

# Public Document Pack

## CABINET

13/11/2023 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**

There were no public questions for this meeting of the Cabinet to consider.

5           **MINUTES**

Resolved:

That the minutes of the meeting of the Cabinet held on 16<sup>th</sup> October 2023, be approved as a correct record.

6           **GRANT ACCEPTANCE: ONE PUBLIC ESTATE (OPE)  
BROWNFIELD LAND RELEASE FUND - ROUND 2**

The Cabinet considered a report of the Deputy Chief Executive (Place), the purpose of which was to confirm the value of the grant available to the Council and notify members of the intention to bring this additional resource into the capital programme to commence detailed negotiations leading to the site clearance and remediation of three sites in Oldham town centre: the Civic Centre and Queen Elizabeth (QE) Hall, the former leisure centre site and the former Magistrates Court.

The Government had recently announced a second funding round of the Brownfield Land Release Fund (BLRF2) where up to £60 million of funding was made available. The closing date for bidding applications was 31<sup>st</sup> March 2023.

The aims of BLRF2 were to: release council-owned land within three years of receiving the funding, for housing development that otherwise would not come forward during the programme period; to encourage the use of public assets to drive innovative delivery, where possible supporting small and medium-sized enterprises (SME) / Low and Medium Volume Builders (LMVBs), creating new delivery models, supporting high-quality design and adopting modern methods of construction; and to demonstrate a return for government investment into these small sites.

The funding would provide up front capital to address viability issues arising from abnormal costs of the proposed

development. The type of abnormal costs requiring funding may include but were not limited to:

- Site levelling, groundworks, demolition, remediation;
- Provision of small-scale infrastructure;
- Highways works or other access challenges;
- Addressing environmental constraints;
- External works, substructure and piling;
- Asbestos removal;
- Sewer diversions.

Oldham Council had submitted three proposals that focussed on site remediation and demolitions. These were the Civic Centre and QE hall site, the former Magistrates Court and the former leisure site. The Council was recently notified that all three site proposals were approved and acceptance of the grant had to be signed before 16<sup>th</sup> August 2023. Due to the urgent timescale, the Director of Finance signed this on behalf of the Council. Retrospective approval of the grant acceptance was therefore being sought from the Cabinet.

Options/alternatives considered:

- a. Option 1 – That the Council doesn't accept the offer of grant from the Brownfield Land Release Fund Round 2 and inform DLUHC and GMCA of the decision not to progress with the grant acceptance.
- b. Option 2 – That Oldham Council progress the project proposals and confirm acceptance of the grant programme. The funding provides an opportunity to clear the sites and progress to development without a reliance on the Council Capital Programme.

Resolved:

That the Cabinet accepts the grant offer from the Brownfield Land Release Fund (Round 2) and that the funding be incorporated into the Council's Capital Programme for use, as set out in the submitted report.

7

## **UKSPF - INCLUSIVE EMPLOYMENT AND SKILLS**

The Cabinet considered a report of the Deputy Chief Executive (Place) that sought approval of the appointment of the Council as a sub-contractor of the Prime Contractor appointed by the Greater Manchester Combined Authority (GMCA) in relation to the delivery of the UKSPF (UK Shared Prosperity Fund) - E33 – Employment support for economically inactive people.

The report explained that a Prime Contractor was currently being commissioned by GMCA to deliver the UKSPF Employment and Skills programme to support those residents that are economically inactive described as "E33 – Employment support for economically inactive people". The provision is part of the wider UKSPF programme to increase life chances of Greater Manchester residents, with the economically inactive element to increase participation in activity, which could then lead to progression in education, skills, and employment.

The commission is out to tender and was due to be awarded mid October 2023, with a requirement for the Prime Contractor to begin delivery of the programme within 28 working days. The Council was aware that the following organisations were likely to submit a bid for the role of Prime Contractor: Seetec, The Growth Company, Ingeus and Serco. It was anticipated that one of these organisations would be successful.

