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CABINET

24/07/2023 at 6.00 pm



Oldham
Council

Present: Councillor Shah (in the Chair)
Councillors Ali, Brownridge, Dean, Goodwin, F Hussain, Jabbar,
Mushtaq 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 Councillor Al-Hamdani:
"With regards to the proposed £1 million grant for the installation of a new pitch at Oldham Athletic, to ensure that the pitch is of sufficient standard for the proposed use by multiple clubs, I note that in paragraph 8.3(c) it requires "the production of a fit for purpose grant funding agreement, which not only deals with the expenditure of any grant funding, but also clawback and security of the grant funding in prescribed circumstances and the continued use of the site for the approved purpose."

I note that in a previous grant agreement with former owners of the club, a similar clause was present. However, a decision was taken behind closed doors not to exercise the agreement, with no formal record of the decision, no public record of the decision, and no report made to either Cabinet or Council.

With that in mind, I would like to ensure that any such clawback clause cannot be assessed without due record and transparency. As such, any decisions on such a clawback clause must be done in such a way that they include a formal record of the decision, and oversight by an elected body such as Cabinet or Full Council, and these requirements should be expressly laid out in the clause. Could you please confirm that this is the case."

Councillor Shah, Leader of the Council, responded:

"Many thanks for submitting your question to Cabinet – this was only brought to my attention very recently, so apologies it was not considered as part of due process at Cabinet the other week.

In consultation with the Executive Director for Place and Economic Growth, and Directors of Finance and Legal Services, I can confirm the following information to answer your query on behalf of the Cabinet –

- the finance agreement does indeed include a clause about clawback;
- in the event that clawback is required, to enable the Council to recover any of the grant deemed ineligible, the formal procedure would be for Officers to prepare a

formal report for the relevant Cabinet Member(s) and then depending on the nature of the concerns / issues being raised, this could then be escalated to Cabinet.

In either occurrence, the formal decision relating to the issues and enactment of clawback would be a matter of public record.”

5 **MINUTES**

Resolved:

That the minutes of the meeting of the Cabinet held on 19th June 2023, be approved as a correct record.

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

Consideration was given to a report of the Director of Legal Services which sought appointments to the following Cabinet Sub-Committees:

1. The Local Investment Fund Cabinet Sub-Committee
2. The Commissioning Partnership Board
3. 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 of the Local Investment Fund Cabinet Sub Committee, in 2023/24, comprise:
 - The Leader of the Council
 - The Statutory Deputy Leader of the Council
 - The Cabinet Member for Finance and Corporate Resources
2. Membership of the Commissioning Partnership Board, in 2023/24 comprise:
 - The Leader of the Council
 - The Statutory Deputy Leader of the Council
 - The Cabinet Member for Health and Social Care
 - The Cabinet Member for Children and Young People
3. Membership of the Shareholder Cabinet Sub-Committee, in 2023/24 comprise:
 - The Leader of the Council
 - The Statutory Deputy Leader of the Council
 - The Cabinet Member for Finance and Corporate Resources
 - The Cabinet Member for Neighbourhoods.
4. The terms of reference for the Local Investment Fund Cabinet Sub-Committee, the Commissioning Partnership Board and the Shareholder Cabinet Sub-Committee, be noted.

7 **TREASURY MANAGEMENT REVIEW 2022/23**

The Cabinet considered a report of the Director of Finance which advised that 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 2022/23.



The Director of Finance's 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 2022/23 the minimum reporting requirements were that full Council should receive the following reports: An annual treasury strategy in advance of the year, which was approved by the Council on 2nd March 2022. A mid-year (minimum) treasury update report, which was approved by the Council on 14th November 2022 and an annual review following the end of the year describing the activity compared to the strategy (which was covered in the report detailing this item).

The regulatory environment placed responsibility on Members for the review and scrutiny of treasury management policy and activities. The report before the Cabinet was considered important in that respect, as it provided details of the outturn position for treasury activities and highlights compliance with the Council's policies that had previously approved by members. The Council had 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 had therefore considered and approved the contents of the Treasury Management Review 2022/23 report at its meeting on 27th June 2023. The Audit Committee had been content to commend this report to Cabinet. As such, Cabinet was therefore requested to approve the content of this annual report and to commend it to Council (to ensure full compliance with the Code for 2022/23).

