimated to be less than or equal to the amount approved in the business case and the Capital Programme;
  - (b) that where the total costs of a project exceed the amount approved in the business case and the Capital Programme and the excess is within the agreed tolerance levels, the appropriate virement has been approved to finance the additional cost;
  - (c) all necessary external approvals, if any are required, have been obtained;
  - (d) the incurring of the expenditure has been authorised by the Director of Finance;
  - (e) that any contract shall be executed in accordance with the Contract Procedure Rules.
- 4.19 The tolerance levels set out in Financial Procedure Rule 4.18(b) will be calculated at 10% of the approved estimate or £25,000 whichever is the greater. If this tolerance level is exceeded the approval to proceed must be sought by reporting to Cabinet (which may be by inclusion of the issue within the regular capital monitoring report).
- 4.20 The Director of Finance will authorise the incurring of the full project costs provided he/she is satisfied that the approval will not give rise to any further expenditure not provided for in either the Capital Programme or the Revenue Budget.
- 4.21 During the completion of corporate projects totalling £250,000 and over, Senior Officers must co-operate with any requirement to complete a gateway review and the production of reports to CIPB setting out the outcomes from the project and whether these match the planned outcomes set out in the original business cases. Further phased expenditure on a project cannot be agreed until an appropriate business case has been approved by CIPB and an appropriate report produced as per agreed delegations.

## **5. FINANCIAL SYSTEMS AND PROCEDURES**

- 5.1 The Director of Finance is responsible for setting the standards of the operation of the Councils accounting and financial systems, the form of accounts and the supporting financial records. Any changes to the existing financial systems, processes or procedures; or the establishment of new

systems to meet the specific needs of a Service must have prior written express approval of the Director of Finance before being implemented.

- 5.2 Senior Officers and key partners must ensure that officers understand and are competent to undertake their financial responsibilities and receive relevant financial training that has been approved by the Director of Finance
- 5.3 Senior Officers and key partners are responsible for the proper operation of financial processes in their own departments and must ensure that all financial, costing, and other statistical information is recorded fully and accurately.
- 5.4 Senior Officers and key partners must ensure that financial documents are retained in accordance with the Council's approved retention schedule.
- 5.5 As far as practicable, Senior Officers must make arrangements for the separation of duties between the carrying out of transactions and the examining and checking of transactions.
- 5.6 Any departure from using corporate accounting and financial systems must be approved and justified on cost/service grounds to the Director of Finance before the commitment to change is agreed.
- 5.7 Authorised Senior Officers together with key partners must ensure that, when appropriate, computer based, and other systems are registered in accordance with Data Protection Legislation and that staff are aware of and fulfil their responsibilities under freedom of information legislation.
- 5.8 Grant claims, financial returns and submissions must be completed by the relevant Senior Officers and/or appropriate Finance Officers and authorised by the Director of Finance or their designated representative prior to submission to a Government Department or other external agency.
- 5.9 Where there is a requirement for the certification by the Chief Internal Auditor, Director of Finance or the Chief Executive, of grant related expenditure incurred by the Council, this should be obtained by the Service in advance of the submission of the certified grant claim.
- 5.10 Any proposals to use leasing to finance any expenditure within the Council, excluding schools' budgets, should be subject to review by the Director of Finance or their representative to ensure the financial implications receive appropriate consideration.

## **6. INTERNAL AUDIT AND COUNTER FRAUD**

### **Responsibility & Authority**

- 6.1 Under the Accounts and Audit (Amendment) Regulations 2022 the Director of Finance must arrange and direct a continuous Internal Audit, which is an independent review of the accounting, financial and other operations of the

Council. The Public Sector Internal Audit Standards (PSIAS) (“Standards”) came into effect on 1 April 2013, replacing the 2006 Code of Conduct, and was then revised in 2017. The Standards are mandatory for all central government departments, local government and agencies and have been developed based in global and national best practice. They are intended to promote professionalism, quality, consistency and effectiveness of Internal Audit across the public sector and for local authorities, are supported by CIPFA. Therefore, the scope, objectives and operation of Internal Audit in Oldham is that recommended by CIPFA and set out in the Standards.

- 6.2 The Chief Internal Auditor (the Head of Internal Audit and Counter Fraud performs that role for Oldham Council), or role(s) designate will report directly to the Chief Executive and the Chair of the Audit Committee in any circumstance where the functions and responsibilities of the Director of Finance are being reviewed. The Standards note that a professional, independent and objective internal audit service is one of the key elements of good governance, as recognised throughout the UK public sector. The Chief Internal Auditor, in accordance with the PSIAS, will provide an Annual Opinion on the overall internal control environment of the Council to the Audit Committee.
- 6.3 Internal Audit and Counter Fraud Staff have the authority to:
- (a) enter at all times any Council premises or land or location from which Council services are provided;
  - (b) have access to all property, records, documents and correspondence relating to all activities of the Council;
  - (c) require and receive explanations concerning any matter; and
  - (d) require any employee of the Council, without prior notice, to produce cash, stores or any other property for which they are responsible.

### **Reporting**

- 6.4 The Director of Finance must report upon:
- (a) the risks inherent in and associated with the operational/service processes and information technology;
  - (b) the soundness, adequacy and application of the financial and other management controls and systems within each Service;
  - (c) the extent of compliance with, and the financial effects of, established policies, plans and procedures;
  - (d) the extent to which the organisation's assets and interests are accounted for and safeguarded from losses of all kinds arising from fraud, other offences, waste, extravagance and inefficient administration, poor value for money and other cause;

- (e) the suitability, accuracy and reliability of financial and other management data within the organisation; and
  - (f) value for money aspects of service provision.
- 6.5 In respect of any Internal Audit and Counter Fraud report or communication issued, the Senior Officer, and/or their nominated deputy, must reply within 3 weeks indicating the action proposed or taken, by whom and including target dates. Where a draft report is issued for initial comments a reply must be made within 2 weeks of issue.
- 6.6 Authorised Senior Officers responsible for an area of service provision / financial or other management system which is the subject of Internal Audit recommendations, must respond to Internal Audit and Counter Fraud requests for progress and status updates against previously agreed Internal Audit recommendations. This requirement exists until all recommendations are actioned satisfactorily.
- 6.7 The Chief Internal Auditor will report to the Audit Committee on a cyclical basis about the findings of Internal Audit and Counter Fraud, the progress on issues in the Directorate Risk Register and Assurance Statements in each of the Directorates. The Chief Internal Auditor will report the Annual Report and Opinion on the System of Internal Control for the year ended 31<sup>st</sup> March (year, as relevant) to the Audit Committee.

### **Investigations and Suspected Fraud or Corruption**

- 6.8 The Chief Internal Auditor is responsible for the provision of an appropriate Counter Fraud service to minimise fraud risks and to investigate potential fraud and corruption. The Counter Fraud service at Oldham Council operates as recommended by CIPFA. The Cabinet Office also provide guidance on professional Counter Fraud standards across the public sector, and such guidance is followed in Counter Fraud activities undertaken by Oldham Council.
- 6.9 The Director of Finance is responsible for the development and maintenance of the Counter Fraud suite of strategies and for directing the Council's efforts in fraud investigation. The Director of Legal Services supported by the Chief Internal Auditor is responsible for the development of the Whistleblowing Policy and the Chief Internal Auditor is responsible for the assessment of Whistleblowing disclosures against the Public Interests Disclosure Act 1998 and reporting disclosures to the Monitoring Officer.
- 6.10 Authorised Senior Officers must ensure that all Members and employees are:
- a) aware of the Council's Anti-Fraud and Anti-Corruption Strategy;
  - b) aware of the Whistleblowing Policy;

- c) operating in a way that maximises internal check against inappropriate behaviour; and
- d) able to undertake the on-line training package on preventing fraud supported by the Council.

- 6.11 It is the duty of any officer who suspects or becomes aware of any matter which may involve loss or irregularity concerning cash, stores or other property of the Council or any suspected financial irregularity in the operations or exercise of the functions of the Council to immediately advise their Head of Service/Senior Officer. The Head of Service/Senior Officer concerned must immediately notify the Director of Finance who may take action by way of investigation and report.
- 6.12 Where, following investigation, the Director of Finance considers that there are reasonable grounds for suspecting that a loss has occurred as a result of misappropriation, irregular expenditure or fraud, consultations will be held with the Head of Service/Senior Officer on the relevant courses of action, including the possibility of police involvement and the invoking of any internal disciplinary procedure in accordance with the relevant conditions of service.
- 6.13 Where there are sufficient grounds to believe that a criminal act may have been committed and it is agreed to refer the matter to the Police for investigation, this should be recorded on a central log of “matters referred to the Police” maintained by Internal Audit and Counter Fraud.
- 6.14 The Chief Internal Auditor shall on an annual basis maintain and update the Fraud and Loss Risk Assessment of the Council.

## **7. INSURANCE**

- 7.1 The Director of Finance, in consultation with Senior Officers is responsible for assessing insurable risks and for arranging all insurance cover, including the management and control of the insurance fund. He/she will control all claims and maintain records of them.
- 7.2 Senior Officers and specifically managers of key Regeneration Projects must promptly notify the Director of Finance in writing of all new risks or assets to be insured and of any alterations affecting existing insurances. All insurances held must be reviewed on an annual basis.
- 7.3 In the event of any insurance claim or occurrence Senior Officers must:
- (a) not admit liability where this may prejudice the outcome of any settlement;
  - (b) promptly notify the Insurance Portfolio Manager in writing, of any loss, liability, damage or any event likely to lead to a claim; and

(c) inform the Police in the case of loss or malicious damage to Council property.

7.4 Senior Officers must consult the Director of Finance and the Director of Legal Services as to the terms of any indemnity the Council is required to give.

7.5 The Director of Finance will determine the extent of insurance cover in line with Contract Procedure Rules which must be provided for in any external contract for the supply of goods, works or services. The Director of Finance/Assistant Director of Finance, in consultation with the Senior Officer,, may reduce the cover requirements in respect of specific contracts.

## **8. ASSETS**

8.1 Senior Officers are responsible for the care and custody of all current and fixed assets of the relevant service (including stocks, stores, inventory items and all other items used for the Council's purposes, including property). These items must only be used for the authorised purposes of the Council. Assets must be recorded in Oldham Council's Asset Register, in accordance with the CIPFA Code of Practice.

8.2 Senior Officers must ensure that contingency plans exist for the security of assets and the continuity of service in the event of any disaster, significant event, or system failure. Whilst the Council's Emergency Plan, Business Continuity Plans and its Disaster Recovery Plan for Information Systems are the main devices to be used and followed by Authorised Senior Officers, they are not exhaustive, and should be added to or improved upon by them when necessary.

### **Disposal of Assets**

8.3 Surplus or obsolete goods, materials and inventory items are to be disposed of by agreed transfer to another Service, a Community Asset Transfer, competitive sale or public auction in accordance with both Contract Procedure Rules and the Land and Property Protocols, except when the Cabinet instructs otherwise. Where appropriate, the Council's Asset Register should be amended accordingly.

8.4 Leased items should only be disposed of in accordance with the instructions of the lessor.

### **Stores**

8.5 Senior Officers must keep records of all stock items in excess of £100 held and certify the value for accounting purpose at 31 March of each year. The Director of Finance will determine which items will be subject to stock accounting, the methods of recording and valuation.

8.6 Senior Officers must arrange periodical or continuous checks of stock. This should be by persons independent of the management of the stock. These

arrangements must ensure that all items of stock are checked at least once per year. The Director of Finance will be notified of any discrepancies revealed by periodic checks and is authorised to amend records accordingly.

- 8.7 Stock holdings should be kept at minimum levels consistent with normal working practices

### **Inventories**

- 8.8 Senior Officer are responsible for ensuring that detailed inventories of all land, buildings, equipment, furniture, fittings, vehicles, plant and machinery are compiled and kept up to date. New inventory items must be entered promptly, and redundant items deleted and disposed of in accordance with Financial Procedure Rule 8.3. The form of inventory and the type of assets recorded thereon will be determined by the Director of Finance after consultation with the appropriate Senior Officer.

- 8.9 The inventory should include:

- (a) the nature, type, model, serial number, location, quantity, value, date of acquisition;
- (b) all items of, or collection of similar items valued at, more than £100;
- (c) items of a lesser value which are portable and attractive; and
- (d) evidence to indicate an annual inspection has been carried out.

- 8.10 When Council assets are loaned to employees, other Council services or other organisations, the Senior Officer must record the reason for the loan, date/periods and name of the receiver.

- 8.11 Inventory items must be security marked, stamped or engraved with the Council's name.

- 8.12 Each Senior Officer is responsible for ensuring that an annual check is made of all items on the inventory and must notify the Director of Finance of any discrepancies revealed by these checks.

### **Asset Register**

- 8.13 The Director of Finance must ensure that an Asset Register in accordance with agreed auditing standards is maintained. This will include all land and property

- 8.14 Each Senior Officer must immediately notify the Director of Finance of the acquisition of any asset having a value of £10,000 or more.

- 8.15 Each Senior Officer must immediately notify the Director of Finance of the disposal (or transfer to another Service) of any asset (or part of any asset) which is included on the Asset Register.
- 8.16 In respect of any item acquired by lease the inventory must be marked with the name of the leasing company and the date of expiry of the lease agreement. When requested by the leasing company the item must be suitably marked as the property of that company.

### **Land and Property Assets**

- 8.17 The Executive Director, Place and Economic Growth must ensure that the detailed record of all land and property owned by the Council is included in the Councils Asset Register.
- 8.18 The Director of Legal Services is responsible for the security and custody of all title deeds and must maintain a suitable register.
- 8.19 The disposal of land and property is dealt with additionally in Contract Procedure Rules and through the Land and Property Protocol.

## **9. SECURITY**

### **Security of Assets**

- 9.1 All staff are responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash and any other assets for which they are responsible. The Director of Finance must be consulted to establish adequate security arrangements.
- 9.2 All keys to safes and other places containing money, goods or other valuables are to be the responsibility of specified officers who must retain possession of such keys at all times. A register of keys and their holders must be maintained by each Senior Officer. The loss of any key must be reported immediately to the Senior Officer who must record details of the circumstances of the loss, and take such action as is necessary to protect the property of the Council.
- 9.3 Maximum limits for cash holdings in each separate establishment are to be agreed with the Director of Finance and must not be exceeded without permission.

### **Security of Information**

- 9.4 All staff must maintain proper security, privacy and use of information held in computers and all other recording systems under their control. Senior Officers must ensure that:
- (a) all employees are aware of and comply with the Council's Information Security and Information Management policies;

- (b) all sensitive information is protected from unauthorised disclosure;
- (c) the accuracy and completeness of information and software is safeguarded;
- (d) software and other intellectual property is used only in accordance with licensing agreements;
- (e) Data Protection legislation is complied with;
- (f) the Freedom of Information Act and Environmental Information Regulations are complied with;
- (g) proper controls to system and physical access are in place;
- (h) the Councils intellectual property rights are protected; and
- (i) data taken off site by staff has the appropriate security such as encryption in place to protect the data should it be lost.