The Council's Get Oldham Working service has been in negotiation with each of the above-mentioned organisations to be part of their supply chain should they successfully be appointed by GMCA. If one of the four organisations is appointed and the Council is offered a sub-contract to deliver part of the programme, officers will need to act quickly. Therefore, the Council needed to be in a position to agree to enter into a sub-contract with the appointed Prime Contractor for the delivery of part of the programme, subject to advice from Legal Services, Information governance and information security approval. The programme will complete in March 2025 which was forcing a short mobilisation period.

Each of the potential Prime Contractor had, in principle, offered a sub-contract to the Council to deliver support to 350 residents that are economically inactive, and the Council would be paid approximately £500k for such delivery. GOW is well placed to deliver the service, as it is already engaging with many economically inactive residents, has qualified and experienced staff and implements its delivery in line with Council values and behaviours putting residents first. Accepting a role as sub-contractor to the Prime Contractor will also provide contingency for staff at GOW who currently work on other contracts that are coming to an end, ensuring no redundancies are required next financial year.

Options/alternatives considered:

Option 1: not accept a role as sub-contractor and leave other partners to deliver- not preferred as would have reputational damage to the Council, GOW brand and delivery with partners. Also, not aware of another local provider well placed to deliver leaving a risk that Oldham may not get its fair share of resource and activity across the GM commission.

Option 2: Agree to accept a sub-contract for the Council through GOW to deliver the services detailed in this report as part the supply chain of the winning Prime Contractor. This will support our residents first approach, enable GOW and the council to not make redundancies for exiting staff working on other contracts coming to an end and ensure we can work towards exceeding on contractual volumes and get more for Oldham residents across the GM commission.

Resolved:

1. That the Cabinet notes that due to the short contract lifetime (approximately mid November 2023 to 31 March 2025), that it is a requirement of GMCA's commission that Prime Contractors must mobilise and commence

delivery of the commissioned activity within 28 days of contract award.

2. That the Cabinet Authorises the Council via GOW to accept and act in the role of sub-contractor to whichever Prime Contractor is appointed by GMCA to deliver the UKSPF (UK Shared Prosperity Fund) - E33 – Employment support for economically inactive people, subject to advice being taken from Legal Services on the terms and conditions of any appointment and from Information Governance and Information Security.
3. The Cabinet delegates authority to the Deputy Chief Executive (Place) and Director of Economy to agree and authorise the form of sub-contract proposed by the appointed Prime Contractor, subject to due diligence from a legal, information governance and information security point of view which will be assessed once a contract has been provided.
4. The Cabinet delegates authority to the Director of Legal Services or his nominees to carry out all legal formalities.

8

#### **POT HOLE FUNDING 2023/24**

The Cabinet received a report of the Deputy Chief Executive (Place) that sought approval for the formal acceptance of the funding and the programmes recommended for delivery in 2023/24. In addition to the block funding received for highway maintenance for 2023/24 (CRSTS), Oldham Council had received confirmation that it was to receive £544,240 specifically for potholes to aid with highway maintenance across the borough.

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

In an effort to maintain the progress made as part of our recently completed Highway Investment Programme (HIP) Oldham Highways aimed to prioritise funds going forward in the same manner. Ensuring scheme selection was carried out in the same manner would allow the Council to continue to prioritise the correct intervention on the highway at the correct time.

The Pothole Funding programme utilised the most current condition data from the range of condition surveys carried out annually, and this data is then cross-referenced against claims and enquiry data. This approach had allowed the Council's Highways department to not only target the worst roads across the borough, but to also continue to reduce highway claims and revenue repairs throughout Oldham.

Appendix 1, of the submitted report, detailed the highway schemes to be delivered from the Pothole funding. This additional funding would enable the Council's Highways Department to undertake large-scale patching works, footway resurfacing and carriageway resurfacing works within 2023/24.

Alternatives/options considered:

- a. Option 1 – Cabinet approves the recommendations in the submitted report - the proposed programme of schemes which would fully utilise the Pothole Funding allocations available for 2023/24 as per the formal grant notification from GMCA.
- b. Option 2 – Cabinet rejects the recommendations in the submitted report.

