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CABINET

26/03/2018 at 6.04 pm



Oldham
Council

Present: Councillor Stretton (Chair)
Councillors Akhtar, Brownridge, Chadderton, Harrison,
F Hussain, Jabbar, and Moores

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2 **URGENT BUSINESS**

The Chair agreed to consider an Item of business – GM Continuity of Service Protocol as a matter of urgency in accordance with S.100 B (4) of the Local Government Act 1972; in order that implementation can be effective from 5th April 2018 subject to formal approval by the GMCA on the 29th March 2018.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETINGS**

RESOLVED - That the minutes of the meeting held on the 19th February 2018 and 26th February 2018 be approved as a correct record.

6 **OLDHAM TOWN CENTRE MASTERPLAN DELIVERY OPTIONS**

The Cabinet gave consideration to a report of the Director of Economy and Skills, which sought approval of recommendations relating to the delivery of the Oldham Town Centre masterplan. The Cabinet had previously considered and approved a masterplan for the redevelopment of the northern part of the town centre, incorporating the sites of the current Civic Centre, Tommyfield Market, the former Leisure Centre, the Magistrates' Court and current Police Station.

Approval was given for officers to carry out further due diligence on the preferred delivery strategy for the implementation of the masterplan with a view to reporting back to the Cabinet

The report provided details of:

- A refresh of the vision on which the masterplan was based, including the Council's key objective for the delivery of the masterplan.
- Public consultation results
- Tommyfield Market trader consultation and temporary market hall delivery strategy
- An update of the masterplan

Options/alternatives considered

Option 1 – Proceed with the project as detailed within the report accepting the recommendations and proceeding with the delivery strategy for the Oldham Town Centre.
Option 2 – Do not accept the recommendations detailed within the report to proceed with the delivery strategy of the masterplan



RESOLVED – That the Cabinet would consider the commercially sensitive information as contained at Item 16 of the agenda before making a decision.

7

PFI REFINANCING

The Cabinet gave consideration to a report of the Director of Finance which sought approval for the Council to pursue a PFI refinancing opportunity in accordance with the budget reduction proposal entitled 'Payments and Refinancing of Outstanding Long Term Liabilities (Ref CCS-COM-044) approved by Council on 14th December 2016, to contribute to the delivery of a balanced revenue budget for 2017/18.

The Council had reviewed its portfolio of projects, to highlight gains from refinancing. The review concluded that potential gains from PFI debt refinancing could be available and a proposals of the refinancing had been developed and further details were set out at Item 17 of the agenda.

Options/Alternatives considered

Option 1 – Proceed with the proposed refinancing.

Option 2 – Do not proceed with the proposed refinancing.

RESOLVED – That the Cabinet would consider the commercially sensitive information detailed at Item 17 of the agenda.

8

DISPOSAL OF FORMER BREEZE HILL SCHOOL, ROXBURY AVENUE, SALEM [ST. MARYS]

Consideration was given to a report of the Executive Director, Economy, Skills and Neighbourhoods which sought approval for the disposal of former Breeze Hill School, Roxbury Avenue, Salem.

The report provided details of the recent discussions with the Ministry of Housing, Communities and Local Government in respect of the proposed sale of part of the former Breeze Hill School Site (asset 175).

Following the receipt of approval under section 77 of the Schools Standards and Framework Act 1998 and Schedule of the Academies Act 2010 the Council started work to demolish the School buildings in August 2013 and the site has remained vacant since completion of the works albeit one of the two former caretakers houses remained occupied by the former caretaker of Breeze Hill.

It was reported that in early 2017 Oasis Academy Trust made a successful application to open a new high school, the trust currently runs 48 academies across the country including two in Oldham.

In July 2017 the Council resolved to work with the Education, Skills and Funding Agency to provide a site which would be transferred at market value in support of the proposals and the

favoured site of the new school shown edged red on the attached plan at appendix 1 to the report, was a portion of land formerly occupied by Breeze Hill School. It was noted that this area excluded the two caretaker's houses which would be retained by the Council and subject to a further report in due course.