#### **Security of Property Relating to Clients and Customers**

- 9.5 Senior Officers must provide detailed written instructions on the collection, custody, investment, recording, safekeeping and secure disposal of customer/clients' property (including instructions on the disposal of property of deceased clients) for all staff whose duty is to administer, in any way, the property of clients. Due care should be exercised in the management of a customer or clients' money in order to maximise the benefits to the customer/client.
- 9.6 The Council is responsible for taking reasonable care of all items of property found by staff or members of the public on Council premises until the items are reclaimed or disposed of. Each Senior Officer must nominate officers who are responsible for the custody of lost property and keep a register of such property received, detailing the item, date, time, name and address of finder and how and to whom the property is returned or disposed of.
- 9.7 The Information Management Team must be informed of any loss for which the Council is the data controller, in line with the Security Incident Management policy.
- 9.8 Senior Officers may seek Cabinet authority on how lost property will be dealt with. Otherwise, if the lost property is not claimed within three months it vests in the Council. The Head of Service will then determine if the item is of value for use by the Council and arrange for its use for this purpose. All other items are to be disposed of by sale in accordance with Contract Procedure Rules.

## **Security Passes**

- 9.9 All staff who are located in offices are responsible for accessing the building in accordance with management instruction. This will include keeping their staff security badges secure and reporting any loss promptly to their line manager.

## **10. TREASURY MANAGEMENT**

### **Policies and Strategies**

- 10.1 The Council has adopted requirements of the Ministry of Housing, Communities and Local Government (MHCLG), now the Department of Levelling Up, Housing and Communities [DLUHC] Investment Guidance, the MHCLG Minimum Revenue Provision Guidance, the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code and the CIPFA Treasury Management Code.
- 10.2 The Council is responsible for adopting:
- (a) A treasury management policy statement, setting out the policies and objectives of its treasury management activities, and treasury management practices, setting out how those policies and objectives will be achieved and how treasury management will be managed and controlled;
  - (b) An Annual Investment Strategy, determining the type and level of investments to be entered into over the coming year together with a policy on risk management and a creditworthiness policy, and the level of investment in specified and non-specified investments;
  - (c) The Minimum Revenue Provision policy (in line with Government Guidance) and the Borrowing Strategy.
- 10.3 The Director of Finance will prepare a report before each financial year recommending a treasury management strategy and investment plan, and subsequently an annual report after the end of the year. In addition, there will be a treasury management update at the end of quarters 1, 2 and 3 including performance in relation to prudential indicators. Each of these reports must be considered by Cabinet where there will be a recommendation to Council where there will be final approval.
- 10.4 The Audit Committee is responsible for the review of treasury management policies, procedures and practices and reviewing all treasury management reports (including reports presented to Cabinet and Council). The relevant Scrutiny Board will also undertake scrutiny of the Annual Treasury Management Strategy Report as part of its budget scrutiny function.
- 10.5 The Director of Finance is responsible for the execution and administration of treasury management decisions in accordance with the policy statement and

agreed practices as set out at in the Treasury Management Strategy Statement report presented to Budget Council.

### **Administration**

- 10.6 All money under the management of the Council is to be aggregated for the purposes of treasury management and will be controlled by the Director of Finance.
- 10.7 Investments other than bearer securities are to be in the name of the Council or nominee approved by the Cabinet. All borrowings are to be in the name of the Council.
- 10.8 The Director of Finance will select the Council's Registrar of stocks, bonds and mortgages and must maintain records of all borrowings by the Council.
- 10.9 A suitable register must be maintained in respect of all investments, securities, bearer securities and borrowings.
- 10.10 The Director of Finance will arrange all loans. The Director of Finance is to be informed of all leases entered into by Senior Officers.

### **Trust Funds**

- 10.11 All trust funds are to be, wherever possible, in the name of the Council. Officers acting as trustees by virtue of their official position must deposit all documents of title relating to the trust with the Director of Legal Services (unless the Trust Deed otherwise directs) who must maintain a register of all such documents deposited.

## **11. BANKING ARRANGEMENTS, CHEQUE SIGNING AND IMPREST ACCOUNTS**

### **Banking Arrangements**

- 11.1 All of the Council's banking arrangements are to be approved by the Director of Finance, who is authorised to operate such bank accounts as he or she considers appropriate.
- 11.2 Bank accounts must not be opened without the approval of the Director of Finance. Where a bank account is opened, the account name must describe the purpose of the account. All new accounts should be named in the format Oldham MBC, XYZ Account.

### **Cheques and Electronic Payments**

- 11.3 Payments to suppliers and employees will all be made by electronic means unless there is specific agreement with the Director of Finance to use another method.

- 11.4 All cheques are to be ordered only in accordance with arrangements approved by the Director of Finance, who is to ensure their safe custody. Cheques drawn on the Council's main bank accounts must either bear the facsimile signature of the Director of Finance and or be signed in manuscript by him/her or other authorised officers. All alterations and amendments are to be signed in manuscript by the Director of Finance, or other authorised officers.
- 11.5 Banking arrangements made for authorisation of payments to be made or received under electronic transfer are to be in a form approved by the Director of Finance.
- 11.6 There will only be cash advances made in relation to money for clients associated with care or specific exemptions agreed by the Director of Finance.

### **Imprest Accounts**

- 11.7 Senior Officers will determine what amount is appropriate for an individual imprest subject to any limit set by the Director of Finance, and keep a record of every imprest issued, including the name of the imprest holder, amount and location.
- 11.8 Any imprest holder (or sub imprest) must at any time account for the total imprest if requested to do so by the Director of Finance and keep adequate records in a form approved by the Director of Finance and supported by valid (VAT) receipts. On ceasing to be responsible for an imprest account the officer must account promptly to the Senior Officer for the amount advanced.
- 11.9 Payments from imprest accounts are to be limited to minor items of expenditure and to any other items approved by the Director of Finance.
- 11.10 Where deemed appropriate by an imprest account holder a sub-imprest may be provided to another officer for which the main imprest account holder must obtain and retain an acknowledgement. In all cases where this occurs the main imprest holder must notify the Senior Officer.

## **12. INCOME**

- 12.1 The Revenue Budget report presented to the relevant Scrutiny Board for scrutiny prior to the start of each financial year will include proposals for fees and charges, including any amendments, for the forthcoming financial year. This will be prepared by the Director of Finance in consultation with Heads of Service/Directors. After comments from the Scrutiny Board, the final approval of fees and charges will align with the budget process, with a report to Cabinet with a recommendation to Council. Any amendments in year should be reported to Cabinet for approval.
- 12.2 The methods of collecting, recording and banking of all income due to the Council are to be approved by the Director of Finance.

- 12.3 The Director of Finance must be notified, in accordance with practices agreed with the relevant Senior Officer, of all income due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council.
- 12.4 Senior Officers must ensure that to the maximum extent possible income is collected by electronic means.

### **Collection and Banking of Income**

- 12.5 Senior Officers must make appropriate arrangements for the control and issue of all receipt forms, books, tickets, ticket machines or other acknowledgements for money.
- 12.6 All income received by the Council must be acknowledged by the issue of an official receipt or by another approved method indicating payment has been received.
- 12.7 All money received by an officer on behalf of the Council must be paid to the Council's bank account as the Director of Finance may determine, at regular intervals taking account of the security of the premises. No deductions are to be made from such monies unless specifically authorised by the Director of Finance. Personal cheques must not be cashed out of monies held on behalf of the Council. Refunds must be made through the payments system.
- 12.8 Arrangements for opening incoming mail must ensure that any money so received is immediately recorded.
- 12.9 Every transfer of official money from one officer to another must be evidenced in the records of the services concerned by the signature of the receiving officer.
- 2.10 All requests to collect income using card machines require the approval of the Director of Finance. The Service requesting the card machines shall fund, from their own budgets, any expenditure required so the process is compliant where practicable with the Payment Card Industry Data Security Standard (PCI DSS).

### **Discrepancies in accounting records**

- 12.11 Each Senior Officer must maintain a detailed record of all discrepancies in records including cash surpluses and deficiencies in a manner approved by the Director of Finance, and these must be recorded in the Council's accounts.
- 12.12 The Senior Officer must investigate any apparent patterns of discrepancies.
- 12.13 Where such discrepancies are in excess of £100 individually, or in total within any period of 1 month, the Senior Officer concerned must immediately investigate and notify the Director of Finance who may undertake such investigations as he/she deems appropriate.

## **Debtors**

- 12.14 Wherever possible, payment should be obtained in advance or at the time of provision of a service, goods, letting or works.
- 12.15 Where credit is given, Senior Officers must ensure that the credit status of each customer is satisfactory. Senior Officers are responsible for arranging for staff to raise debtor accounts using the financial ledger approved by the Director of Finance immediately a debt falls due. Each Head of Service, in conjunction with the Director of Finance must maintain adequate records to ensure that all credit income due to the Council is promptly recovered. Where services are proposed through the year's accounts, they should be raised on a monthly basis to the body in receipt of the service.
- 12.16 Authorised Senior Officers must each identify employees authorised to act on their behalf, or on behalf of the Cabinet, in respect of: income collection, together with the limits of each person's authority.

## **Debts including Council Tax, Business Rates, Sundry Debt, Housing Benefit Payments**

- 12.17 The Assistant Director responsible for managing the collection of Council Tax, Business Rates, Sundry Debt (including debt relating to the corporate estate and Adult Social Care) and Housing Benefit Overpayments shall regularly review the level of debts due from these activities and ensure, in conjunction with the service that has raised the debt and the Director of Finance, that there is an adequate level of provisions required for bad and doubtful debts. Authorisation of write off for individual debts will be agreed with the service that has raised the debt and action taken as follows:
- a) individual debts less than £100 by officers within the Accounts Receivable Service following consultation with the debt raising service. At the end of each quarter of the financial year, the Assistant Director shall submit a report to the Director of Finance detailing these write offs;
  - b) individual debts up to £5,000 by the Assistant Director following consultation with the debt raising service . At the end of each quarter of the financial year, the Assistant Director shall submit a report to the Director of Finance detailing these write offs;
  - c) individual debts up to £10,000 by the Director of Finance.
  - d) individual debts up to £30,000 by the Director of Finance in conjunction with the Cabinet Member with responsibility for Finance;
  - d) individual debts over £30,000 by Cabinet.
- 12.18 For debts other than those covered in 12.17 above, the authorisation limits for individual sundry debts are as follows:

- a) individual debts up to £10,000 by the relevant Authorised Senior Officer in conjunction with the Director of Finance;
  - b) individual debts over £10,000 by Cabinet; and
  - c) relevant Authorised Senior Officers should review the requirement for write off on a quarterly basis and provide that information to the Director of Finance
- 12.19 As part of the closure of the final accounts the Director of Finance shall undertake a detailed review of the outstanding debts owed to the Council and write off amounts that the Director deems irrecoverable prior to the draft annual accounts being submitted to the Audit Committee for approval. The individual debts written off as part of this process shall be reported to the Cabinet Member with responsibility for Finance.
- 12.20 The 'writing off' of a debt does not absolve a Senior Officer or a Service of the responsibility to collect such debts, and the position in relation to such debtors is to be monitored by the Senior Officers.
- 12.21 Where the Director of Finance considers that individual services have not raised debtors accounts in a prompt manner the officer may calculate the interest lost to the Council and charge this amount to the service budget.
- 12.22 On an annual basis (and more frequently if required) Senior Officers will review the level of debtors' accounts in their particular area which remain unpaid. This will be discussed with the Director of Finance and/or their representative and provision made for any amounts which require a bad debt provision at the end of the financial year.
- 12.23 The amount of income to be credited in respect of sundry debts to individual Directorate accounts shall be determined by the Director of Finance with a clear reference to the actual cash amount received by the Council.

### **13. ORDERING AND PAYING FOR WORK, GOODS AND SERVICES**

#### **General**

- 13.1 Every Officer and Member of the Council has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the authority, in accordance with appropriate codes of conduct. These interests should be registered with the Director of Legal Services as per the Council's agreed procedures.
- 13.2 Public money must be spent with demonstrable probity and in accordance with the Council's policies, including ensuring suppliers' compliance with taxation in accordance with resolutions of Council. Where appropriate a valid purchasing order shall be raised Local Authorities have a statutory duty to

achieve best value in part through economy and efficiency and the Council's procedures (Contract Procedure Rules, Scheme of Delegation, Financial Procedure Rules and in accordance with Procurement Policy and Practice) must be followed to help Directorates obtain value for money from their procurement arrangements.

- 13.3 Whilst Contract Procedure Rules have a threshold for written competitive quotations, it is nevertheless an obligation on officers to be able to show that they have received value for money at much lower levels than the formal requirement of these rules.
- 13.4 Where the Council has corporately negotiated contracts for goods, services or works, Directorates shall normally use these contracts for such supplies. Information on these contracts can be obtained from the Corporate Procurement Section. Where the Council is also the supplier of a service, officers ordering shall always give the in-house provider the opportunity to quote for the supply.
- 13.5 Senior Officers must ensure that all valid invoices are paid as a minimum within 30 days of receipt. Suppliers should be encouraged to participate in the early discount scheme of the Council and that invoices are submitted in a timely manner to maximise the amount of early payment. In payment of invoices all officers should comply with the detailed guidance issued by the Director of Finance. This includes an analysis where appropriate that a supplier is financially robust to receive all payments via the early payments scheme.
- 13.6 The Director of Finance will determine the method and frequency of payment from one of the Council's main bank accounts, except for: -
- a) petty cash and other imprest accounts
  - b) delegated bank accounts approved by the Director of Finance

### **Raising orders**

- 13.7 All orders for goods, services and works shall be made using the Council's agreed procurement system, A1/Agresso. Unless agreed by the Director of Finance as an agreed exception, orders should be issued in advance of the receipt of the service and invoice.
- 13.8 Each Authorised Senior Officer's own Scheme of Delegation must identify employees authorised to act on their behalf, or on behalf of the Cabinet, in respect of payments and orders, together with the limits of each person's authority.
- 13.9 Senior Officers must approve a schedule of Council officers authorised to raise requisitions, undertake approvals up to order and invoice stages and to supply their names, job titles and authorised approval levels to the Director of Finance. The schedule must be reviewed at least once per year.

- 13.10 By approving a requisition the approving officer indicates that satisfactory checks have been carried out to ensure that:
- (a) the authoriser of the order should be satisfied that the goods and services ordered are appropriate and necessary;
  - (b) the order value indicates that prices, extensions, calculations, discounts, other allowances and all relevant taxes are correct;
  - (c) payment will be processed via a proper tax invoice;
  - (d) the proposed expenditure will be properly incurred, is within budget, and has been charged to the appropriate budget;
  - (e) entries will be made in asset registers, inventories, stores and other records as appropriate;
  - (f) the order has not been processed previously;
  - (g) the commitment is a proper liability of the Council.

