

Minutes of: CABINET

Date of Meeting: 13 March 2024

Present: Councillor E O'Brien (in the Chair)
Councillors C Cummins, R Gold, C Morris, A Quinn, T Rafiq,
L Smith and T Tariq

Also in attendance: Councillors R Bernstein and M Smith

Public Attendance: No members of the public were present at the meeting.

CA.133 APOLOGIES FOR ABSENCE

There were no apologies received.

CA.134 DECLARATIONS OF INTEREST

There were no declarations of interest.

CA.135 PUBLIC QUESTION TIME

There were no public questions.

CA.136 MEMBER QUESTION TIME

There were no Member questions.

CA.137 MINUTES

It was agreed:

That the minutes of the meeting held on 14 February 2024 be approved as a correct record.

CA.138 ADULT SOCIAL CARE PROVIDER FEE UPLIFTS 2024/25

Councillor Tamoor Tariq was welcomed back to Cabinet, and thanks were extended to Councillor Nathan Boroda for stepping up to the Cabinet Member role for the previous months.

Councillor Tamoor Tariq, Cabinet Member for Health and Adult Care, presented the report which detailed the fee engagement process including timelines and proposed recommendations for the fee proposal to contracted providers of adult social care services for the period 2024/25. It was noted that for each provider sector the Council was proposing uplifting the staffing element of the fee by 10% in line with the increase in the Real Living Wage and National Living Wage, and proposals had been developed alongside provider partners.

Decision:

Cabinet agreed the fee uplifts as set out in the report.

Reasons for the decision:

The Council is required to carry out a provider fee engagement process and has done so for year 24/25. The uplifts are within budget and look to drive the provider market to meet needs now and going forward, while ensuring provider sustainability in light of current pressures. The recommended fee rates also support providers to pay their staff the Real Living Wage and continue the move towards the Fair Cost of Care.

Other options considered and rejected:

Alternatives were not considered as we are required to issue fee uplifts within allocated budget.

CA.139 ANNUAL REVIEW OF ADULT SOCIAL CARE FEES AND CHARGES FOR THE FINANCIAL YEAR 2024/25

Councillor Tamoor Tariq, Cabinet Member for Health and Adult Care, presented the report which detailed the proposed 2024/25 Adult Social Care fees and charges across the directorate to take effect in April 2024. It was noted that all adult social care is means tested and charges are only paid by people who have assets or income above the thresholds set by government.

Decision:

Cabinet approved the proposed Adult Social Care Fees & Charges for 2024/25 as set out in the report.

Reasons for the decision:

In accordance with the Council's Financial Regulations, there is a requirement to review fees and charges on an annual basis.

Other options considered and rejected:

No alternatives were considered. The uplift to 2024/25 Adult Social Care fees is in line with the 2024/25 Adult Social Care Provider Fee Uplifts or in line with the November 2023 Autumn Statement which announced that benefits will increase by 6.7%.

CA.140 ADULT SOCIAL CARE PERFORMANCE QUARTER THREE REPORT 2023/24

Councillor Tamoor Tariq, Cabinet Member for Health and Adult Care, presented the report which outlined delivery of the Adult Social Care Strategic Plan, preparation for the new CQC Assessment regime for local authorities, and provided an illustration and report on the department's performance framework. In response to Member questions, Councillor Tariq provided assurance around the Council's preparedness for the CQC inspection, advising that work had been underway addressing specific issues raised at the LGA Peer Review last year including reviewing processes and increasing transparency. Thanks were extended to officers for their ongoing hard work in improving the service and getting Bury to a position of growing strength.

Decision:

Cabinet noted the report.

Reasons for the decision:

N/A

Other options considered and rejected:

N/A

CA.141 PROPOSED REVIEW OF THE PERSONA SHAREHOLDER AGREEMENT

Councillor Tamoor Tariq, Cabinet Member for Health and Adult Care, presented the report which proposed a review of the Persona Shareholder agreement to ensure the company's ability to grow as well as adapt its care models more rapidly in response to its users preferences enabling more highly person centred care, ensuring its sustained position as a high quality care provider of choice. In response to a Member's question, it was noted that the review was anticipated to take 3-4 months.

