

Public Document Pack

CABINET

26/02/2024 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 12th February 2024, be approved as a correct record.

6 **PROPOSAL FOR USE OF ADDITIONAL SMOKEFREE GENERATION FUNDING**

The Cabinet considered a report of the Director of Public Health which sought approval for the use of additional funding, that was provided through a new Section 31 grant, which would be ringfenced for local authority-led stop smoking services and support, under proposed smokefree generation policy.

Cabinet was informed that as part of their plans to create a smokefree generation the government had invested an additional £70 million per year to support local authority led stop smoking services and support. This would more than double current spending from £68 million per year, to a total of £138 million, and support around 360,000 people to quit smoking. The funding aimed to provide through a new Section 31 grant and would be ringfenced for local authority-led stop smoking services and support.

The additional funding to Oldham for 2024/25, based on a 3-year average smoking prevalence of 14.96% (an estimated 26,982 smokers), will be £321,524 per year for up to 5 years covering financial periods 2024/25 to 2028/29. This was in addition to the Council's current spend of £339,500 per year for specialist community stop smoking support (as part of the integrated Health Improvement and Weight Management Service).

The council commissions ABL Health Ltd to deliver its stop smoking service in Oldham as part of the integrated Health Improvement and Weight Management Service (Your Health

Oldham). The Stop Smoking Service provides specialist stop smoking support for people who live in Oldham (or are registered with an Oldham GP) and offered evidence-based interventions, including behavioural support and access to pharmacotherapy to support quit attempts. The additional funding from the government is an excellent opportunity to enhance the offer of the current smoking cessation service and to further reach out to the local at-risk and priority groups in Oldham and support more people to quit, thus reduce smoking prevalence.

Options/Alternatives considered:

Option 1: Use additional funding to bolster the current stop smoking offer with special focus on priority groups provided by ABL Health in Oldham. This was the preferred option. This option would ensure that there is added capacity to a service which is currently already delivering services in the borough and exceeding targets and would support the local authority to move towards our local targets for reducing smoking prevalence.

Option 2: Use additional funding to tender services from another stop smoking provider. It was reported that this option was not recommended as the current provider was delivering the service to a good standard and meeting performance indicators.

Option 3: Do not accept additional government funding to Oldham. Following this option posed a huge reputational risk if the council choose not to accept the additional funding and use it to tackle the borough's smoking prevalence and inequalities associated with it. It would impede Oldham in achieving our commitments to reduce smoking as this is one of the key priorities of Oldham's Health and Wellbeing Strategy and it is our ambition to work towards a smoke-free Oldham.

Resolved:

1. Cabinet approves the use of the allocated additional funding to supplement ABL Health Ltd (Your Health Oldham), who deliver our current stop smoking service (as part of the Health Improvement Service), to bolster the current stop smoking offer, with special focus on priority groups, thereby ensuring that there is added capacity to a service which is currently delivering stop smoking support in the borough and will increase the provision available to improve the number of people stopping smoking and, thus, reduce the smoking prevalence and the impact of tobacco related harm.
2. Cabinet notes that the proposals will support the local authority to move towards our local targets for reducing smoking prevalence. Specifically, to target certain priority groups which may have entrenched smokers that are most at risk of tobacco-related harm.
3. Cabinet notes that the recommendation will also ensure that there is sufficient capacity to support Oldham Tobacco Alliance to deliver its ambitions and will ensure there is a coproduced engagement and communications

strategy that is resident focused and relevant for the borough.



7

OLDHAM COMMUNITY LEISURE (OCL) - UTILITY BENCHMARKING

The Cabinet considered a report of the Director of Public Health which advised that Oldham Council and Oldham Community Leisure Limited (OCL) were party to a Leisure Management Contract in respect of leisure facilities in Oldham, which had commenced on 28th March 2013 for an initial term that expired on 31st March 2023 (Contract), which was subsequently extended for a further five years.

Cabinet was informed that increasing utility costs for Leisure Centres had and will likely continue to have an impact on the ability of OCL to be financially viable. Under clause 20 of the Contract, it states that the utility benchmarking exercises shall be carried out in accordance with Schedule 18 (Utilities Benchmarking). Utilities Benchmarking can be carried out where there are extraordinary fluctuations in the utility market. OCL had therefore served notice on the Council invoking the Utility benchmarking clause in the Contract (the details of which were included in the confidential report at agenda item 16).