There should be adequate controls to agree invoice values to contracts or non A1/Agresso orders where a dispensation has been received for not using A1/Agresso ordering as detailed in section 13.7. The supplier's sales invoice reference should be recorded in spreadsheet format by the budget holder's department to allow the tracing of invoices input to A1/Agresso in the absence of an A1/Agresso purchase order reference.

- 13.11 The correct receipt of goods shall be acknowledged by recording the details on A1/Agresso or the signature of an appropriate officer who checks for quantity and quality to the details set out on the delivery note to validate the receipt of goods or services. This should not be the same officer who has approved the order.
- 13.12 Signed delivery notes shall be matched and checked to the appropriate electronic order and retained as a record of receipt of the delivery.
- 13.13 System procedures must be followed for the treatment of part or incorrect deliveries and the system updated appropriately.
- 13.14 Goods shall be held with appropriate security and entered into stores or an inventory, if appropriate (see section 8). Permanent valuable items shall be marked as the property of Oldham Metropolitan Borough Council. This does not apply to equipment leased by the Council, which shall be marked to indicate the equipment is leased in such a way as not to deface the equipment.

### **Paying invoices**

- 13.15 Payments shall only be made in respect of goods or services properly received on receipt of an official invoice from the supplier. The invoice must contain, if

appropriate, the company registration and VAT numbers and valid Purchase Order number. Failure to quote an order number will not allow the Council system to match with the original purchase order and as a result the invoice will be returned to the sender for the inclusion of this data.

- 13.16 Invoices will be received and processed by the Accounts Payable Team, who will electronically scan the invoices, which will be matched by the system to the relevant order and goods/services received record and passed for payment if within system tolerances.
- 13.17 An exception to this matching process relates to non-order invoices input under the dispensation rule detailed in 13.7 above where the budget holder effectively gives retrospective order approval after an invoice has been input.
- 13.18 Authorised Senior Officers are responsible for ensuring that undisputed invoices are processed for payment within a maximum of 30 days from receipt of the invoice.

#### **Advance Payments**

- 13.19 Where a supplier or contractor requires payment prior to the despatch of goods or the provision of services for a new service, an official order signed by a duly authorised officer and clearly marked that payment is to be made before receipt of the goods or services must be completed. A pro forma invoice or supplier's order form detailing fully the goods/service to be obtained must be approved by an officer authorised to certify invoices and retained as a record of the payment made.
- 13.20 Where a supplier or contractor of a supply/ works has already been agreed under a tender/ contract process, then a payment can only be agreed following the submission of a mod.gov report setting out the rationale for agreeing the payment.

#### **Transparency Agenda**

- 13.21 As a part of Transparency Agenda the Council shall publish all individual transaction for expenditure in excess of £500 within statutory deadlines.

### **14. PAYMENT CARDS**

- 14.1 All arrangements regarding payment and procurement cards must be approved by the Director of Finance.
- 14.2 Senior Officers in conjunction with Director of Finance will determine the credit limit for individual payment and procurement cards.
- 14.3 Each cardholder will ensure safe custody of the card and not exceed their monthly limit.

- 14.4 Cards may be used only in accordance with the approved scheme and for legitimate expenses incurred by the cardholder in the course of official Council business.

They must not be used:

- (a) to circumvent the procedures for the ordering of and payment for, goods and services under these regulations; or
  - (b) to purchase items for the private or personal use of cardholders.
- 14.5 Each cardholder must ensure that all expenditure incurred is supported by adequate records and in respect of payment cards, a VAT receipt is obtained to support all expenditure.

## **15. SALARIES, WAGES AND PENSIONS**

- 15.1 All payments of salaries, wages, pensions, compensations, gratuities, allowances and other emoluments to current or former employees and Members are to be made by the Councils Payroll Service or an agreed payroll provider (in relation to schools) in accordance with information supplied by the Senior Officer. All payroll transactions must be processed through the Council's payroll system. This will include all Members and Officers expenses which are to be paid in arrears by payroll.
- 15.2 Senior Officers must ensure that appointments of all employees and agency staff are in accordance with the appropriate Conditions of Service of the Council or any approved scheme of delegation, and are within the approved budgets, grades and rates of pay. Any variations of terms and conditions must be in accordance with arrangements approved by the Assistant Chief Executive.

### **Records**

- 15.3 Senior Officers must maintain adequate records to notify the Payroll Service of all appointments, resignations, dismissals, and retirements together with changes in pay rates, bonuses due, overtime worked and other matters affecting remuneration, and provide all information to ensure that the correct adjustments are made in respect of absences, pensions, income tax, national insurance, sickness and maternity pay and any other additions, to or deductions from pay. Senior Officers must also advise the Payroll Service of any employee benefit in kind to enable reporting for taxation purposes.
- 15.4 Time records and other pay documents must be maintained in a manner approved by the HR Transactional, Payroll and Pensions Operations Manager and be certified by the relevant Senior Officers or other authorised officers. A record of all authorised officers must be maintained together with specimen signatures, a copy of which will be sent to the Payroll Service.

- 15.5 Access to Payroll Data shall be made available to authorised Council representatives by all audit providers to the Council.

### **Overpayments**

- 15.6 The Director of Finance is authorised to write-off any net overpayment of salary/wage where death-in-service of an employee occurs, except where the Council holds a statutory obligation to recover such overpayments. All other overpayments of pay must be treated for the purposes of recovery and write off in accordance with Financial Procedure Rule 12.

## **16. TRAVEL, SUBSISTENCE AND OTHER ALLOWANCES**

- 16.1 Payment of all claims is to be made via payroll or under other arrangements approved by the Director of Finance and must be in accordance with Schemes of Conditions of Service adopted in respect of the employee to which the payment relates.
- 16.2 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses, must be made by the payroll system. The on-line system provides for certification by the Senior Officers or authorised officer under individual schemes of delegation for Authorised Senior Officers.
- 16.3 The certification of a claim by or on behalf of a Senior Officer is taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council. Expense claims which relate to a period more than 6 months before the date of submission will not be paid, except in special circumstances agreed by the Director of Finance.
- 16.4 Where air travel is required for business purposes, all such flights should be authorised in advance by the relevant Authorised Senior Officer.

## **17. TAXATION**

- 17.1 The Director of Finance is responsible for advising the Council / Authorised Senior Officers on all taxation issues that affect the Council.
- 17.2 Each Senior Officer must ensure taxation is treated correctly and consult with the Director of Finance in the event of any uncertainty as to any taxation treatment (this includes compliance with IR35 regulations where interim staff are engaged). Should an error in taxation occur due to the failure of a Head of Service to follow an appropriate procedure then there shall be a charge against that Services budget.
- 17.3 The Director of Finance will maintain the Council's tax records, make all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate, as well as lead and co-ordinate discussion or negotiations with His Majesty's Revenue and Customs about any taxation matter.

## **18. GIFTS AND HOSPITALITY**

- 18.1 A separate Code of Conduct is available which sets out how officers and members should deal with issues such as receipt of personal gifts and offers of hospitality. All officers and members need to be aware of the requirements of the Code and ensure they are followed. All gifts and offers of hospitality over £25 need to be registered with the Director of Legal Services.

## **19. UNOFFICIAL AND VOLUNTARY FUNDS**

- 19.1 These regulations relate to funds administered by officers of the Council, the accounts of which are not included in the Authority's accounts.
- 19.2 Any proposed unofficial funds require the prior approval of the Senior Officer concerned who must maintain a record of all such funds and ensure that officers are appointed to administer each fund.
- 19.3 A separate bank account must be maintained for each fund (in the name of the fund) and fund monies must be kept separate from Council monies.
- 19.4 Senior Officers must ensure that they receive a copy of the accounts of each fund and a certificate in the prescribed form from the auditors or independent examiners of each fund that has to be audited or independently examined. Such accounts are to be prepared annually, and at the completion of the purpose for which the fund was set up.
- 19.5 The Director of Finance is to have access to any records relating to such funds and be immediately informed of any irregularities which arise in connection with them.

## **20. FINANCIAL CONTROL OF WHOLLY OWNED COMPANIES, PARTNERSHIPS, JOINT VENTURES, ASSOCIATED ORGANISATIONS AND SIMILAR ARRANGEMENTS**

### **Working in Partnership with Associated Organisations**

- 20.1 The Director of Finance is responsible for oversight of standards of financial administration in wholly owned companies and partnerships that apply throughout the Council, or advising the Cabinet/ Audit Committee or Scrutiny Board where he/she is aware that arrangements within a partnership are in conflict or are unclear compared with the practices adopted by the Council.
- 20.2 The Director of Finance must ensure that the accounting arrangements to be adopted relating to wholly owned companies, partnerships and joint ventures are satisfactory, and must:
- (a) consider the overall corporate governance arrangements and legal issues when arranging contracts with the wholly owned company/partner/joint venture or associated organisation;

- (b) ensure that the risks have been fully appraised before agreements are entered into with the wholly owned company/partner/joint venture or associated organisation;
- (c) approve the appointment of the external auditor;
- (d) arrange for the accounts to be prepared by an appropriate professional;
- (e) agree the financial ledger to be used by the organisation.
- (f) Approve the Scrutiny arrangements for grant programmes in line with Central Government guidance including compliance with government procurement requirements.

20.3 Senior Officers must ensure that in all grant agreements, contribution to partnerships and where appropriate in agreed contracts for the supply of works, goods and services, the Director of Finance has access to the accounts, records and all other documentation, and is entitled to seek explanations from Officers of the funded organisation regarding the deployment of the Council's funding payment.

#### **Working for Other Organisations**

20.4 Senior Officers are responsible for ensuring that approval is obtained from the Director of Finance and Director of Legal Services before any negotiations commence in relation to the provision of works or services to other organisations expected to exceed £10,000.

20.5 The Cabinet is responsible for approving the contractual arrangements for any work for other organisations expected to exceed £100,000. The Director of Finance may agree contractual arrangements below this level.

20.6 Senior Officers must ensure that any proposed arrangement to work for other organisations does not impact adversely upon the Services provided to or by the Council. All agreements, contracts or arrangements must be properly documented, and appropriate information must be provided to the Director of Finance to enable a note to be entered into the Council Statement of Accounts concerning material items.

#### **Grants and Loans to Other Organisations**

20.7 Where a Senior Officers proposes to offer a loan to any organisation in excess of £10,000, he/she may do so only following:

- (a) a full financial appraisal of the organisation to which the loan is to be granted, by the Director of Finance;
- (b) a full financial appraisal of the project to which the loan relates, by the Director of Finance;

- (c) the execution of a legal agreement approved by the Director of Legal Services;
  - (d) if it is in accordance with the agreed Council procedures on loans to third party organisations;
  - (e) there is clear evidence that the offering of the loan demonstrates the delivery of Corporate Objectives.
- 20.8 Loans including those where the cumulative value exceed £400,000 as per the loans policy must be approved by Cabinet
- 20.9 Where a Senior Officers proposes to offer any grant in excess of £10,000, he/she may do so only:
- (a) where this accords wholly within the approved grants policy of the Council;
  - (b) following a full financial appraisal by the Director of Finance of the accounts of the organisation and an analysis of the necessity or otherwise of the funding proposal to be made and on the execution of a legal agreement approved by the Director of Legal Services; or
  - (c) in accordance with agreed Council procedure on grant support to third party organisations.
  - (d) there is clear evidence that the offering of the grant demonstrates the delivery of Corporate Objectives.
- 20.10 Grants in excess of £250,000 must be approved by Cabinet.

## **21. WORKFORCE**

- 21.1 The Head of Paid Service is responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration for a job.
- 21.2 Authorised Senior Officers are responsible for controlling total numbers in the workforce and its cost by:
- advising the Director of Finance on the budget necessary in any given year to cover the workforce levels previously approved by Authorised Senior Officers,
  - adjusting the workforce to levels that can be funded within approved budget provision, varying the numbers provided (though not the remuneration, or levels of remuneration for the specific categories of the

workforce) as necessary, within that constraint, in order to fulfil operational needs;

- using the proper use of appointment procedures;
- ensuring an establishment list which includes job titles, names and contact details is prepared and maintained for their Directorate.

## **22. MONEY LAUNDERING**

- 22.1 The legislation concerning money laundering impacts on local authorities. Potentially any member of staff could be caught by the money laundering provisions if they suspect money laundering and either become involved with it in some way and/or do nothing about it. The Council has therefore established an internal Anti-Money Laundering Policy and supporting Guidance Note designed to prevent the risk of the Council being involved in money laundering and to enable staff to report suspicions of money laundering activity to the Chief Internal Auditor (as the Council's nominated Money Laundering Reporting Officer).
- 22.2 All staff should have regard to the Council's Anti-Money Laundering Policy and supporting Guidance. A member of staff should, in line with the Policy and Guidance, report any transaction which involves the receipt of £10,000 or more of cash to the Council's Money Laundering Reporting Officer; notwithstanding such financial limit, and member of staff who has reasonable grounds to believe that money laundering is taking place (or is being attempted) in respect of a smaller amount of cash should report the matter to the Council's Money Laundering Reporting Officer.

## **APPENDIX 3**

### **PART 4 - ACCESS TO INFORMATION PROCEDURE RULES**

#### **1. SCOPE**

- 1.1 These Procedure Rules apply to all meetings of the Council, of Council Boards, Committees and Panels (as identified in Section 4 to Part 3 of this Constitution), of Overview and Scrutiny Committees (as identified in Section 5 to Part 3), and of the Cabinet and Committees and Boards of the Cabinet (as identified in Section 7 to Part 3) (together called meetings). These Procedure Rules also apply to individual Members and to Officers when taking decisions on an individual basis.
- 1.2 These Procedure Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

#### **2. RIGHTS TO ATTEND MEETINGS**

Members of the public may attend all meetings unless confidential or exempt information as defined in Procedure Rule 9 is to be considered and the meeting has resolved to exclude the public.

#### **3. NOTICE OF MEETING**

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Civic Centre, Oldham, and on the Council's website.

#### **4. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

- 4.1 The Council will make copies of the agenda and reports available for public inspection at the Civic Centre, Oldham and on the Council's website at least five clear days before the meeting unless the meeting is convened at shorter notice, in which case the agenda and reports will be available as soon as convened. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.

- 4.2 For all purposes of these Rules and the Constitution in general, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:
- a) “open to inspection”, shall include for these and all other purposes as being published on the website of the Council; and
  - b) to be published, posted or made available at offices of the Authority, shall include publication on the website of the Authority.

## **5. SUPPLY OF COPIES**

The Council will supply copies of the following documents to any person on payment of a charge for postage and any other costs:

- a) any agenda and reports which are open to public inspection;
- b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- c) if the Chief Executive thinks fit, copies of any other documents supplied to Councillors in connection with an item.

