

Minutes of: CABINET

Date of Meeting: 16 July 2024

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

Also in attendance: Councillors R Burnstein and M Smith
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, Rachel Stirk, Service Manager
(Education), Stephen Holden, Interim Director of Education and
Skills, Robert Summerfield, Assistant Director of Regeneration
Delivery, Neil Kissock, Director of Finance Phillip Hewitt, Group
Engineer (Street Lighting & Operations), Julie Gallagher, Head
of Governance, and Chloe Ashworth, Democratic Services.

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

Apologies for Absence: Councillor C Morris

CA.182 APOLOGIES FOR ABSENCE

There were no apologies received.

CA.183 DECLARATIONS OF INTEREST

There were no declarations of interest.

CA.184 PUBLIC QUESTION TIME

There were no public questions.

CA.185 MEMBER QUESTION TIME

There were no Member questions.

CA.186 MINUTES

It was agreed:

That the minutes of the meeting held on 05 June 2024 be approved as a correct record.

CA.187 PRESTWICH FUNDING - PART A

Councillor Eamonn O'Brien, Leader and Cabinet Member for Strategic Growth, presented the report which set out the Prestwich Village Regeneration Scheme that will deliver a comprehensive redevelopment of the Prestwich Village site including the Longfield Centre.

Decision:

Cabinet:

1. Note the progress made with the development of the overall Prestwich Village Regeneration scheme (the Scheme).
2. Approved the recommended legal structure and procurement strategy for the appointment of the developer for the Scheme and appointment of a contractor for delivery of Phase 1 of the Scheme as set out in the Part B report.
3. Approved the commencement of a procurement process by the Council for the delivery of Phase 1A (Travel Hub) of the Scheme in accordance with the legal structure and procurement strategy set out in the Part B report.
4. Approved the funding strategy to fund the delivery of Phase 1A (Travel Hub) to a maximum expenditure figure of £14m from the Council's existing capital programme.
5. Noted the treatment of The Prestwich Regeneration LLP as a contracting authority under the Public Contracts Regulations 2015 in the proposed legal structure and procurement strategy.
6. Delegated authority to the Director of Law & Democratic Services in consultation with the Executive Director of Place and Leader to negotiate and complete detailed legal and procurement agreements associated with the delivery of the Scheme.

Reasons for Recommendation(s)

Legal Structure & Procurement Strategy:

- Cabinet approved the formation of a joint venture company (The Prestwich Regeneration LLP – The JV) with Muse Places Ltd (Muse) on 13th October 2021. This was on the basis that Muse had the benefit of an option agreement over a leasehold interest forming part of the Scheme and not as a consequence of any tendering procedure under the Public Contracts Regulation 2015 (PCR). Muse held an option to purchase the Longfield Centre and the Council relied on the "exclusive rights" exemption in Regulation 32 (2) (b) of the PCR.
- It is now proposed that the Council will appoint The Prestwich Regeneration LLP as developer for the Scheme. The Council will make a direct award to Muse (via the Morgan Sindall Consortium LLP) via the Pagabo Developer Led Framework (Pagabo) and Muse will enter into a sub-Development Agreement with the JV. The JV will subsequently use a PCR compliant procurement route to secure the services of a building contractor for Phase 1 of the Scheme.
- Pagabo was established in 2020 and offers a pre-procured route which enables local authorities to appoint developers directly where pricing is transparent and agreed upfront. Each successful supplier on the framework has already been subject to quality and price competition.

Funding Strategy

- The Prestwich Regeneration LLP's JV Management Board has agreed the principle of the funding approach recommended in this report at the meeting 13th May 2024.

- Funding of the project in line with option one described below is recommended. This utilises existing funding provision within the Council's Capital Programme and Medium-Term Financial Strategy (MTFS) to deliver Phase 1A of the Prestwich Village Regeneration Scheme.
- Option one maintains momentum of delivery and ensures a key enabling phase of the scheme is completed under the published programme; releasing potential for housing growth on the site.
- This strategy ensures the Scheme is 'shovel ready' increasing the attractiveness of the next development phase (Phase 1B) to external funders. It reduces the impact of construction cost inflation and reduces the likelihood that the Council will incur significant asset holding costs at the site.

Alternative options considered and rejected:

- As set out in Part B of the report.

