

Minutes of: CABINET

Date of Meeting: 29 July 2020

Present: Councillor O'Brien (in the Chair)
Councillors L Smith, C Cummins, D Jones, A Simpson,
A Quinn, T Tariq, J Black and T Rafiq

Also in attendance: Councillor N Jones, J Mason and M Powell

Public Attendance: The meeting was streamed live on the Council Website.

Apologies for Absence:

CA.110 DECLARATIONS OF INTEREST

Councillor Quinn declared the following personal interests in all matters under consideration: his wife is employed by the Citizens Advice Bureau. His son and daughter in law work for Harrogate NHS Trust and he is a member of the Unite Trade Union.

Councillor Rafiq declared a personal interest in respect of Cabinet item CAXX Civil Financial Penalty Policy as a private landlord.

CA.111 PUBLIC QUESTION TIME

No questions were asked under the item.

CA.112 MINUTES

It was agreed:

Minutes of the meeting held on 10th June 2020 be approved as a correct record and signed by the Chair.

CA.113 COVID-19 RESPONSE AND RECOVERY UPDATE

The Leader, Councillor O'Brien presented a report updating Cabinet on the Council's planning for recovery from Covid-19.

The Leader reported that planning work is now under way to support the recovery from Covid-19 in Bury. This work is critical to support Bury's residents, the economy and businesses during this rapidly changing situation. It will also enable reforms to be made to the delivery of public services across the Borough, including with key health and care partners, and for the Council to make sustained changes to how it operates internally. The recovery work will also include the financial recovery required for the Council and Bury One Commissioning Organisation given the very significant impacts that the pandemic has had on the financial position of the Council, as with all other Local Authorities and NHS Clinical Commissioning Groups.

Delegated decision:

Cabinet agrees to:

1. Note the progress on the Borough's response to the Covid-19 emergency; and
2. Approve the proposals for a 10 point plan for immediate recovery over the next six months as set out in section 8 of this report and the proposals for medium term recovery combined with the development of the Bury 2030 strategy as set out in section 14 of this report.

Reasons for the decision:

The Council is a Category 1 responder under the Civil Contingencies Act and as such is at the core of the response to meet the Covid- 19 emergency. The Council is subject to a full set of civil protection duties including putting in place emergency plans, business continuity and public information arrangements, all in cooperation with other local responders.

Other option considered and rejected:

To reject recommendations contained within the report.

CA.114 THE COUNCIL'S FINANCIAL POSITION - 2019/20 OUTTURN

The Leader, Councillor O'Brien presented a report updating Cabinet on the final financial position for the Council for 2019/20. The report sets out the position for both revenue and capital and provides an analysis of the variances, both under and overspending.

The report provides details of the impact on the council's reserves and provides context for a reserves strategy that will ultimately provide greater oversight and control over reserves in future years at a time of great financial uncertainty.

The council's budget overspent by £5.003m representing 3.60% of the annual budget. Included in the overspend is a higher than planned contribution to the pooled fund that was agreed in March 2020 and the application of £3.650m in reserves, without

Delegated decision:

Cabinet agrees to

Note the final overspend on the 2019/20 revenue budget of £5.003m and that this includes a higher than anticipated contribution to the pooled fund of £10.5m;

- Note that the additional contribution to the pooled fund was agreed at the end of the last financial year as a mechanism of accessing additional funding for the CCG and that this will be offset by a lower contribution, of the same value, in 2020/21;
- Approve the allocation from reserves of £0.850m and note that this is factored into the out-turn position;
- Note the final position on the collection fund;
- Note the final position on reserves of £55.561m at the end of 2019/20;

- Note expenditure of £32.686m on capital programmes during the year and the outcomes achieved;
- Note the slippage of £18.373m and approve that this can be carried forward and added to the 2020/21 capital programme.
- Note that the final treasury management outturn report will be presented to Cabinet in September 2020.

Reasons for the decision:

The report supports the Council in managing the overall financial risks and financial planning for the Council.

Other option considered and rejected:

To reject the recommendations.

CA.115 THE COUNCIL'S FINANCIAL POSITION 2020/21 AS AT 30 JUNE 2020

The Leader, Councillor O'Brien presented a report updating Cabinet on the forecast financial position of the Council at the end of 2020/21 based on the information known at the end of the first quarter. The reports sets out the position for both revenue and capital and provides an analysis of the variances, both under and overspending.