## **6. ACCESS TO AGENDA, MINUTES, DECISION RECORDS AND REPORTS**

6.1 The Council will make available copies of the following for six years:

- a) the minutes of a meeting excluding any part which discloses exempt or confidential information;
- b) records of decisions taken, together with reasons, for all decisions taken by the Cabinet, Cabinet Committees and Boards, and for key decisions taken by individual Cabinet Members and by Officers, excluding any part which would disclose exempt or confidential information;
- c) a summary of any proceedings of any meeting not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- d) the agenda for any meeting; and
- e) reports relating to any items which would not disclose confidential or exempt information.

6.2 The relevant Chief Officer or report author will make available copies of the background papers referenced in any report available to the public for a period of four years.

## **7. MATTERS TO BE CONSIDERED IN EVERY REPORT TO ALL MEETINGS AND TO INDIVIDUAL DECISION MAKERS**

7.1 Every report shall consider under separate headings the following matters:

1. Legal Implications
2. Financial Implications
3. Human Resource Implications
4. Co-operative Implications
5. Risk Assessments
6. IT Implications
7. Property Implications
8. Environmental and Health and Safety Implications

9. Procurement Implications
  10. Community cohesion, including crime and disorder implications in accordance with Section 17 of the Crime and Disorder Act 1998
  11. Equality Impact – including implications for Children and Young People
- 
- 7.2 The person compiling a report must also set out a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the author disclose any facts or matters on which the report or an important part of the report is based and which have been relied on to a material extent in preparing the report.
  - 7.3 The requirement to list background papers does not include published works, documents which would disclose exempt or confidential information (as defined in Procedure Rule 9) or, in respect of executive reports, the advice of a political advisor.
  - 7.4 Background papers must be available for public inspection and where the report relates to an executive decision the background papers must also be available on the Council's website
  - 7.5 If the person compiling the report is to recommend that the public be excluded from the meeting during consideration of the report and/or from having access to the report on the grounds that the report contains exempt information, the person must give a consideration to the balance of public interest when recommending confidentiality.
  - 7.6 Paragraph 7.1 does not apply to Planning Committee, Commons Registration Committee and Charitable Trust Committee meetings.

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## Further Proposed Revisions to Contract Procedure Rules

### 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.
  - (c) a detailed evaluation of the opportunities and risks associated with the Framework Agreement as detailed in 8.1.2 has been undertaken and agreed by the Monitoring Officer and the Director of Finance.
- 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, the Finance Service, the Human Resources Service 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. All direct awards without competition should be reported to the Audit Committee on an annual basis.

**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:

<b>Contract Value</b>	<b>Awarded By</b>	<b>Decision Recorded on</b>
<b>Less than £10,000</b>	Authorised Officer (as per Departmental Scheme of Delegation)	Related spend is recorded (Purchase Order) via Finance Management System (Agresso)
<b>Between £10,000 and £99,999</b>	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.
<b>Between £100,000 and £399,999</b>	Executive Member in consultation with the Deputy Chief Executive, Assistant Chief Executive, Executive Director for Place and Economic Growth, Managing Directors and Directors (as relevant)	The Chest Modern Governance System and Find a Tender/Contracts Finder and the Key decision document for Contracts with a value of £250,000 plus
<b>£400,000 or over</b>	Cabinet or Sub-Committee including Commissioning Partnership Board	The Chest, Modern Governance System, Find a Tender/Contracts Finder  and the Key Decision Document

N.B The Unity Partnership has a separate approval process which follows the same threshold limits as the Council. See below:

<b><u>Contract Value</u></b>	<b>Awarded by</b>
Less than £100,000	Director
Greater than £100,000 but less than £400,000	Director
Greater than £400,000	Director

- 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.

## 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 antiques 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;
  - (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.
- 21.9 On an annual basis, the record of authorised exemptions maintained by the Head of the Commercial Procurement Unit, should be reported to the Audit Committee for review.



## Report to COUNCIL

# Oldham Youth Justice Plan 2023 - 2024

**Portfolio Holder:** Councillor Shaid Mushtaq, Cabinet Member for Children and Young People

**Officer Contact:** Gerard Jones, Managing Director of Children & Young People (DCS)

**Report Author:** Clare Griffiths

**Council 6<sup>th</sup> September 2023**

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### Reason for Decision

The Oldham Youth Justice Plan requires sign off by Cabinet. This plan has previously been approved by Gerard Jones, Managing Director of Children and Young People's Services and the Youth Justice Management Board.

### Executive Summary

The Oldham Youth Justice Plan sets out the strategic direction for youth justice in Oldham, taking a partnership approach to reducing re-offending, reducing the number of first-time entrants into the criminal justice system and reducing the use of custody.

There is acknowledgment that the plan is significant in length. However, this is dictated by the template provided by the national Youth Justice Board. The Service Development Plan can be found in Appendix 4.

### Recommendations

That Council approve the Youth Justice Plan 2023/24.

**Oldham Youth Justice Plan 2023 – 2024****1 Background**

- 1.1 Local authorities have a statutory duty to submit an annual youth justice plan relating to their provision of youth justice services. Section 40 of the Crime and Disorder Act 1998 sets out the youth justice partnership's responsibilities in producing a plan. It states that it is the duty of each local authority, after consultation with the partner agencies, to formulate and implement an annual youth justice plan, setting out how youth justice services in their area are to be provided and funded, how they will operate, and what functions will be carried out.
- 1.2 The plan should equally address the functions assigned to a youth justice service, including how services will prevent offending behaviour and reduce reoffending

**2 Current Position**

- 2.1 This plan has previously been approved by Gerard Jones, Managing Director of Children and Young People's Services and the Youth Justice Management Board.

**3 Options/Alternatives**

- 3.1 As this is a statutory duty for the local authority, it is not possible to provide an alternative option to this plan.

**4 Preferred Option**

- 4.1 The preferred option would be for this to be signed off by Cabinet.

**5 Consultation**

- 5.1 Staff from Oldham Youth Justice Service have been consulted in the formulation of this plan, as well as members of the Youth Justice Management Board.

**6 Financial Implications**

- 6.1 Each youth justice service must have an annual plan in place, in this format, as part of the requirements of the youth justice core grant.
- 6.2 Section 7 of the plan outlines Resources and Services and Appendix 3 presents Budget and Contributions for 2023/24 at a total of £1.359m. The budget is based on an assumed Youth Justice Board Practice Grant of £0.604m although this has yet to be confirmed. Therefore, the budget may vary in accordance with a confirmed notification. The other major funder is the Council with £0.383m of planned contributions in 2023/24. The activities set out in the Youth Justice Plan for 2023/24 will be contained within the funding available (Anne Ryans – Director of Finance).

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7      **Legal Services Comments**

7.1    None.

8.      **Co-operative Agenda**

8.1    N / A

9      **Human Resources Comments**

9.1    None.

10     **Risk Assessments**

10.1   Challenges, risks and issues are documented within the body of the plan.

11     **IT Implications**

11.1   None.

12     **Property Implications**

12.1   None.

13     **Procurement Implications**

13.1   None.

14     **Environmental and Health & Safety Implications**

14.1   Positive Steps, who are commissioned by the local authority to deliver the youth justice service in Oldham, have the relevant health and safety policies and procedures in place.

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

15.1   Oldham Youth Justice service provides a fair and equitable service for the children and families we work with. We recognise the groups which are over-represented in the criminal justice system and this plan sets out what we have in place to reduce this and further strategies that need to be implemented.

16     **Oldham Impact Assessment Completed?**

16.1   No

17     **Key Decision**

17.1   No

18     **Key Decision Reference**

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18.1 N / A

19 **Background Papers**

19.1 N / A

20 **Appendices**

20.1 Appendix A. Oldham Youth Justice Plan 23/24.



**POSITIVE STEPS**

SUPPORT | CHALLENGE | CHANGE

# YOUTH JUSTICE PLAN

## 2023/24

Oldham Youth Justice Service Plan 2023-2024

Head of Service

Clare Griffiths

Chair of Youth Justice  
Management Board

Gerard Jones, Director of  
Children's Services

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Appendix 4: Service Development Plan

## 1. Introduction, vision and strategy

Oldham is in a unique position in that it is one of the only areas in England and Wales whereby the statutory Youth Justice Service (YJS) is commissioned out by the local authority and delivered by an independent charitable trust - Positive Steps. Positive Steps delivers a range of services including: Careers Advice and Guidance; Connect to Your Future Mentoring; Positive Futures Alternative Provision; Early Intervention and Prevention (formerly Early Help); Oldham Young Carer's Project and the Missing from Home Return Interview Service. As such, children and their families are able to access an integrated, holistic and non-stigmatising offer, delivered from our newly refurbished base in Oldham town centre, as well as in community hubs across the borough. Furthermore, this arrangement allows for innovation and creativity through the ability to access a range of additional funding streams to provide added value and to lead practice in specific areas of practice.

This plan has been written in accordance with the Crime and Disorder Act 1998 and national guidance from the Youth Justice Board (YJB). Following consultation with Oldham Youth Justice Management Board, YJS practitioners and children with lived experience, this plan seeks to inform the strategic direction of the service and outlines how it will achieve primary its functions of:

- Reducing the number of first- time entrants (FTE) into the criminal justice service
- Reducing re-offending by children subject to statutory Court Orders or Out of Court Disposals
- Reducing the use of custody for

children While additionally:

- Effectively safeguarding the children we work with
- Effectively protecting the public from harm
- Enhancing the voice and experience of victims of crime committed by children

The Oldham Youth Justice Plan 2023 – 2024 is consistent with the ambition of the Oldham Children, Young People and Families Plan which states,

*“In Oldham, we want all children and young people to have a safe, happy and healthy life and access to a great education giving them the best possible start in life.”*

As a partnership in Oldham, we have already taken great strides to improve the experience and outcomes for children living in the borough and we endeavor to continuously build upon these. We recognise that much of what we can do can only be done in collaboration with others, be that partners from the local authority, Greater Manchester Police, health, Probation, education or the voluntary sector and therefore a significant focus will be given to ensuring robust joint arrangements are in place to successfully deliver this plan and produce real and lasting results. As such, this plan will be governed through the existing structure of the Youth Justice Management Board.

The vision of Oldham Youth Justice Service is to provide a service that is:

- Child First in its effective partnership approach
- Ambitious and inspirational for the children and families it works with
- Truly collaborative and led by the voice of the child
- Pursuing excellence in governance and leadership

- Achieving outstanding outcomes in inspection programmes

Oldham is one of the ten boroughs in the conurbation Greater Manchester. It is a complex and challenging place to deliver youth justice, with, according to the 2021 Census Data, a population of 242,100, a figure which represents an overall growth rate of 7.3% within the last 10 years. Of this, 54,800 children live in Oldham and this percentage in recent years has been rising. While a youthful population undoubtedly has many advantages, the impact on health services, education and employment opportunities cannot be ignored. Adding to this, while the borough has pockets of prosperity, the English Indices of Deprivation shows levels are ranked amongst the highest in the country and Oldham is positioned 19<sup>th</sup> worst out of 317 Local Authorities. Further analysis evidences a number of wards are placed within the bottom 1% nationally in terms of income deprivation attending children, which is concerning given that the ongoing cost of living crisis is having the biggest impact on those already experiencing poverty. The ethnic composition of Oldham is changing dramatically with the proportion of residents of Pakistani and Bangladeshi heritage increasing to 10.1% and 7.3% respectively. Further growth can also be observed within Polish and Romanian heritage communities. It is well evidenced that individuals from black and minority ethnic backgrounds are over-represented within the criminal justice system and in Oldham this is true of children from Asian, Black or “Other” heritages at most stages. This diversity is a strength to be valued and promoted, although some people experience discrimination and disadvantage, requiring change to champion fairness and equality.

An increase in recorded crime across the whole of Greater Manchester can be observed and arrests were up by almost 20,000 in the year between February 2022 and 2023. This can be attributed to Greater Manchester Police having made significant progress in improving the forces’ response to incidents and investigation of crime. In Oldham, incidents of violence remain a concern and consequently this affects children physically, psychologically or emotionally. The increase in arrests has had an impact on the number of first-time entrants into the criminal justice system which has promoted a partnership response in relation to early intervention, including a review of the Prevention and Diversion Panel.

## **2. Child First**

Child First principles permeate all aspects of service delivery in youth justice in Oldham and this is explicitly set out in our vision.

1. See children as children – all staff actively use the term “child” in assessments, reports and conversations, staff have received training on Child First and deliver this across the partnership, staff have received training and challenge other agencies on appropriate use of language, staff acknowledge maturity and how various life experiences, such as trauma, can impact on this through ensuring plans are bespoke and developmentally tailored.
2. Developing a pro-social identity – the service has moved away from consequential interventions, ensuring that instead a focus is given to the child’s strengths. There is a real emphasis on education, training, and employment. Alongside this, we provide access to activities which broaden horizons and allow children opportunities to see places outside of Oldham they have previously not experienced. This can be visiting National Trust sites with some children have volunteered as Park Rangers.

3. Collaborating with children – all children create their intervention plan alongside their Case Manager and contribute to the activities they carry out. They also have the opportunity to shape service delivery through “Your Opinion Matters” with their parents or carers. This collaboration reaches far wider than Oldham, with children being involved in work with courts and the legal system to ensure that their needs are met in this context.
4. Promoting diversion – the importance of diversion is appreciated across the partnership through a well-established Prevention and Diversion Panel. The partnership is well represented and engaged in decision making. A revised policy and procedure is in place following the implementation of Turnaround to ensure children receive the correct response at the earliest opportunity.

In August 2022, two Case Managers completed the “Child First Effective Practice Certificate”, delivered by Unitas and have shared learning with the wider team through Practitioner Forums. Staff also deliver training on Child First as part of the Oldham Children’s Safeguarding Partnership calendar, as well as to various forums upon request such as the Designated Teachers Meeting.

In March 2023, Oldham YJS underwent a Peer Review, co-ordinated by the Youth Justice Sector Improvement Programme, with one of the Key Lines of Enquiry being, “are governance and partnership arrangements Child First?” The final report stated that,

*“The PRT (Peer Review Team) observed a passionate, motivated, and skilled practitioner group who were able to demonstrate how their individual practice was child first and we saw/heard about specific child examples; this energy was shared across the partnership at an operational level. It was clear from the PRT’s time in Oldham that there was a practitioner workforce who were clearly proud of the work that they do and really striving for the best outcomes for children; this was exemplified through the feedback from children:*

*‘everyone I met has been sound, they’re great people and I haven’t got a bad word to say’  
(Child A)”*

While there is clearly Child First practice in action in Oldham, the Peer Review still identified some inconsistencies at all levels regarding specifically what this means for the children, and in particular, those in the justice system. It was recommended that the Youth Justice Management Board prioritises ensuring that we understand and promote these principles across the partnership, aligning other relevant plans to these.

