

# Public Document Pack

## CABINET

16/09/2019 at 6.00 pm



**Oldham**  
Council

**Present:** Councillor Fielding (Chair)  
Councillors Chauhan, Jabbar, Mushtaq, Roberts and Shah

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Chadderton and Councillor Ur-Rehman.

2 **URGENT BUSINESS**

There were two Items of urgent business received, which were accepted in accordance with S.100 B (4) of the Local Government Act 1972, and were considered at Items 10 and 11 of the agenda.

Urgent Cabinet approval was required to enable the Council to make a decision about the Public Space Protection Order in conjunction with Tameside Council's decision making and the proposed changes to the fixed penalty charges impact upon the enforcement powers in relation to the Public Space Protection Order

3 **DECLARATIONS OF INTEREST**

Councillor Roberts declared a personal interest in Items 8 and 13 by virtue of her appointment to the Positive Steps Board.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting of the Cabinet held on 19<sup>th</sup> August 2019 be approved as a correct record.

6 **2018/19 ANNUAL STATEMENT OF ACCOUNTS**

The Cabinet gave consideration to a report of the Director of Finance which advised them of the recently approved 2018/19 audited Statement of Accounts and the External Auditor (Mazars LLP) Audit Completion Report (ACR) and Annual Audit Letter.

The report presented the Council's audited Statement of Accounts for the financial year 2018/19, as considered by the Audit Committee on 25<sup>th</sup> June 2019. Delegated authority was given to the Vice Chair of the Audit Committee and the Director of Finance to approve the accounts pending the resolution of two national pension-related issues. The accounts were subsequently approved on 10<sup>th</sup> July 2019, with no changes to the Statement of Accounts that had been presented and accepted at the Audit Committee on 25 June 2019.

The report highlighted:

- The content of the External Auditors Audit Completion Report and Annual Audit Letter containing the

unqualified opinion on the Statement of Accounts and positive value for money opinion.

- The overall revenue outturn position for 2018/19 was a surplus of £0.849m. This was an increase on the favourable variance of £0.255m projected at month 9 that was reported to Cabinet on 25 March 2019.
- The year-end variances that were attributable to each Portfolio.
- Schools balances at 31 March 2019 were £6.925m but were offset by the deficit on the Dedicated Schools Grant (DSG) of £2.723m leaving a net balance of £4.202m held within other earmarked reserves.
- The final Housing Revenue Account (HRA) balance was £21.305m.
- The balance on the Collection Fund was a surplus of £4.147m.
- The small reduction in revenue account earmarked reserves of £2.108m to a level of £80.623m, an increase in other earmarked reserves to a level of £12.935m and an increase in balances to £14.840m reflective of the revenue outturn position.
- Expenditure on the Council's Capital Programme for 2018/19 was £48.564m which was a small increase on the month 9 forecast expenditure of £48.267m. The increase in expenditure required funding allocated to future years to be re-profiled to fully finance the Capital Programme in 2018/19.
- Capital Receipts in year totalled £6.180m, which when taken with the brought forward balance, gave a total of £14.927m, which was used to finance the Capital Programme in year.
- The significant items in each of the primary financial statements.
- Changes to the draft Statement of Accounts.
- The performance of the Finance Team in closing the accounts

Options/Alternatives considered:

No alternatives were presented other than that Cabinet noted the final accounts position for 2018/19, the Statement of Accounts, the Audit Completion Report and the Annual Audit Letter and commended the report and the Statement of Accounts to Council.

RESOLVED that:

1. The Council's final accounts position for 2018/19, the Statement of Accounts, the Audit Completion Report and Annual Audit Letter be noted.
2. The report and Statement of Accounts be commended to Council.

Consideration was given to a report of the Director of Finance which provided the Cabinet with an update on the Council's 2019/20 forecast revenue budget position and the financial position of the capital programme as at 30<sup>th</sup> June 2019 (Quarter 1) together with the revised capital programme 2019/23.



In relation to the Revenue position, the Cabinet was informed that the current forecast outturn position for 2019/20 was a projected deficit variance of £3.805m, after allowing for approved and pending transfers to and from reserves.

Members noted the most significant areas of concern were the People and Place, Children's Services and Community Services & Adult Social Care portfolios. Action was being taken and would continue for the remainder of the financial year to address variances and take mitigating action as detailed in the report.

