

# Public Document Pack

## CABINET

18/09/2023 at 6.00 pm



**Oldham**  
Council

**Present:** Councillor Shah (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**

Two public questions were received:

The first question was submitted by Sam Al-Hamdani, In response to a question on the spending on a new pitch for Oldham Athletic, Councillor Shah stated that "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." She stated further – although not minuted – that this was her understanding, anyway, and that she was not aware of any circumstance – not in her leadership or her time in the cabinet – that has been done behind closed doors in the way that I was describing.

I would like to refer Councillor Shah to the decision – a term which here must be used very loosely – taken with regards to the clawback clause (7.11 Relevant Period) contained within the Grant Funding Agreement dated 19th August 2011, for the new stand at Oldham Athletic. The disposal took place in 2016, while she was in the cabinet. That clawback clause was not pursued. Having had meetings with the senior management team at the Council, I understand that no report was ever produced, and no concerns ever escalated to Cabinet. There is no formal record of any decision on this matter.

Before we even consider the merits of the decision itself, can she explain how this decision was taken with regards to a grant from Oldham Council for £700,000, a very substantial amount of money, with no report, and no formal record of the decision?

How can Oldhamers be confident that there weren't other decisions taken in exactly the same way, as she was unaware of this one which took place while she was a cabinet member, and had been for several years? And how can they have confidence that this Labour Council is properly spending and taking care of

its budget when decisions like this have been taken without any formal oversight?

Councillor Shah responded, 'for the purposes of those who aren't elected members I'll try and explain in plain English how we write grant agreements to make sure that we actually get the benefit that is agreed for Oldham and the community as part of that grant.

In drafting grant agreements we ensure we are clear about the benefits and conditions that we expect for the grant and we then monitor those conditions or the delivery of those benefits to make sure we get value for the money we give.

I can confirm that the Council has been actively monitoring the conditions of the recent grant agreement for Oldham Athletic. This monitoring has not resulted in any circumstances being identified where it would be necessary to trigger the clawback condition. Consequently there has been no requirement for Cabinet to consider a report in respect of this matter.

In relation to the 2011 grant agreement, I assume that the Councillor is referring to a short period of time under previous club management arrangements when the North Stand was not made available for the community to use, which was a grant condition at that time.

I understand that the decision not to enact the clawback clause at that time was not formally recorded. While I'm not sighted on all the details, this matter has already been investigated by the Council's Corporate Governance and Audit Team, and they found that it was clear that the purpose for which the grant was given has been and continues to be fulfilled.'

The next question was submitted by Garth Harkness, Can I welcome the cabinets decision to recently make 20mph zones permanent in some of Saddleworth's villages. This is something Liberal Democrats have been advocating some time. Can I also welcome the cabinet members response to my proposals to look at road safety and 20mph zones in Diggle. Does he share the same concerns as me that the Conservative government are considering restrictions on councils' ability to impose 20mph speed limits as part of a new shift against green policies and traffic schemes?

Does he agree that the 20 MPH and green initiatives here has been a success and the stance by the Conservative government is short-sighted. It is already being introduced in Wales and Scotland, and many local authorities in England have adopted it as the default. Does he believe that the Conservative government should let local councils run their own areas?

Councillor Goodwin responded, 'The Road Danger Reduction Group (RDRG) - led by Transport for Greater Manchester (TfGM) - is currently re-assessing the speed limit policy and the implementation of lower speed limits in the light of the ever-increasing use of the highway by non-motorised users (people walking, scooting, cycling etc).

The existing 20-mph speed limits were introduced using temporary powers granted by Central Government during the Covid Pandemic. These powers expired in April 2022.

As and when funding becomes available, Oldham Council is changing the temporary measures to permanent physical restrictions and we are working with all partners to ensure that

the changes and restrictions introduced are proportional and suitable for the local community.

This work includes a Greater Manchester Police request to only introduce permanent 20-mph speed limits in conjunction with physical speed calming measures to support self-enforcement.'

5 **MINUTES OF THE CABINET MEETING HELD ON 21ST AUGUST 2023**

RESOLVED – That the minutes of the Cabinet meeting held on 21<sup>st</sup> August 2023 be approved.

6 **SPECIAL EDUCATION NEEDS AND/OR DISABILITIES (SEND) & INCLUSION STRATEGY 2023 - 2027**

The Cabinet gave consideration to a report of the Managing Director Children and Young People which sought approval of the Special Educational Needs and or Disabilities (SEND) and Inclusion Strategy 2023-2027.