### **3. Voice of the child**

The voice of the child continues to be a central part of practice across the partnership in Oldham. In the most recent inspection of Oldham Youth Justice Service in 2019, this was identified as a key strength with the report noting:

*“children and young people are at the heart of everything this service does”.*

The Peer Review also highlighted a number of areas of good practice in relation to this, with children of course being involved through focused sessions throughout.

Internally, all children and their parents, carers, or significant adults working with Oldham YJS are offered the opportunity to engage with “Your Opinions Matter”, a resource completed independently from their Case Manager alongside the Engagement Worker with a lead for participation. This covers areas such as feeling included in decision making, meeting cultural needs, feeling safe, and how well we work with other services. A report is produced bi-annually on collated feedback and presented to the Youth Justice Management Board. Examples of how this has impacted on practice are shown below:

Feedback	Action
“Less worksheets”, “be more fun”	<ul style="list-style-type: none"> <li>Sharing resources was introduced as a standard agenda item to team meetings in January 2023.</li> </ul>
“Appointments later in the day”	<ul style="list-style-type: none"> <li>Staff are encouraged through team meetings, supervision and group supervision to focus on “twilight working” to accommodate the needs of children.</li> </ul>
“Don’t assume we are ready to move to Probation when we are 18, because we aren’t always ready”	<ul style="list-style-type: none"> <li>Oldham Transitions Protocol has been reviewed and shared with practitioners to ensure this process is led by the needs of the child,</li> </ul>
	<p>adapted to suit individual need, documents and a clear exit plan is in place.</p>
“Air con in the meeting rooms”	<ul style="list-style-type: none"> <li>Discussion took place with Strategic Group to make a decision if this was possible.</li> </ul>

Locally, the Strategic Youth Partnership in Oldham has developed the “Children and Young People’s Participation Framework” which is the first cross system participation framework, spanning the period 2023-2030. It sets out our Oldham approach to support, nurture and celebrate a culture of participatory practice in both Oldham Council and Oldham Council funded services. The document is designed to introduce organisations to the approach and ensure there is a shared understanding of participation and best practice.

Alongside this, Manchester Youth Justice Service, in collaboration with Manchester Centre for Youth Studies at Manchester Metropolitan University, have authored the “Participatory Youth Practice Framework”, designed to support enhancing participatory practice with children involved in the criminal justice system. This used children’s lived experiences, supported by academic theory and trauma informed research evidence to suggest a new approach. While we are confident our practice is already completely aligned to these frameworks, they will both be used to inform a service level Participation Strategy for Oldham YJS.

We also encourage participation at local and national level. In September 2022, children from Oldham YJS were invited to create a video for the Youth Justice Board Workforce Development Council on, “what makes a good youth justice worker”. Five children engaged with this through creating posters or being interviewed, and this was presented at a national meeting to inform delivery plans and is now available on the

Youth Justice Resource Hub for other areas to reference in their own work.

#### **4. Governance, leadership and partnership arrangements**

As highlighted earlier in this plan, Oldham Youth Justice Service is in a distinctive position in that it is commissioned out to be delivered by an independent charitable trust, Positive Steps, which is governed through a Board of Trustees, comprised of elected members and community representatives.

In its own right, the Youth Justice Service meets statutory requirements, and maintains oversight from the Local Authority through the Youth Justice Management Board, chaired by the Managing Director for Children and Young People (Director of Children's Services) who reports to the Chief Executive Officer of Oldham Council. Quarterly meetings ensure that the Board is pro-active in taking responsibility for all aspects of youth justice, leading strategically across relevant partners, and ensuring a high-quality service is provided to all children. The full membership of the Youth Justice Management Board can be found in Appendix 1.

Working with the Director of Children's Services is the Head of Service (HoS) for Youth Justice and Missing from Home who was new in role as of January 2023 following a restructure but has been part of Oldham YJS since 2012. Alongside this responsibility, they take the strategic lead for resettlement and youth violence across Greater Manchester, through a secondment to the Greater Manchester Violence Reduction Unit as the Youth Justice Lead, providing expertise on children and adolescents.

Oldham Youth Justice Service comprises of one Head of Service, three Operational Managers, eight Case Managers (one vacant), eight Engagement Workers (one vacant), one Restorative Justice Co-Ordinator, one Education and Resettlement Co-Ordinator and two Service Support Assistants. The staffing structure and record of ethnicity, sex and known disability of staff can be found in Appendix 2.

Oldham Youth Justice Service benefits from specialist support from a seconded Police Officer, Nurse, Speech and Language Therapist and Mental Health Coach with all being well embedded into the service. From July 1<sup>st</sup>, a full time Probation Officer will also be in post. At present, Oldham Youth Justice Service do not have a seconded Child and Adolescent Mental Health Practitioner or an expedited pathway into the service, but this is being raised by the DCS and HoS as an urgent issue to resolve. It is also a priority to find a resolution to short term funding agreements for this post and the Speech and Language Therapist so that longer term commitment from commissioners can be promoted. Oldham YJS employs an Education and Resettlement Co-Ordinator who closely liaises with the relevant persons within the local authority such as the Virtual School, Inclusion and SEND teams, as well as schools, colleges and training providers.

There is a strong tradition of partnership working in Oldham and Greater Manchester, both strategically and operationally, with Oldham YJS engaged in the following:

- Oldham Children's Assurance Board
- Oldham Reducing Re-Offending Board (Co Chair)
- Oldham Partnership Performance Board
- Oldham Learning Review Hub
- Oldham Complex and Contextual Safeguarding Board

- Oldham Strategic Youth Partnership
- Oldham Corporate Parenting Partnership
- Oldham Missing from Home Working Group
- Child Exploitation Working Group
- Prevention and Diversion Panel (Chair)
- Greater Manchester Violence Reduction Board
- Greater Manchester Serious Violence Duty Steering Group
- Greater Manchester Youth Justice Transformation Board
- Greater Manchester Resettlement Consortium (Chair)
- Greater Manchester Youth Justice Senior Lead Meeting

## **5. Board development**

While visiting Oldham in March 2023, the Peer Review Team observed,

*“some passionate board members, who championed children’s needs. There was clear evidence that this championing transcended into their own agencies, demonstrating the sphere of influence of the board and some system impact”.*

There are already a number of well-established members who have been involved in securing funding for the Speech and Language Therapist and responding to specific incidents of violence, namely the implementation of the GRIP Project (Group Response Intervention Project), a contextual safeguarding project following two murders in the local community. Meetings take place on a quarterly basis and minutes are readily available to be accessed by YJS practitioners and partners.

Board development will be a key focus of the plan for 2023/2024 to ensure that responsibilities, in relation to, leadership and oversight of justice services for children, contributing to local multi- agency strategies and work with local and national criminal justice organisations and safeguarding children who receive youth justice systems, are effectively discharged to ensure an integrated approach to crime prevention and supporting victims. A review of membership has already taken place to ensure each agency is represented at the required level of seniority with a development day planned for July 2023, to be attended by YJS and members, with the Regional YJB Head providing a presentation on governance and leadership, a session focused on getting to know each other, and an input on Child First Youth Justice being delivered by two Case Managers.

In addition to this we will:

- Review the Terms of Reference and Induction Process for the Youth Justice Management Board
- Ensure that the Strategic Plan is jointly owned by members who will be accountable for their relevant actions, and which will be monitored through YJMB
- Set the minimum agenda for each of the quarterly meetings for a 12 month period to ensure the board have access to information about the operation of Oldham YJS to enable it to scrutinise activity effectively
- Convene Task and Finish Groups as and when required in relation to specific actions to ensure these are successfully completed and do not drift
- Ensure board members are invited and attend the YJS Team Meeting to cascade information from the board and promote relationships

- Develop profiles for YJS practitioners and board members which can be accessed by all to get to know the board and team

## 6. Progress on previous plan

The table below sets out performance in relation to the previous plan.

Action	Progress
Embed strategic and operational improvements in health resources, specifically the Speech and Language Therapist.	The Speech and Language Therapist has been in post since October 2022. This remains a short-term funding commitment and is recognised as a priority for the board to address in the coming year with ongoing conversations taking place between health, the local authority and Head of Service. YJS do not currently have a CAMHS Practitioner seconded, and again this is a priority for the board with a meeting set up in June to address this with Chair, Head of Service and the Chief Officer in the NHS. The board also continue to focus efforts on ensuring health are represented consistently at meetings.
Commission specific mental health support through partnership with Mind.	The partnership between YJS MIND began in January 2023, seconding Mental Health Coaches into the service. Due to the success
	of this, funding will continue for another 12 months until June 2024.
Work across Oldham to reduce the unnecessary criminalisation of children looked after.	The “Oldham Protocol on Reducing the Unnecessary Criminalisation of Children Looked After and Care Leavers” was launched across the partnership in March 2023. It represents a multi-agency partnership commitment to reducing the unnecessary criminalisation of children looked after and care leavers. The impact of this will be able to be observed in data sets over the forthcoming year. Briefings have taken place in various forums, and training has been delivered in residential settings on The 10 Point Checklist and Restorative Justice. See section 10.
Implement the recommendations of the experiences of black and mixed heritage boys HMIP review.	This remains outstanding.
Implement the recommendations of the MoJ national remand review.	The Greater Manchester Resettlement Consortium is in place to improve the outcomes for children in custody. Staff have undertaken training with Just for Kids Law on Bail and Remand. YJS present alternatives to remand at Court for all cases, with evidence of this on the system.

Implement findings of the YJB led governance and leadership development sessions.	This is due to take place on July 10 <sup>th</sup> 2023.
Completion of a Peer Review.	The Peer Review took place in March with an improvement plan being implemented following receipt of the final report.
Audit and update all YJS policies and procedures.	There are new policies in relation to Missing from Home, Risk Management, Quality Assurance and Management Oversight, Resettlement, and Prevention and Diversion. This activity will continue into next year.
Continue programme of internal quality assurance.	A number of audits have taken place this year and will continue into next year.
Review appraisal analysis and implement training plan.	Appraisals were reviewed and a training plan was developed following this. This has also been completed for 2023/24. See section 12.

## **7. Resources and services**

Oldham Youth Justice Service are committed to ensuring value for money via robust budget management and effective service delivery. The service ensures that resources are deployed appropriately to meet the needs of a smaller, convicted cohort, with increased Out of Court disposals and early preventative interventions.

The youth justice budget comprises in the main from Local Authority funding, the Youth Justice Board Grant and, as of December 2023, the Turnaround Grant from the Ministry of Justice, which primarily supports the core staffing of the service, with some allocation provided for training and a small activity budget to provide positive activities to children.

The staffing structure has been described in section 4 of this plan, along with the partnership contribution in terms of the secondment arrangements for police, health and speech and language, highlighting concerns around the lack of arrangement with the Child and Adolescent Mental Health Service.

The commissioning arrangement with Positive Steps is advantageous as it allows YJS to express an interest in and apply for funding streams that traditional local authority based services would not be able to. In 22/23 this included, a partnership project with Mind to support the emotional wellbeing of children working with YJS and a collaborative project with Complex Safeguarding, taking a contextual safeguarding approach to serious violence, both funded through the Community Safety Partnership Grant. In addition to this, YJS obtained monies from the Community Renewal Fund to host Skill Mill, an employment programme for children involved with criminal justice or social care services to develop what will be the largest urban farm in the country. The service was also successful in securing funding from Greater Manchester Combined Authority to host the Greater Manchester Resettlement Consortium, which improves the outcomes for children in custody across the conurbation.

Moving into 23/34, the funding for the Mind partnership and Greater Manchester

Resettlement Consortium will continue. Building on a previous project, Getting out for Good, there will also be a 12 month project for girls and young women at risk of involvement in serious violence, funded by the Greater Manchester Violence Reduction Unit. YJS have also applied for and been awarded money from Police Proceeds of Crime to broaden the horizons of children working with the service giving them opportunities to engage in activities they otherwise would not be able to, such as visiting local attractions, sightseeing and trying new sports.

We use our grant, partnership contributions, additional funding, and available resources to achieve the primary functions of the Youth Justice Service and demonstrate excellent performance. Our performance will be improved in 2023/2024 by:

- Ensuring an outstanding governance and leadership structure, aligning this to other local authority children’s plans, and having shared aims and understanding of the priorities for children in the criminal justice system
- Ensuring children from over- represented groups have a fair experience of the criminal justice system
- Ensuring children working with Oldham YJS have access to relevant and consistent health support at the earliest opportunity
- Ensuring children working with Oldham YJS are afforded the opportunity to engage with diversionary activities as an alternative to prosecutions
- Continuing to provide innovative approaches to support desistance through sourcing additional funding streams

## 8. Performance

Despite Oldham being a complex and challenging place to deliver youth justice due to a large youth population, levels of deprivation and crime rates, the youth justice service performs above comparative groups in a number of areas. At times, Oldham has reported one of the lowest re-offending rates nationally, which given the demographic is inspiring. It is obvious that the service strives to continue with these high levels of performance and so continuous monitoring and challenge from the board when required will be imperative, along with further work with the management information team to ensure there is a clear understanding of the cohort will be key.

## 9. National key performance indicators

Oldham Youth Justice Service continues to perform well against the nationally measured targets. Over the past 12 months the service has continued to report, on a quarterly basis, on the existing key performance indicators (KPIs).

### Reoffending rates

Reoffending - binary rate	Oldham	North West	Greater Manchester	YJS family	England
Binary Rate - Jan 21 to Mar 21	16.7%	32.2%	27.5%	30.1%	31.0%
Binary Rate - Oct 20 to Dec 20	46.2%	29.7%	25.9%	27.4%	29.0%
Binary Rate - Jul 20 to Sept 20	Not Available	Not Available	Not Available	Not Available	Not Available
Binary Rate - Apr 20 to June 20	12.5%	33.5%	33.0%	32.2%	32.3%

Reoffences- frequency rate per reoffender	Oldham	North West	Greater Manchester	YJS family	England
Binary Rate - Jan 21 to Mar 21	1.67	4.25	4.36	3.97	3.80
Binary Rate - Oct 20 to Dec 20	3.83	3.66	4.08	3.70	3.71
Binary Rate - Jul 20 to Sept 20	Not Available	Not Available	Not Available	Not Available	Not Available
Binary Rate - Apr 20 to June 20	1	3.5	3.5	3.69	3.44

Reoffending - frequency rate	Oldham	North West	Greater Manchester	YJS family	England
Binary Rate - Jan 21 to Mar 21	0.28	1.37	1.20	1.20	1.18
Binary Rate - Oct 20 to Dec 20	1.77	1.09	1.06	1.01	1.08
Binary Rate - Jul 20 to Sept 20	Not Available	Not Available	Not Available	Not Available	Not Available
Frequency Rate - Apr 20 to June 20	0.13	1.17	1.15	1.19	1.11

Oldham Youth Justice Service performs exceptionally well in terms of re-offending with rates being well below all comparative groups. An increase up to 46.2% was observed in one quarter but this was agreed to be an anomaly, taking into consideration that the data was not available in the previous quarter. Given the levels of deprivation in Oldham, this is a figure that we are incredibly proud of, and is most definitely attributed to the Child First, trauma informed approach taken by the motivated and dedicated team and multi-agency partnership.

