

**Minutes of:** CABINET

**Date of Meeting:** 16 December 2020

**Present:** Councillor E 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 P Cropper  
Councillor M Powell

**Public Attendance:** The meeting was streamed live on the Council's website.

**Apologies for Absence:**

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**CA.1 APOLOGIES FOR ABSENCE**

None received

**CA.2 PUBLIC QUESTION TIME**

A Member of the public, Mr Kevin Peel submitted the following question:

I really welcome the investment proposed for Hoyles Park, which is much needed. Can I ask the Cabinet member to add in removal of graffiti in the play area to the programme as it is quite bad and much of it is not suitable for an area where young children play. Can I also ask the Cabinet member to request that officers draw up options for the future of the pagoda, which has been abandoned for some years, is in a poor state of disrepair and is a hotspot for crime and anti-social behaviour which many local residents have complained about. It would be my hope that redevelopment or removal of the pagoda could then be included in a future phase, should funding become available.

The following response was given from Councillor Quinn:

I am pleased to inform you that Hoyles Park is proposed to have a full scheme of improvement starting in early 2021 along with 2 other parks in East Bury (Openshaw Park and Manchester Road Park). These schemes will be discussed later during this Cabinet meeting when the Green Spaces Report is considered. The removal of graffiti and improvements to the play area will be included. In terms of the pagoda (youth shelter) this will also be reviewed to ensure we don't move a problem to other parts of the park or outside the park but that we adopt a multi-agency approach to dealing with issues of antisocial behaviour.

Mr Peel asked the following supplementary question:

Can I also ask for an update on the plans for Clarence Park now the consultation has closed? We're yet to see the responses but I know that residents are very keen to see investment to improve the tennis courts, secure the future of the skate park, plant new trees and a myriad of other improvements. Will the Cabinet commit to developing a masterplan for Clarence Park in the coming

months to form the basis of a funding package in the next phase of the council's parks and green spaces capital programme?

Councillor Quinn responded:

We have received a very good response to the consultation for Clarence Park. 602 surveys were returned with 97% of residents indicating they are users of the park. From the survey we know that residents use the park for exercise, taking children to play and to reduce stress. Also mentioned was that it is important for the park to be safe, clean, welcoming and well maintained. Facilities such as the skate park and tennis courts were mentioned as needing improvement. Clarence Park is a high priority within our parks strategy and subject to financial resources we will be looking at an improvement plan for the park and we will be contacting park users who have expressed an interest to help develop our masterplan for the park.

### **CA.3 MINUTES**

#### **It was agreed:**

Minutes of the meeting held on 24 November 2020 be approved as a correct record and signed by the Chair.

### **CA.4 COUNCIL TAX BASE 2021/22**

Councillor O'Brien the Leader of the Council and Cabinet Member for Finance and Growth, explained that Bury Council, as a Council Tax billing authority, is required each year to make statutory calculations to calculate the Council tax base for the forthcoming year and this informs the funding on which the Council's budget is based. The calculation is specified in Section 33 of the Local Government Finance Act 1992 (as amended). The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012 require authorities to calculate the Council Tax base (number of taxable properties), expressed as "Band D equivalent properties". Approval of these calculations is required by 31st January in each financial year. The report sets out the basis of Bury council's calculation.

#### **Delegated Decision:**

The Cabinet:

1. Notes the statutory requirement for setting the Council Tax Base and the basis on which calculations must be made and:
2. Approves the Council Tax base expressed as "Band D equivalent properties", as 53,828 for 2021/22 (55,222 20/21) as detailed at Appendix 1.
3. Approves the proposed precepts payment schedule as set out in the report.

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

The proposals and recommendations ensure that the Council is compliant with statutory requirements. Failure to comply with the requirements would result in the council not being able to set a legal budget for the 2021/22 financial year.

**Other option considered and rejected:**

To reject the recommendations.

**CA.5 SHORT BREAKS**

Councillor Tamoor Tariq Deputy Leader of the Council  
Cabinet Member for Children Services, Young People and Skills presented a report setting out the proposals to re-design the Short Breaks Services for Children and Young People with Disabilities and their families.

The proposal is for the new model to be graduated with different types of Short Break services to meet the different needs of individual children and young people with the emphasis on enabling choice, community access and preparation for independence.

The new specification will deliver high quality services with appropriately trained, consistent staff and specialist services where there is an identified need. By ensuring the available resources are allocated based on need and are proportionate the duty to ensure best value will be met.