The Contract with OCL provided that, if, at any time prior to the next Cost Benchmarking Date (each second anniversary following the 28th March 2013 commencement date), either party believed that extraordinary fluctuations in the utility market had resulted in the requirement for a Cost Benchmarking Procedure, that party must issue a notice in writing to that effect to the other party. Both parties must meet (but with no obligation to act) within ten (10) Business Days of the date of the notice to discuss the extraordinary utility market fluctuations and the possibility of agreeing a Cost Benchmarking Procedure.

Options/alternatives considered:

Options and alternatives are to be considered at item 16 of the agenda.

Resolved:

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

8

APPROVAL TO EXTEND THE PARKING CONTRACT WITH NSL

The Cabinet considered a report of the Deputy Chief Executive (Place) which informed Members that the Council was working with a parking consultant to review the Parking Enforcement Contract with NSL to ensure that the authority was getting value for money and carrying out all the services within current legislation. The review by industry experts would allow the Council to benefit from good industry practices and maximise the services provided to Oldham residents. To deliver these benefits additional time was needed to ensure all aspects of the service were to be reviewed. An extension to the existing

Parking Enforcement Contract with NSL was therefore required to deliver the review and then, depending on the outcome, the retender of the external contract, depending on the outcome of the review.

The Cabinet were advised that the current Parking Enforcement Contract with NSL was due to expire in June 2024. To ensure that the Council continued to receive value for money it was therefore considered prudent to conduct a service review to explore whether it would be appropriate to bring the service in-house or if the Council should continue with an external contractor. To do this, the existing Parking Enforcement Contract with NSL needed to be extended to allow the council to work with industry experts (Parking Matters) and review the current service provision and potentially to support the writing of a tender for future parking services in Oldham.

Options/alternatives considered:

Options and alternatives are to be considered at item 17 of the agenda.

Resolved:

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

9

GALLERY OLDHAM - PRIORITY MAINTENANCE WORK

The Cabinet received a report of the Deputy Chief Executive (Place) that provided information about the priority maintenance work required for the Gallery Oldham. Cabinet was requested to accept a funding offer from Museum Estates and Development Fund (MEND), as detailed at the confidential report, at agenda item 18 of this meeting. The Cabinet was also requested to note the scale of investment required to the Gallery Oldham and to approve the appropriate budgets that were required to proceed with the identified priority maintenance work.

The Cabinet was informed that significant funding would be required to address the priority maintenance work in respect of the Gallery Oldham over the a four year period: 2023 – 2027. The essential work had been identified through a detailed Asset Management Condition Survey report, that had been completed in April 2023. The report forecasted the various priority maintenance works over the four year period.

Cabinet was further informed that the Council had received confirmation of a successful bid for MEND funding that was ringfenced for limited aspects of the identified priority maintenance work.

Options/alternatives considered:

Options and alternatives are to be considered at item 18 of the agenda.

Resolved:

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

10

OLDHAM GREEN NEW DEAL DELIVERY PARTNERSHIP - GRANT ACCEPTANCE



The Cabinet received a report of the Deputy Chief Executive (Place) that sought acceptance of £8.7m grant funding for implementation of the Oldham Low Carbon Heat Network, as part of the Oldham Green New Deal Delivery Partnership programme.

Cabinet was reminded that in March 2020, the Council had formally adopted the Oldham Green New Deal Strategy (OGNDS), Oldham's climate change mitigation strategy which had a specific focus on securing the co-benefits of investment in low carbon infrastructure, in particular jobs and training opportunities for Oldham residents in the growing Green Technology and Services (GTS) sector.

The OGNDS set two challenging carbon neutrality targets – for Council Buildings and Street Lighting (by 2025) and for Oldham Borough (by 2030). These targets were set within the context of the 2038 carbon neutrality target for Greater Manchester City Region that was set out in the Greater Manchester 5-year Environment Plan.

