

Public Document Pack

CABINET

27/02/2023 at 6.00 pm



Oldham
Council

Present: Councillor Chadderton (Chair)
Councillors Akhtar, Ali, Brownridge, Jabbar, Moores, Mushtaq,
Roberts and Taylor

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2 **URGENT BUSINESS**

The Chair agreed to accept an Item of Business, New Theatre as a matter of urgency in accordance with S.100 B (4) of the Local Government Act 1972; Urgent Cabinet approval was required to enable the Council to ensure the detail and approvals were considered as soon as possible and the decision could not reasonably wait until the next Cabinet meeting. The Item was considered at Item 6 of the agenda

3 **DECLARATIONS OF INTEREST**

Councillor Brownridge declared an other interest in Items 6 and 11 Investing in a New Theatre in Oldham, by virtue of her Council appointment as a trustee of the Coliseum Board.

4 **PUBLIC QUESTION TIME**

There were three public questions received:

1. The first question was submitted by Jane Barker.
The details of the new theatre proposal has just been announced. The plans are nothing like what was originally promised, which was a theatre with capacity similar to that of the Coliseum. The proposal contains half the seating capacity of the Coliseum, and that is not good enough. How will any theatre company be able to produce financially viable theatre with such a small capacity? Last year Oldham Coliseum sold 33000 tickets for the pantomime, but the new venue will only be able to cater for half that number. That is hundreds of thousands of pounds of lost income, not to mention thousands less visitors spending money in cafes and bars in the town. Where is the ambition and aspiration of Oldham Labour Councillors to put Oldham on the map and create a visitor attraction that we can be proud of?

The Leader responded:

Our latest proposals include a 300-350 seat auditorium which has been developed over a long period of time and many conversations, with the Coliseum itself, the Arts Council, other arts and culture organisations, and members of the community. We've also looked at comparable well-performing producing theatres in other towns across the country many of whom have similar or even fewer numbers of seats.

We're still developing the final designs with local arts companies but also with external experts in theatre who will help us scrutinise the detailed plans to make sure they can be profitable and it is workable. We'll keep having conversations with technical experts ahead of submitting a planning application.

For a local authority to be committing £24 million, in this climate of austerity and challenge to our budgets, this is an absolute marker of our ambition and aspiration for arts in this town. We're investing because we know a theatre is an important part of a thriving successful Oldham town centre and because our local communities have made this really clear when talking to us about what they want in their town. But we have to be realistic - the new theatre also has to be sustainable. Its operator has to be able to make money all year round – not just from one production a year.

On the specific issue of the pantomime – which I know is close to the hearts of lots of Oldhamers, the council has offered the use of the new event space in the Spindles with a capacity of 750 for panto in the future. This would enable the Coliseum to up capacity for that production should they need to. Obviously, their recent announcement has put this on hold but the offer is still available.

2. The second question was submitted by Kevin Leach:
I am a resident in the Borough and have worked in the arts and at the Coliseum for 17 years. I am passionate for Oldham and its people.

Given the ineptitude of the council over the years in delivering a new THEATRE in Oldham and the planned closure of the Coliseum what is the council planning to do for the 70 staff who have given so much to the town and invested in it.

These skilled workers will be lost and move elsewhere. Their money they spend and the people they bring into the town will also be lost. Their faith in the town also lost. There is no professional place for them to work in the town. So they will go elsewhere where they will be valued.

We struggle now to get a skilled workforce because of the lure of Manchester. How also do the council envisage recruitment of skilled staff for the new space given those skilled staff who now reside in the town will have no other option but to seek work outside of the borough.

The Leader responded:

We share the sadness at the Coliseum's Board's decision to close the theatre's doors after 31 March 2023, and the resulting consequences this has on the staff who have given years of service to the arts and the town.

We understand why the Coliseum has had to make the recent decisions and why they are in this position, but as an independent business with charitable status the Coliseum have sole responsibility for the employment of



their staff, their financial arrangements and their decisions. The Council has no say in the decisions of the Coliseum organisation.

The Council has spoken with Equity and continue to offer all the support we can while the consultation between staff and the Coliseum is ongoing. But we need to be clear – on matters of employment the Coliseum’s Board has to make those decisions.

