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CABINET

24/08/2020 at 6.00 pm



Oldham
Council

Present: Councillor Fielding (Chiar)
Councillors Brownridge, Chadderton, Chauhan, Jabbar, Moores,
Mushtaq, Roberts and Shah

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 received.

5 **MINUTES OF THE CABINET MEETING HELD ON 20TH
JULY 2020**

RESOLVED – That the minutes of the Cabinet meeting held 20th
July 2020 be approved.

6 **FINANCIAL UPDATE – BUDGET 2020/21 AND 2021/22**

Consideration was given to a report of the Director of Finance which provided an update on the deployment of additional capital and revenue grants received in 2020/21 since the report to Cabinet of 23 April 2020 and to advise of the estimated financial challenge for the Council arising from the COVID-19 pandemic.

It was reported that the COVID-19 outbreak continued to place further unprecedented pressure on services provided by both the Council and the NHS.

The Government had in response allocated a number of significant grants to provide support in relation to the COVID-19 pandemic.

A report was considered by Cabinet on 23 April 2020 which presented a range of grant support received towards the end of 2019/20 and early 2020/21. This report outlined the additional grant funding that has been received since the Cabinet meeting. The report provided details of the financial information that the Council provided to the Ministry of Housing, Communities and Local Government (MHCLG) on a monthly basis which informed the Government of costs being incurred/income lost by the Council as a result of the pandemic. The information included in the returns highlighted the financial challenge that the Council was facing in 2020/21 although additional Government grant funding was expected. Members were also advised of the on-going impact of COVID-19 on the financial position of the Council in future years, with the provisional budget reduction requirement for 2021/22 increasing to £30m.

It was further noted that the Financial Monitoring reports presented to Cabinet during 2020/21 (the report for month 3 is included elsewhere on this agenda) would provide information about the impact of COVID-19 on the financial position of the Council as it developed throughout the year and the reports would also provide details of the use of the grants, both COVID and non-COVID related.

Options/alternatives considered

Option 1 - Cabinet approves the adjustments to the budget of the Council to reflect the additional grant funding received during 2020/21 as outlined in this report, confirms its support for actions being taken to address the financial challenge and notes the updated financial forecasts.

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Option 2 - Cabinet does not approve the adjustments to the budget of the Council to reflect the additional grant funding received during 2020/21 as outlined in this report, suggests alternative action to address the financial challenge and does not agree to note the updated financial forecasts.

RESOLVED – That:

1. The adjustments to the budget of the Council to reflect the additional unringfenced and ringfenced revenue grant funding received since Cabinet considered its last financial update report at its 23 April 2020 meeting be approved.
2. The additional capital grant funding that the Council has received be noted.
3. The estimated extent of the financial challenge that the Council is facing in 2020/21 as a result of the COVID-19 pandemic be noted.
4. Support for the measures that have been introduced to reduce the call on Council resources in year be confirmed.
5. The challenges faced in relation to financial planning for 2021/22 and future years due to the uncertainty about the impact of the pandemic and the level of Government funding that would be received be noted.
6. The provisional budget reduction requirement for 2021/22 had increased to £30m be agreed.

7

REVENUE MONITOR AND CAPITAL INVESTMENT PROGRAMME 2020/21 QUARTER 1 – JUNE 2020

Consideration was given to a report of the Director of Finance which provided the Cabinet with an update on the Council's 2020/21 forecast revenue budget position at Annex 1 of the report and the financial position of the capital programme as at 30 June 2020 (Quarter 1) together with the revised capital programme 2020/25, as outlined in section two of the report at Annex 2.

Revenue Position

The current forecast outturn position for 2020/21 was a projected deficit variance of £21.299m after allowing for approved and pending transfers to and from reserves.