The OGNDS sets out the approach for achieving the 2030 borough-wide carbon neutrality target, as follows:

- a. Leading a strategic partnership of major energy users across all sectors in Oldham to achieve carbon neutrality within the partnership and demonstrate community leadership.
- b. Developing a Local Energy Market to incentivise renewable energy development in the borough and cut energy bills for local residents and businesses.
- c. Investing in, and supporting the development and roll-out of, large-scale low carbon anchor energy infrastructure such as low carbon heat networks.
- d. Supporting the development of the GTS sector across the borough and support and incentivise the wider business community to de-carbonise.
- e. Maximising the local benefits from Greater Manchester and national level schemes which aid de-carbonisation, including in the areas of Air Quality, Transport, Waste and other key priority sectors, securing inward investment for 'clean growth' from public and private sectors.

The Cabinet was advised that on 30th November 2023, Greater Manchester Combined Authority (GMCA) had been notified that the consortium application had not been successful in securing Innovate UK funding. However, GMCA was notified that a direct award would instead be made from the Department for Energy Security and Net Zero (DESNZ) for up to £7m instead of the £5.5m applied to Innovate UK for, via a new programme called

the Local Net Zero Accelerator programme, for implementation of the GMCA/Oldham/Manchester three-tier delivery model demonstrator originally submitted to Innovate UK, with a condition that GMCA also include additional work.



Oldham's part of the project, to implement an Oldham Green New Deal Delivery Partnership, remained part of the programme and so the Council expected to receive up to £1.5m from this fund via GMCA. However, GMCA must first submit a Business Case to the Greater South-East Net Zero Hub who are the administrator for the DESNZ funding in order to receive the grant. The grant funded period ends on 31st March 2026. The Council was expected to sign a grant agreement with the GM Combined Authority for disbursement of the DESNZ grant. This report is therefore requesting delegated authority to accept this grant once it has been confirmed by GMCA – this delegated authority will enable the Council to mobilise quickly once the grant is confirmed to meet the delivery timescale ending March 2026.

The Council had been successful in securing £1m of revenue funding and £7.7m of capital funding from the Green Heat Network Fund, from its application for grant funding to support delivery of the Oldham Low Carbon Heat Network. The £1m of revenue funding was to cover the cost of taking the heat network scheme from RIBA Stage 2 to RIBA Stage 3 design ("Commercialisation") and also the drilling of test boreholes for the mine-water heating resource at the Rhodes Bank site.

Options/Alternatives considered:

Option 1: Do not accept the grant funding. Under this option, the Council would not proceed with implementation of an Oldham Green New Deal Delivery Partnership and would not progress further the Oldham Low Carbon Heat Network.

Option 2: to accept the grant funding. Under this option, the Council would proceed with implementation of an Oldham Green New Deal Delivery Partnership including the delivery of the Oldham Low Carbon Heat Network.

Preferred Option: Option 2: To accept the grant funding. Under this option, the Council would proceed with implementation of an Oldham Green New Deal Delivery Partnership including the delivery of the Oldham Low Carbon Heat Network.

Resolved:

That the Cabinet:

1. Authorises the acceptance of £8.7m grant funding (£1m revenue and £7.7m capital) from the UK government Green Heat Network Fund, for implementation of the Oldham Low Carbon Heat Network.
2. Authorises that delegated authority to accept up to £1.5m grant funding, from the DESNZ Local Net Zero Accelerator programme via GMCA (subject to Business Case being agreed between GMCA and DESNZ), be granted to the Deputy Chief Executive (Place) in consultation with the Leader of the Council and Cabinet

Member for Finance and Corporate Resources, and Directors of Finance, Legal Services and Economy.

3. Authorises that delegated authority to appoint consultants and contractors for the grant funded works and services, be granted to the Deputy Chief Executive (Place), in consultation with the Leader of the Council and Cabinet Member for Finance and Corporate Resources, and Directors of Finance, Legal Services and Economy
4. Authorises that delegated authority be granted to the Director of Legal Services, or his nominated representative, 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 authorisations, delegations and recommendations in this report.

11

AWARDING OF ENFORCEMENT AGENT SERVICES CONTRACT

The Cabinet received a report of the Director of Finance that sought approval to award and enter into contracts for Enforcement Services for the collection of unpaid council tax, business rates, sundry debts and commercial rent arrears from 1st April 2024 with three highest ranking bidders, as a result of the further competition process undertaken.

