

**Minutes of:** CABINET

**Date of Meeting:** 5 June 2024

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

**Also in attendance:** Councillors Birchmore and Bernstein

Lynne Ridsdale, Chief Executive, Jacqui Dennis, Executive Director of Law and Democratic Services, Kate Waterhouse, Executive Director, Strategy and Transformation, Jeanette Richards, Executive Director Children and Young People Will Blandamer, Executive Director Health and Adult Care, Paul Lakin, Executive Director Place, David Catterall, Head of Commercial Services, Rachel Stirk, Service Manager (Education), Stephen Holden, Interim Director of Education and Skills, Simon Peet, Chief Accountant, Julie Gallagher, Head of Governance, Haroon Asghar, Policy Officer and Chloe Ashworth, Democratic Services.

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

**Apologies for Absence:** Councillor M Smith

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**CA.166 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Mike Smith and Councillor Birchmore attended on his behalf.

**CA.167 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**CA.168 PUBLIC QUESTION TIME**

There were no public questions.

**CA.169 MEMBER QUESTION TIME**

There were no Member questions.

**CA.170 MINUTES**

**It was agreed:**

That the minutes of the meeting held on 17<sup>th</sup> April 2024 be approved as a correct record.

**CA.171 APPOINTMENT OF CORPORATE PARENTING CHAMPION**

Councillor Smith was appointed as the Corporate Parenting Champion for Cabinet.

Councillor Smith requested that all the Cabinet champion the role of being a Corporate Parent as the leadership of the Council.

#### **CA.172 ADULT SOCIAL CARE PERFORMANCE QUARTER FOUR REPORT 2023/24**

Councillor Tamoor Tariq, Deputy Leader and Cabinet Member for Health and Wellbeing presented the report regarding delivery of the Adult Social Care Strategic Plan, preparation for the new CQC Assessment regime for local authorities and an illustration and report on the department's performance framework for Quarter 4 2023-2024.

Members discussed the report and welcomed the progress made over the year.

In response to a member question Councillor Tariq advised that we do not have a designated date for review by the CQC. Members were given reassurance that staff are prepared and engaged in networks with other authorities.

In response to a member question the Cabinet were informed that report identifies that the number of reviews waiting for allocation has decreased and has continued into 2024-2025.

**Decision:**

Cabinet noted the report.

**Reasons for the decision:**

N/A

**Other options considered and rejected:**

N/A

#### **CA.173 CARE AT HOME REVIEW**

Councillor Tamoor Tariq, Deputy Leader and Cabinet Member for Health and Wellbeing presented the report regarding the Care at Home review. The Care at Home service supports the vulnerable people of Bury with their assessed needs under the Care Act 2014. This includes support with personal care, moving and handling, nutrition and hydration, and medication. The current service was commissioned in October 2021 for a period of three years with an option to extend by a further period or periods of up to 24 months provided that the total term of the contract does not exceed a total of 5 years.

**Decision:**

Cabinet:

1. Approved a 12-month contract extension for all Lot 1 Care at Home providers (until 24 October 2025) due to evidence that contractual obligations are being met.
2. Approved a 12-month contract extension for Lot 2 Care at Home providers that are meeting contractual obligations (until 24 October 2025).
3. Delegated the decision regarding which Lot 2 provider contracts will be extended to the Strategic Leads for Integrated Commissioning.
4. Delegated finalisation and sealing of the deeds of extension required to give effect to the contract extensions to the Director of Law and Democratic Services in consultation with the Executive Director of Health and Adult Care. A decision will be made by mid-July 2024 regarding the Lot 2 providers that will and will not be extended, to allow a 3-month notice period to all.

**Reasons for decision(s):**

A 12-month extension will afford Commissioners the opportunity to complete comprehensive engagement with key stakeholders on a new model for Care at Home. We will research best practice in other local areas, we will run workshops with providers to understand what works well currently and whether there are opportunities to do things differently, and we will engage with residents, not only people who use the service, but also the Bury Older People's Network (BOPN). In addition, the re-tender will align to the annual fee-setting process in March.

**Alternative options considered and rejected:**

The option not to extend contracts and complete a full re-tender in 2024 was considered, but as described above, sufficient time is required to co-produce a new model.

**CA.174 MILLWOOD PRIMARY SPECIAL SCHOOL - PROGRAMME UPDATE & REQUEST FOR APPROVAL TO APPOINT CONTRACTOR - PART A**

Jacqui Dennis, Director of Law and Democratic Services provided an update regarding the report and confirmed that the figures supplied in Part B of the report are subject to validation and therefore Cabinet is not requested to confirm the full costs.

The report outlined a full explanation of the latest position, details of the programme and sought approval in principle of a fully costed bid from the contractors for the construction of the new wing and authorisation to enter into a Design and Build Contract with them.