Options/Alternatives considered:

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

Resolved that the Cabinet:

1. Approves the actual 2022/23 prudential and treasury indicators presented in the Director of Finance's report.
2. Approves the annual Treasury Management Review report for 2022/23.
3. Commend this report to Council.

The Cabinet considered a report of the Deputy Chief Executive that sought approval to enter into a call-off contract with Access UK Limited to provide the Mosaic Social Care System, including Workflow API, together with any additional modules and services for Mosaic, subject to budget approval.

The current contract for Mosaic was due to expire on 16th July 2023; however, the Council required continued use of the system and, therefore, a replacement contract was required to commence immediately following the expiry of the current contract.

The purpose of this report therefore was to seek approval to procure a new support plan for the Hosted Managed Service of the Customers Integrated Adult and Children's Social Care System under an existing Framework Agreement for 3 years with the option to extend twice on an annual basis (3+1+1).

Options/alternatives considered:

Option A – to approve the recommendations in the report

Option b – to do nothing. This may ultimately result in significant increased costs for the Council, which are associated with buying a Business-Critical system.

Resolved:

That the Cabinet would consider the commercially sensitive information contained at item 15 of the agenda before making a decision.

9

APPROVAL TO AWARD THE TREE SURGERY FRAMEWORK

The Cabinet considered a report of the Executive Director, Place and Economic Growth, which sought approval for the awarding of the framework agreement for Tree Surgery Services.

The Cabinet was informed that a framework agreement was to be established and used for allocating jobs, either by direct award to the first ranked bidder, or mini competition if the value of works is above £5,000. To establish the framework, an Invitation to Tender (ITT) was advertised using the open tender procedure. Following the advertisement, a supplier engagement event was held, with the primary objective of providing support and guidance in the tender process which included social value. The event was well received with 10 organisations attending; two of which were local and four were located with Greater Manchester.

In total 16 submissions were received; 11 of which were compliant. These were evaluated by the Commercial Procurement Unit and arboriculture specialists within the Environmental Services Team using the following criteria: Quality – 60%, Social Value – 10% and Price – 30%. Five bidders had been identified, as the outcome of the evaluation, as offering the most economic advantageous packages in relation to service delivery, cost, and social value. Details

thereon were contained within Part B of the Executive Director's report.



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Options/alternatives considered:

Option 1 - to award the framework agreement to the most economically advantageous bidders.

Option 2 - do nothing. This would result in no formal framework agreement in place, breaching the Public Contract Regulations 2015 and no guaranteed stand-by and emergency provisions in place, both of which increase the risk for the Council.

Resolved:

That the Cabinet would consider the commercially sensitive information contained at item 16 of the agenda before making a decision.

10

ENVIRONMENTAL WARRANTY AT FITTON HILL

The Cabinet considered a report of the Director of Economy that sought to confirm settlement to a Notice that had been issued by ForHousing on 28th September 2022, notifying the Council of purported breaches of the environmental warranties in the Transfer Agreement between the Council and Villages Housing Association in 2004.

Members were advised that the Cabinet had approved the disposal of land at Fitton Hill to Countryside in March 2020. The land was being sold in partnership with ForHousing who owned 43.28% compared to the Council's 56.72% holding. Sales proceeds were split accordingly. Countryside had reserved the right to complete further Site Investigations and to revise the offer accordingly. An independent report by Savills was commissioned by the Council and ForHousing which confirmed these additional costs were reasonable and justified.

Part of the land which ForHousing had sold was formerly owned by the Council. This land was acquired by The Village Housing Association Limited from the Council in 2004 via a small-scale stock transfer. In the relevant transfer agreement, the Council had provided a warranty to The Village Housing Association Limited which effectively confirmed that there was no contamination in the relevant land. In 2019 The Village Housing Association Limited merged into City West Housing Trust, which was renamed ForHousing Limited.