The overall corporate position was, to a limited extent, being managed by offsetting favourable variances, most noticeably from Capital, Treasury and Corporate Accounting budgets. An update on the major issues driving the projections was provided.

The report reflected the financial position at Quarter 1 and could be regarded as an early warning of the potential year end position if no corrective action was taken. The Cabinet noted that management action had been initiated across all service areas to review and challenge planned expenditure and to maximise income. Although, this action had not yet been fully implemented, it was anticipated that, by the year end, the outturn would be closer to a balanced position and this should start to be demonstrated in the Quarter 2 report which would be presented to Cabinet in December.

Information on the Quarter 1 position of the Dedicated Schools Grant (DSG), Housing Revenue Account (HRA) and Collection Fund was also outlined in the report. There were currently no significant issues of concern in relation to the HRA, however the Collection Fund was forecasting an in-year deficit of £0.480m. The DSG continued to be an area which was facing a financial challenge, with a projected deficit increase in 2019/20. Action was being taken with the aim of reducing the cumulative deficit and bringing the DSG towards a balanced position.

In relation to the Capital position, the Cabinet was informed of the most up to date capital spending position for 2019/24 for approved schemes. The revised capital programme budget was £77.143m at the close of Quarter 1, a net decrease of £10.346m from the original budget of £84.332m. Actual expenditure to 30<sup>th</sup> June 2019 was £6.297m (8.16% of the forecast outturn). It was probable that the forecast position would continue to change before the year end with additional re-profiling into future years.

Options/Alternatives considered:

1. Approve the forecast revenue and capital positions presented in the report, including proposed changes.

2. Approve some of the forecasts and changes included in the report.
3. Not to approve any of the forecasts and changes included in the report.

RESOLVED that:

1. The forecast revenue outturn for 2019/20 at Quarter 1 being a £3.805m overspend be approved.
2. The forecast positions for both the HRA and Collection Fund be approved.
3. The use of reserves as detailed in Appendix 1 to Annex 1 of the report be approved.
4. The revised capital programme for 2019/20 to 2023/24 as at Quarter 1 be approved.

## 8 **TARGETED YOUTH SERVICES - OPTIONS FROM APRIL 2020**

Consideration was given to a report of the Interim Director of Children's Services and Director of Public Health which informed the Cabinet that the current contract for the delivery of targeted youth services delivered by Positive Steps was due to end on 31st March 2020 and it was intended to undertake a procurement exercise to establish delivery arrangements from April 2020.

The report set out options in respect of how the service might be re-procured with particular reference to the Youth Justice Service. The report also sought Cabinet approval to delegate the decision to award the contract to the successful bidder/bidders to the Director of Children's Services in consultation with the Strategic Director, Communities and Reform and Portfolio Holders for Children's Services and Health and Social Care.

Options/Alternatives considered:

1. Proceed with the procurement plans set out in the report and re-procured the Targeted Youth services in the current lots.
2. Revert to the previous contracting arrangement where the services were brought together under one overarching contract.
3. Do not proceed with the re-procurement exercise either by reason of affordability or in terms of the services currently making up the contract.

RESOLVED that the Cabinet would consider the commercially sensitive information contained at Item 13 of the agenda.

## 9 **COUNCIL PERFORMANCE REPORT JUNE 2019**

The Cabinet gave consideration to a report of the Head of Business Intelligence which provided a review of Council performance to June 2019.

The report provided the Cabinet with an overview of the Council's performance against priorities outlined within the Corporate Plan, which had been monitored in the period April to June 2019.

Options/Alternatives considered:-

To note the Council performance April to June 2019.

RESOLVED – That the Council Performance Report June 2019 be noted.

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### **PROPOSED PUBLIC SPACES PROTECTION ORDER - MOORLAND AND PUBLIC OPEN SPACES IN SADDLEWORTH**

Consideration was given to a report of the Community Safety Manager which asked the Cabinet to approve the making of the Public Spaces Protection Order relevant to Oldham pursuant to s59 of the Anti-Social Behaviour Crime and Policing Act 2014.

Members were informed that the Anti-Social Behaviour Crime and Policing Act 2014 gave local authorities the power to make Public Spaces Protection Orders (PSPOs) to control behaviours on land to which the public have access, which have caused or may cause a detrimental effect on the quality of life of those in the locality and are likely to be on a continuing or persistent nature and are therefore unreasonable.