We’re committing to a new theatre for the town, a theatre that will provide jobs for local people in the future. What we can also do to support the short-term future of arts and performance in Oldham is to commit to using the arts funding we already have, both the council’s own funding and any we receive from the Arts Council and other places to support local companies, for use with local artists and workers to support local arts organisations. This will be especially important over the next few years while we are working to retain and build audiences for the opening of the new theatre.

With regard to the need for a base for the Coliseum – we agree, that’s why we’ve been planning this new theatre with them as their new home. But the plan, which they were well aware of and supportive of, was always to move away from the building and take performances across the borough – reaching out to new audiences in anticipation of a new theatre to attract them into.

We continue to hope the Coliseum can play a role in Oldham’s cultural life and we are having conversations with the Coliseum Board to support them through this difficult time.

3. The third question was submitted by Gareth Forbes: Question to be asked by Chris Clarkson, on behalf of Gareth Forest (on behalf of Equity members):

- (i) Will you guarantee that the new theatre will be a producing house?

The Leader responded, it is not in the council’s gift to guarantee this but that’s absolutely our ambition, we know how valuable a producing theatre has been to the town and we want to retain one. Our conversations with the Coliseum and Arts Council are very focused on this and we’ll do everything we can to try and ensure we retain one.

- (ii) Who is going to run that theatre?

The Leader responded, on the issue of who will run it – the honest answer is we don’t yet know. The Coliseum’s news took us by surprise but as a result we need a new model for the operation of the theatre IF the Coliseum won’t be the operators. What we will say is that we’re confident about being able to shape a successful operating and business model for the new theatre and we’re already working with the Arts Council and other arts organisations locally to shape this.



Oldham
Council

- (iii) What can you/ we do to ensure that the Oldham Coliseum company survives until the new building opens?

The Leader responded, the harsh reality is that the council cannot be responsible for the future of an independent organisation – its future is in the hands of its Board. What I can say is that we are in almost daily dialogue with the Coliseum Board to support them as they build a new future for themselves. The Council has submitted a proposal to the Board to help secure and save the future of the Coliseum – we are still working with them and the Arts Council to try and find a solution. Daily dialogue with the Coliseum and the Board – Council have submitted a proposal to the Board

- (iv) What provision will the Council make to maintain a producing theatre company in Oldham operating from April 1st 2023, and who will run that producing company if the Coliseum as a company goes into administration?

The Leader responded, can I refer you to a previous answer about a producing theatre as this is the Council's ambition. We are in talks about potential future operating models for the theatre but at this time, we cannot fully answer this question, as it not within the Council's gift. Conversations with the Coliseum Board continue. A lot of this is not within the council's gift and continue conversation with Oldham Coliseum Board

- (v) How does the Council plan for the new theatre to be a viable producing house in the absence of a fly system/theatrical rigging system, which is necessary for a full pantomime production and for many live theatre production?

The Leader responded, the detailed specification for the new theatre is yet to be finalised and will be subject to full consultation at planning stage. The work to date has been shaped by external theatre specialists and local arts organisations including the Coliseum. The Council has already been in touch with other external advisors and organisations to help us scrutinise the plans as they go through the planning process. In relation to Pantomime the Coliseum has been offered the events space at the Spindles, the Council are not experts in running theatres.

- (vi) Can the Council guarantee the new theatre will be commercially viable for pantomimes with a 300 seat approx capacity theatre?

The Leader responded, the new theatre aims to provide a new space for performance but also new space to raise income for the operator through greater front of house provision and more useable, rentable space elsewhere in the building. The modelling work needs revisiting following recent announcements by the Coliseum, but the Council is confident that with the continued advice from external specialists the future of arts and performance in

Oldham will continue to be a success. On the specific issue of the pantomime I'll refer you to the previous relevant answer – we have offered the use of our event space should the new theatre prove too small for that show. We need a performance offer that is profitable year-round. I would not spend money on a non viable theatre

- (vii) Has the Council produced an assessment of the permanent jobs the new theatre will create balanced against the job losses from the current theatre, taking into account the lack of need for specialist fly/theatre rigging staff?

The Leader responded, no, this isn't something the council would lead on. This would be a piece of work for the future operator of the theatre. However, we're committing to building a new theatre precisely because we want to retain both an arts offer and arts jobs in the borough.

- (viii) Has the Council produced an assessment for how it will ensure it can hire the skilled staff needed for operating a new theatre and it will work to stop the loss of skilled staff from Oldham who will be made redundant from the Coliseum on 31st March 2023?