Resolved:

The Cabinet approves:

1. The allocation of Pothole funding to the figures shown below

Year	Machine Laid Patching	Footway Resurfacing	Carriageway Resurfacing
2023-24	£50,000	£100,000	£394,240

2. The proposed programme of schemes, which would fully utilise the Pothole funding allocations available for 2023/24 as per the formal grant notification from Greater Manchester Combined Authority (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, and Directors (as relevant) - this being necessary to meet delivery timescales.
4. That Cabinet delegate approval and authorisation to the Director of Legal Services, or their 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. 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 be taken to utilise underspend, meaning that the Council does not need to gain further approvals to deliver additional schemes, ensuring they can be delivered as soon as practically possible.

## **SUSTAINABLE OLDHAM STRATEGIC PARTNERSHIP AGREEMENT**

The Cabinet considered a report of the Deputy Chief Executive (Place), which sought to delegate authority to the Deputy Chief Executive (Place), in consultation with the Leader of the Council, to award the Sustainable Oldham Strategic Partnership Agreement (SOSPA) and a Reserve Supplier Agreement as a mechanism for delivery of key capital programmes across Oldham of up to £35m. The report also sought to delegate

authority to the Deputy Chief Executive (Place) and Director of Economy, in consultation with the Portfolio Holder for Neighbourhoods, to award the individual call off orders for individual projects, due to the urgency to deliver a programme of works in accordance with the funding timeline constraints and to delegate low value Call Off Orders (less than £50,000) under a direct award via the Head of Highways in consultation with Budget Holder and Finance Officer.

The Strategic Transport and Planning Team in collaboration with the Highways and Engineering service had successfully bid for several capital funded multi-disciplinary highway improvement programmes of work in recent years. The most recent of these is the City Region Sustainable Transport Settlement (CRSTS). Oldham Council's Highways and Engineering and Strategic Transport and Planning Teams were currently preparing to deliver up to £35m of highways work in the borough over the next 4 years using funding secured through a joint bid for GM via Transport for Greater Manchester, who bid to the Department for Transport (DfT) on behalf of the city-region.

In addition, Oldham Council had been awarded Levelling Up 2 Funding (LUF2), of which £4.79m has been identified for delivery via the SOSPA Contract.

For Oldham Council to deliver this ambitious programme of work it was considered necessary to seek a new Strategic Partner (Contractor) to work alongside the Delivery Team at key stages of the design and construction process. The current method of delivery of highway construction work can take 12-16 weeks from tender stage to commencement on site. To deliver the CRSTS and LUF2 programmes within the set timeframes, a more streamlined method of procuring construction work is required. The intention is that individual projects will be procured via a Call Off procedure under the Strategic Partnership Agreement. This will require Director sign off (in liaison with the Directors of Finance and Legal Services) rather than an individual Cabinet report for each element of work.

The Sustainable Oldham Strategic Partnership Agreement had been advertised by the Procurement Team in September 2023, and it was expected to be available for use in early 2024.

The single supplier delivery model currently exists namely the 'Accessible Oldham Strategic Partnership Agreement.' This method has proven extremely successful and afforded Oldham Council a robust vehicle to deliver a large and diverse programme of civil engineering projects efficiently and effectively.

Alternatives/options considered:

Option 1 - Delegated authority be given to:

- the Deputy Chief Executive (Place) and Economic Growth in consultation with the Leader to award the

Strategic Partnership Agreement and Reserve Supplier Agreement.

- the Director of Economy in consultation with the Portfolio Holder for Neighbourhoods, to award the individual Call Off Contracts for the works packages under the Strategic Partnership Agreement and Reserve Supplier Agreement if necessary.
- the Director of Legal Services to affix the Council's seal to the Strategic Partnership Agreement and Reserve Supplier Agreement, any incidental and ancillary documentation and to the individual Call Off Contracts under the Strategic Partnership Agreement and Reserve Supplier Agreement.
- The Head of Highways & Engineering award low value Call Off Orders (less than £50,000) in line with Head of Service financial approval limits and in consultation with Budget Holder and Finance Officer.

