CABINET
30/01/2012 at 6.00 pm

Present: Councillor McMahon (Chair)
Councillors Akhtar, Harrison, Hibbert, Jabbar, McDonald, McMahon and Stretton

1 APOLOGIES FOR ABSENCE
Apologies for absence were received from Councillor B Dawson.

2 URGENT BUSINESS
There were no items of urgent business received.

3 DECLARATIONS OF INTEREST
Councillor McDonald declared a personal interest in Item 6 of the agenda by virtue of his Membership on the Oldham Community Leisure Board as appointed by full Council in May 2011.

4 PUBLIC QUESTION TIME
The following public questions were submitted to Cabinet:

1. Questions submitted by Joanne Lewis-Ryan

The Cabinet report recommends that the replacement facility for Crompton Pool should be sited in Royton Town Centre. In my view the report's recommendations would not only be a huge inconvenience to the public of Shaw, but also the viability of Shaw Town Centre.

In my view the report's conclusions are biased towards commercial sites in Royton, could the cabinet explain why commercially owned sites, which will require millions to purchase have been chosen at the expense of sites, where the council is already the landowner?

How can the Council justify the extra borrowing costs of building a new facility on land which is currently privately owned land, when that money could be spent on better facilities.

The report suggests offering the current Crompton Pool site to the Shaw & Crompton Parish Council. Has the Parish Council been approached with a view to transfer the asset and has Royton Pool similarly been offered to another public body such as the District Partnership?

Why should the Shaw public be expected to pay their Council tax to Oldham to help fund the excessive costs likely to be associated with a new pool in Royton and then also pay via the Parish Council precept for the running and upkeep of Crompton Pool.
The appraisal of sites to host a replacement facility for Royton Sports Centre and Crompton Pool and Fitness Centre has been conducted in a rigorous and objective manner. A long list of sites in Royton and Shaw were considered, of which 7 were in Royton, 6 were in Shaw plus Royton and Crompton school in between the two areas. Eleven were shortlisted and assessed in detail against 13 criteria which are detailed in the Cabinet report. Whether land was in public ownership and the cost of assembling a site were important criteria and the ability of the sites to link to broader Council plans, attract income and complementary uses was also important. The outcome of the site appraisal is clear with the three top sites being in Royton Town Centre and gives an exciting opportunity for the leisure centre to be part of the overall regeneration of Royton Town Centre.

The Cabinet has already agreed that only one main leisure centre is provided within the Leisure contract in any District Partnership area. If additional facilities are provided or retained in the Royton, Shaw and Crompton District Partnership area therefore they will be outside the leisure contract.

In view of the strength of feeling regarding the retention of Crompton Pool and Fitness Centre, Cllr Dawson, the Cabinet Member for Co-operatives & Community Development, has written to the Parish Council investigating the possibility of the Parish Council taking over the running of the centre as a co-operative. The Parish Council has acknowledged the contact and asked for further details. Cllr Dawson has also offered discussions three times in public with members of the Action Group present, but as yet has had no response. The Cabinet is also now considering indicating its willingness to talk to the Shaw and Crompton Parish Council about the retention of the centre outside the leisure contract and with maximum local control and accountability. The offer to discuss transfer has not been made to the District Partnership which is part of the Council.

2. Questions submitted by L Ryan

The appraisal of sites is favoured and biased towards Royton. 7 out of 9 are in Royton and only 2 in Shaw & Crompton. How can this be an equal process, when there are more suitable sites in Shaw & Crompton which have not been seriously considered and appraised.

Councillor McDonald, Cabinet Member for Children, Young People, Families, Leisure and Culture, responded with the following answer:
The site appraisal exercise was not biased towards Royton. As previously stated a long list of sites in Royton and Shaw were considered, of which 7 were in Royton, 6 were in Shaw plus Royton and Crompton school in between the two areas. All the sites in Shaw were considered objectively. The Cabinet report summarises the reasons Shaw sites scored less well as being because the sites:

- were of a size and/or configuration that constrained the design of the facility
- have less income potential due to their geographic position in the District Partnership area and the Borough
- did not have the same potential to link to Council priorities
- would be less likely to attract complementary uses due to their geographic position in the District Partnership area and the Borough.

3. Question submitted by Alan Garlick.

At public meetings and in reports Hugh McDonald agreed and gave an undertaking that the Royton and Shaw & Crompton Pools would not be closed until a new facility is built. Why then does the report state that underperforming/closing facilities could be closed earlier before new facilities are available? Why can the Council renage on these assurances?