### First time entrants

FTE PNC rate per 100,000 of 10-17 population	Oldham	North West	Greater Manchester	YOT family group	England
Oct 21 - Sep 22	167	151	180	176	148
Jul 21 - Jun 22	179	143	181	176	144
Apr 21 - Mar 22	202	139	171	166	143
Jan 21 - Dec 21	194	133	161	168	146

The number of first-time entrants in Oldham sits at a rate that is elevated to that of the comparative groups, aside from those figures from Greater Manchester, in which they are aligned. The YJB have confirmed that Greater Manchester is the only area to observe an increase in this number which correlates to a 50% increase in overall arrests by GMP over the past three years. There is work ongoing at a Greater Manchester level, in which the Head of Service is involved, to embed the Child Centred Policing Strategy and ensure that the work is led by the same guiding principles as youth justice. Oldham YJS is working closely with the Oldham Police Prevention Hub to ensure children are identified at the earliest opportunity to receive intervention and be referred to the Prevention Panel for a multi-agency response, including offering Turnaround.

### Use of custody

Custody Rate per 1,000 of 10-17 population	Oldham	North West	YJS family	England
Jan 22 - Dec 22	0.21	0.16	0.19	0.11
Oct 21 - Sept 22	0.11	0.16	0.20	0.11
Jul 21 - Jun 22	0.15	0.16	0.19	0.11
Apr 21 to Mar 22	0.15	0.15	0.2	0.12

On the whole, Oldham's use of custody remains low, with the children included in these figures

being sentenced for the most serious offences of Murder and S. 18 Wounding. The increase in the final quarter is due to one offence which included four children. All Pre-Sentence Reports go through a robust management oversight process to check content and language and following sentence a Custody Debrief Panel is held to review any learning for individual staff or the service.

Oldham YJS also report on locally agreed performance targets agreed by the Youth Justice Management Board.

### Accommodation

Accommodation upon release from custody	Number released from custody	Number with appropriate accommodation arrangements	Number with suitable accommodation arrangements	Percentage in suitable accommodation
2021/22	2	N/A	2	100%
Qtr 1 2022/23	0	N/A	N/A	N/A
Qtr 2 2022/23	1	1	1	100%
Qtr 3 2022/23	1	1	1	100%

Although numbers of children in and leaving custody are small, all are released with appropriate and suitable accommodation in place. All authorities have now signed up the to “Greater Manchester Accommodation Standard”, to ensure that an address is agreed at least 6 weeks in advance and where this is not, an escalation pathway is in place to find resolution.

### Education, training and employment

Percentage of Young People engaged with the Youth Justice Service who are in suitable education, employment or training.	Number of YP with Interventions ending	Number in ETE	Outcome	Improvement on 77% target in percentage points
2022/23	168	162	96%	19%age points
Apr - Jun 2022	49	43	88%	11%age points
July - Sep 2022	25	22	88%	11%age points
Oct -Dec 2022	40	39	97%	20%age points

The percentage of children completing their youth justice intervention with education, training or employment in place in Oldham is high and above the average. The service benefits from an Education and Resettlement Co-Ordinator who works with schools, colleges and training providers to build relationships and break down barriers to ensure there is a wide variety of resources available. The service has developed a specific risk assessment to ensure that context, likelihood, imminence, and victim type of risk is understood by education providers to promote and sustain engagement.

### Children Looked After

Likelihood of Childen Looked After receiving a substantive outcome compared with non CLA 10-17 population	
Jul 20 to Jun 21	10.49%
October 20 to Sept 21	12.71%
Jan 21 to Dec 21	15.38%
April 21 to March 22	16.03%
Jul 21 to Jun 22	21.93%
Oct 21 to Sept 22	21.70%
Jan 22 to Dec 22	20.91%

The number of children looked after working with Oldham YJS has increased. In response to this, the “Oldham Protocol on Reducing the Unnecessary Criminalisation of Children Looked After and Care Leavers” was launched across the partnership in March 2023. This protocol reflects the principles and ambitions set out nationally which describes “what” needs to happen across the country. Locally, Oldham complement this by setting out “how” we will do it and is reflective of service structure, stakeholders, and governance. It represents a multi-agency partnership commitment to reducing the unnecessary criminalisation of children looked after and care leavers. The impact of this will be able to be observed in data sets over the forthcoming year.

## Diversity

Ethnicity	Post court		Pre court		Custody		Total YJS caseload		*Oldham 10-17 Population
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Percentage
Young people worked with during Jan 22 to Dec 22									
White/White other	24	45%	43	75%	0	0%	67	61%	58%
Asian or Asian British	15	28%	9	16%	4	67%	24	22%	32%
Mixed Parentage	4	8%	3	5%	0	0%	7	6%	1%
Black or Black British	4	8%	2	4%	1	17%	6	5%	6%
Chinese or other ethnic group	6	11%	0	0%	1	17%	6	5%	3%
Total	53		57		6		110		100%

Children from black and minority ethnic backgrounds are over-represented at all stages of the criminal justice system. All children from groups which are over-represented have additional management oversight on Pre-Sentence Reports to ensure they are balanced and free from bias. The inclusion of data in reports to the Court is encouraged to highlight over-representation.

Developing a Disproportionality Strategy to guide practice will be a priority going forward and staff will receive training on Cultural Competence.

It is a requirement of all youth justice services to report on new key performance indicators from April 2023, with the first submission due in August. Therefore, this information is not available at the time of submitting this plan. The first time this data set will be presented to Youth Justice Management Board will be September. All youth justice staff been introduced to the KPIs by way of a Practitioner Forum.

The primary risk is perceived to be in relation to the system, Core+, being in a position to extract the data and for this to provide an accurate reflection on performance without glitch. The ICT Operational Manager has been working closely with the system provider to alleviate this. Of course, reporting on new measures may highlight performance issues that were not currently known and should this occur, an action plan will be agreed by the board in relation to specific data sets which may require focus at any given time.

## 10. Priorities

### 10.1 Children from groups which are over-represented

Children from black and minority ethnic backgrounds are over-represented at all stages of the criminal justice system in Oldham, and there are a high number of children looked after in the current cohort, although this is decreasing.

All children from groups which are over-represented have additional management oversight on Pre-Sentence Reports to ensure they are balanced and free from bias. The

inclusion of data in reports to the Court is encouraged to highlight over-representation. Developing a Disproportionality Strategy to guide practice will be a priority going forward and staff will receive training on Cultural Competence.

In March 2023, the “Oldham Protocol on Reducing the Unnecessary Criminalisation of Children Looked After and Care Leavers” was launched across the partnership. It represents a multi-agency partnership commitment to reducing the unnecessary criminalisation of children looked after and care leavers. This now needs to be reflected across the relevant strategies such as Corporate Parenting to ensure shared aims.

## **10.2 Prevention**

Oldham is committed to preventing children from entering the criminal justice system and this can be observed by the partnership commitment to the Prevention and Diversion Panel. While in Oldham this has been established for a number of years, with positive levels of attendance and engagement, this has been reviewed to ensure services are intervening at an even earlier opportunity to prevent escalation of concerns. Now known as the Oldham Prevention Panel, this continues to focus on referrals from agencies who have concerns about a child in relation to anti- social behaviour or criminality, but also includes children screened through a weekly police report who have been named on a crime or arrested. In-depth background checks are completed on all of these children and presented at the panel for multi-agency decision making on the correct service to provide support. This may be from their school, School Engagement Officers, social care, complex safeguarding, Early Help, youth service or voluntary organisations, in addition to youth justice Turnaround or Prevention.

Turnaround has been established in Oldham YJS since January 2023 with 13 children and their families having engaged in the first quarter. The main intervention types included, emotional wellbeing, mentoring, recreational activities and restorative justice. Oldham YJS remains on track to meet the targets set by the Ministry of Justice for 2023/2024.

An updated policy and procedure is now in place to guide practice. Oldham YJS also deliver training to the partnerships on the importance of prevention, diversion and Child First youth justice to raise the profile of this.

Implementing the use of Outcome 22 is a priority for Oldham YJS and we are awaiting working guidance from GMP in relation to this. There are strategic meetings taking place to progress this so that children are afforded the opportunity for an education intervention rather than a criminal justice outcome, which the Head of Service is engaged in.

## **10.3 Diversion**

Out of Court Disposals make up the majority of the youth justice caseload at present. Following recommendations from the last HMIP Inspection and the Peer Review, Oldham have now implemented a weekly Joint Decision-Making Panel attended by YJS, social care and GMP to agree the disposal that a child should receive following assessment.

Oldham have received positive feedback for their processes and decision making from the Greater Manchester Police Out of Court Scrutiny Panel and as such, the way we have been reporting to the panel has been requested of all areas so this is not just a police led meeting but has a focus on Child First principles.

An updated policy and procedure is now in place to guide practice.

#### **10.4 Education**

The percentage of children who end their youth justice intervention with education, training or employment in place is high. An Education and Resettlement Co-Ordinator is employed by YJS to build relationships with schools, colleges and training providers, to break down barriers and provide expertise to the team on SEND processes. The risk assessment we have developed for education placements has been adopted by other authorities.

Due to the unique position of the Oldham YJS being commissioned into Positive Steps, there is an integrated offer with the careers service who are co-located and offers the opportunity for more joined up working to address any educational or employment issues. Positive Steps also run work experience programmes and training initiatives that children working with YJS can access.

#### **10.5 Restorative approaches and victims**

Oldham Youth Justice Service employs a Restorative Justice Co-Ordinator in line with the importance of enhancing the voice and experience of victims of crime committed by children. They go above and beyond national guidance, where consent is provided, to offer victims of those who receive Community Resolutions and above the chance to engage with the service through the completion of a My View questionnaire, the offer of direct or indirect Giving Back or Restorative Conferencing.

This year, the service delivered their first Restorative Conference for a sexual offence and the outcome from this was positive. Both parties wished to engage in this for “closure”. Feedback from the parent was:

“the meeting brought the closure we needed and xxx is doing well. Thanks again ● ”

Following this, the Restorative Justice Co-Ordinator, due to the trusted relationship developed, provided further intervention on alcohol misuse, social pressure and health and wellbeing.

Every child working with Oldham YJS will complete Giving Back as part of their intervention. Projects this year have included volunteering in the Foodbank, local cafes and churches, gardening, working with local charity “Street Angels” to provide gifts for the homeless at Christmas, and wrapping over 250 Christmas presents for children.

Moving forward, it will be a priority to review the policy and procedure in this area and improve the number of victims who the police gain consent to contact.

#### **10.6 Serious violence and exploitation**

Oldham as a partnership have taken great strides to address serious violence and exploitation. There is now a Complex and Contextual Strategy and Action Plan in place which the YJS Head of Service is actively involved in.

Oldham YJS has identified a lead worker for complex safeguarding who is the single point

of contact for sharing information and expertise with the Complex Safeguarding Hub and other agencies. Plans are in place to have this worker co-located one day per week to improve integrated working. A summary of the GRIP project and plans for legacy have been aforementioned.

In light of the Serious Violence Duty and through their role as Youth Justice Lead in the Greater Manchester Violence Reduction Unit, the Head of Service has been part of the development of the Greater Manchester Strategic Needs Assessment which provides an advantageous position to Oldham in terms of now writing their own localised paper. This will be imperative to guide practice and continue to reduce and prevent violence in the borough.

Oldham have now reconvened the Prevent and Protect Boarding, incorporating “Martyn’s Law” following the terror attack in Manchester in 2017. The Head of Service leads on this strategically, and training is underway for all staff either by way of an introduction or refreshers. An audit will then be completed to ensure this has been accessed by all. There is also a lead worker for Prevent who contributes to the local panel and shares expertise. Oldham YJS has also taken steps to raise the profile of mixed unstable ideologies and the impact of these on children.

#### **10.7 Detention in police custody**

Oldham YJS work closely with GMP and Children’s Social Care to prevent the detention of children in police custody. This involves ensuring that the PACE Beds, both safe and secure are utilised where a child is remanded to court the following day. Numbers in Oldham remain low, however, this is monitored on a monthly basis through GMP and where a child is not transferred, challenge is provided to the relevant service.

#### **10.8 Remands**

One child was remanded to custody in 2022/23. Although children from Oldham appear in Court in both Tameside and Manchester, where there is a Greater Manchester Youth Justice duty system in place, Case Managers from Oldham YJS are always present to support and advocate for children from our area in line with a Child First approach. Bail packages are always presented in line with risk and safety and wellbeing to prevent the use of remand. Training has taken place to augment practice in this area.

The service is aware that a high percentage of children who are remanded to custody do not then go on to receive a custodial sentence. Operational Managers are ensuring that children receive a review at their remand status, following re-assessment of risk, to allow them to be released on bail with the appropriate levels of support.

Priority will be given to a review of the Bail and Remand policy to guide practice.

#### **10.9 Use of custody**

In line with national trends, Oldham observes reductions of children in custody. The detrimental impact of being placed in the secure estate is better understood across the partnership more than ever due to multi-agency working and challenge on cases where this may be assessed as a risk.

The low number of children in custody, although quarterly reports are provided to the management board, means that a response to any trends can be responded to in real time following the Custody Debrief Panel that takes place each time a custodial sentence is implemented.

A reviewed Resettlement policy is in place to ensure that work begins at Pre Sentence Report stage to reduce the likelihood of this type of sentence being given. The planned work around disproportionality will ensure changes are made to reduce over-representation of black and minority ethnic children in custody.

### **10.9.1 Constructive resettlement**

Oldham YJS employs an Education and Resettlement Co-Ordinator who works with children who receive a custodial sentence through their time in the secure estate, on license and for a period of time once this supervision finishes. This is in recognition of the unique set of needs this cohort has. The requirement to ensure resettlement begins at the point of sentence and planning for release and beyond remains a priority.

Oldham is in a strong position to influence resettlement practice across the town and Greater Manchester. Oldham has the strategic lead for resettlement across Greater Manchester youth justice services and is commissioned to deliver and chair the Resettlement Consortium. This is a national meeting, held at strategic and operational levels, to improve the outcomes of children in custody, implement findings from national reviews, promote best practice and ensure value for money in terms of existing resource.

Staff have been trained on Constructive Resettlement, and the use of this in practice and plans is monitored through management oversight. Further training will be sought for new staff to ensure consistent levels of practice across the service.