The services which will be commissioned are:

Individual Home Care Packages and/or elsewhere including Outreach  
Targeted Social Club – Term Time  
Targeted Social Club – Holiday Time  
Time Limited Skill Based Service  
Time Limited Participation Support  
Positive Behaviour Support

To commission new Time Limited Skill Based and Time Limited Participation Support services which are in response to the need to enable children and young people to improve their skills, build their confidence, access their local community independently and be more prepared for life as an adult. These services will be available for a period of 4 weeks up to a maximum of 12 weeks.

The introduction of time limited support will not only improve the outcomes for children and young people but ensure that resources are only allocated to ongoing packages of support where alternative options have been explored.

The Positive Behaviour Support is specialist intensive support for those children and young people who have challenging behaviour as a result of their disability. The package of care will be bespoke for each young person and will specifically target the small cohort where there is a risk of family breakdown if the family goes into crisis leading to requests for high cost residential provisions.

The Individual Home Care Packages and/or elsewhere including Outreach develops family resilience by providing a break from some of their caring duties. This type

of support also provides a range of support to family routines in the morning and evening.

To commission a Targeted Social Club in Term Time and Holiday Time for those children and young people who cannot access the community without additional support. These group activities will take place throughout the borough.

All providers will be responsible for identifying and securing suitable locations throughout the borough which are fully equipped and local to the places children and young people would like to visit.

All providers will be expected to show how they can adapt services and use new approaches in service delivery using the learning from the impact of Coronavirus.

The budget will remain the same as 2020-21 at £1.2m overall but will be configured differently with the introduction of time limited support.

The procurement route for the new services will be a Flexible Purchasing System to provide more choice of provision, value for money and the option for new providers to join the contract as the market develops.

The Individual Home Support and Targeted Social Club in Term Time and Holiday Time will both be Service Contract awards to the leading bidder for each lot. This will provide stability and consistency of staffing and best value due to the volumes accessing.

The contracts will be awarded for 4 years with 2 plus 1 year extension options which equates to 6 years in total.

**Delegated decision:**

Cabinet agrees:

To approve the proposal as set out in the report to tender for short break services.

**Reason for the decision:**

The current arrangements have been in place since the 1st April 2016 following a competitive tender in 2015. The contracts were originally awarded for 3 years + 1 year option to extend. A further extension period to 31st March 2021 has been granted due to the unforeseen circumstances of the pandemic and key staff having to prioritise other areas of work. To remain compliant with EU, UK Regulations and Council Procurement Rules a competitive tender exercise needs to be completed.

**Other option considered and rejected:**

1. To agree the proposal with further modifications;
2. To retain the existing arrangements with no change.

## **2020/2021**

Councillor Quinn, Cabinet Member Environment and Climate Change presented a report outlining the investment from the Corporate Capital Programme and the Manifesto Programme for 2020/2021 approved by Council in February 2020 for the associated planned works including the refurbishment of play areas, parks and other open spaces.

The report sought agreement that the works can progress and the funding for the 2020/2021 financial year can be released.

The report covered the schemes of work associated with Parks, Countryside and Greenspaces Programme: The following outlines the key programmes of work:

Investment and refurbishment to address and support Health and Safety following condition surveys of the 12 Green Flag Parks, Countryside Sites, Burrs and Phillips Park - £800k allocated from the 2020/2021 approved Corporate Capital Programme.

Promoting our Physical Strategy - Improve access, infrastructure and quality of green spaces and recreational grounds - £300k - Manifesto Investment

Councillor Quinn asked that his thanks to the Executive Director of Operations and the Operations Team for their hard work be recorded.

Councillor Quinn also made reference to the Besses Ward Councillors and Councillor Grimshaw for their support in The City of Trees Scheme and the DEFRA Trees for Learning Scheme which had resulted in over 10 000 trees being planted in the Borough.

### **Delegated decision:**

### **Cabinet agrees that:**

1. Approval is given to support the Parks, Countryside Greenspaces Corporate Capital Programme and the Manifesto Programme for 2020/2021.
2. Approval is given for the Authority to spend the **£1.1m** included in the approved 20/21 capital programme in accordance with the detail outlined in both this report and within Appendix 1.
3. Authority is delegated to the Executive Director of Operations in consultation with the Cabinet Member for Environment to approve the detailed list of smaller localised schemes as part of the Manifesto funding outlined in 4.2 of the report.