The Leader responded, again, I can't answer this - this will be a requirement of the future theatre operator.

- (ix) Is there absolutely no way the Council can support the Coliseum to remain open until after the next panto and then support the company to work peripatetically?

The Leader responded, the Council has not changed its plan to support the Coliseum either financially through the annual grant we provide or through the underwriting of its property rent and repair costs. As we have discussed earlier the plan was always for the Coliseum to leave the current building and provide great theatre in other venues while the new theatre was built. What has changed is the Coliseum Board's decision to close the doors from March this year. We understand the financial challenges they are facing, but at this time the future of the Coliseum after March rests with that Board and questions about their future need to be asked of them. The reality was that the theatre could not continue without Arts Council Funding and that is where we are, funding from the Council has never changed we did not want them to remove the Arts Council Funding it is a producing theatre and there was a lot of work in a short space of time to undertake and the Council would support as well as we can.

URGENT BUSINESS -INVESTING IN A NEW THEATRE FOR OLDHAM



Councillor Brownridge declared an other interest in Items 6 and 11 Investing in a New Theatre in Oldham, by virtue of her Council appointment as a trustee of the Coliseum Board. She left the room and took no part in the vote thereon.

Consideration was given to a report of the Executive Director, Place and Economic Growth. Director of Public Health (with responsibility for Culture) and Assistant Chief Executive which provided details of the delivery of a new theatre in Oldham Town Centre.

The planned new theatre building was successful in gaining Towns Deal funding from central government in June 2021 and work had progressed significantly with detailed plans well advanced. It was proposed that the new theatre be progressed through a further consultation ahead of submitting a planning application, and funding arrangements confirmed, including the use of Towns Deal.

Alongside this, Oldham had been offered access to £1.845 million of Arts Council funding to provide performance, arts and culture across the borough over the next three-years. In order to access this funding, Oldham Council had a requirement to indicate its acceptance of this funding and to recommit to the development of a new theatre for the borough.

Oldham Coliseum began as a circus on Henshaw Street dating back to 1885, known then as the Colosseum. Built in 1887, the current theatre building based on Fairbottom Street, off Yorkshire Street, in Oldham Town Centre, had been used as a music hall and a cinema, before reopening in 1938, as the Oldham Repertory Theatre. The Oldham Rep lasted until 1978 when it was reconstituted as the Oldham Coliseum Theatre. The current Fairbottom Street building, the adjacent office building and car park are leased by the Coliseum from the Council on a rent-free arrangement.

In 2012 Oldham Council invested £2 million into the Fairbottom Street theatre, upgrading audience areas, replacing seating, improving heating and updating ventilation. However, even with this level of investment, both the Coliseum Board and Management Team, and Oldham Council agreed that the current building could not meet the long-term needs of the theatre: it's performers, staff and its audiences deserved better. Problems with accessibility, a lack of quality back-stage and front of house facilities and a growing list of maintenance issues common to old buildings were evident (including asbestos and lack of provision for disabled performers and visitors). A full building survey, undertaken at the time (2012), gave the building a ten-year lifespan.

The scale of the issues found and Oldham Coliseum's requirement for better facilities meant that renovating, refurbishing, repurposing or re-investing in the building was not possible. In addition, the size and topography of the site meant that rebuilding on the current site would be restrictive and very expensive as a result. In 2012, both Oldham Coliseum and Oldham Council agreed that a new theatre building on a new site was required.

Since this time, the Council has continued to undertake and pay for structural maintenance required to the building (c.£20k per year for the last ten years) as the internal maintenance, repairs and building H&S compliance falls to the Coliseum management team for up-keep.

With the ongoing issues with the building itself, work has continued between Oldham Council, Arts Council England and Oldham Coliseum Board and management team (three organisations also referenced as “the partnership” in this report) to find and create a new home for the Coliseum, and a new space for arts and performance in the town.

Over the last ten years, the partnership had developed plans for two different theatre projects, but challenges of design and layout, plus the need for a sustainable business model for the Coliseum as the future operator of the site, have meant these projects were not deliverable.

However, the development of a new theatre had remained a priority given the acknowledged issues with the current building, and this agreed approach with the partnership was central in the development of Oldham’s Cultural Strategy which recognised how important arts and performance were to the town and the wider area.