CA.188 BURY MARKET & FLEXI HALL LEVELLING UP SCHEME – ENABLING AND MAIN WORKS CONTRACT - PART A

Councillor Eamonn O'Brien, Leader and Cabinet Member for Strategic Growth, presented the report which advised Cabinet of the Enabling Works and Main Works packages, that in line with the Bury Market & Flexi Hall project programme, will now need to be instructed through the Enabling Works and Main Works Contract.

In response to a Member's query regarding the Levelling-up fund members were assured that no issues are expected to arise due to national political changes. Members were informed that national changes will provide a kick-start to other projects such as the Mill Gate. The Leader assured members that it is no coincidence that two of the levelling up schemes sit in areas with the highest level of deprivation and all will be done to ensure these schemes are delivered.

A member gave praise to the equality duties being considered and raised a point from residents with health conditions and proximity to bathroom facilities. The Cabinet was informed that the Flexi-Hall should alleviate the distance to a bathroom in future and sign posting to the nearest bathroom will be considered in the surrounding infrastructure. Members recognised that the Indoor market is closed and is a place previously used to access these facilities. Robert Summerfield, Assistant Director advised changing places and toilet facilities will be checked.

Decision:

Cabinet:

- Approved the delivery of Enabling Works and Main Works packages to be undertaken by Vinci Construction UK Ltd.
- Agreed the interim tender report recommendation that Vinci Construction UK Ltd undertake the Enabling Works and Main Works packages at the provisional contract sum set out in Part B of this report, and delegate final acceptance of a final contract sum up to a provisional maximum of £25,088,003.87 to the Director of Law and Democratic Services in consultation with the Executive Director of Place and Director of Finance and the Council Leader and Cabinet Member for Strategic Growth.
- Agreed to delegate finalisation and sealing of the Enabling Works and Main Works Contract including any clarifications to the Director of Law and Democratic Services in

consultation with the Executive Director of Place and the Council Leader and Cabinet Member for Strategic Growth.

Reasons for recommendation(s):

- Approval of the Enabling Works package is required for the Bury Market & Flexi Hall project to deliver various preparatory works on site. These works are required to be completed in advance, to ensure the Main Works construction phase can start on time in line with the agreed project programme, associated scheme cash flow and DLUHC Levelling Up grant spend deadline. Approval also extends to the Main Works package for the Bury Market & Flexi Hall project to progress to a construction phase without delay and to avoid jeopardising development delivery and grant funding expenditure obligations. Key considerations within this document have informed the Enabling Works and Main Works contract sum, the scope and methodology for carrying out the associated Enabling Works and Main Works packages and their phasing in line with the agreed project programme and grant funding agreement.

Alternative options considered and rejected:

- Delay instructing the Enabling Works and Main Works Contract: Delaying the starting dates for the Enabling Works and Main Works packages would further delay both the full defrayment of the Levelling Up grant and the overall delivery of the Bury Market & Flexi Hall scheme. In turn this would jeopardise the Council's obligations set out in the MoU as agreed with DLUHC and put at risk the Levelling Up grant monies.
- Any further delay incurred would also erode confidence in the Council's ability to deliver a key strategic priority for Bury which is also critical to supporting the delivery of a number of major, corporate strategies and Team Bury initiatives including the Council's 'Let's Do It' Vision and Strategy, Bury Town Centre Regeneration Masterplan, Bury Town Centre Evening and Night Time Economy Strategy, Bury Economic Strategy, Bury Interchange redevelopment and the Millgate Strategic Regeneration Framework, amongst others.
- Further delays to starting the Enabling Works and Main Works would also incur significant additional costs to the Council, including build cost inflation due to further scheme prolongation, and additional professional fees, including the Council's external professional team. Delays may also incur potential additional contractor preliminary costs that might feasibly be requested under the terms of the existing PCSA contract (the prelim rate currently stands at circa £8.1k per week).
- On top of these costs, the Council would also incur additional, consequential costs in respect to extra rents and service charges that it will have to pay regarding the temporary accommodation that houses the Bury Market service (12 Princess Parade). The Council would also have to pay additional business rates charges in respect to those properties (Nos 2 – 10 Princess Parade) which it has already acquired in readiness for demolition and on whose cleared site the footprint of the new Flexi Hall will be constructed.
- Furthermore, delays to instructing the Enabling Works and Main Works Contract could mean that subcontractor prices expire with the resulting risk that the overall tender price increases in line with market fluctuations at the time. In this regard, the tendered price is fixed until the anticipated date of a Cabinet approval decision (July 2024) but any delays beyond this date will risk the tender price increasing because Vinci's supply chain cannot fix prices for a longer period.