## **11 Standards for children in the justice system**

Standards for children in the youth justice system define the minimum expectation for all agencies that provide statutory services to ensure good outcomes for children. Revised Standards for children in the youth justice system were implemented in 2019, and self-assessments against these standards were carried out by all local partnerships and submitted to the Youth Justice Board in 2020. At this time, Oldham Youth Justice Service was felt to be compliant in this process with “good” and “outstanding” outcomes being achieved. Following this, annual Operational Plans have been in place to address specific areas for improvement within “Court Work” and “Secure Settings”.

In the three years since the initial self-assessment, there has been a global pandemic and the service has seen a change in staffing at all levels and although not a formal requirement, Oldham Youth Justice Service will revisit this exercise to evaluate their current position and identify areas for development. The findings of this this will be presented to the Youth Justice Management Board in March 2024.

Oldham YJS gives high priority to quality assurance and has recently implemented a Quality Assurance and Management Oversight policy to guide practice. The YJS has a range of mechanisms to uphold the quality of the service including, a revised induction process, annual appraisals, management supervision, peer and group supervision, direct observations, audits and feedback on all assessments and reports, and bi-annual audits on

management oversight. There may also be partnership audits such as Brief Learning Reviews, Multi-Agency Case Evaluations, Child Safeguarding Practice Reviews and Police Scrutiny Panels. Evaluations of these are fed back through Practitioner Forums or Team Meetings to be implemented in service delivery.

## **12 Workforce development**

There is a recognition that the most important asset to the service is the staff team and there is significant focus on professional development and internal promotion. This can be observed through the Head of Service and two Operational Managers having progressed through different positions within the service.

Each member of staff undergoes a robust induction process, which was reviewed in early 2023, to not only the youth justice service, but the wider organisation of Positive Steps and the Oldham partnership. This includes the allocation of a “buddy”, meetings with key staff and teams both internally and externally, mandatory reading and training, the development of a personalised action plan, increased supervision, shadowing opportunities and joint case working.

Each member of staff has an annual appraisal to analyse performance, identify training needs and promote professional development. From this an annual training plan is developed. All staff, including those seconded, have access to training on offer through the Oldham Safeguarding Children’s Partnership (OSCP) with the calendar being visited during supervision, as well as external opportunities created through additional funding streams.

In 2022/23, staff received training on, Positive Relationships, Mental Health First Aid, Principles of CBT, and Professional Challenge, with two members of staff completing the Child First Effective Practice Award and five members of staff undertaking the Youth Justice Effective Practice Certificate (YJEP) via Unitas. The Restorative Justice Co-Ordinator also completed Restorative Justice Facilitation Skills as he was new in post as of May 2022. All staff at Positive Steps benefitted from the “Spring into Safeguarding” event earlier this year where briefings, workshops and training sessions were provided on various safeguarding topics such as domestic abuse, mixed unstable ideologies and trauma.

An analysis of appraisals has confirmed training for the next 12 months in, AIM3, YJEP, Neurodiversity, Professional Curiosity, and Cultural Competence. There is also a specific management training plan covering, Recruitment and Selection, Supervision and Appraisal, Finance and Project Management.

The workforce is supported through access to the Employee Assistance programme, and informal and formal supervision which can be in terms of both professional and personal issues. Staff say of their managers:

*“my manager regularly checks in with me although we have supervision meetings.”*

*“my manager has been very active in supporting me on a professional level, both by providing hands on guidance discussions in supervision as well as instilling belief in me to act independently, something which I believe has been really beneficial to my learning and confidence in my role.”*

*“my manager is patient and understanding. always ensuring my mental health is priority so that I can continue progressing my caseload.”*

Case Managers facilitate monthly Peer Supervision, and Engagement Workers have monthly Group Supervision led by an Operation Manager, giving the opportunity to discuss and reflect on case specific or thematic issues.

As part of workforce development, YJS also deliver training to the partnership as part of the OSCP calendar or upon request on a number of topics to enhance the knowledge of others working in Oldham. This includes, Understanding Exploitation (in conjunction with Complex Safeguarding), Prevention and Diversion, Principles of Child First, Missing from Home, Restorative Justice and Use of The 10 Point Checklist.

### **13 Evidence-based practice, innovation and evaluation**

#### **GRIP**

In March 2023, the GRIP (Group Response Intervention Project) concluded. This was an 18 month collaborative project between Oldham Youth Justice Service and Complex Safeguarding, which built upon a previous contextual safeguarding pilot run by YJS, “Youth Now” and was implemented due to an escalation of concerns around social groups and violence in two specific geographical areas of the town. The full evaluation can be found below.

#### [GRIP Report](#)

It is important that there is a legacy of GRIP and that the learning and best practice are carried forward. There is an event planned for the partnership and although staff have returned to their substantive roles, the Youth Justice Engagement Worker will continue to lead this work, targeting the five “places” in Oldham, upskilling staff in various organisations and supporting them to take a contextual approach.

#### **Skill Mill**

Children from Oldham with experience of the criminal justice or social care system were afforded the opportunity to engage with Skill Mill. This was part of a wider project, Roots of Opportunity, which provided a graduated approach enabling children to contribute to the local environment and seek employment in the green economy. This was funded by a successful application to the Community Renewal Fund and ran from January 2022 to March 2023.

Skill Mill was the intensive level of the programme and provided paid employment for children to assist with the development of blue and green infrastructure, undertaking conservation, clearing vegetation, habitat management, pond creation, wildlife monitoring, tree planting and leading guided walks. Two Engagement Workers from Oldham YJS were seconded to this project to provide additional support to the children and remove any barriers they had to employment, while being overseen by an Environmental Manager from Northern Roots, the site under development.

This was the time Skill Mill had operated in Greater Manchester and two cohorts ran over

15 months, with eight children engaging in the first cohort and four in the second. In the first, three children were offered an apprenticeship following the programme and in the second, one child progressed to employment with Green Fingers, a landscaping firm in Oldham and one child returned to college to study construction. Children also gained health and safety qualifications and CSCS cards. For those who did not progress immediately into education, training or employment, they were supported to build relationships with their Careers Advisors to plan the next steps that they wished to take.

### **Mind Partnership**

Oldham Youth Justice Service is currently working with Mind to support children with their emotional wellbeing. We know that many children present with concerns at varying levels in this area but that there are often structural barriers and stigma in place which prevent engagement with services. As such, Oldham YJS benefits from a Mental Health Coach being seconded into the service to provide more accessible mental health support, to support improvement in emotional wellbeing, enabling more effective engagement and to support children to explore reasons for offending. To date, 14 children have benefitted from this, and sessions have covered bereavement, court stress, family and peer relationships, exam pressure, confidence and self-esteem, and managing adversity. None of the children who have engaged have gone on to be charged with further offending.

### **Dignify**

Youth justice services in Greater Manchester have positive links with the Violence Reduction Unit and through this have worked with Dignify on two initiatives. The first being a programme for children in care and care leavers moving from youth justice to adult services, to reduce the likelihood of involvement in violence and other offending, and to provide mentoring support at a critical transition point. As it is evidenced that a large number of individuals in the criminal justice system have witnessed domestic violence, Positive Relationships training was delivered to 250 members of staff to raise awareness and use intervention skills to reduce the risk of violence in children who have witnessed domestic violence.

## **14 Service development plan**

A partnership Service Development Plan has been agreed in recognition that achieving the primary functions of Oldham Youth Justice is a shared responsibility. It contains both strategic and rational actions. This has been influenced by the YJB Strategic Plan 21-24, the recommendation for the recent Peer Review and engagement with Youth Justice Management Board and YJS practitioners.

Oversight will be provided on a quarterly basis at the Youth Justice Management Board meetings either through presentation or by exception.

This can be found in Appendix 4.

## **15 Challenges, risks and issues**

Oldham Youth Justice Service is highly regarded across the partnership and the children and families we work with. We want to continue to provide an excellent offer and, as such, must acknowledge the potential challenges we may face over the next 12 months.

Gaps in the health offer provided to YJS have been highlighted in terms of having no seconded CAMHS Practitioner and short-term funding commitments. These are both being addressed by the Head of Service and Chair of YJMB at present to find resolution.

Children looked after, and those from black and minority ethnic backgrounds are over-represented in the cohort. We have already taken steps to reduce the unnecessary criminalisation of children looked after and care leavers and must now ensure this protocol is embedded and reflected in shared plans. A Disproportionality Strategy is going to be implemented to address the number of children from black and minority ethnic groups we observe.

Oldham Youth Justice Service is in a strong overall position in terms of performance and is proud of outcomes achieved despite the challenging demographic it serves. Should any performance issues arise through the introduction of new KPIs, a response will be provided by YJMB and time bound tasks and finish groups implemented to resolve these.

**16 Sign off, submission and approval**

<b>Chair of Oldham Youth Justice Management Board</b>	<u>Gerard Jones</u>
<b>Signature</b>	
<b>Date</b>	<u>30/06/23</u>
<b>Council Representative</b>	
<b>Signature</b>	
<b>Date</b>	

## Appendix 1: Youth Justice Management Board Membership

Name	Role	Organisation
CHAIR- Gerard Jones <a href="mailto:Gerard.jones@oldham.gov.uk">Gerard.jones@oldham.gov.uk</a>	Director of Children's Services	Oldham Council
Clare Griffiths <a href="mailto:claregriffiths@positive-steps.org.uk">claregriffiths@positive-steps.org.uk</a>	Head of Service	Oldham YJS
Paul Axon <a href="mailto:paulaxon@positive-steps.org.uk">paulaxon@positive-steps.org.uk</a>	Chief Executive Officer	Positive Steps
Claire Hudson <a href="mailto:clairehudson@positive-steps.org.uk">clairehudson@positive-steps.org.uk</a>	Operational Manager	Oldham YJS
Nicola Holmes <a href="mailto:nicolaholmes@positive-steps.org.uk">nicolaholmes@positive-steps.org.uk</a>	Operational Manager	Oldham YJS
Kelly Rennie <a href="mailto:kellyrennie@positive-steps.org.uk">kellyrennie@positive-steps.org.uk</a>	Operational Manager	Oldham YJS
Phil Hutchinson <a href="mailto:Phillip.Hutchinson@gmp.police.uk">Phillip.Hutchinson@gmp.police.uk</a>	District Superintendent	GMP
Julie Daniels <a href="mailto:Julie.daniels@oldham.gov.uk">Julie.daniels@oldham.gov.uk</a>	Acting Director of Children's Social Care and Early Help	Oldham Council
Amy Poulson <a href="mailto:Amy.Poulson@justice.gov.uk">Amy.Poulson@justice.gov.uk</a>	Head of Oldham Delivery Unit	National Probation Service
Lorraine Kenny <a href="mailto:Lorraine.kenny@oldham.gov.uk">Lorraine.kenny@oldham.gov.uk</a>	Head of Violence Reduction and Community Safety Services	Oldham Council
Richard Lynch <a href="mailto:Richard.lynch@oldham.gov.uk">Richard.lynch@oldham.gov.uk</a>	Director of Education Skills and Early Years	Oldham Council
Jennie Davies <a href="mailto:Jennie.davies@oldham.gov.uk">Jennie.davies@oldham.gov.uk</a>	Head of the Virtual School	Oldham Council

Agnes Leopold Jones <a href="mailto:agnes.leopold-james@nca.nhs.uk">agnes.leopold-james@nca.nhs.uk</a>	Assistant Director of Nursing and Children's Community Services	Northern Care Alliance
Kay Thomas <a href="mailto:Kay.thomas@nca.nhs.uk">Kay.thomas@nca.nhs.uk</a>	District Schools Health Service	Bridgewater Community Healthcare
Janine Day <a href="mailto:jday@earlybreak.co.uk">jday@earlybreak.co.uk</a>	Operations Director	Early Break Substance Misuse
Andrea Weir <a href="mailto:Andrea.Weir@oldham.gov.uk">Andrea.Weir@oldham.gov.uk</a>	Senior Commissioning and Partnerships Manager	Oldham Council
Angela Welsh <a href="mailto:angela.welsh@oldham.gov.uk">angela.welsh@oldham.gov.uk</a>	Senior Commissioning Business Partner, Children and Maternity	
Neil Consterdine <a href="mailto:Neil.consterdine@oldham.gov.uk">Neil.consterdine@oldham.gov.uk</a>	Assistant Director of Youth, Leisure and Communities	Oldham Council
Laura Windsor Welsh <a href="mailto:LauraWW@actiontogether.org.uk">LauraWW@actiontogether.org.uk</a>	Strategic Locality Lead	Action Together
Moira Fields <a href="mailto:Moira.fields@oldham.gov.uk">Moira.fields@oldham.gov.uk</a>	Senior Housing Officer	Oldham Council
Sue Walker <a href="mailto:susan.walker@yjb.gov.uk">susan.walker@yjb.gov.uk</a>	Head of North West Region	Youth Justice Board

Appendix 2: Staffing

Type of Contract	<u>Strategic Manager</u>		<u>Operational Manager</u>		<u>Practitioners</u>		<u>Administration</u>		<u>Sessional</u>	<u>Students / trainees</u>
	<u>Part-time</u>	<u>Full-time</u>	<u>Part-time</u>	<u>Full-time</u>	<u>Part-time</u>	<u>Full-time</u>	<u>Part-time</u>	<u>Full-time</u>		
<u>Permanent</u>		1		3		16		2		
<u>Fixed-term</u>										
<u>Outsourced</u>										
<u>Temporary</u>										
<u>Vacant</u>						2				
<u>Seconded Children's Services</u>										
<u>Seconded Probation</u>										
<u>Seconded Police</u>						1				
<u>Seconded Health (Substance misuse)</u>										
<u>Seconded Health (Mental health)</u>										
<u>Seconded Health (Physical health)</u>					1					
<u>Seconded Health (Speech/language)</u>					1					
<u>Other/Unspecified Seconded Health</u>						1				
<u>Seconded Education</u>										
<u>Seconded Connexions</u>										
<u>Seconded Other</u>										
<b>Total</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>20</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>
<u>Disabled (self-classified)</u>	0	0	0	0	0	1	0	1	0	0

Ethnicity Group	<u>Managers Strategic</u>		<u>Managers Operational</u>		<u>Practitioners</u>		<u>Administrative</u>		<u>Sessional</u>		<u>Student</u>		<u>Referral Order Panel Volunteer</u>		<u>Other Volunteer</u>		<b>Total</b>	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Asian or Asian British					2	3											2	3
Black or Black British																	0	0
Mixed					1												1	0
Chinese or Other																	0	0
White or White British		1		3	6	8		2									6	14
<b>Total</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>9</b>	<b>8</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>			<b>0</b>	<b>0</b>	<b>9</b>	<b>17</b>
Welsh Speakers*	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

### Appendix 3: Budget Costs and Contributions

Agency	Staffing Costs (£)	Payments in Kind (£)	Other delegated funds (£)	Total (£)
Police	0	0	0	0
Police and Crime Commissioner	0	0	0	0
Probation	0	0	5,000	5,000
Health	0	0	0	0
Local Authority	219,348	0	164,204	383,552
YJB*	604,256	0	0	604,256
Other	273,836	0	88,024	361,860
<b>Total</b>	<b>1,097,440</b>	<b>0</b>	<b>257,228</b>	<b>1,358,668</b>

\*As of 20/06/2023 the Youth Justice Board Practice Grant for 2023/2024 had not been confirmed, therefore the funding settlement for 2023/2024 has been used as a projection for the current year's budget.

