

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

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Jabbar.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

The following public question was received from Mr Syed Maruf Ali:-

“One of education's most powerful features is the ability to bring people together and to open opportunities for our children, no matter their background. What sort of message do our schools send to children when they discriminate based on religion?

An inclusive education system today is the best chance we have of creating an inclusive society tomorrow.

A secular approach to school admissions would create a more inclusive education system that values and caters for all pupils equally.

Wider issues of discrimination in admissions

When voluntary aided faith schools and religious academies are oversubscribed, they are permitted to use religious criteria to give priority in admissions to children, or children of parents, who practice a particular religion. In many cases schools will require evidence of baptism or religious practice from a minister of religion.

We should advocate for an end to the exemption from equality law that permits state funded 'faith schools' to religiously select children in this way.

Such admissions arrangements disadvantage local children whose parents are non-religious or of a different religion to the school's religious designation. Many parents find that because of their lack of religious belief, they are unable to send their children to their local state school, which is often the most appropriate school for their needs.

There is also strong evidence to suggest that the discriminatory admissions arrangements operated by some schools, in addition to being unfair, encourage social segregation and impede

community cohesion. Religious selection in schools is discriminatory, entrenches religious segregation in wider society, and often leads to ethnic and socio-economic segregation too.



In a society as diverse as ours especially in Oldham, rather than facilitating segregation along religious lines, the Government/Oldham Council should be doing everything it can to ensure that children of all faiths and none are educated together in inclusive schools.

Under the Equality Act 2010, Oldham Council has a duty to consider and address the impact of all its policies or activities on the different groups protected under the Act.

Under the Equality Act 2010, schools must, in the exercise of their public functions, have due regard to:

- Advancing equality of opportunity between people who share a 'protected characteristic' and people who do not share it
- (The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation)
- Eliminating discrimination, harassment, victimisation and other conduct prohibited by the Act
- Fostering good relations between people who share a protected characteristic and people who do not share it

This is called the 'public sector equality duty'. It is up to schools how they implement the duty. However, they must be able to provide evidence upon request that due regard has been paid to the duty in their day-to-day work, practice and decision-making.

Equality impact assessments help schools take a consistent approach to the duty. The law requires that the Oldham Council demonstrates that it has considered and addressed potential impacts in its decision making.

The Oldham Council, Jim McMahon MP (Oldham West & Royton), Oldham Interfaith Forum, Action Together in Oldham and the Chai mums has supported the Cranmer Education Trust 's application to open a new secondary school – Blue Coat II – which has been approved.

I would like to know has there been an Equality Impact Assessment been carried out for Cranmer Education Trust 's?

Will Oldham council carry out Equality Impact Assessment on admission criteria for all school in Oldham?

Councillor Mushtaq responded that:-

As Cranmer is a Multi Academy Trust the Local Authority would not be in a position to carry out a Equality Impact Assessment. The Trust do have an Equality Policy which makes specific reference to Equality Impact Assessments and its

commitment to review policies through a programme of impact testing.



All non-voluntary aided schools in Oldham (Community and Voluntary Controlled Schools) adhere to the Local Authority Admissions Policy which is fully compliant with the Equality Act 2010. Council policies are subject to Equality Impact Assessments. Voluntary Aided Schools and Academy Trusts are their own admissions authority and it is the responsibility of the school or the trust to undertake Equality Impact Assessments on their Admissions Policy and to ensure they adhere to the Equality Act 2010. They must consult on their policy every 7 years. Schools with a religious character are permitted in law to discriminate on the grounds of religion or belief concerning the following:-

- Those that they choose to admit as pupils
- The provision of education.
- Who they allow to access a benefit, facility or service.

This is allowed under the Equality Act under 'religious or belief related exceptions'.

In relation to the new school, the Trust would decide their admission policy as they were the admission authority for the Academy. There would be a consultation period when the views of the public and parents would be considered.

Councillor Fielding added that the new school was still in its early days and its admission policy was not likely to be the same as that for the current Blue Coat School. It was expected that the admission policy for the new school would better reflect the local demographic.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting of the Cabinet held on 24th June 2019 be approved as a correct record.

6 **SPECIAL EDUCATION NEEDS (SEN) TRANSPORT SERVICE**

The Cabinet gave consideration to a report of the Director of Education, Skills and Early Years which detailed the recent Transport Service tender allocation process and outlined the current provision of Home to School Transport, provided by the SEN Transport Team.

The Cabinet noted that SEND had been undergoing an improvement journey since the Ofsted inspection in 2017 and Transport was identified as a priority area in the Written Statement of Action. The Education Health and Care Plan's (EHCP's) annual review process would now include a review of home to school transport arrangements annually in the context of the plan, to further assess need and review appropriate provision.

All pupils with SEN were provided with free travel assistance, in accordance with the Council's current Home to School Transport Policy (March 2018), IPSEA Legal guidance and the Education Act 1996. The SEN Transport Policy aimed to ensure that all pupils eligible to access transport, would receive the appropriate provision which met their needs.

In accordance with the Council's Procurement regulations and European Legislation, routes for home to school transport for children and young people had been put out to tender, for contracts to start in September 2019. The Cabinet noted the process for seeking bids via the Chest and for the evaluation of bids.

It was proposed that contracts be awarded for 104 of the available 118 routes and that the other 14 be re-tendered via the Chest. This would ensure the Council was operating within the guidelines set out in the Dynamic Purchasing System, by ensuring a fair and moderated tendering process had ensued. This would also maximise the opportunity to ensure the service operated in the most financially efficient way.