Councillor Clare Cummins, Cabinet Member for Housing Services, presented the report which set out a summary of the Buy Back & Acquisitions Policy & Procedures, which will support the Council to purchase residential dwellings in private ownership and convert them into social and affordable housing, to help meet housing needs in the borough and reduce homelessness.

All potential acquisitions will be subject to a pre-acquisition suitability assessment and robust financial appraisal. Properties acquired under this policy will be refurbished to decent homes standards as required, added to the housing stock and allocated to eligible applicants on the Council's housing waiting lists at a social or affordable rent capped at local housing allowance rates where appropriate, to ensure affordability.

The Council has recently purchased two properties applying the methods detailed within the new policy, and a further four acquisitions are currently being assessed.

In response to a Member's query regarding the Council having the funds for the acquisitions of properties, Cabinet was advised that there are available funds within the HRA Budget and on occasion Section 106 monies can also be used. In addition the Leader reminded Cabinet that any sales above £250,000 will be required to be considered through the Cabinet decision making process.

When questioned regarding the feasibility of competing in a competitive market members were assured that there is a need for the properties and new building take a considerable amount of time in comparison to a sale of a property.

Decision:

Cabinet:

1. Agreed to adopt the Buy Back & Acquisitions Policy & Procedures.
2. Noted that in line with the constitution the approval of all acquisitions with a value up to £250,000 in association with this policy will be delegated to the Executive Director of Finance, in conjunction with the Director of Housing. Acquisitions with a value in excess of £250,000 will require Cabinet approval in accordance with the Council's constitution.

Reasons for recommendation(s):

- There is a continuing shortage of social and affordable housing in the borough and this policy will help to address the deficit. It provides a legislative framework to support a range of property acquisitions under a single procedure, to ensure a consistent approach across the Council. This will enable effective governance, resource planning and monitoring.

Alternative options considered and rejected:

1. Do nothing: This option has been rejected as the Council would not have a reliable framework in place for the acquisition of residential property.
2. Update the Council's Right to Buy, Buy Back Policy 2016: This option has been rejected as this policy dealt exclusively with the re-purchase of property that had previously been sold under the Right to Buy legislation, and did not make provision for the broader range of acquisitions detailed within the new policy

Councillor Clare Cummins, Cabinet Member for Housing Services, presented the report which outlined that a review of the capital works programme has been quickly undertaken to ensure compliance with regulatory standards and in recognition of the backlog of work that has been identified during the transfer process of Six Town Housing's principal responsibilities.

The programme saw a large volume of council owned properties given necessary adaptations and the housing stock has been improved. Trying to keep people well at home often means changes to the property and is a welcome part of the report.

In response to a members query regarding the reports reference to historical process errors, members were advised that these issues have not had financial issues.

Decision:

Cabinet:

- Acknowledged the proposed Capital Programme to be funded within the HRA, estimated at £19,841,760 and recommends to Council that it be approved.
- Subject to Council approval, authorised external competitive procurement to be commenced in respect of the respective schemes identified within the Capital Programme on a compliant basis in accordance with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules 2022.
- Requested reports back on the individual schemes with recommendations as to contract awards at the conclusion of the respective procurement processes.
- Noted that whilst the target completion date for the respective contract works is the end of the current financial year, the duration of some contracts and the associated expenditure will run into 2025/26 and that further updates will be provided to Cabinet as part of the Budget reporting process.
- Approved payments to Green Grants Install Limited for decarbonisation works under the Social Housing Decarbonisation Fund (SHDF) Wave 1 and 2 programmes grant funded by the GMCA and delegates to the Director of Law and Governance authority to facilitate the necessary contractual arrangements.

Reasons for recommendations:

- To enable work to the Council's housing stock to be undertaken.
- A requirement of the Regulator of Social Housing is to have "accurate, up to date and evidenced understanding of the condition of homes that reliably informs their provision of good quality, well maintained and safe homes for tenants.". The 2024/25 programme of work has been developed to address this need.

Alternative options considered and rejected:

- This is an asset led programme, undertaking work where it is needed and not geographically based. The focus for the 2024/25 is on dealing with long standing issues, delayed projects, and backlogs to ensure compliance with regulatory standards. To ensure an improved approach to longer term planning from 2025/26 onwards, including the introduction of a cyclical painting and repairs programme, a full stock condition survey is currently being completed.

