

# Public Document Pack

## CABINET

17/06/2022 at 4.00 pm



**Oldham**  
Council

**Present:** Councillor Chadderton (Chair)  
Councillors Akhtar, Ali, Chadderton, Jabbar, Moores, Mushtaq,  
Stretton 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 Lynne Kovacs;  
After admitting in a recent Full Council meeting and apologising  
for her Council's role in the cover up of the grooming and gang  
rape of our town's children, the previous leader of Oldham  
Council Arooj Shah promised to facilitate an open meeting with  
the townsfolk immediately after the publication of the repeatedly  
delayed CSE Assurance Review.

Can the new leader of Oldham Council, Amanda Chadderton  
now confirm the date, time and location of this promised special  
meeting? And who and how many will be invited to attend and  
how it will be facilitated?

Councillor Chadderton, Leader of the Council responded;  
Greater Manchester Combined Authority have today announced  
that the review into historic child sexual abuse in Oldham will be  
published this coming Monday 20<sup>th</sup> June 2022.

I have today requested an Extraordinary Council meeting at  
6pm on Monday 27<sup>th</sup> June 2022 so residents can ask questions  
and Councillors from all parties, can discuss the findings  
together.

5           **MINUTES OF THE CABINET MEETING HELD ON 21ST  
MARCH 2022**

RESOLVED – That the minutes of the Cabinet meeting held on  
21<sup>st</sup> March 2022 be agreed.

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

Consideration was given to a report of the Head of Democratic  
Services which sought appointments to the following Cabinet  
Sub-Committees;

1. The Failsworth Trust Cabinet Sub-Committee
2. The Local Investment Fund Cabinet Sub-Committee
3. The Commisising Partnership Board
4. 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 in 2022/23 of the Failsworth Trust Sub-Committee is:-
  - The Council Leader
  - The Deputy Leader (Statutory)
  - The Cabinet Member for Housing
2. Membership in 2022/23 of the Local Investment Fund Cabinet Sub Committee is:
  - The Council Leader
  - Cabinet Member for Neighbourhoods
  - Cabinet Member for Finance and Low Carbon
3. Membership of the Commisising Partnership Board in 2022/23 is:
  - The Council Leader
  - The Deputy Leader (Statutory)
  - Cabinet Member for Health and Social Care
  - Cabinet Member for Children and Young People
4. Membership in 2022/23 of the Shareholder Cabinet Sub- Committee was:
  - The Council Leader
  - The Deputy Leader (Statutory)
  - Cabinet Member for Neighbourhoods
  - Cabinet Member for Corporate Services

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## **APPROVAL OF ENFORCEMENT POLICIES**

Consideration was given to a report of the Executive Director, Place and Economic Growth, which sought approval of a revised Corporate Enforcement Policy in order to take account of updated guidance, codes of practice and new regulatory sanctions which have been introduced since the Council's Enforcement Policy was last reviewed in 2012, and to also agree a separate enforcement policy relating to the deciding of financial penalties and appropriateness of prosecution under The Tenant Fees Act 2019.

It was reported that The Council is required to have an overarching statement of Enforcement Policy which governs the way statutory enforcement functions are provided.

The Council adopted the Enforcement Concordat in 2002 and established an enforcement policy to set out what businesses and others being regulated could expect from enforcement officers employed by the Authority. Since then additional guidance, codes of practice and new regulatory sanctions have been introduced and it was therefore appropriate to update the Enforcement Policy from time to time to reflect these changes and avoid challenge.

In addition, the Tenant Fees Act 2019 allowed for financial penalties to be issued against lettings agents who contravene requirements imposed on them under the Act. The Council must publish its methodology on how it would deal with such breaches and how penalty amounts will be derived.

The current Enforcement Policy was approved in 2012 and was reviewed from time to time to ensure that the Council laid out its generic principles for good enforcement.

It committed the Council to good enforcement policies and procedures including carrying out our activities in a robust but fair way that supported those who the Council regulate to comply and grow, avoiding imposing unnecessary regulatory burdens and assessing whether lesser outcomes could be achieved by lesser means. It provided guidance on a range of options that were available to help the public achieve compliance with the legislation we enforce and how powers may be used to regulate and raise standards in various sectors. The proposed policy was attached at Appendix

The Tenant Fees Act 2019 introduced new legislation relating to the activities of lettings agents. Breaches of this legislation included:

- A lettings agent who fails to publicise their fees
- A failure by any person engaged in letting agency or property management work to hold membership of a redress scheme
- A failure by a property agent who holds clients money to belong to an approved or designated client money protection scheme
- Failure to display a certificate of membership at each agents premises

Enforcing authorities must have regard to statutory guidance and publish how what it would take into account when considering a financial penalty and the policy sets out those considerations. The proposed policy was attached at appendix 2.

Options/alternatives considered

Option 1 - Approve the implementation of the enforcement policies.

Option 2 - Do not approve the enforcement policies.

RESOLVED – That the Enforcement Policies be approved.

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## **RENEWAL OF FRAMEWORK OF CONTRACTORS FOR TREE SURGERY WORKS.**

Ay Consideration was given to a report of the Executive Director for Place and Economic Growth which sought approval of the commencement of the procurement to establish a tree surgery services framework

It was reported that Oldham Council operated a commissioning model for tree surgery work; the current framework of contractors was up for renewal expiring on 30<sup>th</sup> April 2022.

The current framework comprised 5 companies on it (one of which no longer operates on our behalf due to performance

issues) attending to both emergency and planned work supporting the arboriculture team.

The current framework had the ability to direct award work to contractors or if above £10000 a mini competition was to be undertaken. When using the direct award option availability, suitability, and price were taken into consideration.