In 2019/20 Oldham Council, the Arts Council and Oldham Coliseum (the partnership) jointly reviewed options once again for a new theatre – existing site and others in the town centre - and bringing back-to-life the heritage buildings (the Old Post Office and former Quaker Meeting House) on Union Street was the preferred location / site. This site was at the heart of Oldham’s growing cultural quarter, close to Oldham Gallery and Library and next door to the Old Library, which was currently being redeveloped following consultation with local communities and feedback to bring empty heritage buildings back into use as part of the Council’s Creating a Better Place Strategy.

Linked to the new Cultural Strategy for Oldham, in August 2020 the ongoing partnership between the Coliseum, Arts Council England and Oldham Council saw the development of a new performance venue. The Oldham Making Space for Live Performance Feasibility report and Making Space Vision provided the basis for the current project design and subsequent successful application for a Towns Fund grant to support the delivery of this important new building.

In late 2022, following some issues with the walls at the back of the stage, a further full building survey was commissioned. This survey, completed in January 2023, found that the building needed numerous urgent health and safety compliance works. The Coliseum had been given this report (appended to Part B report) and they had been asked to urgently action the works to ensure compliance while the doors are open till the end of March. This survey confirmed the conclusion of the 2012 survey that the building was beyond its expected lifespan.

The plan, agreed by all parties, and acknowledging the life-span of the current building was always that Oldham Coliseum would leave the Fairbottom Street theatre building. However, the Coliseum would continue to perform in a range of different venues across the borough – building new audiences in

anticipation and readiness for the new theatre opening in 2025/26.



Oldham
Council

A new theatre for Oldham

The proposals in this report were for a new £24.5 million theatre at the Union Street site that had been developed by the partnership to provide a modern, accessible venue for audiences from Oldham and beyond.

The new theatre would provide a more modern, accessible venue for performers and audiences from Oldham and beyond. The proposals included a new 300-350 seat auditorium and more intimate 120 seat studio for performance space, together with enhanced back-stage facilities, additional education, event and rehearsal space and better front-of house facilities including bar and café areas, for audiences to enjoy. The new theatre would revitalize Oldham's cultural offer and create additional jobs, both in the venue and from the surrounding area.

The space was being designed, not only as a home for Oldham Coliseum, but for use by other local arts and community organisations for both local and visiting audiences. The plans are at an advanced stage and have been developed by members of the current Oldham Coliseum Board and other cultural organisations with support from the Arts Council.

Oldham Coliseum Theatre (the Organisation)

The Oldham Coliseum had benefited from Arts Council funding as one of its National Portfolio Organisations (NPO) over a number of years. This funding accounted for around a third of their income alongside grants from other organisations and revenue from their successful productions.

Oldham Coliseum was provided with annual cultural funding from Oldham Council of £138,000 per year. Alongside this the Coliseum was also provided with rent-free use of the current theatre building, office space and car park: they also lease separate storage facilities from the Council. In addition, the Greater Manchester Combined Authority has provided annual funding to Oldham Coliseum of c.£100,000 per year through the GM Culture Fund (2020-23).

In 2022 the Oldham Coliseum submitted a bid to retain its National Portfolio Organisation status and funding for the period 2023-2026. In November 2022, the Arts Council announced that this bid had been unsuccessful deeming it 'high risk' and referencing concerns about the theatre's financial management, leadership and governance.

Following the Arts Council funding announcements in November, the Chief Executive of Oldham Coliseum left the organisation and, shortly after, the Chair of the Board resigned followed by the Vice-Chair. Chris Lawson, previously the Coliseum's Artistic Director, stepped up as Interim Chief Executive and an Interim Chair and Vice-Chair were appointed to the Board.

Oldham Council had worked with the Arts Council since November to support the Coliseum as they worked to make changes to their programme, their organisation and sought to meet the challenges they were facing. Unfortunately, in February 2023, acknowledging the significant financial

challenges they were facing, Oldham Coliseum announced its intention to close its doors stating “the current financial situation is not sustainable for the running of a full-time theatre”.



Arts Council Funding for Oldham

Despite being unable to include the Oldham Coliseum among its National Portfolio organisations, the Arts Council, acknowledging both Oldham’s designation as a levelling up place for culture and our commitment to investing in new cultural offers for the town, have ringfenced £1.845 million over three years to support the delivery of local arts and culture.