Options/alternatives considered

The Cabinet had previously resolved to sell a portion of the former Breeze Hill School site in order to support the delivery of a new school.

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

9

TREE SURGERY FRAMEWORK OF CONTRACTORS

The Cabinet gave consideration to a report of the Executive Director, Economy, Skills and Neighbourhoods which sought approval to create a robust and comprehensive framework of tree surgery contractors to undertake all of Oldham's tree surgery and urban forestry needs.

It was reported that a large proportion of Oldham's tree work was undertaken by a framework of private contractors with the intention of increasing this going forward. This would require the framework of contractors to have a greater capacity and be more resilient in order to undertake the volumes of work that would be required. The report provided the result of the latest procurement exercise to appoint a new and resilient framework of tree surgery contractors.

Options/alternatives considered

Option 1 – To appoint a framework of 6 contractors as detailed within the report to a framework to undertake Oldham's tree surgery and woodland management needs.

Option 2 – Do not appoint the framework of tree surgery contractors resulting in Oldham not having enough capacity to undertake essential tree surgery and woodland works within the Borough.

RESOLVED – That the Cabinet would consider the commercially sensitive information as detailed at Item 18 of the agenda before making a decision.

10

REVENUE MONITOR AND CAPITAL INVESTMENT PROGRAMME 2017/18 QUARTER 3 - DECEMBER 2017

The Cabinet gave consideration to a report of the Director of Finance which provided Members with an update on the Council's 2017/18 revenue budget position and the financial position of the capital programme as at 31 December 2017, together with the revised capital programme 2017/21.

Revenue Position

The current forecast outturn position for 2017/18 was a projected favourable variance of £0.146m after allowing for approved and pending transfers to and from reserves.

Corporately, whilst there was a projected underspend at the end of the financial year, it was key to note the fluctuations contained

within the net position. There were 2 portfolios: Health and Wellbeing and Economy, Skills and Neighbourhoods with adverse variances, the most significant being that of Children's Social Care within Health and Wellbeing, a demand led service that was under pressure to deliver within the current budget allocation.

There was a projected overspend of £3.882m within the Health and Wellbeing Portfolio attributable in main to Children's Social Care and a reported pressure of £0.655m within the Economy, Skills and Neighbourhoods Directorate.

The total forecast overspend within the Health and Wellbeing and Economy, Skills and Neighbourhoods portfolios was being offset by a projected underspend of £4.413m within Capital, Treasury and Corporate Accounting.

Capital Position

The most up to date capital spending proposals for 2017/21 were provided to Members. The revised Capital programme budget was £25.490m at the close of quarter 3, a net decrease of £10.393m from the revised budget at month 8 of £35.882m. Actual expenditure to 31 December 2017 was £17.416m (68.15% of forecast outturn).

It was reported that at this stage in the financial year, the forecast position would continue to change with additional re-profiling into future years.

Options/Alternatives considered

Option 1 – To approve the forecast revenue and capital positions presented in the report including proposed changes.

Option 2 – To approve some of the forecasts and changes detailed within the report.

Option 3 – Not to approve any of the forecasts and changes detailed within the report.

RESOLVED – That:

1. The forecast revenue outturn for 2017/18 at Quarter 3 being a £0.146m under spend be approved.
2. The forecast positions for both the Housing Revenue Account and Collection Fund as detailed within the report be approved.
3. The use of reserves as detailed in Appendix 1 to Annex 1 of the report be approved.
4. The revised capital programme for 2017/21 as at Quarter 3 be approved.

11

DISCRETIONARY RATE RELIEF POLICY 2018/19

The Cabinet gave consideration to a report of the Director of Finance which presented to the Cabinet an update of the Council's Discretionary Rate Relief policy which took into account Central Government funded Non-Domestic Rate Reliefs and reliefs provided by local discretion.

The proposed amendment to the 2018/19 Discretionary Rate Relief Policy were:

- A revision to the policy to reflect the extension of the Central Government funded Pub Relief scheme for the 2018/19 financial year.
- Additional guidance in respect of claims for Discretionary Rate Relief arising from applications for relief under the

Localism Act 2011. This guidance had been included to formalise the process of the Revenues Team consulting with the Council's Investment Team on receipt of a Discretionary Rate Relief application for new startup businesses.