Following the end of the previous strategy, the 2023-2027 was presented which had been developed focusing of current issues and future priorities for Oldham's children and young people with SEND.

The development of the strategy coincided with the publication of the SEND and Alternative Provisions Green Paper and the Department for Education's local area partnership plans, which had been considered in developing the draft.

The Strategy was attached at Appendix 1.

**Options/alternatives considered**

There are no alternatives to this strategy. All local areas are expected to have a strategy outlining the provision and development of functions related to children and young people who have SEND. This ensures that there is compliance with the Children & Families Act, 2014, the SEND Regulations, 2014 and the SEND Code of Practice, 8.1, 2015, which states:

Local authorities must place children, young people, and families at the centre of their planning, and work with them to develop coordinated approaches to securing better outcomes, as should clinical commissioning groups (now integrated care partnerships/boards).

They should develop a shared vision and strategy which focuses on aspirations and outcomes, using information from EHC plans and other planning to anticipate the needs of children and young people with SEN and ensure there are pathways into employment, independent living, participation in society and good health. Where pathways need further development, local authorities and CCGs [now integrated care partnership/board] should set out clear responsibilities, timescales, and funding arrangements for that work. This strategic planning will contribute to their:

- Joint commissioning.
- Local Offer, which must include support in preparing for adulthood
- Preparation of EHC plans and support for children and young people to achieve the outcomes in their plan.

RESOLVED – That the Special Educational Needs and/or Disabilities and Inclusion Strategy 2023-2027 be approved.

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### **SERVICE LEVEL AGREEMENT WITH MIOCARE GROUP CIC**

The Cabinet gave consideration to a report of the Director of Adult Social Care which sought approval of the implementation of a refreshed services level agreement with Miocare CIC for a range of service provided.

The report also sought a commitment from wider Council colleagues to work with the Miocare Group CIC to develop service level agreements and specifications of requirements for those corporate services that Miocare Group CIC buys back from the Council.

In partnership with Miocare, a refreshed service level agreement and a range of service specifications had been drafted and related solely to the services delivered through Oldham Care and Support Ltd.

#### Options/alternatives considered

Option 1 - Do not enter into a new Service Level Agreement, and do not develop Service Level Agreements and specifications of requirements for services Miocare buys back from the Council.

This would leave both the Council and Miocare Group CIC in a position where the relationship and the services to be delivered are not covered by a compliant, up to date agreement, leading to lack of clarity for all parties.

Option 2 – Do not enter into a new Service Level Agreement until the future focus of Miocare Group is clarified, and do not develop Service Level Agreements and specifications of requirements for services Miocare buys back from the Council until that time.

This would carry the same risks as Option 1 and as it is envisaged that the full implementation of the target operating model and adult social care reform will take a significant period of time, it would leave uncertainty and lack of clarity for both the Council and Miocare.

Option 3 – Enter into a new Service Level Agreement for the services delivered to the Council by Miocare Group CIC, and develop Service Level Agreements and specifications of requirements for services Miocare buys back from the Council.

RESOLVED – That the Cabinet would consider the commercially sensitive information contained at Item 10 of the agenda before making a decision.

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### **TREASURY MANAGEMENT QUARTER ONE REPORT 2023/24**

The Cabinet gave consideration to a report of the Director of Finance which provided Members with details of the performance of the Treasury Management function of the Council for the first quarter of 2023/24 and provided a comparison of performance against the 2023/24 Treasury Management Strategy and Prudential Indicators.

In order to comply with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management the Council was required to consider the performance of the Treasury Management function. The report provided an additional update and included a new requirement in the 2021 CIPA code mandatory from 1<sup>st</sup> April 2023 of quarterly reporting of the Treasury Management Prudential Indicators.

Options/alternatives considered

In order that the Council complies with the CIPFA Code of Practice it has no other option than to consider and approve the contents of the report.

RESOLVED – That the Treasury Management Quarter one report and the Treasury Management activity and projected outturn be noted and commended to Full Council.

9 **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.

10 **SERVICE LEVEL AGREEMENT WITH MIOCARE GROUP CIC**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 7 - Service Level Agreement with Miocare Group CIC.

RESOLVED – That:

1. A new Service Level Agreement with Miocare Group CIC be approved.
2. The wider corporate services work with Miocare to develop Service Level Agreements and specifications of requirements for services Miocare buys back from the Council be endorsed.

The meeting started at 6.00pm and finished at 6.18pm

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