In November 2022, at the time that the outcome of the Coliseum’s funding bid was announced, Oldham Council were informed by the Arts Council that this ringfenced funding would be made available. Since then, the Arts Council have provided further information on the purpose and means of access for these funds, including that the funding must be used to:

To access this funding, Oldham Council has been asked by the Arts Council to provide a detailed plan for its proposed programme of activity and confirmation that the council intends to progress with plans for the new theatre.

The future for the Oldham Coliseum

Oldham’s new theatre was always intended to be the future home of the Oldham Coliseum with work already underway to develop a new operating and production model for the new theatre. The Council and Arts Council remain confident in the ability to form a strong operating and business model for a producing theatre without the Coliseum should that be required. The timings for the new theatre continued to be supported by the Arts Council and the Coliseum, and it was always the plan for the Coliseum to move out of its current home (in line with the expected life-span of the Fairbottom Street site) and to produce and perform works elsewhere in other venues across the borough, and wider areas, for a period while the new theatre was built. This would allow them to continue providing art for local audiences and, importantly, build new audiences in anticipation and readiness for the new theatre.

As part of these discussions, and, recognising the love and loyalty that theatre goers have for the Oldham Coliseum name and history, Oldham Council were continuing conversations with the Coliseum Board to try and retain some of the artistic legacy.

Options/Alternatives considered

Options considered over the past decade, with a summary included earlier in this report, relating to:

- The future of the Coliseum building;
- The location, size, and requirements for a theatre building in Oldham;
- The funding arrangements and receipt of external grant support (Council Capital Strategy and Town Deal); and
- The emerging business case and detailed project plans (Town Deal).

RESOLVED – That the Cabinet would consider the commercially sensitive information at Item 11 of the agenda before making a decision.

7

GRANT ACCEPTANCE: CITY REGION SUSTAINABLE TRANSPORT SETTLEMENT (CRSTS) - MANCHESTER STREET VIADUCT REFURBISHMENT

Consideration was given to a report of the Director of Environment which sought to notify Cabinet of the value of a grant the Council Oldham Council had secured for additional funding for the refurbishment of Manchester Street Viaduct, via the Department for Transport (DfT) City Region Sustainable Transport Settlement (CRSTS) and to notify Cabinet of the intention to bring this additional resource into the transport capital programme to design and undertake refurbishment works to Manchester Street Viaduct.

The Greater Manchester CRSTS programme business case was submitted to the Department for Transport (DfT) in September 2021 by Transport for Greater Manchester (TfGM) on behalf of themselves and all 10 GM districts.

Greater Manchester Combined Authority (GMCA) received confirmation of the full CRSTS allocation of £1.07bn for spend across 2022/23-2026/27 on the 1st of April 2022.

On the 29 July 2022, the DfT, as the funders of the CRSTS, 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 Strategic Maintenance scheme - Manchester Street Viaduct refurbishment.

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 scheme design and delivery, utilising the now approved DfT CRSTS capital budget.

The next steps included

- The approval goes through GMCA on 27 January 2023.
- Oldham Council accept the grant offer of £4.5m to deliver the Manchester Street Viaduct refurbishment scheme.
- Oldham Council bring the additional resource into the transport capital programme in 2022/23 and programme across subsequent financial years, and commence design development for the scheme.
- Completion of design development in 2024/25.
- Construction of the Manchester Street Viaduct Refurbishment works in 2025/26.
- Monitoring and Evaluation Plus 1 Year Assessment completed in 2027/28.

External support required included:

- Structural investigations, testing, assessment and reporting.
- Procurement and commissioning of design consultants and Early Supply Chain Involvement (ESI) contractor.
- Surveys, site investigations and Traffic Management proposals.
- Preliminary design development of refurbishment works.

- Detailed design of refurbishment works.
- Procurement of main works contractor.
- Construction of refurbishment works.

Options/alternatives considered

Option 1 - Undertake works that would extend the life of the structure and retain the essential link

Option 2: Refuse the grant – leading to the eventual closure of the bypass with severe consequences to Oldham and the surrounding area.