### **Reason for the decision:**

Doing nothing would cause Health and Safety Concerns and potential liabilities. There is not sufficient funds available through S106 funding and this will not will

not slow down the rapid decline in our parks and play areas, or increase funding for tree planting. Some wards do not do not receive S106 funding so the impact would be restricted.

**Other option considered and rejected:**

To reject the recommendations.

**CA.7 EXECUTIVE DIRECTOR PLACE**

Councillor O'Brien, the Leader of the Council reported that the Human Resources and Appeals Panel had considered the establishment the post of Executive Director – Place on 10 December 2020.

Based upon their approval and recommendation to create this post, Cabinet is asked to formally establish this post.

In determining this proposal full consideration has been given to the previous substantive post and maintaining the status quo. The recommendation to committee is, however, that neither of these arrangements will provide the capacity required to deliver the scale of place leadership opportunity now presented.

**Delegated decision:**

Cabinet agrees:

That the post of Executive Director – Place, is established.

**Reasons for the decision:**

There has been a change in the purpose and direction of the department from the time when the previous Executive Director role existed;

There is the need to put in place the skills and experience needed to lead delivery of the new Housing Strategy; and

Changes in the funding landscape following the Comprehensive Spending Review announced in November 2020.

**Other option considered and rejected:**

To reject the recommendations.

**CA.8 STRATEGIC FINANCE LEADERSHIP**

Councillor O'Brien, the Leader of the Council reported that the Human Resources and Appeals Panel had considered the establishment the post of joint Executive Director Finance on 10 December 2020.

In determining this proposal full consideration has been given to:

- retaining two entirely separate finance director posts across the council and CCG
- retaining the current arrangement of a system-wide CFO but enshrining S151 responsibilities within a leadership post employed by the council.

The recommendation to the HRA was that neither of these objectives support the partnership endeavour of a single view of finance resources and integrated leadership of the health and care pooled budget.

Based upon their approval and recommendation to create this post, Cabinet is asked to formally establish this post.

**Delegated decision:**

That Cabinet agrees:

That the post of a joint Executive Director Finance is established.

**Reason for the decision:**

Failure to recruit means two statutory vacancies for finance leadership across the Council and CCG

**Other option considered and rejected:**

To reject the recommendations.

**CA.9**

**BROWNFIELD FUND GRANT AGREEMENTS/EXEMPTION FROM CONTRACT PROCEDURE RULES FOR ENABLING WORKS- PART A**

Councillor Eamonn O'Brien Leader of the Council and Cabinet Member for Finance and Growth presented a report informing Cabinet of the Council's successful Brownfield Land fund bid, to give consent to enter into the grant agreements, to allocate a budget for Brownfield Land within the capital programme and agree procurement of enabling works contractors to ensure the brownfield land fund grant funding is spent in accordance with the funding agreement.

**Delegated decision:**

Cabinet agrees to:

1. Note the award of Brownfield fund grant to deliver a package of enabling works on two nominated sites and authorise the Director of Regeneration and Capital Growth, in consultation with the Chief Finance Officer to enter into a Brownfield Funding Agreement (BLF) with GMCA;
2. Note that bids for further sites are being submitted for a second round of funding and agree that, should bids be successful, Tranche 2 grant agreements can be entered into with GMCA;

3. Underwrite the grant to ensure that a start on site with enabling works before March 2021 and housing start outputs are achieved within the programme period (by 31st March 2025).
4. Authorise the inclusion of the Brownfield Fund Grant in the Capital Programme for 20/21;
5. Delegate authority to the Director of Regeneration and Capital Growth to take all necessary steps in order to procure the carrying out of the relevant site 'enabling works', including the authorisation of contracts.
6. Use an appointed agent to undertake a competition for the enabling works contractors for the benefit of expedience in getting a contractor appointed early in the new year.
7. Approve that the Council enters in a contract for the enabling works as recommended by our agent.
8. Agree the following resolution as required by GMCA

"It has been agreed that the Greater Manchester Combined Authority (**GMCA**) will provide grants to the Council in relation to the development of School Street site at School Street Radcliffe, M26 3BH and the Former Millwood School at Fletcher Fold Road, BL9 9RX, subject to the terms in draft grant agreements to be entered into between the GMCA and the Council (**Grant Agreements**). After due consideration of all the circumstances **it was resolved** that the Council shall enter into the Grant Agreements in the form produced and the Grant Agreements be sealed by the Council's common seal and executed as deeds by the Council and that they be duly recorded."