Councillor McDonald, Cabinet Member for Children, Young People, Families, Leisure and Culture, responded with the following answer:

The Council has stated that existing facilities will remain available until new facilities are built. That commitment remains. The reference to underperforming/closing facilities could be closed earlier before new facilities are open is referred to in the comments from the Borough Treasurer as an option for making the proposals more affordable as savings could be made by taking this course of action. Councillors would be unlikely to support this option and would require officers to find other ways to make the proposals more affordable.

**RESOLVED: That the questions and answers be noted.**
replacement leisure centres in Oldham Town Centre and the Royton, Shaw and Crompton District Partnership Area. Members were advised that further to the report considered by Cabinet on the 3rd January 2012, which provided details of the extensive consultation exercise undertaken and the Equalities Impact Assessment, Members were requested to consider an in principle position in relation to sites for replacement leisure centres.

Councillor McDonald, Cabinet for Children, Young People, Families, Leisure and Culture advised the meeting that the Council needed to rationalise the leisure state and to provide flagship facilities for the Borough. In relation to Royton, Shaw and Crompton District, he advised the meeting that a robust site appraisal had been undertaken which clearly supported the location of the replacement facility in Royton Town Centre as detailed within the report.

He also advised the meeting that in relation to Oldham Sports Centre although a remodelling exercise at the current site was achievable and would cost less than a new build, the revenue cost of running a refurbished centre would be higher therefore a new build would provide value for money. Seven sites had been identified for a new facility in Oldham Town Centre, four of which were detailed within the report.

**Options/Alternatives considered**

**Option 1** Support the recommendations and take final decisions on sites and affordability as part of consideration of the final Outline Business Case at a future Cabinet. This would enable the re procurement to commence in April/May 2012 and the new contract to be in place before the expiry of the current contract in March 2013.

**Option 2** Delegate final decision making on the Outline Business Case and the re procurement process to appropriate Members and Executive Directors. This would give maximum flexibility to take decisions in a timely manner but was not viewed as a sufficiently transparent decision making path for those key decisions.

**Option 3** Reject the recommendations in the report and reassess the options for the future of leisure in the Borough. This would mean that the Council’s position on their leisure estate would remain unclear which would lead to uncertainty for bidders, delay the re-procurement process and potentially require the Council to implement an interim leisure service and/or bring the service back in house prior to a re-procurement.

**Consultation**

Cabinet considered a report on 3rd January 2012 of the extensive consultation exercise that was undertaken on the proposals for the leisure estate.

**RESOLVED:**

In relation to Oldham Sports Centre that:

1. The survey work undertaken on the current Oldham Sport Centre and the outcome of a comparison of the cost and deliverability of refurbishment and new build replacement which identified a new build centre as the preferred option be noted.
2. Work undertaken on the appraisal of sites in the Town Centre for a replacement leisure facility be noted.

3. Cabinet requested officers continued to refine options and costs leading to the selection of a preferred site for inclusion in the Outline Business Case (OBC)

In relation to Royton Sports Centre and Crompton Pool and Fitness Centre that:

1. The clear outcome of the appraisal of sites in Royton and Shaw for the replacement leisure facility and supported the location of the facility in Royton town centre.

2. Officers continued to refine options and costs leading to the recommendation of a preferred site in Royton town centre for inclusion in the Outline Business Case.

3. Officers/ Members enter into discussions with Shaw and Crompton Parish Council in relation to the possibility of transfer the Crompton Pool and Fitness centre to the Parish Council to run, as described in section 4.3.11 of the report.

In relation to the Outline Business Case that:

1. The key content of the Outline Business Case and the requirement to demonstrate the cost and affordability of the two new build centres be noted.

2. Officers present a further report to the Cabinet which would provide the final Outline Business Case that would guide the leisure re-procurement exercise and enable the procurement to commence at the point at which a final Outline Business Case was achieved in March or April 2012.

7

ALTERNATIVE SOCIAL CARE DELIVERY MODELS AND DEVELOPING A TRADING ARM

The Cabinet gave consideration to a report of the Executive Director, People, Communities and Society, which sought agreement in principle to establishing a trading arm for the Council’s adult social care services subject to a detailed business case being brought forward in June and consultation with staff and Trade Unions.

The report provided details of the options to be considered by Cabinet, consultation and a timetable for taking formal proposals to Council in June.

The Cabinet Member for Adult Social Services and Health advised the meeting that in response to both the challenges to Adult Social Services and the wider local government landscape, the Council had initiated a programme of budget reductions and customer led change. One of the key areas for potential change was a strategic case for innovative models of
service delivery including exploring ways to deliver services in alternative ways.