The position also included additional costs and pressures that have been identified by the Authority in this financial year as a

direct result of the Governments lockdown arrangements to mitigate the spread of COVID-19 commencing on 23 March 2020. The additional pressures included forecasts of both income shortfalls and additional expenditure that have impacted on the Authority's budgets as a result of the pandemic. The pandemic had affected nearly all aspects of Council service delivery; however, the most significant areas of concern were the People and Place, Children's Services and Community Health & 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 partly being offset by the application of the £16.638m unringfenced Government COVID related grant funding received to date. In Appendix 1 to the report, the full Government grant was presented as a single sum so that it highlighted the level of variation across all Council budgets, given that there was insufficient resource to offset the adverse variance. However, this summary report presented the position after applying the Government grant across Portfolio areas. As further General Fund grant was expected in respect of lost income for sales, fees and charges, both the overall financial position and the application of Government grant would therefore change during the course of the financial year.

Capital Position

The report outlined the most up to date capital spending position for 2020/25 for approved schemes. The revised capital programme budget for 2020/21 was £143.711m at the close of Quarter 1, a net decrease of £3.921m from the original budget of £147.632m. Actual expenditure to 30 June 2020 was £18.214m (12.67% of the forecast outturn).

It was probable that the forecast position will continue to change before the year end with additional re-profiling into future years.

Option/alternatives

Option 1 - to approve the forecast revenue and capital positions presented in the report including proposed changes

Option 2 - to approve some of the forecasts and changes included in the report

Option 3 - not to approve any of the forecasts and changes included in the report

RESOLVED – That:

1. The forecast revenue outturn for 2020/21 at Quarter 1 being a £21.299m adverse variance having regard to the action being taken to manage expenditure be approved.
2. The forecast positions for both the Housing Revenue Account and Collection Fund be approved.
3. The use of reserves as detailed in Appendix 1 to Annex 1 to the report be approved.
4. The revised capital programme for 2020/2024 as at Quarter 1 be approved.

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 2019/20. 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 2019/20 the minimum reporting requirements were that the full Council should receive the following reports:

- an annual treasury strategy in advance of the year (approved 27 February 2019)
- a mid-year (minimum) treasury update report (approved 8 January 2020)
- 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 details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

The Council 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 reviewed the content of this annual report at its meeting of 21 July 2020 prior to its consideration by Cabinet. The Committee was content to commend the report to Cabinet (to ensure full compliance with the Code for 2019/20).

Options/alternatives

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

RESOLVED – That:

1. The actual 2019/20 prudential and treasury indicators presented in this report be approved.
2. The annual treasury management report for 2019/20 be approved.
3. The report be commended to Council.

9

CREATING A BETTER PLACE

Consideration was given to a report of the Deputy Chief Executive which sought to update the Cabinet on 'Creating a Better Place' further to the report considered by Cabinet on 21st January 2020.

'Creating a Better Place' set out a comprehensive vision and strategic framework for the borough, which included the Oldham Town Centre Vision, the Housing Strategy, and utilisation of the Council's corporate estate (land and property) to support development and open space requirements across the borough. In light of the pandemic, the Council has had to respond with the provision of significant funding support to ensure the safety and welfare of Oldham's local communities. In addition, the national

policy landscape changed significantly in March 2020 with the publication of a HM Treasury consultation setting out proposals for revising PWLB lending terms. Therefore, it was appropriate that the programme was reviewed to ensure that priorities were correct and that the projects supported economic recovery (post-covid).

This report provided an overview of the review process and the findings, together with an update for the town centre vision following feedback from the local community, members and town centre businesses.

The results and findings were outlined in the report with some projects needing to cease / stop / be cancelled (red), others needing to be reviewed / deferred / paused (amber), and others which were confirmed for acceleration (green) to support recovery plans. Some of the amber projects business cases were appended to this report for separate decisions about progression.

Importantly, the review findings had confirmed that with a reduction on the capital programme, a reduction in the amount needed from prudential borrowing, the Council could still deliver the ambition while providing much needed savings to support the post-covid financial stability of the Council and future service delivery. The review and findings take into account external funding streams, which would continue to be targeted to support and enable project delivery, (ie Towns Fund, High Street Fund, Growth Deal).