The Leader reported that the Council is forecasting an overspend of £7.524m. This is not unexpected given the pressures faced by COVID-19 and reflects the monitoring that has been reported to MHCLG and Greater Manchester on the in-year position. Whilst the Council has seen an increase in some costs, the most notable impact has been on income loss. The MHCLG returns request details on the loss of income including council tax and business rates and the projected total loss for 2020/21, based on the June submission, is forecast at £24m. It should however be noted that, for financial planning and financial strategy purposes, the loss in income for business rates and council tax impacts in 2021/22 and will therefore be reflected in the update to medium term financial strategy.

Delegated decision:

Cabinet is asked to:

- Approve the reallocation of the Council's budget to reflect the new organisational footprint;
- Note the announcement of £16.150m in grant funding to support the Council with the additional costs and pressure of COVID-19 and note that these have been reflected in the service budgets;
- Note that further funding announcements have not yet been reflected in the financial position due to the fact that individual local authority allocations have not yet been made;
- Note the forecast overspend of £7.524m, the position on reserves, the position on the Dedicated Schools Grant and the CCG funding framework;
- Note the challenges in monitoring the collection fund and that further work is ongoing with other Greater Manchester Authorities to manage and report on the impact of COVID-19 on the fund;

- Note the position in relation to grants for businesses affected by COVID-19;
- Note the capital programme for the year and that further work is underway to review the programme in light of the COVID-19 crisis.

Reasons for the decision:

The report supports the Council in managing the overall financial risks and financial planning for the Council.

Other option considered and rejected:

To reject the recommendations.

CA.116 APPROACH TO DEVELOPING THE MEDIUM TERM FINANCIAL STRATEGY 2021/22 – 2025/26

The Leader of the Council, presented a report outlining the forecast financial position of the council at the end of 2019/20 based on the information known at the end of the third quarter. The reports sets out the position for both revenue and capital and provides an analysis of the variances, both under and overspending.

The Leader reported developing and updating the medium term financial strategy is a key feature of the financial planning cycle and a key component of the financial management and control framework. Updating the strategy provides an opportunity to reflect and update on resource forecasts and funding announcements as well as changes in demand and other costs.

Delegated decision:

Cabinet agrees to:

- Note the overall financial context surrounding Local Government finances and the degree of uncertainty that exists for future planning;
- Note the impact of COVID-19 on the current financial year and the medium term financial strategy;
- Note the potential financial gaps arising from the 3 scenarios and that, for planning purposes, the mid-range scenario is being used;
- Note that the Medium Term Financial Strategy is to be updated and presented to Cabinet in the Autumn;
- Agree the principles for managing the 2020/21 financial position;
- Agree the principles and approach for developing options for the managing the financial gap within the as set out in the report;
- Note that further reports will be presented to Cabinet over the coming months.

Reasons for the decision:

Implementation of the proposals will ensure the Council has plans in place to manage the financial challenges ahead and remain sustainable and resilient.

Other option considered and rejected:

To reject the recommendations.

CA.117 RESERVES STRATEGY

The Leader, Councillor O'Brien presented a report detailing a proposed reserves strategy for the council. The proposed consolidation of reserves ensure the council has a corporate approach to the management and control to reserves and that these are focussed and aligned to financial risk and corporate priorities.

Delegated decision:

Cabinet is agrees to:

- Approve the reserves strategy and note the position on reserves at the end of 2019/20;
- Note that further work will be undertaken to ensure here are effective strategies, including exit strategies, in place for those ongoing activities that are funded from reserves;
- Note the position on the DSG negative reserve and that this is currently offset by other earmarked reserves pending further guidance from the Department for Education;
- Note a further update to Cabinet on the DSG deficit reserve and recovery plan will be provided;
- Note that further work is required to establish whether there are some specific conditions on some capital reserves that have not been utilised for several years.

Reasons for the decision:

The implementation of the reserves strategy will enable the council to be more effective in its financial planning, and management of risk.

Other option considered and rejected:

To reject the recommendations.

CA.118 GREATER MANCHESTER'S CLEAN AIR PLAN - TACKLING NITROGEN DIOXIDE EXCEEDANCES AT THE ROADSIDE - UPDATE

The Cabinet Member for Transport and Infrastructure presented a report setting out the progress that has been made following the Government's response to Greater Manchester's Outline Business Case to tackle Nitrogen Dioxide Exceedances at the Roadside and the implications of pandemic management policies (the extent of which are not yet fully understood) for the 10 Greater Manchester local authorities in relation to the schedule of work and statutory consultation on the Clean Air Plan and the link to taxi and private hire common minimum licensing standards.