A new framework was required to continue to support the Council's arboricultural team. This framework would seek to increase the number of framework contractors from 4 to 6 in order to improve resilience (Storm Arwen in November 2021 stretched the resources in existing framework)

The evaluation criteria used to assess bidders was to be split between quality, environmental considerations, social value, and cost. Only those bidders demonstrating a combination of high quality, competitive costs and social value considerations would be offered a place on the framework.

It was also reported that a delegation was requested for the Executive Director of Place and Economic Growth to approve the award of the framework.

#### Options/alternatives considered

Option 1 - (recommended): To approve the commencement of the procurement to establish a tree surgery services framework and allow for delegated authority for the award. This will allow for a thorough and robust tendering exercise to be undertaken and award completed in time for 1<sup>st</sup> July 2022.

Option 2- To not approve and not allow for delegated authority for the award of the framework. This will constrict the timeframe for the renewal of the framework which may affect service provision and continuity.

#### RESOLVED – That:

1. The commencement of the procurement to establish a tree surgery services framework be approved.
2. That delegation be given to the Executive Director of Place and Economic to award the contract for Tree Surgery Services.

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## **PROCUREMENT OF WATER AND WASTEWATER SERVICES**

Consideration was given to a report of the Executive Director of Place and Economic Growth with sought approval to award a 5 year contract to a new Water and Wastewater provider.

It was reported that the Council were currently paying 'out of contract' rates for water and wastewater services and to help realize the benefits and savings / efficiencies, this report sought approval to award a 5-year contract to a new provider - Wave. The water services industry was deregulated on 1<sup>st</sup> April 2017 and by default Oldham Council's commercial supplies were placed with Water Plus on deemed out of contract rates and conditions. A review had been carried out to formally appoint a new supplier and identify savings and efficiencies for the Council's water usage.

It was further reported that by awarding this contract the Council would realise a saving of approximately £51,000 per annum.

Option 1 - (Recommended): To award the water and wastewater services contract to Wave to take advantage of the savings and efficiencies offered. Wave is a prominent organisation in the public sector market currently supplying to Manchester City Council and Lancashire County Council, both of which have provided references.

Option 2 - To not award the contract, leaving the Council on the 'out of contract' deemed rates. A further procurement exercise would be required and is not guaranteed to increase the savings and efficiencies identified above. The estimated water charges for 2022/23 if no action is taken is £627,000 as opposed to £576,000

RESOLVED – That the appointment of Wave via the NEPO (North East Procurement Organisation) Water Retail Services framework be approved.

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### **THE SUPPLY AND DELIVERY OF CLEANING CHEMICALS AND MATERIALS**

Consideration was given to a report of the Executive Director of Place and Economic Growth to award a 4-year contract for the supply and delivery of cleaning chemicals and materials. This was a strategic function to improve and ensure the organisation receives best possible prices, quality and sustainability that enhances better operational performance.

It was reported that a tendering exercise had been carried out for the supply and delivery of cleaning chemicals and materials over the next 4 years. The products were used to clean and sanitise Council buildings along with schools and school kitchens. The result of the process had identified savings in the unit price of the products.

Options/alternatives considered

Option 1 – To award the contract to Accommodation Supplies at Pattersons who submitted the most economically advantageous tender; offering high quality goods at a competitive price

Option 2 – To continue with existing arrangements and not realise potential cost reductions and no formal contract in place.

RESOLVED – That the contract for the supply and delivery of cleaning chemicals and materials be awarded to Accommodation Supplies at Pattersons.

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### **A BED EVERY NIGHT PHASE 5 PROCUREMENT**

Consideration was given to a report of the Executive Director of Place and Economic Growth which sought the recommissioning of the Oldham Council's A Bed Every Night (ABEN) rough sleepers' accommodation service and also sought that delegation be given to the Executive Director, Place and Economic Growth to award the contract to the successful bidder. A Bed Every Night (ABEN) had been in operation since October 2018 and had now reached its fifth iteration, with Greater Manchester Combined Authority (GMCA) confirming their intention to continue funding the project for a further three years.

ABEN provided accommodation for up to 22/23 (including one emergency bed) rough sleepers, plus an additional 6 spaces for people with No Recourse to Public Funds (NRPF). The service provided support and housing management across three buildings, with the main 18-bed building acting as a 24-hour central hub.

Oldham Council currently had a provider in place until 30<sup>th</sup> June 2022 and therefore it was proposed to procure a new contract from 1<sup>st</sup> July 2022 to 31<sup>st</sup> March 2025. This contract was to be awarded on a 1+1+1 basis to allow for any potential changes in the funding model which GMCA had indicated may be subject to review across the next three years.

Option/alternatives considered

Option 1 - Deliver the ABEN service by procuring a provider via a competitive tender exercise.

The option above was recommended to ensure the Council achieved value for money and quality via the open market. The Council would secure a provider via this exercise via earlier soft market testing, and the contract would be procured on a 1+1+1 basis to help reduce risk should any changes need to be made to the funding model via GMCA.

Option 2- Deliver the ABEN service in-house via the statutory Temporary Accommodation (Housing Options) service.

The option above was not recommended due to a lack of staffing capacity to provide support to the 28/29 ABEN residents, and the time and cost it would take to recruit to fixed term contracts to remedy this.

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

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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 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.

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### **A BED EVERY NIGHT PHASE 5 PROCUREMENT**

Consideration was given to the commercially sensitive information in relation to Item 11 – A Bed Every Night phase 5 Procurement.

RESOLVED – That:

1. The continued delivery of A Bed Every Night in Oldham for the period 1<sup>st</sup> July 2022 to 31<sup>st</sup> March 2025 be supported.
2. Approval be delegated to the Executive Director of Place and Economic Growth of the contract award of the A Bed Every Night service following a competitive tender exercise.

The meeting started at 4.00pm and finished at 4.23pm



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