Decision:

Cabinet agreed to review the Persona Shareholder Agreement and report back with recommendations at a later date.

Reasons for the decision:

To explore the potential for providing Persona with greater flexibility in decision making to facilitate growth in high quality service delivery by a local company which provides giving a strengths-based approach to care and support of older residents and those living with learning disabilities.

Other options considered and rejected:

Do nothing – Persona will be unable to respond fully to the department of health and adult care commissioning intentions and potentially miss out on growth opportunities.

CA.142 EXPANSION OF SOLAR PV ON COUNCIL ASSETS

This item was withdrawn from the agenda.

CA.143 QUARTER 3 BUDGET MONITORING REPORT

Councillor Richard Gold, Cabinet Member for Finance and Communities, presented the report which outlined the forecast financial position of the Council at Quarter three 2023/24 based on the information known as at 31 December 2023. This report also provided an update on the work to mitigate and reduce the overspends and how this will be managed throughout the remainder of this financial year. The report set out the position for both revenue and capital and provides an analysis of the variances, both under and overspending.

Members discussed the paper and in response to questions it was noted that the Project Safety Valve (PSV) had been accepted by the Government but there were still targets for the Council to meet to stay on track. Councillor Lucy Smith advised that PSV discussions had been challenging but, now agreement had been reached, the Council could push forward with transformation plans to meet need while addressing financial controls. It was noted that PSV could come to a future scrutiny meeting for consideration.

With regards to a query regarding crossing patrols, it was noted that the overspend were most likely caused by staffing sickness and absence but specific data would be

shared with Councillor Bernstein after the meeting. In response to a question regarding "SOBC" figures in the report, it was noted that this referred to a Strategic Outline Business Case and would relate to monies drawn down for feasibility studies and design work, but specific detail regarding the £1.83m figure could be shared with Councillor Mike Smith after the meeting.

Finally, it was noted that the £1.8m overspend in Operations budgets was a reflection of rising energy costs being absorbed by the directorate, and budget planning for the coming year was taking place later in the month starting from a zero budget position.

Decision:

Cabinet:

1. Noted the improved forecast overspend of £9.462m, largely due to increased demand on services within the revenue budgets at Quarter two and the recovery action proposed;
2. Noted the slight improvement in £18.555m deficit on the Dedicated Schools Grant (DSG) and the ongoing activity within the Project Safety Valve project (PSV); and
3. Noted the increased delivery of savings to date of £16.384m with a forecast savings delivery of £20.646m within the challenging context of increased demand and inflationary cost increases. The intention is in the MTFS for 2024/25 that all savings will be delivered or replaced by something of an equal value by the departments.

Reasons for the decision:

To update Members on the Council's budgetary position and ensure the Council's budgetary targets are achieved.

Other options considered and rejected:

None. This report is in accordance with the Council's financial procedure regulations.

CA.144 PROPOSED REDEVELOPMENT OF THE ELMS FOR THE DELIVERY OF ACCOMMODATION FOR OLDER PEOPLE

Councillor Clare Cummins, Cabinet Member for Housing Services, presented the report which sought approval to dispose of The Elms in Whitefield for the delivery of an independent living scheme for the over 55's subject to procurement, to facilitate delivery of the Housing Strategy and generate savings to adult social care budgets. Councillor Cummins confirmed that commissioning partners had been fully involved, and thanked the Adult Social Care and Housing teams for their effective co-working. Councillors praised the scheme, welcoming the disposal of the old site and the proposed new facility.

Decision:

Cabinet:

1. Approved the proposals for the disposal and redevelopment of The Elms as set out within this report, to expedite delivery of the priorities within the Housing Strategy; and
2. Requested a report back to Cabinet on the offers received with a recommendation as to the preferred bidder.

Reasons for the decision:

- To facilitate the Councils 'brownfield first' approach to housing delivery and reduce revenue costs for holding, maintaining and securing long-term disused sites.
- The delivery of much needed, affordable homes for older people to reduce the need for more costly interventions and relieve pressures on housing waiting lists.
- Considerable benefits in health and community care with substantial savings on out of borough placements and the Council's adult social care budgets.
- Creation wider social, environmental, and financial benefits including additional council tax revenue and the potential to generate a capital receipt.