Further details were provided in the commercially sensitive report at Item 17 of the agenda.

RESOLVED – That the Cabinet would consider the commercially sensitive information at Item 17 of the agenda before making a decision.

10

STATEMENT OF COMMUNITY INVOLVEMENT 2020

Consideration was given to a report of the Deputy Chief Executive, People and Place which provided the Cabinet with an updated Statement of Community Involvement which set out how Oldham Council would involve the community in the preparation and the revision of planning policy such as the Local Plan, together with the consideration of planning applications.

The Planning and Compulsory Purchase Act 2004 required local planning authorities to prepare a Statement of Community Involvement (SCI). Oldham Council first adopted its SCI in April 2007. The SCI document identified how the council would involve the community in the consideration of planning applications, the preparation and revision of the Local Plan, the preparation of Greater Manchester's Plan for Homes, Jobs, and the Environment– the Greater Manchester Spatial Framework (GMSF); and it also set out policies for giving advice or assistance on neighbourhood planning.

Since the SCI was reviewed and adopted in 2019, the planning department have been deploying new ways of working, new systems and processes to work towards a more efficient and customer focused service. It was considered necessary to update the SCI to introduce proposals, which included to:

- make clear that statutory consultees, councillors and Oldham Partnership receive an email or letter with details of strategic planning consultations rather than an electronic copy of the documents;
- publicise planning applications by site notices and / or neighbour notification letters, removing the requirement to do both, where it is not deemed necessary;
- remove copies of planning applications being available in paper files. Planning applications will be available online. This reduces time spent by officers creating paper files;
- publish individual comments anonymously, however, names and addresses of respondents cannot be treated as confidential and are available for public inspection without exception. Representations are kept on file with the application and form part of the public record, which must be presented upon request; and make submitting representations on planning applications to online only. This is to reduce the time spent by officers scanning and saving representations to ensure that planning applications can be handled efficiently.

The SCI had also been updated to reflect The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 to allow Local Plan consultations and development management decisions to continue to progress during the Coronavirus pandemic.

The SCI sets out what methods the Council would use to engage with people, how people could comment and get involved in the planning process and the result was a Local Plan /planning decisions that had been influenced co-operatively. The plan needed to be submitted to Full Council for consideration and adoption as it was a Local Development Document.

Options/alternatives considered

Option 1 – Adopt the SCI and make it available to view alongside the EIA.

Option 2 – Not to adopt the SCI and make it available to view alongside the EIA.

RESOLVED – That the Cabinet commend the updated Statement of Community Involvement to Council for adoption.

11

GM CLEAN AIR PLAN - APPROVAL TO COMMENCE STATUTORY CONSULTATION ON KEY MEASURES

Consideration was given to a report of the Deputy Chief Executive which set out the progress that had been made on the development of Greater Manchester's Clean Air Plan following the decision that the GM Local Authorities will move to a statutory public consultation on the GM Clean Air Plan as soon as reasonably practicable in light of COVID-19 restrictions, and the link to taxi and private hire common minimum licensing standards. The report also considered the formal governance

mechanisms that would underpin the delivery of a GM Clean Air Zone (CAZ) and the supporting measures.

This report was not seeking a decision on whether to make a scheme as that has been mandated by the Secretary of State. It was setting out a position for consultation on the daily charge, discounts and exemptions of a Category C GM Clean Air Zone, and the proposals for the supporting funds that had been developed taking stakeholder engagement and statistical modelling into account.

The report sought agreement to consult and endorsement of the policy for consultation. The policy would be reviewed in line with the findings from the statutory consultation.

This report provided an update on recent developments of the GM Clean Air Plan including the LGV and hackney funding position, and interaction with the strategic route network and Highways England. It confirmed arrangements for distributing funding received for bus retrofit and highlights separate discussions with DfT about funding for bus replacement.

