

Minutes of: CABINET

Date of Meeting: 30 June 2021

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

Also in attendance: Councillors P Cropper and M Powell

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

Apologies for Absence: Councillor N Jones and Councillor J Mason

CA.86 APOLOGIES FOR ABSENCE

Apologies were received from Councillor James Mason, and Councillor Paul Cropper was substituting for Councillor Nick Jones.

CA.87 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.

CA.88 PUBLIC QUESTION TIME

The following question was submitted in advance of the meeting by a member of the public, Joanna Mawdesley:

I listened to the online presentation given by HealthWatch this week. £12m to be cut from the adult social care budget over the next three years, but only three aspects of the service were discussed - short stay facilities, day care centres and a possible merging of the service for adults and children with learning difficulties. There was no mention of home care services - I have a vested interest in this aspect because my husband has assistance from carers twice a day.

This is a lot of money to shave from a budget, and the repercussions will affect many vulnerable people in our borough. My question is this - given the severity of the proposed cuts and the impact it will have on ordinary people's lives, why is the Council continuing to pursue a feasibility study on the future of the civic centres, which have all been losing money for years. I am very involved with an organisation that has used the Elizabethan Suite and the Lancaster and Peel rooms on a monthly basis, for some years. Those rooms have not been available to us for 16 months - we have moved on and found alternative accommodation for our meetings. I'm sure other groups have done the same. Lose the civic centres and use that money to offset cuts elsewhere.

Councillor Andrea Simpson, Cabinet Member for Health and Wellbeing, responded:

Thank you for the question. We are committed to transforming ASC by ensuring our residents have the best opportunities to prevent, delay and reduce the need for care, by this we expect the number who need care to reduce in the future.

For those who already have care we will continue to work together to ensure that the care provided is appropriate to their circumstances, improves wellbeing and maintains independence.

The Council appreciates that savings must be made, and it is for this reason the future of the civic venues are under review with a decision from the cabinet members this evening. The cabinet report with the options to consider is available to read on the Council's website.

CA.89 MEMBER QUESTION TIME

There were no Member questions.

CA.90 MINUTES

It was agreed:

Minutes of the meeting held on 26 May 2021 be approved as a correct record and signed by the Chair.

CA.91 DISPOSAL OF THE SITE OF THE FORMER BURY FIRE STATION SITE, THE ROCK, BURY - PART A

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the Part A report regarding the sale of the former Bury Fire Station on The Rock site, the Part B report containing information that is exempt from disclosure, being later in the agenda.

Decision:

That Cabinet:

1. Give approval to progress the sale of the site to the preferred bidder.
2. Agree a delegation to the Director of Economic Regeneration and Capital Growth to agree a detailed head of terms in consultation with the Cabinet Member for Finance & Growth and the Monitoring Officer.

Reasons for the decision:

The sale of the site would:

- Bring forward the development of a key gateway site in northeast of the town centre.
- Provide a capital receipt for the Council.
- Provide on-going Business Rate revenue.
- Remove the risks associated with holding a vacant site.

Other options considered and rejected:

None – this site was identified as one of the Phase 1 properties in the Accelerated Land and Property Disposals Programme approved by Cabinet at their meeting on 24 March 2021.

CA.92 PROCUREMENT OF A DEVELOPMENT PARTNER FOR PHASE 2 OF CHAMBERHALL BUSINESS PARK, BURY

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which sought delegated authority to undertake a procurement process to identify a suitable development partner to bring forward the development of phase 2 of Chamberhall Business Park.

Decision:

1. That a procurement exercise is now undertaken on Chamberhall phase 2 in order for a private sector developer partner to be appointed.
2. The disposal be in the form of a Council standard long lease and subject to a bespoke development agreement to ensure that Bury achieves maximum benefits from the project.
3. That the Director of Regeneration & Capital Growth be given delegated authority in consultation with the Monitoring Officer, Section 151 Officer and the Leader of the Council to consider all of the bids received and to approve the agreement of the terms of the most advantageous bid in accordance with the award criteria.
4. That details of the preferred developer and the wider updated development proposals be submitted to Cabinet not later than December 2021.

Reasons for the decision:

The procurement will ensure that a high-quality sustainable development is brought forward as well as ensuring best value is achieved for the site.

Other options considered and rejected:

Option 1 - Do Nothing

In this scenario the site will be left vacant.

This option has been dismissed as the Council is prioritising its redevelopment so as to bring forward new employment land to meet the needs of businesses. There is also an opportunity cost for not seeking new development in that the ability to secure a sustainable income flow through new business rates will be lost.