CA.191 PRU PHASE 2 WHITEFIELD CENTRE - PART A

Councillor Lucy Smith, Deputy Leader and Cabinet Member for Children and Young People, presented the report which requested Cabinet approval of the project sum for works in relation

to the Pupil Referral Unit, following conclusion of the tender exercise, 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.

A member requested that there is ongoing consultation with residents in the local area throughout the process and highlighted a known query in relation to the site entrance which is currently being looked into.

Decision:

Cabinet:

- Approved the project sum value, the extent of works and programme detailed within part B of this report.
- Delegate authority to the Executive Director of Education in consultation with the Director of Law and Governance to negotiate and execute the building contract.

Reasons for recommendation(s):

- Approval of the works is required in order for the Whitefield Centre project to progress to manufacture and construction 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:

- 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.
- 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 reconfiguration 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.192 OBJECTIONS TO THE PROPOSED DISPOSAL OF PUBLIC OPEN SPACE - LAND OFF MANCHESTER ROAD/RADCLIFFE ROAD, BURY

The Leader and Cabinet Member for Strategic Growth proposed that the 'Objections to the proposed disposal of Public Open Space' report be deferred until the next meeting of the Cabinet on the 04th September 2024.

Decision:

Cabinet:

- Agreed that the report be deferred until the next meeting of the Cabinet on the 04th September 2024.

CA.193 SIX TOWN HOUSING BOARD GOVERNANCE

Councillor Clare Cummins, Cabinet Member for Housing Services, presented the report which consists of two parts seeking approval for the necessary post transition actions and transactions to complete arrangements for Six Town Housing to continue its reduced social housing activities after it ceased to be the Council's ALMO.

Part 1 explains and recommends approval for

- the revision and amendment of the Six Town Housing (STH) Articles of Association to provide the governance arrangements for delivery of its reduced activities following the termination of its ALMO role on 31st January 2024 and;
- recommends appointment of a new Chair of the newly composed Six Town Housing Board.

Part 2 explains and recommends approval of:

- A new Intra-Group Agreement (IGA) with STH to govern and record the corporate relationship between the Council and the Company. To provide assurance to STH and the Regulator that the Council will support STH to deliver and protect its social housing and not impede STHs compliance with the Regulators Regulatory Standards

Decision:

Cabinet:

- note reasons, power, and process for the Council to amend STH Articles of Association and appoint new Chair.
- To approve the Sole Member (Council) Special Resolution amending Articles of Association and appointing the new Chair.
- To delegate to the Cabinet Member for Housing Services the signing of the Sole Member Special Resolution to give effect to the Resolution as appended to this report.
- Delegate to the Monitoring Office the notifying of Companies House and the Regulator of Social Housing of the amendments of the Articles of Association.
- To note
 - The background and reasons explaining the need to approve the terms of the following instruments, and approve and direct the completion following instruments with STH:
 - Intra-Group Agreement.
 - Council Services Operation Plans & SLA.
 - Data Processing Agreement
 - Termination & Transition Agreement 1/2/24 minor amendment.
 - delegate to Director of Law and Democratic Services the power to execute each of the above instruments (for later mutual exchange of signed instruments with STH)

Reasons for recommendation(s):

- STH no longer performs the ALMO function for the Council but it continues as an active Private Registered Provider of Social Housing company owning and leasing just 149 social housing homes which it lets and sublets to its own social housing tenants. STH no longer employs staff, is managed solely by its Board, and wholly relies on the Council for services.
- Consequently, STH Articles of Association need changing to provide the governance arrangements appropriate to enable STH to efficiently deliver services to its small number of tenants.
- Furthermore, the Council and STH are advised to enter into the agreements recommended by this Report to ensure compliance with the law, regulatory requirements, and good governance practice so that the restructured STH may continue with its reduced social housing activities relying on the support of the Council.

Alternative options considered and rejected:

- The option to “do nothing” is not appropriate since STH corporate governance arrangements must provide for and align with STHs significantly reduced role and activities. And the additional agreements recommended in this Report shall ensure that both parties act lawfully and compliantly as set out in the body of the report

CA.194 THE ACCEPTANCE OF THE LOWEST TENDER FOR THE REPLACEMENT OF EXISTING STREET LIGHTING LANTERNS WITH LED LANTERNS (PHASE 3) - PART A

Councillor Alan Quinn, Cabinet Member for Environment, Climate Change and Operations, presented the report which requested Cabinet approval to accept the lowest tender submitted for the Replacement of Existing Street Lighting Lanterns with LED Lanterns (Phase 3) by E.ON Energy Solutions Ltd.