1. RESOLVED – That:
2. The grant offer of £4.5m from the CRSTS for the refurbishment of Manchester Street Viaduct be accepted. This would contribute to the overall scheme budget of £6.5m (£4.5m CRSTS grant plus £2m local highways maintenance contribution from Oldham's allocation across 2024/25 and 2025/26).
3. The intention to bring the additional resource into the transport capital programme in 2022/23, and profile across subsequent financial years, to complete development of the scheme in the appropriate timescales be noted.
4. The approval to procure and make tender awards relating to the necessary external support required to design and deliver the Manchester Street Viaduct refurbishment scheme (examples listed in the report) be delegated to the Director of Environment.
5. The use part of this resource to appoint temporary agency support within the Highways Team to progress the design and deliver the scheme be approved.

8

SHORT BREAKS PLAY AND LEISURE - APPROVAL TO AWARD CONTRACT FROM 1 APRIL 2023

Consideration was given to a report of the Managing Director, Children's Services and the Director for Education, Early Years and Skills that sought approval of a high quality, flexible and inclusive statutory Short Breaks Play and Leisure offer for children and young people with SEND and their families in place from 1 April 2023.

Local authorities had a statutory responsibility to provide a range of Short Breaks Play and Leisure (SBPL) opportunities for children and young people with SEND and their families. A Short Breaks Duty Statement giving details of the local range of services and how they can be accessed, including any eligibility criteria must be published as a statutory responsibility under The Breaks for Carers of Disabled Children Regulations 2011. The SBPL offer must provide opportunities enabling children and young people to access development and leisure activities suitable to meet their needs. The broad aims of SBPL were to provide:

- respite for families preventing breakdown and escalation to higher cost intensive services
- a safe place for children and young people to develop independence skills, build self-esteem and self-confidence and engage and interact with their peers.

- an alternative to more costly one to one Personal Advisor support where appropriate to meet individual needs.

Under the existing contractual arrangements, three providers currently delivered SBPL activities for children, young people and their families. They are Ability Wheelz, Sports Works and Starfish Swim, all within contract until 31st March 2023. This arrangement had been extended on an annual basis previously within a funding envelope which had seen no increase since 2017. During this time, demand had continued to rise, this was predicted to be a continuing trend. Data demonstrated that within this same period, demand for Education Health and Care plans had grown by 80% and this was expected to continue. As part of the commissioning intentions and following discussions at a senior strategic level between Oldham Council and the Integrated Care Partnership (ICP previously known as the CCG), there was now an agreed funding envelope in place. In order to develop commissioning intentions from 1 April 2023 onwards and as part of governance arrangements, a project group consisting of young people from Barrier Breakers supported by the Youth Service, Parent Carer Forum, Children's Commissioning Team, Children with Disabilities Team, SEND Team, Children's Social Care, ICP, Legal, Finance, HR and Procurement had been established.

A meet the market event to stimulate demand and seek feedback from providers on commissioning intentions and the service specification was held on 18 November 2022. This was advertised via The Chest in accordance with procurement protocols. In total 7 providers attended the event.

The intention was to award the contract with the funding envelope for a period of three years with the option to extend for up to a further two years. The option to extend would be subject to the successful provider achieving outcomes within the specification, the delivery of high quality, value for money services for our children and young people and continued funding being available. This would support the Council's early intervention approach and contribute to the invest to save agenda by reducing demand for higher cost, more intensive services.

The Council was seeking one lead provider who would work in flexible partnership arrangements with a range of other organisations including community based and voluntary, faith and social enterprise groups enabling the service offer to respond to identified and emerging needs. There was an expectation within the service specification that the lead provider will be flexible in terms of their delivery model to meet any local and national changes including those arising from the recent SEND Green Paper consultation

Consultation had taken place with families in partnership with the Parent Carer Forum and with young people through Barrier Breakers.

Options

Option 1 - Approve delegated decision making to award and enter into the statutory SBPL contract to the Managing Director, Children's Services. The contract would become operational from 1 April 2023 for a period of three years with the option to

extend for up to a further two years subject to performance and continued funding

Option 2 - Decide not to award the contract. This would mean a failure to meet statutory duties causing reputational risk to the Council and risk of challenge.

RESOLVED – That the Cabinet would consider the commercially sensitive information contained at Item 12 of the agenda before making a decision.

9

APPROVAL OF TEMPORARY ACCOMMODATION FRAMEWORK

Consideration was given to a report of the Director, Place and Economic Growth which sought approval from Cabinet to award and to enter into contract with each of the successful bidders for the Temporary Accommodation Framework (following on from the recent Temporary Accommodation tender).