Delegated decision:

1. Note the progress of the Greater Manchester Clean Air Plan;

2. Note the progress in the development of the Clean Commercial Vehicle and Hardship funds;
3. Note the initial funding award of £41m for clean vehicle funds to award grants or loans to eligible businesses;
4. Note the Government has accepted the need for vehicle replacement funds for Hackney Carriages, and Light Goods Vehicles, but has requested further development of shared evidence on the needs within that complex sector before responding and does not support the sustainable journeys measure.
5. Note that TfGM is seeking confirmation that the funding award for Bus Retrofit is a continuation of Clean Bus Technology Funds to be distributed as soon as possible as per previous arrangements;
6. Note the government will not support electric vehicle charging infrastructure through Clean Air monies but have committed to work with GM on securing funding from OLEV;
7. Agree the position that the GM Local Authorities will move to a statutory public consultation on the GM Clean Air Plan as soon as reasonably practicable;
8. Further agree the position that the GM Local Authorities' decision to commence a public consultation should be taken once there is a clear timeframe for exiting lockdown and moving to the next phase of the COVID-19 response;
9. Note the implementation of a GM CAZ is delayed to 2022 with a revised implementation date to be confirmed in the consultation commencement report;
10. Note the DfT's positioning paper "Decarbonising Transport – Setting the Challenge";
11. Note the assessment of the possible impacts of COVID-19 to inform a technical briefing note for decision makers; and
12. Note that the GM local Authorities intend to consult on GM's proposed MLS, alongside the Clean Air Plan consultation and agree the position for consultation, on when taxi/PHV fleets should be Zero Emission Capable.

Reasons for the decision:

This report provides an update which is being provided to all GM Authorities, regarding the GM Clean Air Plan. It asks for agreement to the proposals concerning the progress towards consultation on the plan, which will now include the private hire and hackney carriage Minimum Licensing Standards.

Other option considered and rejected:

To reject the recommendations.

CA.119 HIGHWAY INVESTMENT STRATEGY - TRANCHE 2

The Cabinet Member for Transport and Infrastructure presented a report seeking approval to proceed with the investment of £10 million for highway maintenance for the period 2020/21 to 2022/23.

The Cabinet Member reported should this investment not go ahead, there is a risk that some highways will approach functional failure, requiring more expensive localised reactive maintenance repairs.

Delegated decision:

Cabinet agrees to:

Proceed with the investment of the £10 million made available by Council for highway maintenance for the period 2020/21 to 2022/23 in line with the recommendations set out in this report. (Appendix 1).

Reasons for the decision:

Provision for structural maintenance works has been made available in the Council's capital programme and includes funding from Department for Transport. Regular monitoring will be undertaken to ensure that the funds are not over committed and progress will be reported as part of the quarterly monitoring reports to Cabinet.

Other option considered and rejected:

To reject the recommendations.

CA.120 GREATER MANCHESTER HIGHWAYS ALLIANCE PROCUREMENT FRAMEWORK

The Cabinet Member for Transport and Infrastructure presented a report which sets out proposals for the future procurement of engineering work, by way of a framework arrangement – the Greater Manchester Highways Alliance Procurement Framework.

The proposal we result in significant cost savings and enables the contracting authority to develop a strategic relationship with the supply chain over a long period.

Delegated decision:

Cabinet agrees to:

Approve the implementation and access to the Greater Manchester Alliance Framework (as developed by Stockport and Bury Councils) as a future mechanism to procure civil engineering works.

Reasons for the decision:

The proposed arrangements will ensure the council is able to maximise the opportunity for securing best value. The approach proposed promotes the principles of strong financial governance and is fully supported.

Other option considered and rejected:

To reject the recommendations.

CA.121 CIVIL FINANCIAL PENALTY POLICY

The Cabinet Member for Housing Services presented to Cabinet the Civil Penalty Policy. The policy as detailed in appendix 1 of the report describes in detail: the

decision to issue a financial penalty, the level of fine it will impose and the process it will follow to issue the penalty, including the service of legal notices.

Delegated decision:

Cabinet agrees to:

Approve and implement the Civil Financial Penalty Policy.

Reasons for the decision:

Implementing the policy allows the Council a further opportunity to increase funding, and for the department to continue enforcement activities within the private rented sector.

Other option considered and rejected:

- 1 - Reject the civil penalty policy
- 2 - Implement the policy and change the banding level of fines.

CA.122 VEHICLE REPLACEMENT STRATEGY (PART A REPORT)

The Leader presented a Part A report outlining the Council's approach to replacing the Council's refuse collection vehicles.

The leader reported the Costs of replacing the vehicles will be met from the Council's Capital project. It is necessary for the vehicles to be replaced and the specifications for the new vehicles will include enhanced health and safety features.