In response to a members query in relation to the increase or decrease in brightness of street lights member were informed that this is possible, however, decisions must always be based on public safety over hobbies or other matters.

Decision:

Cabinet:

- Approved the award of a contract to E.ON Energy Solutions Ltd in the sum set out in Part B of this Report.
- Agreed to delegate authority to the Executive Director of Operations in consultation with the Director of Law and Governance to negotiate and execute the contract

Reasons for recommendation(s):

- A mini competition was undertaken, via The Chest, in accordance with the terms of the GMCA Street Lighting Electrical Connections Framework. The Framework includes the provision of electrical connections to street lights (and other associated highway furniture) such as new connections, disconnections and transfers. The Framework is a compliant procurement process under the Public Contracts Regulations 2015.

- Four eligible companies were invited to participate and E.ON submitted the most competitive price

Alternative options considered and rejected:

- The inhouse were considered. However, they do not have the capacity to carry out this work on top of their day-to-day commitments.
- There is the option to do nothing. However, this will not replace old, and expensive to operate/maintain, street lighting lanterns and achieve the energy savings required.

CA.195 TOP PARK, RAMSBOTTOM 3G FOOTBALL PITCH

Councillor Alan Quinn, Cabinet Member for Environment, Climate Change and Operations, presented the report which provided Cabinet with details of a proposed floodlit 3G Football Turf Pitch (FTP) at Top Park Playing Fields in Ramsbottom together with associated improvements to the pavilion and car park. The report also outlined the details of a funding bid submitted to the Football Foundation (FF) as well as seeking approval to the overall funding package including expenditure of approved Council capital match funding.

Members wished to place on record a thanks to Neil Long Assistant Director (Operations) and his team for the work undertaken to secure the pitch.

Decision:

Cabinet:

- Approved the overall 3G scheme package including submission for the Football Foundations 3G Pitch Fund which (subject to grant approval and including match funding) will total £1,422,491.
- Approved to expend the £425,000 capital match funding that is within the Council's approved capital programme.
- Subject to the approval of and receipt of the external grant from the Football Foundation, to award contracts to the successful tenderers detailed in section 6.4 of the report. Any variations of costs due to unforeseen circumstances to be reported through and approved by the Cabinet Member for the Environment.
- Agreed to delegate authority to the Executive Director of Operations in consultation with the Director of Law and Governance to negotiate and execute the final contracts.

Reasons for recommendation(s):

- Development for 3G FTPs is identified as a priority for Council. The Top Park 3G pitch project has been developed in partnership with the County FA, Football Foundation and Ramsbottom United Junior Football Club. The project aims to maximise external funding and utilises approved capital match funding.
- The community engagement has identified that there are limited recreation facilities in Ramsbottom which has contributed to high levels of physical inactivity among young people. The Top Park community offer will create new opportunities for males and

females of all ages and abilities to enjoy recreation football and other physical activities.

- This project will provide a much needed facility for the community of Ramsbottom, supporting the delivery of the Bury North Neighbourhood People and Communities Plan and broader Let's Do It! Strategy of the Borough.

Alternative options considered and rejected:

- A reduced size scheme with a reduced external grant submission. As this would much reduce the outcomes of the project it would be unlikely to attract the external funding.
- Consideration of an alternative site to develop the next 3G FTP within Ramsbottom or elsewhere within the borough. This could take up to 2 years to develop an alternative site proposal with the Football Foundation. Ramsbottom has been identified as a priority by the County FA and Football Foundation.

CA.196 YEAR END/QUARTER FOUR CORPORATE PLAN PERFORMANCE REPORT 2023/24 AND SUBMISSION OF THE PRODUCTIVITY PLAN

Councillor Tahir Rafiq, Cabinet Member for, Corporate Affairs and HR, presented the report on behalf of Councillor Sean Thorpe, Cabinet Member, Finance and Transformation which set out a summary of the full year performance and delivery monitoring report up for the Corporate Plan for 2023/24. It contains updates against the delivery of the priorities set out in the Plan and associated key performance indicators. It also provides details of actions to be carried over into the Corporate Plan for 2024/25.

In addition, the report also contains the proposed Productivity Plan for submission to central government in July for Cabinet approval. In April 2024 letters were sent to all local authorities from the Department for Levelling Up, Housing & Communities (DLUHC) requesting that productivity plans were produced as part of a central government exercise to review productivity across public services. The request does not provide a mandated template however describes a set of four themed questions around transformation and asks that these are considered with view of how public services are run within a system of place-based leadership.