It also set out the results of the public conversation that was held last year and the key points from a number of focus groups that were held with key impacted stakeholders and set out a proposal for consultation, within current Government COVID-19 guidelines, over an eight-week period starting in October 2020.

Options/alternatives considered

Option 1 – To agree the recommendations as contained within the report

Options 2 – Not to agree the recommendations contained within the report.

RESOLVED – That:

1. The progress of the Greater Manchester Clean Air Plan be noted.
2. Transport for Greater Manchester had confirmation that the funding award for Bus Retrofit should be distributed as soon as possible as per arrangements put in place for the Clean Bus Technology Funds and this was noted.
3. The update on the possible impacts of COVID-19 on the GM Clean Air Plan be noted.
4. Oldham Council along with the other nine GM local Authorities to hold an 8-week public consultation on the GM Clean Air Plan commencing in October 2020;
5. The GM local Authorities intention to consult on GM's proposed Minimum Licensing Standards, alongside the Clean Air Plan consultation be noted.
6. Transport for Greater Manchester to act as the Operating Body for the GM Clean Air Zone and supporting measures as set out at paragraph 7.5 of the report be agreed.
7. Oldham Council along with the other nine GM Authorities individually to be a 'charging authority' for the purposes of the Clean Air Zone, pursuant to the Transport Act 2000 be agreed.
8. The Greater Manchester Clean Air Plan Policy for Consultation at Appendix 3 of the report be endorsed.

9. The Equalities Impact Assessment on the Clean Air Plan, as set out at Appendix 5 of the report be noted.
10. The submission of further reports would be brought forward to set out the formal governance mechanisms that will underpin the delivery of a GM Clean Air Zone and the supporting measures, including the full scope of the suite of powers that would be needed to be delegated to the Operating Body be noted
11. The delegation to Helen Lockwood and Cllr Barbara Brownridge to approve the submission of the cases for measures to the Government's Joint Air Quality Unit to support the GM Clean Air Plan be agreed.
12. The delegation to Helen Lockwood and Cllr Barbara Brownridge to approve the GM Clean Air Plan consultation materials, to include the Equalities Impact Assessment on the consultation be agreed.
13. It be noted the submission of a response to Department for Transport' s Decarbonising Transport – setting the challenge, as set out at Appendix 1 of the report had been submitted to Government.

12

KINGFISHER SCHOOL EXPANSION OF PAN & HYDRO POOL REPLACEMENT

Consideration was given to a report of the Deputy Chief Executive which sought additional funding support for classroom expansion and the replacement of the Hydro Pool, as a consequence of a budget shortfall, COVID 19 impacting on the finances of the project, and pending the release of the grant funders contribution.

In January 2018 Cabinet approved the expansion of classrooms and the replacement hydro pool at Kingfisher School, total funding of £2,970,000.

The purpose of the report was to seek additional funding from the Basic Needs Grant and to agree to a temporary contribution pending the match funding grant contribution.

Options/alternatives considered

The options were considered in the commercially sensitive report.

RESOLVED – That the Cabinet would consider the commercially sensitive information detailed at Item 18 of the agenda before making a decision.

13

OLDHAM COMMUNITY LEISURE - CONTRACT

Consideration was given to a report of the Strategic Director, Communities and Reform which sought:

- To update the Cabinet with the current position of the Oldham Community Leisure (OCL) (including GloGym) as a result of Covid 19.
- Agreement to pay OCL loss of income without prejudice, based on a contractual position, due to a forced closure of its facilities as a result of Covid-19 for the period of the 1st April 2020 through to the 24th July 2020

- Agreement that ongoing dialogue with OCL was required during operational recovery to ensure it continues as a going concern in the most efficient and effective manner.

Oldham Community Leisure (OCL) delivers the leisure offer through operating leisure centres owned by the Council, one private venture and a wider community offer. This was contracted through the Council (except the private venture). The Covid-19 situation had presented a number of significant issues for Leisure and Sport. This included the cancellation of all team sport activity from all National Governing Body of Sport. In addition, a forced closure of all leisure facilities. Therefore, OCL's Leisure facilities had been closed since close of play of the 20th March 2020 including its GloGym facility (the private venture). The Government prohibited reopening until the 25th July 2020.