In the last two years there had been a significant number of wildfires reported and responded to on moorland across Oldham and Tameside.

Between June 2018 and May 2019 Greater Manchester Police received 27 reports of moorland fires across various areas on Saddleworth Moor in Oldham. Some of the reports related to fires which were already being attended to by the emergency services and military personnel, but which had spread, or fires which had previously been extinguished but had re-ignited. During the same period 10 reports were made to police of people having barbecues on the moorland.

The fires caused major loss to the land, the death of wildlife and damage to property. Without any further fires occurring, it was estimated that the land would take at least five years to recover and approximately ten years for the wildlife to return.

Oldham Council and Tameside Council were working together with the Greater Manchester Fire and Rescue Service, Greater Manchester Police and United Utilities, who owned a significant portion of the moorland, to develop a response which would prevent and disrupt high risk activities, including lighting of fires, possession and use of barbecues, fireworks, Chinese lanterns and other open flame heat sources upon the moorland.

The potential implementation of Public Spaces Protection Orders, which were enforceable by means of fixed penalty

notices or prosecution, had been identified as the most appropriate course of action to respond to the issues and reduce the likelihood of further moorland fires.

Under the provisions of the legislation, prior to the making of a PSPO, a statutory consultation exercise must be undertaken. The consultation exercise had ended on the 5<sup>th</sup> August 2019.

The Cabinet was informed that, should the Orders be made, both Orders would be identical in order to avoid confusion along the contiguous land border.

Options/Alternatives considered:

1. To approve the making of the Public Spaces Protection Order pursuant to s59 of the Anti-Social Behaviour Crime and Policing Act 2014.
2. To reject the making of a Public Spaces Protection Order.

RESOLVED that the making of the Public Spaces Protection Order pursuant to s59 of the Anti-Social Behaviour Crime and Policing Act 2014 be approved.

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## **CHANGES TO DISCRETIONARY FIXED PENALTY CHARGE LEVELS**

The Cabinet gave consideration to a report of the Community Safety Manager and Environmental Health Manager, seeking approval for proposed increases to Fixed Penalty Charge levels and to the use of Fixed Penalty Notices for offences of fly-tipping and breach of the household waste duty of care.

The Cabinet was informed that there were a number of legislative powers to control negative behaviours which impacted upon the environment and communities, which the local authority was able to enforce through the issue of Fixed Penalty Notices (FPNs) as an alternative to prosecution.

Within the respective legislation the maximum values for Fixed Penalty Charges in respect of each of the offences was prescribed, however the local authority was able to set the values at any level up to the maximum allowed and was also able to offer further reductions through the provision of an early payment scheme.

The local authority could seek prosecution if the Fixed Penalty Charges were not paid.

Historically local values had been set at significantly lower levels than the maximum allowed.

The current low value levels were believed to be a contributory factor in continuing negative behaviours, and it was believed that an increase in the values would deter individuals and organisations from such conduct.

Members were informed that there was also an existing power to issue FPNs for fly-tipping and breach of the household waste duty of care, which the local authority did not currently exercise. All fly-tipping and duty of care enforcement was undertaken through prosecution, however this could be resource intensive and could be disproportionate. The ability to use FPNs as an alternative allowed for officer discretion according to the circumstances of the case.

Options/Alternatives considered:

1. To approve the proposed changes to the values of the Fixed Penalty Charges and to approve the use of Fixed Penalty Notices for fly-tipping and breach of the household waste duty of care with the level set at the maximum £400.00 with an option to pay a reduced rate of £280.00 for early payment.
2. To approve the proposed changes to the values of the Fixed Penalty Charges and to approve the use of Fixed Penalty Notices for fly-tipping and breach of the household waste duty of care but set alternative Charge levels.
3. To retain the existing levels of Fixed Penalty Charges.
4. To retain prosecution action only for fly-tipping and breach of the household waste duty of care.

RESOLVED that:

1. The proposed increases to the Fixed Penalty Charge Levels be approved
2. The use of Fixed Penalty Notices for offences of fly-tipping and breach of the household waste duty of care be approved.

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

**RESOLVED** that, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they contain exempt information under 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 reports.

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### **TARGETED YOUTH SERVICES - OPTIONS FROM APRIL 2020**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 11 – Targeted Youth Services - Options from April 2020.

RESOLVED - That the recommendations as detailed within the report be approved.

The meeting started at 6.00 pm and ended at 6.18 pm

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