**Reason for the decision:**

The cost of the works can be met from the grant funding available. The grant conditions require the Council to underwrite the position in the event that these are not met and the grant is clawed back. Whilst there is a risk attached to the spending profile not being achieved by the end of March 2020/21 the grant provides an opportunity to receive funding for costs that would otherwise need to be met by the Council in order to complete the development. Monitoring arrangements will be established to ensure the short and longer term requirements are overseen and appropriate escalation and risk mitigation measures are put in place.

**Other option considered and rejected:**

To reject the recommendations.

**CA.10 EXCLUSION OF PRESS AND PUBLIC**

**Delegated 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.11 BROWNFIELD FUND GRANT AGREEMENTS/EXEMPTION FROM CONTRACT PROCEDURE RULES FOR ENABLING WORKS- PART B**

Councillor Eamonn O'Brien Leader of the Council and Cabinet Member for Finance and Growth presented a report informing Cabinet of the Council's successful Brownfield Land fund bid, to give consent to enter into the grant agreements, to allocate a budget for Brownfield Land within the capital programme and agree procurement of enabling works contractors to ensure the brownfield land fund grant funding is spent in accordance with the funding agreement.

**Delegated decision:**

**Having agreed the figures as set out in the report**

Cabinet agrees to:

1. Note the award of Brownfield fund grant to deliver a package of enabling works on two nominated sites and authorise the Director of Regeneration and Capital Growth, in consultation with the Chief Finance Officer to enter into a Brownfield Funding Agreement (BLF) with GMCA;
2. Note that bids for further sites are being submitted for a second round of funding and agree that, should bids be successful, Tranche 2 grant agreements can be entered into with GMCA;
3. Underwrite the grant to ensure that a start on site with enabling works before March 2021 and housing start outputs are achieved within the programme period (by 31st March 2025).
4. Authorise the inclusion of the Brownfield Fund Grant in the Capital Programme for 20/21;
5. Delegate authority to the Director of Regeneration and Capital Growth to take all necessary steps in order to procure the carrying out of the relevant site 'enabling works', including the authorisation of contracts.
6. Use an appointed agent to undertake a competition for the enabling works contractors for the benefit of expedience in getting a contractor appointed early in the new year.
7. Approve that the Council enters in a contract for the enabling works as recommended by our agent.
8. Agree the following resolution as required by GMCA

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the Council's common seal and executed as deeds by the Council and that they be duly recorded."

**Reason for the decision:**

The cost of the works can be met from the grant funding available. The grant conditions require the Council to underwrite the position in the event that these are not met and the grant is clawed back. Whilst there is a risk attached to the spending profile not being achieved by the end of March 2020/21 the grant provides an opportunity to receive funding for costs that would otherwise need to be met by the Council in order to complete the development. Monitoring arrangements will be established to ensure the short and longer term requirements are overseen and appropriate escalation and risk mitigation measures are put in place.

**Other option considered and rejected:**

To reject the recommendations.

**CA.12 CAR PARKING ENFORCEMENT CONTRACT**

Councillor Lucy Smith, Cabinet Member for Transport and Infrastructure presented a report in relation to the Car Parking Enforcement Contract.

**Delegated decision:**

**Having agreed the figures as set out in the report**

Cabinet agrees:

1. To award Lot 1 to the highest scored bidder for Lot 1 based on a total **25,174** enforcement hours per annum
2. To award Lot 2 over 4 years to the bidder who achieved the highest score for Lot 2.

**Reason for the decision:**

Enforcement supports the Council in; -

- managing the traffic network to ensure expeditious movement of traffic, (including pedestrians and cyclists), as required under the TMA Network Management Duty
- improving road safety;
- improving the local environment;
- improving the quality and accessibility of public transport;
- meeting the needs of disabled people, some of whom will be unable to use public transport systems and depend entirely on the use of a car;
- managing and reconciling the competing demands for kerb space of residents, businesses, visitors, pedestrians, cyclists and motorists.

**Other option considered and rejected:**

To reject the recommendations.

**CA.13      DECLARATIONS OF INTEREST**

Councillor Quinn declared a personal interest in respect of all matters under consideration, as both his son and daughter in law are employed by the NHS, his wife is employed by the Citizens Advice Bureau and he is a member of the trade union, Unite.

**COUNCILLOR E O'BRIEN  
Chair**

**(Note: The meeting started at 6.00 pm and ended at 7.00 pm)**