#### Appendix 4: Service Development Plan

Action	Lead	By when	How will this improve outcomes for children in Oldham	Progress
Continue to develop the effectiveness of the Youth Justice Management Board	Clare Griffiths and Gerard Jones	July 2023	Oldham YJS will have an outstanding governance and leadership structure	
Ensure that the Youth Justice Plan is aligned to other relevant plans in children's services and that there are shared priorities for children which reflect Child First principles	Clare Griffiths and Julie Daniels	August 2023	There will be a shared understanding of the priorities for children in the justice system, with a multi-agency response	
Improve reporting on specific performance measures and new KPIS	YJS Management and Garry O'Driscoll	August 2023	Performance issues will be better understood and will be able to be acted on in real time, to ensure outstanding outcomes are achieved	
Resolve lack of seconded CAMHS Practitioner in YJS	Clare Griffiths and Mike Baker	August 2023	Children will have access to mental health support to promote desistance	
Resolve concerns regarding short time funding commitment for seconded health roles	Clare Griffiths and Mike Baker	August 2023	Children will have access to speech and language support to promote desistance	
Develop and embed YJS Disproportionality Strategy	Clare Griffiths and Claire Hudson	September 2023	Children from black and minority ethnic groups will not have an unfair experience of the criminal justice system	

Review and embed outstanding policies	YJS Management	September 2023	Practice will be consistent with legislation, guidance and national standards, ensuring an outstanding service offer	
Develop and embed YJS Participation Strategy	Nicola Holmes and Harley Hegarty	December 2023	The voice of the child will be used further to enhance an outstanding service offer	
Embed the use of Outcome 22 as an alternative to prosecution	Clare Griffiths and Phil Hutchinson	December 2023	Children will have the opportunity to engage with early and educational interventions as an alternative to receiving an out of court disposal, reducing the number of first- time entrants into the justice system	
Complete full National Standards Audit and present findings to YJMB	YJS Management Team	March 2023	Practice will be measured against the required standards and any improvements made to ensure an outstanding service offer	
Challenge lack of attendance at YJMB and engagement should this occur	Gerard Jones	As and when	Oldham YJS will have an outstanding governance and leadership structure	
Convene Task and Finish Groups in relation to board actions, as and when required, to ensure these are successfully completed and do not drift, in particular	YJMB Members	As and when	Any improvements made to ensure an outstanding service offer	

following HMIP Thematic Inspections or Serious Case reviews and similar				
Seek funding opportunities to develop evidence- based practice and innovation	YJS Management Team	As and when	Children in Oldham will benefit from interventions that go above and beyond the usual requirements of YJS service delivery to promote desistence	

## Report to Council

# Treasury Management Review 2022/23

**Portfolio Holder:** Councillor Abdul Jabbar MBE, Cabinet Member for Finance and Corporate Resources

**Officer Contact:** Anne Ryans, Director of Finance

**Report Author:** Lee Walsh, Finance Manager

**Ext.** 6608

**6 September 2023**

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### Reason for Decision

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

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

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

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

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

Committee was content to commend the report to Cabinet. As such, Cabinet, at its meeting on 24 July 2023 approved the content of the report and was content to commend it to Council.

Council is therefore requested to approve the Treasury Management Review 2022/23 to ensure full compliance with the Code for 2022/23.

**Executive Summary**

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

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

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

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

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

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

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The Treasury Management Review 2022/23 report was presented to and considered by the Audit Committee at its meeting of 27 June 2023, the Committee having responsibility for scrutinising all of the Council's treasury management arrangements. All questions and issues raised at the meeting were addressed to the satisfaction of the Committee Members. The Committee was content to recommend the report to Cabinet for approval.

The report was also presented to Cabinet at its meeting on 24 July 2023. Cabinet approved the report and was content to commend it to Council. Approval by Council will ensure full compliance for the financial year 2022/23 with the requirements of the CIPFA Code of Practice.

## **Recommendations**

Council is recommended to:

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

**Treasury Management Review 2022/23****1 Background**

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

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

Treasury management in this context is defined as:

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

1.2 The report therefore summarises the following the:-

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

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## 2 Current Position

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

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

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

2.1.2 The actual level of capital expenditure forms one of the required prudential indicators (these indicators are all summarised in Appendix 1). The table below shows the actual level of capital expenditure and how this was financed. As can be seen in the table below, actual capital expenditure in 2022/23 was slightly less than the revised budget estimate. The revised budget estimate is based on the month 8 2022/23 reported position to align with the Annual Treasury Management Strategy 2023/24 report approved on 1 March 2023, and not the latest reported position (month 9 report on 20 March 2023). All prudential indicators in the 2022/23 strategy are based on this revised budget.

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

### 2.2 The Council's Overall Borrowing Need

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

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

Reducing the CFR

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

2.2.4 The total CFR can also be reduced by:

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

2.2.5 The Council's 2022/23 MRP Policy (as required by Government) was approved as part of the Treasury Management Strategy report for 2022/23 at the Council meeting on 2 March 2022.

2.2.6 The Council's CFR for the year is shown in the table below and represents a key prudential indicator. It includes PFI and leasing schemes held on the balance sheet, which increase the Council's borrowing need. In 2022/23 the Council had seven PFI schemes in operation; however, no borrowing is actually required against these schemes as a borrowing facility is included within each contract.

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

\* Includes voluntary application of capital receipts and revenue resources

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

#### Gross Borrowing and the CFR

2.2.8 In order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2021/22) plus the estimates of any additional capital financing requirement for the current (2022/23) and next two financial years.

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

2.2.10 This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2022/23 if so required. This flexibility was not used. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator.

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

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

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

#### The Authorised Limit

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

#### The Operational Boundary

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

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

Actual financing costs as a proportion of net revenue stream

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

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

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

## 2.3 The Council's Debt and Investment Position

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

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

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

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

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

2.3.4 The investment portfolio and maturity structure was as follows:

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

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

2.3.5 Key features of the debt and investment position are:

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

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the Council has received greater returns on its investments. The increase in Bank Rate has continued into the first two quarters of 2023/24.

## **2.4 Economic Background 2022/23**

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

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

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

### Financial Markets

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

### Credit Review

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

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Guildford BC but revised the outlook to negative. The agency also downgraded Warrington BC and Transport for London.

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

## **2.5 Borrowing Strategy and control of interest rate risk**

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

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

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## **2.6 Borrowing Outturn for 2022/23**

### Treasury Borrowing

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

### Debt Rescheduling

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

### Repayment of Debt

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

### Borrowing in Advance of Need

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

## **2.7 Investment Outturn**

### Investment Policy

- 2.7.1 The Council's investment policy is governed by the Department for Levelling Up, Housing and Communities (DLUHC), previously the Ministry of Housing, Communities and Local Government (MHCLG) investment guidance. This has directed the preparation of the annual investment strategy which for 2022/23 was approved by Council on 2 March 2022. This policy set out the approach for choosing investment counterparties and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data (such as rating outlooks, credit default swaps, bank share prices etc.).

- 2.7.2 Both the CIPFA Code and Government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income. The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

- 2.7.3 Bank Rate has increased from 0.75% at the beginning of the year to 4.25% at the end of March 2023. Short-dated cash rates, which had ranged between 0.7% - 1.5% at the beginning of April 2022, rose by around 3.5% for overnight/7-day maturities and 3.3% for 6–12-month maturities by the end of the year. By the end of March 2023, the rates on Debt Management Account Deposit Facility (DMADF)

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

### Resources

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

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

### Investments at 31 March 2023

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

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

\* Money Market Funds (MMF)

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

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

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

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

## 2.8 Other Key Issues

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

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

## 3 Options/Alternatives

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

## 4 Preferred Option

4.1 The preferred option is that the contents of the report are agreed by Council to ensure full compliance with the CIPFA Code of Practice.

## 5 Consultation

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

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5.2 The Treasury Management Review 2022/23 was presented to the Audit Committee for detailed scrutiny on 27 June 2023. All questions and matters raised at the Committee were addressed. This scrutiny prior to approval was in compliance with the requirements of the CIPFA Code of Practice. The Committee was content to commend the report to Cabinet.

5.3 The report was also presented to Cabinet at its meeting on 24 July 2023. Cabinet approved the report and was content to commend it to Council. Approval by Council will ensure full compliance for the financial year 2022/23 with the requirements of the CIPFA Code of Practice.

**6 Financial Implications**

6.1 All included in the report.

**7 Legal Services Comments**

7.1 None

**8 Cooperative Agenda**

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

**9 Human Resources Comments**

9.1 None

**10 Risk Assessments**

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

**11 IT Implications**

11.1 None

**12 Property Implications**

12.1 None

**13 Procurement Implications**

13.1 None

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14 **Environmental and Health & Safety Implications**

14.1 None

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

15.1 None

16 **Equality Impact Assessment Completed**

16.1 No

17 **Key Decision**

17.1 Yes

18 **Key Decision Reference**

18.1 FLC-03-23

19 **Background Papers**

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

File Ref: Background papers are provided in Appendix 1  
Officer Name: Lee Walsh  
Contact No: 0161 770 6608

20 **Appendices**

Appendix 1 Prudential and Treasury Management Indicators

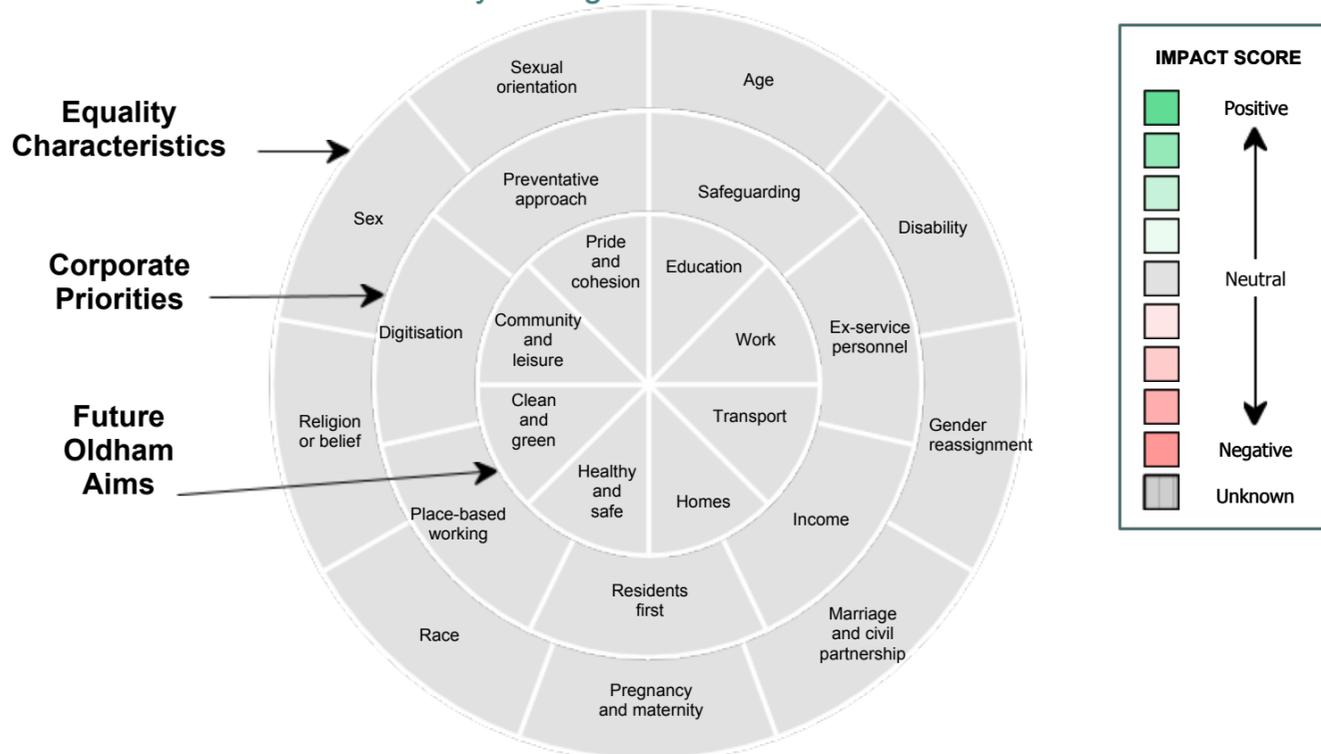
## Appendix 1: Prudential and Treasury Indicators

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

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

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

### Treasury Management Review 2022/23



Treasury Management Review 2022/23				
	Impact	Likelihood	Duration	Comment
<b>Equality Characteristics</b>				
Age	Neutral	Possible	Short Term	The report considers the performance of the Treasury Management function (within Finance) for the 2022/23 financial year and as such, in isolation has no direct impact on Equality
Disability	Neutral	Possible	Short Term	As Above
Gender reassignment	Neutral	Possible	Short Term	As Above
Marriage and civil partnership	Neutral	Possible	Short Term	As Above
Pregnancy and maternity	Neutral	Possible	Short Term	As Above
Race	Neutral	Possible	Short Term	As Above
Religion or belief	Neutral	Possible	Short Term	As Above
Sex	Neutral	Possible	Short Term	As Above
Sexual orientation	Neutral	Possible	Short Term	As Above
<b>Corporate Priorities</b>				
Safeguarding	Neutral	Possible	Short Term	The report considers the performance of the Treasury Management function (within Finance) for the 2022/23 financial year and as such, in isolation has no direct impact on Corporate Priorities
Ex-service personnel	Neutral	Possible	Short Term	As Above
Income	Neutral	Possible	Short Term	As Above
Residents first	Neutral	Possible	Short Term	As Above
Place-based working	Neutral	Possible	Short Term	As Above
Digitisation	Neutral	Possible	Short Term	As Above
Preventative approach	Neutral	Possible	Short Term	As Above
<b>Future Oldham Aims</b>				
Education	Neutral	Possible	Short Term	The report considers the performance of the Treasury Management function (within Finance) for the 2022/23 financial year and as such, in isolation has no direct impact on Future Oldham Aims
Work	Neutral	Possible	Short Term	As Above
Transport	Neutral	Possible	Short Term	As Above
Homes	Neutral	Possible	Short Term	As Above
Healthy and safe	Neutral	Possible	Short Term	As Above
Clean and green	Neutral	Possible	Short Term	As Above
Community and leisure	Neutral	Possible	Short Term	As Above
Pride and cohesion	Neutral	Possible	Short Term	As Above