The Cabinet noted that families, carers and young people across the Borough had been involved in the development of the new policy helping to shape and co-produce it. The leadership and support of POINT in this process was acknowledged.

Options/Alternatives considered:-

- Option 1 - Open the Dynamic Purchasing System under The Chest and re-tender the remaining 14 routes to the successful bidders on the System.
- Option 2 - Approach the current supplier to continue undertaking the route previously tendered for the same price, over the contracted period. If this is not possible. re-tender the 14 routes outside of the Dynamic Purchasing System.

RESOLVED that:

1. The award of the contracts for 104 routes be approved.
2. The proposal to re-tender for the remaining 14 routes be noted.
3. The revised Travel Assistance Policy for Children and Young People with Special Educational Needs and Disabilities accessing Education be noted.

7

PROPOSED PUBLIC SPACES PROTECTION ORDER - SADDLEWORTH MOOR

The Cabinet gave consideration to a report of the Community Safety Manager which informed them that, following a significant amount of fires upon the moorlands in Saddleworth and Tameside over the last two years, both Councils had begun consultation exercises (commenced on 8th July 2019) as the first stage of the legal process to consider the making of Public Spaces Protection Orders (PSPO), pursuant to s59 of the Anti-

Social Behaviour Crime and Policing Act 2014. Such Orders would enable the introduction of behaviour controls on the moorlands (FIRE RELATED ACTIVITIES) and prevent the significant impact of wildfires upon the community and services.

The Cabinet noted that, under the legislation, each local authority must make its own PSPO however, should the Orders be made, it was intended that they would come into force on the same date and contain identical terms, to avoid confusion along the contiguous geographical border.

In order to ensure that the commencement of the Order could be effected on the same date as the Tameside PSPO, the Cabinet was asked to consider delegating the authority to make the Order, subject to there being no significant objections at the end of the consultation period.

Options/Alternatives considered:-

- Option 1 - To give delegated approval to the Portfolio Lead and Deputy Chief Executive/Director to make a Public Spaces Protection Order pursuant to s59 of the Anti-Social Behaviour Crime and Policing Act 2014, following completion of the consultation exercise, in the absence of any significant objection(s). Should significant objection(s) be received then the decision making will be retained by the Cabinet.
- Option 2 - To bring all decision making on the making of a Public Spaces Protection Order to control moorland fires to the Cabinet.

RESOLVED that, subject to there being no significant objections at the end of the consultation period, delegation be given to the Portfolio Lead for Social Justice and Communities and the Deputy Chief Executive, to make a Public Spaces Protection Order, pursuant to s59 of the Anti-Social Behaviour Crime and Policing Act 2014.

8

LIBRARY FINES

The Cabinet gave consideration to a report of the Head of Heritage, Libraries and Arts which proposed the removal of library fines, to remove barriers to information, resources and opportunities for some of the most deprived communities in Oldham.

The Cabinet were informed that there was a current debate within public libraries concerning the negative impact of charging fines for the late return of books. Evidence suggested that fines could become a barrier to accessing library services rather than an incentive to return books on time and that those that could afford to pay the fines continued to use the service, whilst those that were arguably in most need of the service, from deprived communities, were then barred and discouraged from using it.

The Cabinet noted the arguments for and against the employment of library fines, as outlined.

Options/Alternatives considered:-

- Option 1a) To continue with current fines policy
- Option 1b) To continue with current fines policy and undertake an amnesty.
- Option 2a) To abolish library fines
- Option 3b) To trial the removal of fines for a year

RESOLVED that library fines be abolished.

9

TREASURY MANAGEMENT REVIEW 2018/19

Cabinet gave consideration to a report of the Finance Manager. Members were informed that the Council was required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities together with the actual prudential and treasury indicators for 2018/19. This report 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 2018/19 the minimum reporting requirements were that full Council should receive the following reports:

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

The regulatory environment placed responsibility on Members for the review and scrutiny of treasury management policy and activities. The report was therefore important, as it provided details of the outturn position for treasury activities and highlighted compliance with the Council's policies previously approved by Members.

The Audit Committee was charged with the scrutiny of treasury management activities in Oldham and was therefore requested to review the content of the report prior to its consideration by Cabinet and Council. A programme of Treasury Management training had been developed and delivered to assist Members of the Audit Committee with their scrutiny role. The Audit Committee had scrutinised the Treasury Management review at their meeting on 25th June 2019 and was content to commend the report to Cabinet.

The Cabinet noted that actual capital expenditure was less than the revised budget estimate for 2018/19 presented within the 2018/19 Treasury Management Strategy report considered at the Council meeting of 27 February 2019. The outturn position was significantly less than the £89.658m original capital budget for 2018/19 as approved at Budget Council on 28 February 2018.

During the course of the year, the Capital Programme saw substantial rephasing. A number of major schemes including the Eastern Gateway Improvement Regeneration scheme and the Coliseum Theatre project were re-phased or re-aligned into future years to allow for either a review of the scheme to be undertaken (as is the case with the theatre project) or to align with revised project timelines. The planned expenditure had therefore been re-profiled into 2019/20 and future years.

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

The Director of Finance confirmed that the statutory borrowing limit (the Authorised Limit) was not breached.

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

Options/Alternatives considered:-

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

RESOLVED that:-

1. The actual 2018/19 prudential and treasury indicators presented in the report be approved.
2. The annual treasury management review report for 2018/19 be approved.
3. The report be commended to Council.

The meeting started at 6.00 pm and ended at 6.25 pm