Option 2 – Competitive Tender process for individual Call Off Orders:

- On completion of the individual design packages, adopt a competitive tendering opportunity and present to the market via The Chest to invite submissions in the conventional manner.
- This would involve an extensive process to procure a suitable Contractor for each project featured across the programmes which in turn would increase the number of Cabinet reports requiring approval and drastically increases the timeframe associated with delivery.
- This process increases risk and limits opportunities to maximise seasonal windows of opportunity conducive to certain elements of the construction process.

Resolved:

That delegated authority be granted to:

1. The Deputy Chief Executive (Place), in consultation with the Leader of the Council, to award the Sustainable Oldham Strategic Partnership Agreement (SOSPA) and Reserve Supplier Agreement, in consultation with the Director of Finance and Director of Legal Services
2. The Directors of Economy/Environment in consultation with the Portfolio Holder for Neighbourhoods to award the individual call off contracts for the separate works packages under the Strategic Partnership Agreement and Reserve Supplier Agreement.
3. The Director of Legal Services to affix the Council's seal to the Strategic Partnership Agreements and Reserve Supplier Agreements, any incidental and ancillary documentation, and to the individual call off contracts under the Strategic Partnership Agreements and Reserve Supplier Agreements.
4. The Head of Highways & Engineering to award low value Call Off Orders (less than £50,000) in line with Head of Service financial approval limits and in consultation with Budget Holder and Finance Officer.

## **CONSTRUCTION AND HIGHWAYS WORKS & SERVICES FRAMEWORK AGREEMENT - EXISTING FRAMEWORK**



The Cabinet considered a report of the Deputy Chief Executive (Place) that was seeking approval to modify existing Construction and Highways Works and Services CHWS Framework Agreements, which had expired on 2<sup>nd</sup> October 2023, by extending the term of the agreements by one year (to expire on 2<sup>nd</sup> October 2024), to facilitate the design and completion of a fit for purpose procurement process for the establishment of new multi-lot CHWS Framework Agreements and by uplifting Charges payable to appointed suppliers.

The most recent Framework Agreements for CHWS had expired on 2<sup>nd</sup> October 2023 and there had been insufficient time to develop and complete a tender process for a replacement framework arrangement which met service delivery requirements and wider corporate objectives (such as social value), prior to the expiry of the agreements. There had also been insufficient time to conduct the extensive market engagement required to ensure an appropriate procurement model was deployed to attract the most economically advantageous suppliers.

If the current CHWS Framework Agreements were to expire without new arrangements being in place, this would leave officers without access to procurement compliant framework arrangements which facilitate the efficient weekly procurement of statutory compliance works and services, maintenance and minor works without the need to commission on a case-by-case basis in accordance with Contract Procedure Rules. It was, therefore, proposed that current Framework Agreements are modified to extend their expiry date to 2<sup>nd</sup> October 2024, but also to apply an inflationary increase to the Charges payable to suppliers.

Alternatives/options considered:

The Cabinet was presented with two options:

- a. Option 1 – To modify and extend current CHWS Framework Agreements for a period 3<sup>rd</sup> October 2023 to 2<sup>nd</sup> October 2024, to facilitate the development and implementation of new arrangements. Also, to modify current CHWS Framework Agreements to apply an inflationary increase to charges payable to suppliers.
- b. Option 2 – Not to approve the further 12-month extension of the existing CHWS Framework Agreements until 2<sup>nd</sup> October 2024 and not to apply an inflationary increase to charges. This option is not considered viable as the consequence of this will leave the Council without access to framework suppliers and each scheme or works package would need to be individually quoted or tendered for in accordance with Contract Procedure Rules, which is considered an inefficient procurement method and would not provide best value.