The Council's Temporary Accommodation (TA) Strategy was approved by Cabinet in October 2021. Consequently, this put the accompanying delivery plan into motion and the first priority was to develop a TA framework to help the Council deliver sustainability and cost-efficiency to the Council's TA portfolio. Given the demand for TA and associated costs of managing a compliant statutory service, the identified service requirements were separated into three lots, including sub-lots for additional clarity.

The procurement exercise was administered in accordance with the Council's Contract Procedure Rules (CPR) incorporating the Public Contract Regulations 2015 and the successful procurement exercise motivates the recommendations set out in the report namely, to appoint the successful bidders under Lot 1 & 3 frameworks

In October 2021 the Council approved its inaugural Temporary Accommodation (TA) Strategy 2021-24. The accompanying delivery plan committed to conducting a procurement exercise to create a TA framework to increase housing supply and deliver housing repairs and maintenance to TA dwellings.

Following the approval of the strategy, further work commenced to develop detailed tender documents to help progress priorities of the delivery plan and support the development of a TA framework.

Based on qualitative and quantitative assessments of the Council's TA needs, three service requirements had been identified and had been categorised into three separate lots:

- Lot 1 – A framework of providers that could help increase the Council's supply of nightly paid accommodation for a range of property sizes broken down within the following sub-lots:
 - Lot 1.1 – Bedsit accommodation
 - Lot 2.1 – One Bedroom accommodation
 - Lot 2.3 – Two Bedroom accommodation
 - Lot 2.4 – Three Bedroom accommodation
 - Lot 2.5 – Four bedroom accommodation
- Lot 2 – A framework of reputable contractors that could undertake housing repairs and maintenance work on the Council's TA stock. The type of

contractors required were set out in the following sub-lots:

- Lot 2.1 – Building and Joinery work
- Lot 2.2 – Plumbing, Heating, Gas and Boiler work
- Lot 2.3 – Electrical work
- Lot 2.4 – Clean and Cleanse
- Lot 2.5 – Painting and Decorating
- Lot 3 – A housing supplier framework which is also described as a private sector lease (PSL) framework. Bidders for Lot 3 could range from traditional Registered Social Landlord (RSL) to property investors and consultants. The overall objective and desired outcome was delivery of suitable dwellings that the Council could take a short, medium or long-term leasehold interest in for the purpose of providing much needed self-contained and family sized TA. The Council has not negotiated any bespoke leases with bidders just yet, this process will be progressed following contract award and prior to the identification and on-boarding of suitable dwellings. Should the Council agree to this it will enter into an agreement whereby it agrees to pay a guaranteed monthly rent in accordance with proposed lease terms irrespective of whether the property is occupied or vacant, similar to the existing TA dwellings currently under lease between the Council and First Choice Homes Oldham for example.

The tender documents were published on the Chest Portal on 9th September 2022 and bids were to be returned by 12pm 10th October 2022. The 4 weeks' period granted bidders sufficient time to compile detailed submissions to support a competitive tender process.

The most notable shortfall of the tender exercise was that only a single bid was received for Lot 2, specifically Lot 2.3 – Electrical Work. As a result, the decision was taken not to evaluate Lot 2 on this occasion, instead take the opportunity to market again to cultivate additional bids and stimulate a more competitive process.

Given the interest received from Lots 1 & 3, a panel consisting of Housing and Procurement colleagues proceeded to evaluate all the responses received for Lots 1 & 3.

The award criteria for Lot 1; Price (50%) and Quality (40%) and enlisted weightings were intended to filter through providers that understand the nuances of providing nightly paid accommodation and the unique expectations that accompany this sort of provision. The Council has a number of vulnerable households, particularly single people that need higher levels of supervision and support. Hence, the opportunity emphasised the need to produce a framework of providers that could not only deliver quality housing, but more importantly, had the capability to also provide quality housing management.

Though immaterial for this particular exercise, Lot 2 was heavily weighted towards Price (70%). A detailed pricing schedule,

widely acceptable and recognised standards of workmanship in the sector helped determine the weighting for Quality (20%). Social Value (10%) rounded out the scoring criteria for Lot 2. The approach taken for Lot 3 was to increase the supply of self-contained dwellings and help the Council meet a growing demand for family and self-contained accommodation. It was considered beneficial to place an emphasis on Quality (90%). Therefore, bidders had to explain how their processes and methods would help them deliver outcomes – for the purpose of Lot 3, outcomes were clearly identified as supply of suitable dwellings.