Other options considered and rejected:

- Do nothing: Bury has high levels of need for affordable housing for older people and supply is required in the marketplace immediately. This is a brownfield site in an area of high demand which is suitable for affordable housing for this cohort, to do nothing would not be an option.
- A range of alternative housing options were considered as part of the feasibility study undertaken – a number were discounted based on the assessment criteria utilised to arrive at the preferred option.

CA.145 PROCUREMENT OF WATER HYGIENE MONITORING SERVICES FOR THE PREVENTION OF LEGIONELLA AWARD RECOMMENDATION - PART A

Councillor Tahir Rafiq, Cabinet Member for Corporate Affairs and HR, presented the report which sought formal approval of a contract award recommendation following completion of the further competition exercise carried out to procure the Council's water hygiene monitoring services contract via the ESPO 198_20 Framework. The contract is for the period 1st July 2024 to 30th June 2027 with an extension option at the discretion of the Council for a further 2 years.

Decision:

Cabinet approved the award of a contract to the winning bidder for the period of three years from 1 July 2024 to 30 June 2027 with the right to extend at the discretion of the Council for a further 2 years.

Reasons for the decision:

Only two compliant bids were received. The winning bidder scored highest overall in the evaluation process. The evaluation of the tenders was carried out on a 50:50 price and quality/social value basis.

Other options considered and rejected:

- Carry out the water hygiene monitoring service in house.
This option is currently not feasible as the council does not have the labour capacity, suitably trained staff or the necessary IT infrastructure to carry out a service such as this. In order for this option to work the Council would need to invest in additional resources both in staff, training, hardware and software requirements and was therefore determined as not a financially viable solution.
- Carry out an open tender procurement exercise.

This option was considered and is possible, however this would involve significantly more time and costs in the procurement process as a whole and for no real benefit. The use of this framework is free and ensures that all suppliers have been evaluated and approved based on their capabilities, expertise, and compliance within required criteria along with pre-negotiated terms and conditions. Further competition exercise enabled the council to tailor the service requirements to the Council's specific needs. There are little or no benefits to going out to open tender over using this framework and as a result this option was dismissed.

CA.146 ADOPTION OF MILL GATE REGENERATION FRAMEWORK

Councillor Eamonn O'Brien, Leader and Cabinet Member for Strategic Growth, presented the report which proposed the adoption of the revised regeneration framework following a period of public and stakeholder consultation, to establish the long-term vision for the future development of the Mill Gate estate. With regards to next steps, the Leader advised that the revised framework would be adopted by the JV Board and reported to the Town Centre Advisory Panel before delivery timescales were finalised regarding mobilisation of possible interventions around other work underway in the area (e.g. flexi hall and the interchange).

Decision:

Cabinet approved the adoption of the Mill Gate Regeneration Framework.

Reasons for the decision:

- The regeneration framework is a vital component of delivering the Bury Town Centre Masterplan.
- The regeneration framework has been designed to support the Council's aims and objectives around inclusive economic growth in the Let's Do it! Strategy
- The regeneration framework provides a clear long-term vision for redevelopment of the Mill Gate estate.
- The regeneration framework will provide strategic guidance to enable coordinated delivery of development to maximise the environmental, economic, and social potential of Bury town centre.

Other options considered and rejected:

N/A

CA.147 GIGG LANE STADIUM

Councillor Charlotte Morris, Cabinet Member for Culture, Economy and Skills, presented the report which update the Cabinet on a previous decision to approve an investment of up to £450k in the Gigg Lane Stadium at its meeting on the 13th of July 2022, and to refresh the delegations for that decision which would enable the installation of a 3G pitch.

Jacqui Dennis, Director of Law and Democratic Services, advised that the wording of the recommendations had changed since the report was published, and advised on the new wording which removed the condition for a lease to be in place providing

sustainability and longevity was secured. This allowed for greater flexibility for the stadium and the Club and would still enable the security of the grant agreement.

Members discussed the report, noting the huge opportunity for community benefit and the continued support from the Council in the development of the stadium and the Club. In response to a question regarding the benefactors, it was noted that they had made significant financial contribution thus far, and financial due diligence undertaken still gave confidence in the Council's investment for the pitch. With regards to the timescales involved, these were for the Club to manage but they were aiming to have the pitch installed over summer to be in place for the next season.