Resolved:

That Cabinet approval is given to –



1. Cabinet approves a modification to extend those current CHWS Framework Agreements, detailed at Appendix A, for a term of 12-months, to allow sufficient time to robustly procure and mobilise a new CHWS framework arrangements from 3rd October 2024 and to apply an inflationary uplift to the charges payable under the Framework Agreements, as detailed in the submitted report.
2. The Cabinet delegates approval to the Deputy Chief Executive (Place), Director of Environment and the Director of Economy, as appropriate, to award call-off contracts under the Framework Agreement entered into under the CHWS framework arrangements, subject to compliance with the prescribed call-off procedures and the formalisation of call-offs using the prescribed forms of contract.
3. The Cabinet delegates authority to the Director of Legal Services, or their appointed nominee, to carry out all legal formalities in connection with this matter.

11

### **COUNCIL TAX REDUCTION SCHEME 2024/25**

The Cabinet considered a report of the Director of Finance that presented members the proposed Council Tax Reduction Scheme for 2023/24 prior to formal approval by full Council.

There was a legal requirement to have a local Council Tax Reduction (CTR) scheme to support residents of working age on a low income who qualify for assistance in paying Council Tax. The Local Government Finance Act 2012 requires that each year a billing authority must consider whether to revise its Council Tax Reduction scheme or to replace it with another scheme. Any change to the 2024/25 scheme must be agreed by full Council in line with budget setting arrangements and by no later than 10<sup>th</sup> March 2024. Any proposed change must be subject to prior consultation with major preceptors (for Oldham this is the Greater Manchester Combined Authority on behalf of the Mayor of Greater Manchester and the Greater Manchester Police and Crime Commissioner) and with the public.

The scheme for those of pensionable age was set by the Government and could not be changed. CTR is a demand led discount scheme so the greater the demand, the higher the impact on Council resources. If the number of CTR claimants increased, it impacted the amount of Council Tax that could be collected by reducing the Council's Council Tax Taxbase.

A major consultation exercise had not been undertaken regarding changes to the CTR scheme and the Greater Manchester Combined Authority has been provisionally advised that no change to the scheme is proposed. In this regard, the proposal was that the CTR scheme for 2024/25 remained the same as that operating in 2023/24 and therefore no consultation exercise was required.

The current CTR scheme provided a maximum reduction equivalent to 85% of the Council Tax charge for a Band A property and this has been unchanged since 2014/15.

In order to inform this proposal, the Council had undertaken some initial analysis regarding a change to the CTR scheme and the appropriateness of introducing an income banded scheme. An income banded scheme would mean that the level of CTR would be based on a claimant's weekly household income assessed against pre-determined income bands. This meant that if a claimant's household income varied but remains in the same band, the amount of support they get wouldn't change. The amount of support only varied if their income changed and moved them into another income band. In this regard, a modelling exercise had been undertaken.

Firstly, leaving the 2023/24 scheme unchanged was modelled. Then two income banded scheme options were modelled (Model 1 and Model 2 as described at 2.14 of the report). The results of the exercise undertaken had been analysed and the results were presented at section 3 of the report. There was significant uncertainty around the extent that the transition of residents from legacy welfare benefits onto Universal Credit would have on a claimants' household income and how this would then impact on the cost of an income banded scheme if it were to be introduced in 2024/25.

The Council could not currently accurately determine the level of income those transitioning residents will ultimately receive, which will be critical for an appropriate scheme design. In view of the continued uncertainty concerning Universal Credit and the marginal impact of any practical change to the CTR scheme at this stage, it was recommended that the Council maintains the current CTR scheme during 2024/25. This would provide continuity regarding entitlement to those residents on the lowest incomes and allow time for the impact of the roll out of Universal Credit to become clearer.

Alternatives/options considered:

Given the current economic climate, the financial position of the Authority and the uncertainty prevailing, the report outlined three options, which were presented for consideration.

- a. Option 1: Maintaining the present level of support i.e., limiting the level of support at 85% of Council Tax for a Band A property as the maximum amount available.
- b. Option 2: Introduce income banded scheme Model 1.
- c. Option 3: Introduce income banded scheme Model 2.

Resolved:

It is recommended that Cabinet approves the report and commends to Council the proposal contained therein to keep the Council Tax Reduction Scheme unchanged in 2024/25.

The meeting started at 6.00pm and ended at 6.10pm