- A requirement for ratepayers requesting Discretionary Rate Relief to provide supporting evidence within 21 days of their initial application. This requirement had been included to provide transparency to ratepayers and officers involved within the decision making process of how applications should be processed if the applicant fails to provide the necessary supporting information.
- An adjustment to the policy to reintroduce a requirement for potentially eligible ratepayers to apply for Discretionary Revaluation Relief. The revised policy also reflected the reduced Central Government grant funding for Discretionary Revaluation relief for 2018/19.

Following feedback from ratepayers the opportunity had also been taken to reformat the policy into sections based on the type of reliefs available. It was believed this would help organisations to follow the guidelines more closely when preparing an application for relief. This was set out on a new contents page provided on page 2 of the revised 2018/19 policy. Other than in respect of the issues outlined above, the policy was unchanged from 2017/18.

Option 1 –Do Nothing. If you Council chose not to adopt the revised policy, the Council would continue using the current policy in place and the Council could not award the extensions of pub relief into the 2018/19 year or introduce amendments to the Revaluations Relief scheme.

Option 2 – Approve the amendments to the Discretionary Rate relief policy. This would ensure that the Council had a clear, transparent procedure in place to administer Non-Domestic Rate Reliefs including the local newspaper discount and 100% full fibre infrastructure relief.

RESOLVED – That the proposed discretionary Rate Relief Policy for 2018/19 detailed at appendix 1 to the report be approved.

12

HIGHWAY SAFETY INSPECTION POLICY

The Cabinet gave consideration to a report of the Executive Director, Economy, Skills and Neighbourhoods which sought approval of a new Highways Safety Inspection Policy.

The report provided details of how Oldham Council would carry out proactive and reactive safety inspections to ensure the Council could meet its statutory duty to maintain the highway. The existing policy had been in place since 2013 and it was considered appropriate to refresh the policy. This would enable the Council to comply with the 'Well –managed Highway Infrastructure: A Code of Practice'2016 and enable consistency within the Greater Manchester area through the Greater Manchester Highway Inspection Framework (GMHIF) as detailed at appendix B. The ten Greater Manchester authorities

were working towards implementing the GMHIF which was compliant with the (WmHI) by April 2018.

Options/alternatives considered

Option1 – Approve the new Highway Safety Inspection Policy.

The advantages were:

- Compliance with WmHI
- Collaborative working with colleagues in neighbouring Greater Manchester Authorities
- Risk assessed approach to safety inspections.

Option 2 – Retain the existing policy published in 2013.

Disadvantages were:

- Education in inspection frequencies
- Additional pressures on highways budget
- Increased risk of kerb repairs not being completed on time

RESOLVED – That the new Highway Safety Inspection Policy as detailed at appendix A be approved.

13

LIGHT DUTY VEHICLE CROSSINGS POLICY

Consideration was given to a report of the Executive Director, Economy, Skills and Neighbourhoods, which sought approval to formalise the Council's procedures for assessing Light Duty Vehicle Crossing applications and to ensure that they are assessed in a consistent and fair manner.

It is unlawful to drive a motor vehicle over the kerb and across the footway (pavement) in order to gain access to premises where there is no dropped crossing to allow this.

Under Section 184 of the Highways Act 1980, a person may apply to the Highway Authority (Oldham Council) for a Light Duty Vehicle Crossing to enable them to lawfully access their property and it is at the discretion of the Highways Authority as to whether such a crossing should be allowed.

If the policy was agreed it would specify how the Council would deal with applications for the provision of or widening of Light Duty Vehicle Crossings to a single dwelling, commonly known as dropped kerbs or dropped crossings and the policy would:

- Meet legal and planning requirements
- Ensure the Council deals with requests in a consistent manner
- Ensure construction quality and safety of vehicle dropped crossings.

Options/alternatives considered

Option 1 – Approve the policy enabling all applications to be assessed in a fair manner, ensuring safety and formalising appeals process for applications.

Option 2 – Retain existing practices and work to no policy.