Decision:

Cabinet:

1. Agreed that the Council restates its intention to invest £450k of grant funding to Bury FC. (Noted that this sum would contribute towards the cost of installing a 3G pitch at Gigg Lane.)
2. Agreed a delegation to the Chief Executive, Director of Finance, and Monitoring Officer following consultation with the Leader and the Cabinet Member for Culture, Economy and Skills to enter into a grant agreement, subject to the following conditions
 - The financial due-diligence demonstrates that the FSSB (the merged entity) represent a low-risk for an investment in a 3G pitch.
 - That the FSSB complete the drawdown of their remaining grant funding from the Community Ownership fund administered by DLUCH
3. Noted that within six months of entering in to the grant agreements, a community engagement plan will be agreed between the Council and FSSB.

Reasons for the decision:

- The Council has strongly supported the merger of the two football societies. This is because it represents the only realistic route back to securing football league fixtures and to secure the associated economic benefit realised by hosting regular fixtures, often with more than 3,000 spectators.
- It is important that Gigg Lane is a financially sustainable facility. It is a large stadium (especially for non-league football) with not insignificant costs associated with its upkeep. Meeting this cost burden is best achieved through active use of the Stadium outside of matchdays. It is possible to create significant new income streams through the installation of a 3G pitch, which so long it is of a specific standard, is allowed at Step 9 of the football pyramid (Bury's current position is in the Northwest Counties Football League) and leagues above.
- There are strong economic benefits for the Borough associated with guaranteeing the future of the Gigg Lane facility and there are also additional benefits in providing floodlit 3G sports facilities in the Borough. The Council see this as an opportunity to develop a pioneering approach to working with a fan owned football club to develop real and meaningful community benefit.
- For the Club it builds goodwill that will eventually translate into new supporters. Our ambition for Bury is to develop an exemplar of how a fan-owned club can drive real social benefit.

Other options considered and rejected:

The Council has the option to 'do nothing'. This would mean the installation of the 3G pitch would likely not proceed. It would prove difficult for the Stadium to be developed without the income stream generated from a for-hire pitch. It also allows for a much-enhanced community engagement plan, as without the 3G pitch it would be difficult to meaningfully utilise the facility.

CA.148 APPOINTMENTS UPDATE

Councillor Tahir Rafiq, Cabinet Member for Corporate Affairs and HR, presented the report which sets out amendments to the appointments made at the Annual Meeting of the Council held on 24th May 2023 and the proposal for Councillor Noel Bayley to be appointed as Deputy Mayor for the Civic year 2024/25.

Decision:

Cabinet:

1. Noted the appointments and amendments to appointments made since the Annual Meeting of Council as set out at paragraph 2; and
2. Agreed to recommend to Council that Councillor Noel Bayley be appointed as Deputy Mayor for the Civic year 2024/25.

Reasons for the decision:

N/A

Other options considered and rejected:

N/A

CA.149 MINUTES OF ASSOCIATION OF GREATER MANCHESTER AUTHORITIES / GREATER MANCHESTER COMBINED AUTHORITY

Councillor Quinn highlighted the Vision Zero Strategy, which sought to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all.

It was agreed:

That the minutes of the Greater Manchester Combined Authority meetings held on 26 January and 9 February 2024 be noted.

CA.150 EXCLUSION OF PRESS AND PUBLIC

Decision:

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

CA.151 PROCUREMENT OF WATER HYGIENE MONITORING SERVICES FOR THE PREVENTION OF LEGIONELLA AWARD RECOMMENDATION - PART B

Councillor Tahir Rafiq, Cabinet Member for Corporate Affairs and HR, presented the Part B report which set out the full financial details.

Decision:

Cabinet approved the award of a contract to the winning bidder for the period of three years from 1 July 2024 to 30 June 2027 with the right to extend at the discretion of the Council for a further 2 years.

Reasons for the decision:

As set out for Part A.

Other options considered and rejected:

As set out for Part A.

COUNCILLOR E O'BRIEN

Chair

(Note: The meeting started at 6.00 pm and ended at 7.15 pm)