The Director informed members that the Council currently operated a mixed provision of council employed 'in house' enforcement agents (EAs) and external enforcement agents for the collection of unpaid council tax and business rates debts.

The existing contract had been awarded in October 2019, following an OJEU compliant procurement route, in accordance with Oldham Council's Contract Procedure Rules and EU regulations utilising the Rotherham Framework (OJEU notice ref 2016/5 -202-365931). Two providers, Marston Holdings Ltd and Rundle and Co were appointed for a 12-month fixed term contract until 30th September 2020.

Due to the moratorium on debt collection activities during 2020 and 2021, as a result of the Coronavirus pandemic, approval was subsequently given to extend this contract until 31st March 2024.

Options/alternatives considered:

Options and alternatives are to be considered at item 14 of the agenda.

Resolved:

That the Cabinet would consider the commercially sensitive information at item 14 of the agenda before making a decision thereon.

12

INSURANCE TENDER PROCESS AND AWARD OF CONTRACT REPORT

The Cabinet received a report of the Director of Finance which advised Members that the Council and its current insurers had

been subject to a long-term agreement in respect of property, terrorism, motor, fine art, and other ancillary policies which had commenced in April 2019 for a period of 5 years. Liability insurance was subject to a separate insurance agreement which was due to conclude in 2026.

The Director of Finance's report sought delegated authority to finalise the property insurance tender for the Council and for the award of the insurance contracts that were due to commence on 1st April 2024.

Options/alternatives considered:

Options and alternatives are to be considered at item 15 of the agenda.

Resolved:

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

13 **EXCLUSION OF 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 paragraph 3 Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.

14 **AWARDING OF ENFORCEMENT AGENT SERVICES CONTRACT**

Consideration was given to the commercially sensitive information in relation to Item 11: Awarding of Enforcement Agent Services Contract.

Resolved:

That Cabinet agrees to award the contract for Enforcement Services to the three highest ranking bidders following an evaluation and moderation exercise, as detailed in the submitted report.

15 **INSURANCE TENDER PROCESS AND AWARD OF CONTRACT REPORT**

Consideration was given to the commercially sensitive information in relation to Item 12: Insurance Tender Process and Award of Contract.

Resolved:

1. That Cabinet approves the tender award of contracts to the most advantageous tenderer based on the tender criteria.
2. That Cabinet agrees to delegate authority to the Director of Finance, in consultation with the Cabinet Member for Finance and Corporate Resources, to award the contracts following the tender, subject to compliance with the Contract Procedure Rules.



3. That Cabinet delegates authority to the Director of Legal Services, or his appointed nominee, to carry out all legal formalities.

16

OLDHAM COMMUNITY LEISURE (OCL) - UTILITY BENCHMARKING

Consideration was given to the commercially sensitive information in relation to Item 7: Oldham Community Leisure (OCL) – Utility Benchmarking.

Resolved:

1. That the Cabinet accept the requirement for Utility Benchmarking, under the terms of the contract and work with OCL to ensure they are able to afford the utility bills and continue to provide an extensive leisure offer.
2. As is estimated that costs under the contract will increase as a result of the benchmarking exercise and an estimated budget of £0.830m would be needed to support with the utility cost for 2023/24, the Cabinet agrees to make the payment, that is payable under the terms of the contract in line with the cost figure (estimated to be £0.830m in 2023/24).

17

APPROVAL TO EXTEND THE PARKING CONTRACT WITH NSL

Consideration was given to the commercially sensitive information in relation to Item 8: Approval to extend the Parking Contract with NSL.

Resolved:

That Cabinet approves the extension to the Parking Enforcement Contract with NSL for a period of 12 months to allow the service review to ensure the council improve the parking service in future for Oldham Residents.

18

GALLERY OLDHAM - PRIORITY MAINTENANCE WORK

Consideration was given to the commercially sensitive information in relation to Item 9: Gallery Oldham – priority Maintenance Work.

Resolved:

That Cabinet accepts the MEND funding and approve the budget to progress the required works in accordance with the Council's Contract Procedure Rules, which will assist to maintain and facilitate improved functional use of the Gallery Oldham whilst mitigating relevant operational, health and safety risks in addition to reducing future energy consumption through introducing greener technologies for replacement plant and equipment.

The meeting started at 6.00pm and ended at 6.20pm

This page is intentionally left blank