In response to a member query regarding refining the report, members were informed that the presentation of the performance is continually looked at and refined. Members were advised that the Productivity Plan was a request from the former government and was not intended to be a repeated exercise.

Decision:

Cabinet:

- Cabinet noted the year end update on progress against the Corporate Plan 2023/24 and approved the submission and proposed monitoring of the Productivity Plan.

Reasons for recommendation(s):

- This report builds on the feedback on previous Performance Report in terms of the transparency of delivery and performance measures. In addition, the Productivity Plan needs to be agreed with portfolio holders before submission in July 2024.

Alternative options considered and rejected:

- Not applicable.

CA.197 STAR ACADEMY RADCLIFFE – CAPITAL COSTS - PART A

Councillor Lucy Smith, Deputy Leader and Cabinet Member for Children and Young People, presented the report which advised that the DfE has now received confirmed contract costs for the project to construct the new secondary school in Radcliffe, including the access road and junction works, the costs of which fall to the Council.

Discussions took place regarding the process for the building and the Council's commitment in advance of the building being complete.

In response to a member observation regarding the cyclops junction members were assured that the proposed infrastructure of the cyclops junction is welcomed and will help the local community access the building safely, whilst encouraging active travel and road safety by connecting to existing road safety infrastructure.

Decision:

Cabinet:

- Approved the funding of capital costs as set out in Part B of this report,
- Agreed that the cost of the CYCLOPS junction and active travel elements can be met from the Council's Capital Programme

Reasons for recommendation(s):

- To enable confirmation of the Council's commitment to meet its financial obligations enabling the scheme to construct the new school to progress.

Alternative options considered and rejected:

- Confirmation of the Council's commitment to meet its financial obligations are essential to enable delivery of the project to construct the new school.

CA.198 BUDGET UPDATE REPORT

Councillor Sean Thorpe, Cabinet Member, Finance and Transformation, presented the report which set out the following:

- the 2023/24 revenue outturn position.
- the updated Medium-Term Financial Forecast (MTFF) position for 2024/25 to 2026/27.
- the updated Net Budget for 2024/25.
- the final reserves position as at 31 March 2024.
- 2023/24 capital outturn position
- An update on the Finance Improvement Plan

Members were advised there is an overspend of £6.607 million with the direction of travel being downwards with the pressures being primarily in the Children and Young People budget.

In response to a member query regarding dividends from Manchester Airport, members were informed that dividend is not due until 2028. Neil Kissock advised updated information on the matter will inform the Medium Term Financial Strategy and be reported back to Cabinet in September.

Decision:

Cabinet:

- Noted the 2023/24 revenue outturn position of a £6.607m overspend (3.47%) against a net budget of £190.274m.
- Approved the updates to the Medium-Term Financial Forecast (MTFF) for the additional £1.701m Social Care Grant, £22k increase in the Services Grant and an increase to the fees and charges as set in section 21 and Appendix A totalling £444k.
- Noted the updated budget gap of £27.918m, a reduction of £2.167m on the £30.085m budget gap reported at the Budget Council Meeting in February 2024.
- Noted the updated Net Revenue Budget of £224.480m and £1.982m reduction in the use of reserves, from £15.131m to £13.149m.
- Noted the General Fund and Earmarked Reserves balance at 31 March 2024 of £104.389m.
- Noted the overall 2023/24 capital programme outturn position of £52.944m, 70% compared to the overall 2023/24 capital programme budget of £75.475m.
- Approved the in-year capital slippage of £23.419m is transferred into 2024/25.
- Noted the Finance Improvement Plan update.
- Noted the work plan to close the £27.918m budget gap.

Reasons for recommendation(s):

- To note the final financial position for 2023/24 subject to external audit.
- To update members on the Council's budgetary position and set out the work plan to close the budget gap.

Alternative options considered and rejected:

- Not increase fees and charges.

CA.199 RADCLIFFE SCHOOL FUNDING

Councillor Lucy Smith, Deputy Leader and Cabinet Member for Children and Young People, presented the report which outlined that the Cabinet has previously received a number of reports affirming the Council's commitment to the delivery of a new secondary school for Radcliffe by the Department for Education, including approval of the revenue and capital financial obligations on the Council. At Cabinet on the 15th March 2023, cabinet received a report that set out the financial arrangements that included a commitment from the Council to underwrite revenue costs in the event that the school did not recruit to its capacity in each of the first two years of operation, to be funded through the Dedicated Schools Grant (DSG).