Improving the health of our communities was even more important currently and in particular for those residents and communities that were vulnerable.

During lockdown OCL, as a social enterprise, had been extremely supportive of our community response to support our most vulnerable residents. This had included them offering Oldham Sports Centre as a venue to operate the foodbank from and staff to support this. The Leader placed his thanks on record for the staff at OCL for their assistance and the hard work undertaken to open the facilities.

Ongoing conversations had taken place with OCL to understand the impact of the Closure and Covid 19 and the mitigations they have put in place.

- Job retention scheme (furlough) – OCL have had a maximum number of staff on furlough from first date of mandatory closure across OCL & Wellbeing Leisure in order to maximise the amount of financial support from central government. 95% of OCL staff have been initially furloughed, with wages topped up to normal earnings (due to pension risk), saving circa £0.160m per month.
- GM position – Other GM authorities, albeit they have differing contractual arrangements, are in a similar position to Oldham and are looking to support their Trusts.
- Contractual obligations - There were both legal and financial complexities associated with this contract for both the loss of income claim due to the sports centre closures and how the Council can work with OCL during operational recovery.
- Impact - Next Steps Operational Delivery – The Government announced that Leisure Centres could reopen from the 25th July 2020. Following meetings, it is clear OCL would be able to open for this date and in particular because of the work they have done during lockdown to safely open. OCL had put in place plans for a safe opening and the Council has also supported through its Public Health team. An area by area analysis on sites had been undertaken and appropriate assessments on numbers allowed in each space and

alternate use of some spaces along with new safety signage was in place.



Options/Alternatives considered
Further detail was set out in the report in the commercially sensitive report detailed at Item 19 of the agenda.

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

14

EXTEND THE UNITY PARTNERSHIP AGREEMENT WITH THE COUNCIL

Consideration was given to a report of the Deputy Chief Executive which sought agreement to extend the existing partnership agreement between the Council and The Unity Partnership Limited which was due to expire on 31st August for a further period of five years subject to an annual review of the delivery of the services.

On 2nd July 2018 the Council acquired the remaining shares in The Unity Partnership Limited so that it became a wholly owned Council controlled company.

On 24th September 2019 the Council signed a partnership agreement with The Unity Partnership for the delivery of services to the Council. The agreement was for an initial period of 11 months and was due to expire on 31st August 2020. Cabinet were asked to consider the extension of the existing service provision by The Unity Partnership Ltd for a further period of five years. This would be called the Extension Period. The delivery of services under the partnership agreement during the Extension Period would be subject to an annual review by the Council. Should the Council decide that it no longer wishes to continue with the provision of services by The Unity Partnership Limited the Council could trigger the termination provisions within the partnership agreement and the template exit plan within the partnership agreement would be invoked.

Options/alternatives considered

Option 1 - Cabinet could approve the extension of the existing partnership agreement with The Unity Partnership Limited.

Option 2 - Cabinet could decide not to extend the partnership agreement and terminate the agreement in accordance with the terms and conditions of the partnership agreement.

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

15

SUPPLY OF WASTE CONTAINERS

Consideration was given to a report of the Deputy Chief Executive which sought approval to award a 4-year contract for the ongoing supply of plastic waste containers.

A tendering exercise had been carried out for the ongoing supply of plastic waste containers over the next 4 years. The Council had an obligation to supply recycling and general rubbish containers to residents. The containers are used to

support new recycling activity, to replace old/damaged containers, to support its trade waste collection service and to support project work based on improving waste management performance.

In order to fulfil this statutory duty, households must have suitable waste and recycling containers to store waste in between collections.