Options/alternatives considered:

Option 1 – Settle the Claim. Based on the information above, the Council provided a Warranty when the land was transferred to Villages in 2004. Now that the sale to Countryside has been completed, the claim against the Council has been crystallised. The quantum of this claim had been independently verified as accurate.

Option 2 – Challenge the claim. The Council had no grounds to defend the claim and would only incur additional legal costs should this option be pursued.

Resolved:

That the Cabinet would consider the commercially sensitive information contained at item 17 of the agenda before making a decision.

11

SETTLED ACCOMMODATION PROGRAMME FOR AFGHAN AND UKRAINIAN REFUGEES

The Cabinet considered a report of the Director of Economy which informed Members that the Department for Levelling Up, Housing and Communities (DLUHC) had made £500 million available to local authorities across England to assist with housing refugees who are homeless, at risk of homelessness or living in unsuitable temporary accommodation and who are in the UK under certain specific programmes.

Oldham Council had therefore been allocated grant funding from the £500m which intended to be used to make 11 properties available in the borough that will be designed to support Ukrainian and Afghan refugees between 2022 - 2024.

The Director of Economy's report confirmed the allocation of funding and the completion of a Memorandum of Understanding between the Council and the DLUHC. The report was also seeking approval to enter into a grant agreement with two Registered Providers to contribute to the delivery of these homes. Oldham had been identified to be eligible for capital grant funding totaling £1,027,244 from DLUHC. This was not a competitive fund and the Council would be expected to use the grant to provide a minimum of eight homes, in addition to a minimum of three larger properties as bridging accommodation relief for the benefit of Afghan and Ukrainian refugees.

The grant funding would also support ongoing delivery of the Greater Manchester Combined Authority's wider Homelessness Prevention and Reduction Strategy.

Options/alternatives considered:

Option 1 – Do not enter into an Memorandum of Understanding with DLUHC and do not enter into a grant agreement with the two Registered Provider Partners. Proceeding with this option would result in the Council being unable to deliver the Local Authority Housing Fund (LAHF) project detailed in this report and increased risk of homelessness for Ukrainian and Afghan refugee cohorts.

Option 2 – Enter into an MoU with DLUHC and a grant agreement with two RPs to deliver the LAHF scheme. Taking this approach would enable the Council to continue to support our refugee communities, preventing risk of further homelessness in the borough. The grant will fund 11 properties of both permanent and temporary accommodation placements for eligible cohorts.

Resolved:

That the Cabinet would consider the commercially sensitive information contained at item 18 of the agenda before making a decision.



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CULTURAL QUARTER PUBLIC REALM



The Cabinet considered a report of the Executive Director, Place and Economic Growth, which advised members that the existing community garden located outside Oldham Library and Gallery Oldham would be subject to damage and changing levels as part of the refurbishment works to the Old Library and Old Post Office buildings, as the Council continues to deliver projects to bring both heritage buildings back into public use. This would also apply to the footways and carriageway as construction vehicles access the area on a more regular basis, and part of the area is used as a compound for important materials needed in close proximity to the buildings.

The Executive Director's report sought to outline proposals to reinstate the community garden and improve access routes to the cultural facilities in this area to ensure the green space is enhanced and valuable outdoor space is created, some of which can be used for events and performances.

The report sought approval to fund the replacement/reinstatement of the community garden area, to create a new public green space and reflection area, to create a new open air event space, and to improve the pedestrian and vehicular access routes in the Cultural Quarter of the town centre (i.e. the immediate areas by Oldham Library, Gallery Oldham, the Old Library building and the Old Post Office Building, located off Union Street).

The report was also seeking to obtain approval for the submission of a planning application and a highway stopping up order in respect of the proposals.

The Executive Director reported that culture and heritage were critical elements, which members of the public had asked the Council to enhance and protect during the Big Oldham Town Centre Conversation, that was held two years ago. This feedback had influenced and shaped the Creating a Better Place Programme of works, which included where possible bringing the borough's heritage buildings back into public use for future generations to enjoy.