Delegated decision:

Cabinet agrees to:

- Approve the approach for the procurement of the Council's Refuse Collection vehicles;
- Note that funding was made available in the Council's capital programme as part of a wider vehicle replacement strategy;
- Note that the wider vehicle replacement strategy will be presented to Cabinet in September.

Reasons for the decision:

If vehicles and plant aren't replaced they will in time become unsafe.

Other option considered and rejected:

To reject the recommendations.

CA.123 NEXT PHASE MODELLING OF THE HOUSING DEVELOPMENT PROGRAMME (PART A REPORT)

The Leader presented a Part A report updating Cabinet on the modelling of the development programme for housing development as well as work on likely delivery options.

Delegated decision:

Cabinet agrees to:

- 1) Note the progress towards a business case for c500 new homes development programme.
- 2) Progress to the next stage of planning with a total budget of a maximum of £119k taken out of reserves.
- 3) To bring a further report to Cabinet later this year with a full business case for final approval for a delivery model

Reasons for the decision:

The feasibility work to date indicates that there is merit in proceeding to “full business plan” stage.

Other option considered and rejected:

To reject the recommendations.

CA.124 URGENT BUSINESS- LOCAL OUTBREAK PLAN RESOURCE PROPOSAL

NB: The Chair agreed that the following item “Local Outbreak Plan Resource Proposal” that was not included on the published agenda could be considered as a matter of urgency.

The Cabinet Member for Health and Wellbeing presented the urgent item updating member of the local outbreak plan proposal. The Cabinet Members reported that the Council is responsible for the development and implementation of a Local Outbreak Management Plan to manage the transmission of COVID-19 in Bury. A Government grant of £1.08m has been provided to support delivery.

This paper describes the additional capacity required to respond to the next stage of the pandemic in Bury and proposes how the £1,080,000 should be deployed.

Delegated decision:

Cabinet agrees to:

- 1) Support the expenditure against the received funding of £1,080,000
- 2) Be prepared to receive a further proposal on necessary expenditure if required.

Reasons for the decision:

The Council has legislative duties and responsibilities for the delivery and management of public health in relation to outbreaks of communicable diseases and the Director of Public Health has and retains primary responsibility for the health of their communities.

Other option considered and rejected:

To reject the recommendations.

CA.125 EXCLUSION OF PRESS AND PUBLIC

Delegated decision:

Cabinet agrees that under Section 100 (A)(4), Schedule 12(A) of the Local Government Act 1972, that the press and public be excluded from the meeting for the reason that the following business involves the disclosure of exempt information as detailed against the item.

CA.126 VEHICLE REPLACEMENT STRATEGY (PART B REPORT)

Following consideration of this item in Part A of the meeting the Leader of the Council, provided details of the business case in relation to the procurement of the refuse collection vehicles.

CA.127 NEXT PHASE MODELLING OF THE HOUSING DEVELOPMENT PROGRAMME (PART B REPORT)

Following consideration of this item in Part A of the meeting the Leader of the Council,
Provided further information in respect of the next phase modelling of housing development.

Delegated decision:

Cabinet agrees to:

- 1) Note the progress towards a business case for c500 new homes development programme.
- 2) Progress to the next stage of planning with a total budget of a maximum of £119k taken out of reserves.
- 3) To bring a further report to Cabinet later this year with a full business case for final approval for a delivery model

Reasons for the decision:

The feasibility work to date indicates that there is merit in proceeding to "full business plan" stage.

Other option considered and rejected:

To reject the recommendations.

CA.128 GYPSY AND TRAVELLER COMPENSATION ARRANGEMENTS

The Leader presented a report on the proposed approach for the Council owned Fernhill Travellers site.

Delegated decision:

Cabinet agrees to:

- 1) Approve the proposal to bring forward comprehensive plans to redevelop Fernhill traveller site.
- 2) That officers of the Council be delegated to negotiate an agreement with each of the pitchholders to voluntarily surrender their pitch agreement based the compensation package outlined in this paper
- 3) The Council continues to work up designs for the redeveloped site and consults with the travellers on the proposed layouts
- 4) The Cabinet agree the use of earmarked reserves to fund the compensation payments;
- 5) That a detailed investment case will be presented to Cabinet once the compensation packages have been agreed with the Travellers and the pre-development planning work has completed

Reasons for the decision:

Councils are required by the Housing Act 2004 to undertake regular assessments of the accommodation needs of Gypsies and Travellers either living in, or travelling through, their area.

Other option considered and rejected:

To reject the recommendations.

COUNCILLOR E O'BRIEN
Chair

(Note: The meeting started at 6pm and ended at 8.04pm)