RESOLVED – That the new Light Duty Vehicles Crossings Policy be approved.

14

GM CONTINUITY OF SERVICE PROTOCOL

The Chair agreed to consider an Item of business – GM Continuity of Service Protocol as a matter of urgency in accordance with S.100 B (4) of the Local Government Act 1972;

in order that implementation can be effective from 5th April 2018 subject to formal approval by the GMCA on the 29th March 2018. The Cabinet gave consideration to a report of the Executive Director, Corporate and Commercial Services which sought approval to adopt The Greater Manchester Continuity of Service Protocol which required signature bodies to recognise voluntarily, continuity of service where an individual voluntarily changes employer between Local Authorities and NHS employers within Greater Manchester.

The Protocol represented the first step towards implementing greater flexibility and opening up opportunities for employees of a wide number of Greater Manchester (GM) public sector organisations in this first stage. It was anticipated that this will be voluntarily extended into other GM public sector organisations in the future.

The Protocol represents the first step towards implementing greater flexibility and opening up opportunities for employees of a wide number of Greater Manchester (GM) public sector organisations in this first stage. It is anticipated that this will be voluntarily extended into other GM public sector organisations in the future.

The proposed Protocol was to include all staff employed by:

- a GM CCG organisation
- a GM NHS body
- a GM Council (but excluding staff employed by schools)
- North West Ambulance Service (NWS)
- GM Combined Authority and its constituent bodies
- Greater Manchester Health & Social Care Partnership
- Transport for Greater Manchester (TfGM)

At this point in time those employed within GM Police and the Waste Disposal Authority were not in scope. However, once those organisations formally joined the Combined Authority, they would be automatically included in this or whatever was in place at the time. Wider employer groups comprising commissioned providers e.g. third sector parties, GP practices, etc, were not included.

Likewise employees within schools or within the council's partner organisations such as Unity and Mio Care Services would not be covered by the Protocol in this first instance.

Option/Alternatives considered

The council could chose not to adopt the Protocol and not recognise continuity of service with NHS bodies. It is recognised that in the event that not all GM organisations adopt the Protocol, this would result in an imbalance of approach. Whilst this may lead to adopting organisations becoming an employer of choice over other neighbouring organisations, it was considered at GM level that this inconsistency may result in delaying or impeding the integration of health and social care across the region which was a primary reason for implementing the Protocol.

RESOLVED – That:

1. Adoption and implementation of the Protocol from 5th April 2018, subject to formal approval by the Greater

Manchester Combined Authority on 29 March 2018 and following call-in period be approved.

2. It be noted, financial analysis of the proposals was not possible and as such it was not possible to fully assess whether public law duties under best value and the fiduciary duty to the public purse had been satisfied. As such it was proposed across the parties to review the scheme on a tri – annual basis and /or before any major staffing review



15 **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.

16 **OLDHAM TOWN CENTRE MASTERPLAN DELIVERY OPTIONS**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 6 – Oldham Town Centre Master Plan Delivery Options.

RESOLVED- That recommendations 1-16 be approved.

17 **PFI REFINANCING**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 7 - PFI Refinancing.

RESOLVED – That:

1. The Director of Finance and Director of Legal Services be authorised to finalise the detailed arrangements in respect of the proposal set out in the commercially sensitive report and progress the financial and legal work associated with it.
2. All the recommendations as detailed in the report be agreed.
3. The decision be exempt from call-in as the decision was time limited and there was a risk the refinancing opportunity would be lost.

18 **DISPOSAL OF FORMER BREEZE HILL SCHOOL, ROXBURY AVENUE, SALEM [ST. MARYS]**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 8 - Disposal of former Breeze Hill School, Roxbury Avenue, Salem [St. Marys].

RESOLVED – That all recommendations detailed within the report be agreed.

19 **TREE SURGERY FRAMEWORK OF CONTRACTORS**

Cabinet gave consideration to the commercially sensitive information in relation to Item 19 of the agenda - Tree Surgery Framework of Contractors.

RESOLVED – That the recommendation as detailed within the report be agreed.

The meeting started at 6.04pm and finished at 6.15pm



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