Options/alternatives considered:

Option 1 – to approve the recommendations contained in the commercially sensitive information contained at item 19.

Option 2 – do nothing.

Resolved:

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

CITY REGION SUSTAINABLE TRANSPORT SETTLEMENT (CRSTS) - TRANSPORT CAPITAL PROGRAMME 2023/24

The Cabinet considered a report of the Executive Director, Place and Economic Growth regarding the City Region Sustainable

Transport Settlement (CRSTS) - Transport Capital Programme 2023/24. Historically, highway maintenance funding was received through the Core Highways Maintenance and Integrated Transport Block (ITB): this has now been 'consolidated' into the CRSTS and Oldham had a new funding settlement, effective from 1st April 2022 and lasting for a 5 year period.

Cabinet was advised that with the strategic approach for the 5-year CRSTS programme, that had previously been approved in March 2022, the submitted report sought formal acceptance of the funding and the programmes recommended for delivery in 2023/24.

The Executive Director reported that a core highway maintenance allocation of £35m (covering the first year of the £175m) would be made available to local authorities based on an allocation process agreed with the Greater Manchester (GM) Delivery Group, the GM Highways Group and the GM Treasurers.

To sustain the progress made as part of Oldham Council's recently completed Highway Investment Programme (HIP), it was planned to prioritise funds going forward in the same manner. Ensuring that the scheme selection was to be carried out in the same manner will allow the Council to continue to prioritise the correct intervention on the highway at the correct time. Prioritising the programme using the most recent condition data from the range of condition surveys carried out annually, and cross referencing those against claims and enquiry data, had allowed Highways Officers to not only target the worst roads across the borough, but also to continue in their efforts to reduce highway claims and revenue repairs throughout Oldham.

Options/alternatives considered:

Option 1 – that the Cabinet agrees that the proposed programme of schemes, which would fully utilise the expected City Region Sustainable Transport Settlement highway maintenance and Integrated Transport Block (ITB) allocations, available for 2023/24 as per the formal grant notification from GMCA.

Option 2 – that the Cabinet does not agree that the proposed programme of schemes, which would fully utilise the expected City Region Sustainable Transport Settlement highway maintenance and Integrated Transport Block (ITB) allocations, available for 2023/24 as per the formal grant notification from GMCA.

Resolved that the Cabinet approves:

1. The allocation of CRSTS maintenance funding to the figures shown below

| Year | CRSTS & ITB Allocation | ITB Schemes | Footway | Structures | Carriageway |
|---------|------------------------|-------------|----------|------------|-------------|
| 2023-24 | £3,824,000 | £707,000 | £100,000 | £1,647,000 | £1,370,000 |

2. The proposed programme of schemes, which would fully utilise the City Region Sustainable Transport Settlement highway maintenance and Integrated Transport Block (ITB) allocations available for 2023/24, as per the formal grant notification from GMCA.
3. That all tender award decisions are approved by the Authorised Officer (as per Departmental Scheme of Delegation) (up to £99,999) and where applicable (£100K+) by the Executive Member in consultation with the Deputy Chief Executive, Assistant Chief Executive, Executive Director for Place and Economic Growth, Managing Directors, and Directors (as relevant); this being necessary to meet delivery timescales.
4. To delegate approval and authorisation to the Director of Legal Services or his nominated representative to sign and/or affix the Common Seal of the Council to all contracts/agreements/documents and associated or ancillary paperwork to give effect to the recommendations in this report.
5. That any underspend generated as the attached programmes progress (as per Appendices to the submitted report) be used to deliver additional schemes in priority order (although lower priority schemes may be selected depending on available budget, value for money and type of treatment) until the budget is fully expended in year.
6. To seek approval for any underspend generated as the programme progresses to be used to deliver additional schemes in priority order (although lower priority schemes may be selected depending on available budget, value for money and type of treatment) until the budget is fully expended in year. This approach to utilising underspend means we do not need to gain further approvals to deliver additional schemes, ensuring they can be delivered as soon as practically possible.

14

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 five items of business on the grounds that they contain exempt information under paragraphs 3 and 5 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.