**Decision:**

Cabinet:

1. Approved in principle the fully costed bid from the contractor together with the costs of the professional/consultant/client FFE costs fees for the construction of the new wing. All costs are to be covered by Children's Services capital funding.
2. Subject to such validation being obtained, noted that authorisation will be sought under the urgent Decision route under the Constitution to be followed for final approval.
3. Authorised the Director of Law and Democratic Services in consultation with the Cabinet Member for Children and Young People to finalise the terms of the Design and Build Contract to be entered into after such Urgent Decision has been obtained.

**Reasons for decision(s):**

Development of additional capacity at Millwood Primary Special School, as set out in the Project Safety Valve agreement between the Council and the Department for Education, is a key element of the specialist place sufficiency strategy. Taken together, the Agreement and strategy set out the business case for the development of new provision and expansion of existing specialist provision to meet increasing demand within Bury and reduce the reliance on placements in Independent Non-Maintained Special Schools (INMSS). The project at Millwood Primary Special School is a priority within this strategy.

**Alternative options considered and rejected:**

Whilst it is possible to re-procure the scheme, this would result in significant delay to delivery of the project with no certainty that costs will be reduced. The option to reprocure will remain, to be pursued in the event that the costed bid is rejected. In that event all the work carried out to date will be utilised to form an integral part of the tender documents to be issued.

**CA.175 PRU-PHASE 2-WHITEFIELD CENTRE-REQUEST APPROVAL TO INVITE TENDERS FOR WORK IN RELATION TO THE PUPIL REFERRAL UNIT - PART A**

Councillor Lucy Smith, Deputy Leader and Cabinet Member for Children and Young People presented the report regarding the Pupil Referral Unit. The request is for approval to invite tenders for work in relation to the Pupil Referral Unit, and specifically in relation to the PRU's Whitefield Centre building. These are phase 2 of works following the relocation of the main PRU building from Spring Lane to the New Kershaw Centre. Approval by Cabinet is required to proceed to tender to obtain a competitive construction price.

In response to a member question regarding consultation with residents, Councillor O'Brien, advised that any potential site that is looked at for the PRU will be done with a full extensive consultation.

**Decision:**

Cabinet:

1. Accepted the indicative budget and works programme, and
2. Approved the Whitefield Centre works to proceed to formal tender, using a pre-procured ESPO Framework, and subject to additional cabinet approval of the final contract sum prior to award and entering into contract with the preferred supplier/contractor.

**Reasons for decision(s)**

Approval of the works is required in order for the Whitefield Centre project to progress to tender phase. Key considerations within this document have informed both the scope and the methodology for carrying out the works as proposed.

**Alternative options considered and rejected:**

1. Delay instructing the contract: This would delay overall Whitefield Centre completion date by two months as Cabinet approval cannot be sourced in the August cycle. This would prevent the school from receiving the additional intake of pupils in and they would have to be housed in alternative provision outside the Borough of Bury. This would also push the works into the winter months, potentially extending the duration on site and associated costs of construction.
2. Seek an alternative solution for the contract: The Council have considered alternative options to deliver the additional accommodation within the timescales provided. This included use of other Council owned property, and the use of modular accommodation on the existing site, partial refiguration only. No other Council owned property could meet the needs of the school within the available timescale. Partial reconfiguration would not provide the classroom accommodation the school requires and there was insufficient space within the school to site modular accommodation or extend. A split site was also discounted as the school would not have the staffing and safeguarding arrangement available to accommodate this. None of alternative options explored where able to deliver the additional accommodation with the available timescales.

**CA.176 DEVELOPER CONTRIBUTIONS FOR EDUCATION SUPPLEMENTARY PLANNING DOCUMENT- CONSULTATION DRAFT**

Councillor Eammon O'Brien, Leader and Cabinet Member for Strategic Growth presented the report regarding Developer Contributions for the Education Supplementary Planning

Document. Members were advised it is proposed that, following the consultation, a further version of the Developer Contributions for Education SPD will be brought back to Cabinet for formal approval.

Important part is dealing with education provision that will come due to increase in demand judgements based on each application and sets out approach set out regarding capital works rather than existing issues.

If approved consultation will take place over the next six weeks and welcome any comments, following this the report will be brought back to Cabinet for approval.

Members discussed the report and in response to a member question the Cabinet were informed that this will form part of local planning guidance and sit alongside the local plan.

**Decision:**

Cabinet:

1. Approved the draft Developer Contributions for Education SPD attached at Appendix 1 as the basis for a six-week public consultation commencing June 2024.
2. Agreed to delegate approval to the Executive Director of Place to make modifications to the draft Developer Contributions for Education Supplementary Planning Document - before consultation commences.

**Reasons for decision(s):**

1. To ensure that all stakeholders are given the opportunity to have their say on the draft Developer Contributions for Education Supplementary Planning Document.