Members were advised that the Co-operative hybrid would be a form of social enterprise business which would aim to give members staff and equal share of the surplus generated through trading with Oldham Council and potentially local authorities. If the business case for this option was supported, the co-operative hybrid would be independent from the Council and staff would TUPE transfer into the new organisation, the proposal had been developed to support the co-operative Council agenda.

Options/Alternatives Considered:
Members considered the following options detailed in the report.

- Continue in-house provision;
- Establish a social enterprise;
- Establish a co-operative;
- Establish a Local Authority Trading Company (LATC);
- Establish a hybrid of both a Co-operative and LATC
- Establish a joint venture company
- Outsource provision

Consultation
Officers carried out an informal briefing with staff and Unions and front line managers were involved in the appraisal of options.

Councillor McMahon welcomed the report, advising the meeting that the development of a workers co-operative with the number of staff involved was a significant step for the Council.

RESOLVED: That:

1. The formal exploration of the benefits of establishing a trading arm for the Council’s Adult Social care services on the basis of a majority council owned company, with the minority stake held by the employees in a co-operative be approved in principle.
2. A formal consultation with staff and trade unions on the establishment of a trading arm be approved.
3. A more detailed proposal in the form of a business case would be submitted to Cabinet in June 2012.

REQUEST FOR APPROVAL OF CONTRACT EXTENSIONS FOR A RANGE OF SUPPORTING PEOPLE SERVICES

Consideration was given to a report of the Executive Director, People, Communities and Society which sought approval for the extension of contracts for supporting people funded accommodation and support services for vulnerable people. The Cabinet Member for Adult Social Services advised the meeting that the supporting people programme had been in existence since April 2003 and funded housing related support services to vulnerable people to assist them to access and sustain suitable housing. Funding of the programme was previously ring fenced but since April 2011 had formed part of the overall formula grant for Oldham Council.

Members were advised that all contracts for accommodation based services were due to expire in 2013 and the Supporting
People team were preparing for one overall commissioning and procurement exercise, commencing in April 2012 with new service expected to be in place by April 2013. In order to facilitate the overall commissioning approach, approval was being sought for 7 separate contracts to be extended up to the 31st March 2013.

Options/Alternatives considered
Option 1 To allow individual contracts to expire at their current end date. Piecemeal closure of services as the contract expiry date arose, would not allow for implementation of an overall commissioning approach and could lead to the closure of strategically relevant services without appropriate option in favour of vulnerable people.

Option 2 Approve extension of all of the accommodation based services for socially excluded groups up to 31st March 2013. This would allow for service continuity whilst an overall commission for services is procured during 2012/13. The advantages included the availability of a suitable range of accommodation and support options for vulnerable people and the possibility of realising efficiency savings.

Consultation
There was significant consultation with stakeholders and current service providers, landlords and partner landlords. In addition specific face to face consultation with the current providers of high support services and services users was undertaken.

RESOLVED: That 7 contracts for supporting people funded accommodation-based services for socially excluded groups be extended until 31st March 2013 to allow for one overall commission to be procured during 2012/13.

PEOPLE FRAMEWORK
The Cabinet gave consideration to a report of the Assistant Chief Executive, which presented the People Framework to Members setting out how the Council would engage with its workforce and equip the business with the right people capability and capacity to support the Council with repositioning itself as a Co-operative Council.

Councillor Jabbar, Cabinet Member for Finance and Human Resources, advised the meeting that the framework set out the high level direction as to how the Council would develop the workforce, people services and policies and processes to make a real difference to the Council’s business over the next 2 to 3 years and to support the changes needed to achieve the transition.

The Key themes set out within the report were:

- Organisation Design
- Employer of Choice
- Building Organisational Capability
- People Services and Infrastructure

Members were advised that a project delivery plan was in place, setting out the key milestones towards delivery of each priority item and all other activities so that progress could be tracked and reviewed periodically.
None considered.

Due consideration would be given to the extent of consultation during design and implementation of the strategy with individuals, managers, Trade Unions and other stakeholders.

**RESOLVED:** That the People Framework be approved.

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**THE ESTABLISHMENT OF A CABINET SUB-COMMITTEE - COMMUNITY ASSET TRANSFER APPEALS**

Consideration was given to a report of the Borough Solicitor which sought the establishment of a Cabinet Sub-Committee to discharge functions on behalf of the Cabinet in relation to Community Asset Transfer Appeals.