15

CONTRACTUAL ARRANGEMENTS - ADULT & CHILDREN SOCIAL CARE SOFTWARE APPLICATION (MOSAIC - THE ACCESS GROUP)

The Cabinet considered the commercially sensitive information in relation to Item 8: Contractual Arrangements - Adult & Children Social Care Software Application (MOSAIC - The Access Group).

Resolved:

That Cabinet approves a Call-Off Contract under YPO Ref No 1095 Software Applications Solutions Framework Agreement

Lot 12 Health & Social Care Systems largely on the call-off terms and conditions prescribed by the Framework Agreement and delegate authority to the Director of Legal Services to formalise any relevant legal requirements, including the execution of the Call-Off Contract as a Deed.

16 **APPROVAL TO AWARD THE TREE SURGERY FRAMEWORK**

The Cabinet considered the commercially sensitive information in relation to Item 9: Approval to Award Tree Surgery Framework.

Resolved:

That the Framework Agreement is awarded to the 5 highest ranking bidders.

17 **ENVIRONMENTAL WARRANTY AT FITTON HILL**

The Cabinet considered the commercially sensitive information in relation to Item 10: Environmental Warranty at Fitton Hill.

Resolved:

1. Cabinet agrees that the claim from ForHousing under the Notice of Breach, for the amount specified in the report, be paid.
2. Cabinet authorises the Director of Legal Services, or his nominated representative, to sign and/or affix the Common Seal of the Council to all documents required to bring effect to the recommendations in the report.

18 **SETTLED ACCOMMODATION PROGRAMME FOR AFGHAN AND UKRAINIAN REFUGEES**

The Cabinet considered the commercially sensitive information in relation to Item 11: Settled Programme for Afghan and Ukrainian Refugees.

Resolved that Cabinet:

1. Confirms acceptance of the grant from the Department for Levelling Up, Housing and Communities.
2. Delegates authority to the Director of Economy to agree and enter into grant agreements with First Choice Homes Oldham and Cromwood Homes (which will incorporate the requirements under the MoU) to deliver the homes, subject to the Subsidy Control regime.
3. Delegates authority to the Director of Legal Services to formalise any necessary legal requirements including signing and/or sealing any documentation required to give effect to the recommendations and/or delegations in this report.
4. Delegates authority to the Director of Economy and/or their nominee to approve the appointment of external legal advisers required to protect the Council's interests and give effect to the recommendations in this report.

19 **CULTURAL QUARTER PUBLIC REALM**

The Cabinet considered the commercially sensitive information in relation to Item 12: Cultural Quarter Public Realm.

Resolved that Cabinet:

1. Approves the proposals for the Cultural Quarter Public Realm as indicated in Appendix 1.
2. Approves a budget, for the amount specified in the report, for the Cultural Quarter Public Realm project
3. Approves the delivery of the Phase 1 Cultural Quarter Public Realm works within the Old Library Phase 2 works.
4. Delegates authority to the Executive Director for Place and Economic Growth, in consultation with the Cabinet Member for Reform and Regeneration, to approve the final delivery mechanism/agent for the Phase 2 works of the Cultural Quarter Public Realm (prior to the conclusion of the Oldham Theatre project).
5. Delegates authority to the Executive Director for Place and Economic Growth, in consultation with the Cabinet Member for Reform and Regeneration, to apportion the final funding requirement to each phase of the Cultural Quarter Public Realm project (capped with the approved overall funding envelope in point 4 above) and funded from the various funding streams identified in this report.
6. Approves the submission of a planning application in respect of the earthworks and public realm proposals.
7. Approves the submission of a highways stopping up order application for Ashworth St and the northern end of Southgate St. (subject to planning approval being obtained).
8. Subject to the progression of all the above, Cabinet authorises the Director of Legal Services, or his nominated representatives, to sign and/or affix the Common Seal of the Council to all contractual documentation and associated or ancillary documentation referred to above and/or required to give effect to the above approvals/authorisations, delegations and recommendations in this report.

The meeting started at 6.00pm and ended at 6.20pm

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