Oldham Council delivered an average of 16,000 waste and recycling containers annually to households across the borough. Oldham Council required waste and recycling containers to satisfy demand from:

- Residents who wish to start recycling for the first time
- New commercial waste contracts
- Residents who wish to swap their existing containers for a bigger/smaller size.
- Containers for newly built properties
- People whose existing bins are old and/or damaged and need replacing
- People whose bins have gone missing

The current contract was due to expire on 14th August 2020 and given this background, a procurement exercise has been carried out to manufacture Oldham Council's ongoing supply of plastic bins for the next 4 years.

The value of the contract was detailed in the report in the restricted part of the agenda.

An open OJEU procurement route was followed in accordance with Oldham Council's Contract Procedure Rules and EU Regulations. The OJEU Contract Notice (Reference Number 2020/S 075-178965) was published on 16th April 2020 using the CPV code 34928480. The Invitation to Tender (ITT) was published on the Chest e-procurement portal on 16th April 2020 with a closing date of 18th May 2020.

Four bids were received; however, from an initial evaluation a submission was automatically disqualified for not providing and pricing all the products required.

The bids were evaluated by officers of the Council.

Options/alternatives considered

Option 1 - To award the contract to the bidder, who submitted the most economically advantageous tender; offering high quality goods at a competitive price.

Option2 - To not award the contract. This option would leave the Council with no formal contract in place, prompting a new procurement exercise. This will increase the timescales in implementing a formal contract leaving the Council open to risk.

RESOLVED – That the Cabinet would consider the commercially sensitive contained at Item 21 before making a decision.

EXCLUSION OF THE PRESS AND PUBLIC

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

3 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.

17 **KINGFISHER SCHOOL EXPANSION OF PAN & HYDRO POOL REPLACEMENT**

Consideration was given to the commercially sensitive information in relation to Item 12 -Kingfisher School Expansion of PAN & Hydro Pool Replacement.

RESOLVED – That the recommendations as detailed within the commercially sensitive report be approved.

18 **OLDHAM COMMUNITY LEISURE - CONTRACT**

Consideration was given to the commercially sensitive information in relation to Item 13 - Oldham Community Leisure – Contract.

RESOLVED – That the recommendations as contained in the commercially sensitive report be approved.

19 **EXTEND THE UNITY PARTNERSHIP AGREEMENT WITH THE COUNCIL**

Consideration was given to the commercially sensitive information in relation to Item 14 -Extend The Unity Partnership Agreement with the Council.

RESOLVED – That the recommendations as contained in the commercially sensitive report be approved.

20 **SUPPLY OF WASTE CONTAINERS**

Consideration was given to the commercially sensitive information in relation to Item 15 - Supply of Waste Containers.

RESOLVED – That the recommendations as contained in the commercially sensitive be approved.

21 **CREATING A BETTER PLACE**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 9 – Creating a better Place.

RESOLVED – That the meeting be ADJOURNED and the options recommendations as detailed within the commercially sensitive report be considered at a reconvened meeting on Friday 28th September 2020 at 9.30am.

The meeting started at 6.00pm and finished at 6.36pm

RECONVENED MEETING

Friday 28th September 9.30am

Attendance; Councillor Fielding (Chiar)
Councillors Brownridge, Jabbar, Moores, Mushtaq, Roberts and Shah

Apologies – Councillors Chadderton and Chauhan

The Cabinet gave consideration to the commercially sensitive information in relation to Item 9 – Creating a better Place.



RESOLVED – That:

1. Option 4 a) of the report at Appendix B be approved.
2. Option 1 of the report at Appendix C be approved.
3. The recommendations contained in Appendix D be approved.
4. Appendix E (i) – Starting at p.397 - Acknowledge and Endorse the red book value and approved associated limits for negotiation
5. The 90 day plan as detailed at Appendix E (ii) be approved.
6. The recommendations as detailed at Appendix E (iii) be approved.
7. The detail of the plan at Appendix E (iv) be noted.

The meeting started at 9.30am and finished at 9.40am.

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