The Borough Solicitor advised Members that on the 9th March 2011 Cabinet approved the Council’s Community Asset Transfer Strategy and process.

The three stage process for transfer also included an appeals process to enable any applicant to appeal any refusal for asset transfer by the Council and Members agreed that the appeal would be determined by Cabinet.

Members were asked to appoint 3 Cabinet Members to the Cabinet sub-Committee to consider the appeals.

**Options/Alternatives**

None considered.

**RESOLVED:** That:

1. A sub committee of Cabinet be established to consider Community Asset Transfer appeals.
2. Councillors Akhtar, McDonald, and Stretton be appointed to the sub-committee.

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**CONTRACTOR APPROVAL GREENACRES ROAD HIGHWAY WORKS (OPEN)**

The Cabinet gave consideration to a report of the Executive Director, Economy, Places and Skills which sought approval for the cost of works and appointment of a contractor for the works at Greenacres Road School Safety Zone.

Councillor Stretton, Cabinet Member for Neighbourhoods advised the meeting that planning permission for the Tesco development at Huddersfield Road was granted subject to a section 106 planning obligation in which the developer paid a commuted sum and agreed to a number of measures including highway improvements and traffic calming measures. The scope of the works had been agreed following a detailed site investigation and inspection by the casualty reduction and Highway maintenance section.

The report provided details of the works including improvement of pedestrian facilities, footpath resurfacing and modification of existing traffic calming measures. A mini competition had been carried out via The Chest under the minor works contract and six contractors were invited to tender and after evaluation was undertaken each tender was scored. The commercially sensitive
information in relation to the contract award was considered at Item 13 of the Cabinet agenda.

**Options/ Alternatives Considered**

**Option 1** Do not accept a tender and be in default of the legal obligation to implement the s.106 Planning Obligation

**Option 2** Accept the tender cost and appoint the highest scorer offering the most economically advantageous submission.

**Consultation**

Consultation had been completed with all associated parties including ward Councillors.

**RESOLVED: That Cabinet would consider the commercially sensitive information at Item 14 of the agenda before a decision was made on the proposals.**

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**HIGHWAYS IMPROVEMENTS AND ALTERATIONS REQUIRED IN SUPPORT OF THE BSF/ACADEMIES PROGRAMME**

The Cabinet gave consideration to a report of the Executive Director, Economy, Places and Skills which sought approval to award the contract for highway improvements and alterations to A663 (T) Broadway, required in support of the BSF/Academies Programme for the Blessed John Henry Newman Roman Catholic College.

Councillor Stretton, Cabinet Member for Neighbourhoods advised the meeting that the tender process has been undertaken via the Chest for the highway improvements, four contract were selected and invited to tender of which three submitted a tender.

In accordance with the Council’s contract procedure rules the evaluation of the tender submission sought to identify the submission offering the best value, based upon a combination of economy, efficiency and effectiveness.

**Options/alternatives considered**

**Option 1** Not to award the contract. This would lead to non compliance of the planning obligation.

**Option 2** To award the contract in accordance with the Council’s contract procedure rules.

**Consultation**

Consultation was undertaken with the BSF project team. Unity Partnership Highways and Engineering department and the Procurement team form the Council.

**RESOLVED: That Cabinet would consider the commercially sensitive information at Item 15 of the agenda before a decision was made on the proposals.**

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**EXCLUSION OF THE PRESS AND PUBLIC**

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.

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**CONTRACTOR APPROVAL GREENACRES ROAD**
HIGHWAY WORKS (CLOSED)
Cabinet gave consideration to the commercially sensitive information in relation to Item 11 Contractor Approval Greenacres Highway Works. After consideration of both the public and commercially sensitive information the Cabinet reached its decision.
RESOLVED: That:
1. The appointment of the contractor for these works was approved.
2. The Contract for the works was awarded to the contractor with the highest weighted score following the mini tender process.

HIGHWAYS IMPROVEMENTS AND ALTERATIONS REQUIRED IN SUPPORT OF THE BSF/ACADEMIES PROGRAMME
Cabinet gave consideration to the commercially sensitive information in relation to Item 12 Highway improvements and alterations required in support of the BSF/Academies programme. After consideration of both the public and commercially sensitive information the Cabinet reached its decision.
RESOLVED: That:
1. The appointment of the contractor for these works was approved.
2. The Contract for the works was awarded to the contractor with the highest weighted score following the mini tender process.

The meeting started at 6.00pm and ended at 6.30 pm.