The school is currently planning to admit up to its admission number in September 2024, and there will not be a requirement to underwrite places in the first year. However, an unexpected financial risk has also been identified during the preparation of the complex annual return to the Department for Education which allocates the total Dedicated Schools Grant to fund activities specified in the Regulations.

Members raised concerns regarding the need for the report and the issue being missed originally, however the matter has been learnt from and the team now has the expertise to avoid these issues again.

Decision:

Cabinet:

- Recommended that proposals be brought forward as part of the annual Budget process for 2025-26, or earlier, for the establishment and use of a revenue provision sufficient to meet the Council's financial commitments to Star Radcliffe

Reasons for recommendation(s):

- Meeting the Council's commitment to supporting the opening and development of the new secondary school has proven more challenging than was originally envisaged. This is because the General Fund revenue balances and the schools' block of the DSG have, year - on - year, been subject to sustained financial pressure.

Alternative options considered and rejected:

- This report considers the most cost-effective and expedient measures for meeting the Council's commitment to supporting the revenue budget for the new Star Radcliffe for its first five years of operation beginning September 2024. Given that the Council made this commitment some years ago, and in return the DfE is funding the capital cost of the new school, the Council's options at this advanced stage in the process are limited.

CA.200 IMPLEMENTATION OF THE CHILDREN'S SERVICES LEADERSHIP RESTRUCTURE

Councillor Tahir Rafiq, Cabinet Member for Corporate Affairs and HR, presented the report which outlined an update in respect of the restructure of the Children & Young People's Department Senior Management Restructure.

Decision:

Cabinet:

- noted the update on the Children & Young People's Department Senior Management Restructure, including work to implement the new structure following conclusion of staff consultation.
- recommend that Council approve in principle the release of the Strategic Lead (Schools System) and disestablishment of their role following their request for Voluntary Early Retirement with Severance submitted through the consultation process. – This would attract severance costs of £37,409 (which will be met by the Department) and capital costs of £101,325 related to the early release of pension benefits (which will be met centrally by the fund held by the Greater Manchester Pension Fund on behalf of the Council for this purpose). (These costs will vary very slightly dependant on the exact leaving date).
- Agreed to delegate to the Chief Executive, in consultation with the Executive Director of Children and Young People, Director of People & Inclusion and the Cabinet Members for Children's Services and HR and Corporate Affairs, final approval and the specific timing of redundancy linked to the completion of a number of strategic deliverables.
- recommend that Council approve the redesignation and revaluation of one of the two Assistant Director (Regeneration Delivery) roles (Chief Officer Band D, £83,865-£90,992) to Director of Regeneration and Project Delivery (Chief Officer Band E, £93,102 - £101,596) to reflect the transfer of responsibility for Schools' Capital Development to this role and also an expanded remit in relation to housing growth and development following the departure of the former Director of Housing.

Reasons for recommendation(s):

- Following cabinet approval in January 2024, the Children & Young People's Department has undertaken consultation with employees and trade unions in relation to a revised Senior Management structure.
- Following this consultation, final structural changes have now been agreed for implementation by the Executive Director of Children and Young People and the Cabinet Members for Children's Services and HR and Corporate Affairs, in consultation with the Director of People and Inclusion, Monitoring Officer and S151 Officer in line with the agreement of Cabinet in January.
- Two aspects of these changes require separate and specific approval by Cabinet and, ultimately, Council in-line with the requirements of the Localism Act and the Council constitution. The deletion of the post of Strategic Lead (School System) and the subsequent Early Retirement of the post holder will:
 - Along with other measures in the restructure, result in an overall cost saving to the Council of circa £41k on an ongoing basis.
 - Allow for a delayering of tiers within the Education & Skills Division, bringing the Department fully into line with agreed organisational design principals.
 - Allow for a more balanced and coherent Education & Skills management team to support the Director of Education & Skills.
 - Allow for an improved alignment of functions both within the Department and wider Council to support the delivery of objectives.

The transfer of responsibility for school's capital development into the current Assistant Director (Regeneration Delivery) role moves this function into the Council's centre of expertise for capital development, alongside other similar functions to ensure work can be overseen and delivered coherently as part of the Council's overarching Capital Programme

Alternative options considered and rejected:

The initial operating model, developed as a basis for consultation, included a structure in which the post of Strategic Lead (School System) was retained. However, feedback received during the consultation period and further consideration of options indicates that service priorities can be delivered in a more effective manner through the deletion of this role and transfer of functions to other areas of the service and wider Council.