**Alternative options considered and rejected:**

None

**CA.177 PERMISSION TO TENDER - RADCLIFFE ENTERPRISE CENTRE**

Councillor Eammon O'Brien, Leader and Cabinet Member for Strategic Growth presented the report regarding Radcliffe Enterprise Centre. The report sought permission to tender for a contractor to undertake the construction works required for the conversion of Radcliffe Library into an Enterprise Centre as part of the GM's UKSPF (UK Shared Prosperity Fund) SME (Small and Medium Size Enterprises) Workspace Fund (E22).

Members discussed the report, in response to a members question regarding Radcliffe Library Cabinet was informed that the intention is to find a suitable option for Radcliffe Library. One of the options in modular, another is temporary relocation sites and some sites need to be looked at in more detail.

Paul Lakin, Executive Director of Place confirmed we have not yet found an ideal solution and units are being looked at. Members will continue to be regularly informed throughout the process through meetings with Councillors.

In response to a members question regarding another location (Bridge Community Church/Centre), user preferences and community engagement the Leader provided assurance that users and staff are being kept up to date as and when updates are available. The Leader advised he will seek if the Bridge Community Centre has been considered as a potential location.

**Decision:**

Cabinet:

1. Approved the proposed route to tender for the construction of the Enterprise Centre via the North West Construction Hub (NWCH) framework.
2. Noted that a further report will be brought back to the September Cabinet meeting to approve the appointment of the preferred contractor.

**Reasons for decision(s):**

This a UKSPF funded project and is subject to strict timescales for completion. The project is progressing through the RIBA Stages and is currently on track. However, a delay in appointment of a contractor could significantly impact on progress leading to a failure to complete on schedule, bringing financial and reputational risk to the Council.

**Alternative options considered and rejected Classification:**

1. Delaying the decision to appoint a contractor has been discounted as this will significantly impact on the construction programme and risk non completion within the funding timescales.

**CA.178 AWARDING OF FRESH FRUIT AND VEGETABLE CONTRACT TO A SUPPLIER ON BEHALF OF CATERING SERVICES**

Councillor Tahir Rafiq Cabinet Member for Corporate Affairs and HR presented the report regarding the award of a contract relating to Fresh Fruit and Vegetable.

**Decision:**

Cabinet:

1. Approve the award of a contract relating to Fresh Fruit and Vegetable to the successful bidder for the period stated.
2. To authorise the Director of Law and Democratic Services in consultation with the Cabinet Member for Corporate Affairs and HR to finalise the terms of the contract to be entered into with the successful bidder.

**Reasons for decision(s):**

Ralph Livsey scored the highest across the three criteria proving best value, quality, and social / sustainable value. It is the best price for the quality to meet the needs of the catering provision as well as supporting Council's strategic priorities as well as meeting all governance and legal requirements.

**Alternative options considered and rejected Classification:**

The Schools Catering team can revert to the AGMA (Association of Greater Manchester Authorities) preferred supplier, to which Bury Council can access; Dunster's Farms, however the cost of using Dunster's is not best value or quality and creates further budget pressures to the catering service and overall council budget. Dunster's Farm is not ranked in the top 6 for Price, Quality or Social Value. If Ralph Livesey's are not awarded, procurement rules state that the supply would revert to Dunster's as part of the AGMA contract.

**CA.179 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.180 MILLWOOD PRIMARY SPECIAL SCHOOL - PROGRAMME UPDATE & REQUEST**

## **FOR APPROVAL TO APPOINT CONTRACTOR - PART B**

Councillor Lucy Smith, Deputy Leader and Cabinet Member for Children and Young People presented the Part B report regarding Millwood Primary Special School. The report set out the full financial details.

### **Decision:**

Cabinet

1. Approved in principle the fully costed bid from the contractor together with the costs of the professional/consultant/client FFE costs fees for the construction of the new wing. All costs are to be covered by Children's Services capital funding.
2. Subject to such validation being obtained, noted that authorisation will be sought under the urgent Decision route under the Constitution to be followed for final approval.
3. Authorised the Director of Law and Democratic Services in consultation with the Cabinet Member for Children and Young People to finalise the terms of the Design and Build Contract to be entered into after such Urgent Decision has been obtained.

### **Reasons for the decision:**

As set out for Part A.

### **Other options considered and rejected:**

As set out for Part A.

## **CA.181 PRU-PHASE 2-WHITEFIELD CENTRE-REQUEST APPROVAL TO INVITE TENDERS FOR WORK IN RELATION TO THE PUPIL REFERRAL UNIT - PART B**

Councillor Lucy Smith, Deputy Leader and Cabinet Member for Children and Young People presented the Part B report regarding Millwood Primary Special School. The report set out the full financial details.

### **Decision:**

Cabinet:

1. Accepted the indicative budget and works programme, and
2. Approved the Whitefield Centre works to proceed to formal tender, using a pre-procured ESPO Framework, and subject to additional cabinet approval of the final contract sum prior to award and entering into contract with the preferred supplier/contractor.

### **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**

Cabinet, 5 June 2024

**(Note: The meeting started at 6.00 pm and ended at 6.50 pm)**