In order to achieve a high quality score, bidders were expected to demonstrate a robust and fundamentally sound approach for identifying, acquiring and consequently providing properties to the Council on leasehold terms. Social Value (10%) rounded out the scoring criteria for Lot 3.

Following detailed and thorough evaluation and moderation meetings, the evaluation panel were able to successfully rank bidders for Lot 1 and Lot 3.

There was sufficient reassurance that the provider Contractor solutions would remain competitive for the duration of the contractual term and ultimately help the Council deliver its strategic aims and objectives. Also, the solutions would ensure the Council continued to meet its statutory obligations.

Subject to approval to enter into framework agreements, contractors would be monitored against key performance measures with the aim of maintaining high standards of service delivery across the board.

Options/alternatives considered

Option 1 – Do not approve the appointment of the successful bidders under Lot 1 and Lot 3 onto the respective framework agreements and conduct another procurement exercise.

Option 2 – Approve the appointment of each of the successful bidders under a framework agreement for Lot 1 and Lot 3 in the order of ranking and authorise the Council to enter into call-off contracts under the respective framework agreements as and when required.

Option 3 – Approve the appointment of each of the successful bidders to Lot 1 only and defer the appointment of successful bidders to Lot 3. This will allow time for the Council to explore self-delivery of Council owned dwellings in bulk.

Option 4 - Approve the appointment of each of the successful bidders to Lot 1 only, immediately halt all further progress in respect of Lot 3 indefinitely and promptly commit necessary resource to self-delivery – whereby the Council purchases dwellings directly at market value on an invest to save basis.

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

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.

11

URGENT BUSINESS - INVESTING IN A NEW THEATRE FOR OLDHAM

Councillor Brownridge declared an other interest in Items 6 and 11 Investing in a New Theatre in Oldham, by virtue of her Council appointment as a trustee of the Coliseum Board. She left the room and took no part in the vote thereon.

The Cabinet gave consideration to the commercially sensitive information in relation to Item 6 - Urgent Business - Investing in a New Theatre for Oldham.

RESOLVED – That:

1. Oldham Council's intention to accept £1.845 million Arts Council England funding to provide cultural activity for the borough for the years 2023-2026 be approved.
2. The development of a new theatre for Oldham, funding arrangements and progression of the new theatre on Union Street to planning stage be recommitted to and approved.
3. That ongoing partnership working with Coliseum and Arts Council while further decisions are made about the future of arts and performance in Oldham be approved.
4. The progression of a new theatre in the Old Post Office Building and Quaker Meeting House on Union Street be approved.
5. The funding arrangements for the project bringing together both Council capital funds and Town Deal funds be approved.
6. Public consultation activities ahead of planning application submission to build on the feedback from the Big Town Centre consultation and engagement activity be approved.
7. The Government approval of the Towns Fund full business case for the new theatre be noted.
8. The design plans and layout as appended to this report be approved.
9. All other commercially sensitive recommendations as contained within the report be approved.

12

SHORT BREAKS PLAY AND LEISURE - APPROVAL TO AWARD CONTRACT FROM 1 APRIL 2023

The Cabinet gave consideration to the commercially sensitive information in relation to Item 8 Short Breaks Play and Leisure - Approval to award contract from 1 April 2023.

RESOLVED – That decision responsibilities be delegated to the Managing Director, Childrens Services to award the Short Breaks Play and Leisure contract to be operational from 1 April 2023. This would follow an open, competitive robust commissioning, tendering and moderation process.

APPROVAL OF TEMPORARY ACCOMMODATION FRAMEWORK

The Cabinet gave consideration to the commercially sensitive information in relation to Item 9 Approval of Temporary Accommodation Framework.

RESOLVED – That:

1. The appointment, under a framework agreement of each of the successful bidders detailed in this report to the relevant Lots in ranked order following completion of a compliant procurement exercise be approved.
2. Contract mobilisation and the placement of subsequent call-off contracts at the end of a 10-day standstill period be approved.
3. A further tender exercise to successfully procure contractors under a framework arrangement to meet the service requirements pertaining to Lot 2 be approved.

The meeting started at 6.00pm and finished at 6.45pm

This page is intentionally left blank