CA.201 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.202 THE ACCEPTANCE OF THE LOWEST TENDER FOR THE REPLACEMENT OF EXISTING STREET LIGHTING LANTERNS WITH LED LANTERNS (PHASE 3) - PART B

Councillor Alan Quinn, Cabinet Member for Environment and Climate Change presented the Part B report regarding the replacement of Existing Street Lighting Lanterns with LED Lanterns. The report set out the full financial details.

Decision:

Cabinet:

- Accepted the lowest tender submitted by E.ON Energy Solutions Ltd.

Reasons for the decision:

- As set out for Part A.

Other options considered and rejected:

- As set out for Part A.

CA.203 BURY MARKET & FLEXI HALL LEVELLING UP SCHEME – ENABLING AND MAIN WORKS CONTRACT - PART B

Councillor Eamonn O’Brien, Leader and Cabinet Member for Strategic Growth presented the Part B report regarding Bury Market and Flexi Hall. The report set out the full financial details.

Decision:

Cabinet:

- Approved the delivery of Enabling Works and Main Works packages to be undertaken by Vinci Construction UK Ltd.
- Accepted the interim tender report recommendation that Vinci Construction UK Ltd undertake the Enabling Works and Main Works packages at the provisional contract sum set out in Part B of this report, and delegate final acceptance of a final contract sum up to a provisional maximum of £25,088,003.87 to the Director of Law and Democratic Services in consultation with the Executive Director of Place and Executive Director Finance and the Council Leader and Cabinet Member for Strategic Growth.
- Delegated finalisation and sealing of the Enabling Works and Main Works Contract including any clarifications to the Director of Law and Democratic Services in consultation with the Executive Director of Place and the Council Leader and Cabinet Member for Strategic Growth.

Reasons for the decision:

- As set out for Part A.

Other options considered and rejected:

- As set out for Part A.

CA.204 PRU PHASE 2 WHITEFIELD CENTRE - PART B

Councillor Lucy Smith, Deputy Leader and Cabinet Member for Children and Young People presented the Part B report regarding the Pupil Referral Unit. The report set out the full financial details.

Decision:

Cabinet:

- Approved the project sum value, the extent of works and programme detailed within part B of the report.
- Delegated authority to the Executive Director of Education in consultation with the Director of Law and Governance to negotiate and execute the building contract.

Reasons for the decision:

- As set out for Part A.

Other options considered and rejected:

- As set out for Part A.

CA.205 STAR ACADEMY RADCLIFFE – CAPITAL COSTS - PART B

Councillor Lucy Smith, Deputy Leader and Cabinet Member for Children and Young People presented the Part B report regarding the Pupil Referral Unit. The report set out the full financial details.

Decision:

Cabinet:

- Approved the funding of capital costs as set out in Part B of the report,
- Agreed that the cost of the CYCLOPS junction and active travel elements can be met from the Council's Capital Programme

Reasons for the decision:

- As set out for Part A.

Other options considered and rejected:

- As set out for Part A.

CA.206 PRESTWICH FUNDING - PART B

Councillor Eamonn O'Brien, Leader and Cabinet Member for Strategic Growth presented the Part B report regarding Prestwich Village regeneration scheme. The report set out the full financial details.

Decision:

Cabinet:

7. Noted progress made with the development of the overall Prestwich Village Regeneration scheme (the Scheme).

8. Approved the recommended legal structure and procurement strategy for the appointment of the developer for the Scheme and appointment of a contractor for delivery of Phase 1 of the Scheme as set out in the Part B report.
9. Approved the commencement of a procurement process by the Council for the delivery of Phase 1A (Travel Hub) of the Scheme in accordance with the legal structure and procurement strategy set out in the Part B report.
10. Approved the funding strategy to fund the delivery of Phase 1A (Travel Hub) to a maximum expenditure figure of £14m from the Council's existing capital programme.
11. Noted the treatment of The Prestwich Regeneration LLP as a contracting authority under the Public Contracts Regulations 2015 in the proposed legal structure and procurement strategy.
12. Delegated authority to the Director of Law & Democratic Services in consultation with the Executive Director of Place and Leader to negotiate and complete detailed legal and procurement agreements associated with the delivery of the Scheme.

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 5:00 pm and ended at 6.15 pm)