Option 2 - Direct Development by the Council

Under this option the Council would undertake the development directly.

The Council would masterplan the site, undertake all further due diligence work and secure the relevant planning permissions. The Council would then tender the works contract and manage the construction of the new units. Once practically complete the Council would then take on full responsibility for the lettings.

This option would mean that the Council would have to secure all of the funding for the scheme.

This option has been dismissed as although a lot of this work could be done by external consultants it would still require significant internal resource from the Council. Furthermore, the Council would have to bear all the risk associated with funding a property development of this nature.

Option 3 - Straight land sale through private treaty

The Council could simply market the site and dispose at best value.

Whilst there is likely to be strong interest in the site, this approach does not allow the Council to have controls over the subsequent development. The risk here

being that a purchaser could 'land bank' the site and / or undertake a sub optimal regeneration scheme.
As such, this option has been discounted.

CA.93 UPDATE TO BURY'S STATEMENT OF COMMUNITY INVOLVEMENT

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which made minor technical amendments to the Statement of Community Involvement (SCI) to reflect the withdrawal of Stockport from the Greater Manchester Spatial Framework, as set out in green text in Appendix 1 to the report.

Decision:

That Cabinet approve the proposed changes shown in green text in Appendix 1 and adopt the Bury Statement of Community Involvement (June 2021).

Reasons for the decision:

To ensure that Bury's Statement of Community Involvement is up-to-date and reflects the current situation following the withdrawal of Stockport Council from the Greater Manchester Spatial Framework.

Other options considered and rejected:

None.

CA.94 ACCELERATED LAND AND PROPERTY DISPOSALS PROGRAMME - PHASE 2

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the report which identifies the list of sites for Phase 2 of the Accelerated Land and Property Disposals Programme and sought approval for the property asset disposals. The Leader advised that although there was the opportunity for significant capital receipts, this had to be balanced with social value and, as such, the Disposals Programme included significant community and Ward Member engagement on the options for each site.

In response to Members' questions, it was noted that community groups and local sports associations were working with the Council regarding the options for Philips Park, and more information on the site would be provided when available. With regards to how sites would be marketed, it was noted this was dependent on the merits and specifics of each site, Some would not be appropriate for housing and local groups might be able to take on smaller plots for community use. It was reiterated that all options would be reviewed in conjunction with Ward Members and the local community.

Decision:

That Cabinet:

1. Approve the disposal of the Phase 2 property assets that are surplus to requirements.
2. Approve the inclusion of additional land to 1 site from the Phase 1 list.
3. Accept that the Brownfield Housing Fund will assist with disposal options for the sites identified as housing development sites.

Reasons for the decision:

There are limited Council resources to deal with the constant requests from individuals or third parties looking for opportunities to purchase our property assets. Phase 2 will continue the programme to bring in the required resources to comprehensively allow the Council to dispose of its chosen property assets in a strategic and co-ordinated way, and via a manageable phased approach.

There is a cost to maintain the Council's assets and failure to manage them properly could cause a potential health and safety risk, as well as a reputational risk to the Council as the landowner.

Other options considered and rejected:

None. There is a cost to maintain the Council's assets and failure to manage them properly could cause a potential health and safety risk, as well as a reputational risk to the Council as the landowner.

CA.95

ADOPTING AND IMPLEMENTING THE ELECTRICAL SAFETY STANDARDS IN THE PRIVATE RENTED SECTOR (ENGLAND) REGULATIONS 2020

Councillor Claire Cummins, Cabinet Member for Housing, presented the report regarding the adoption of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (referred to as 'the regulations').

Decision:

That Cabinet:

1. Adopt and implement the regulations in order to allow the Council to carry out its statutory function in relation to electrical safety standards in the private rented sector;
2. Agree to adopt the same process of issuing and determining levels of civil penalties for the offences in the regulations, in line with the previously agreed Civil Financial Penalty Policy adopted by Cabinet on 29th July 2020;
3. Delegate authority to the Director of Economic Regeneration and Capital Growth to approve minor amendments to the Private Sector Housing Enforcement Policy and the Civil Financial Penalty Policy to reflect the additional regulations and statutory duties.

Reasons for the decision:

As a statutory function of the Local Authority, Cabinet must adopt the Regulations so the Council is equipped to tackle rogue Landlords in the private rented sector who fail to meet their obligations as a Landlord. The additional provision to impose a fine up to £30,000 sends a strong message to any rogue Landlord that substandard property conditions and unsafe electrical installations will not be tolerated. Any income from the civil penalty can be attributed towards the cost of the Council taking enforcement action in the private rented sector.

Other options considered and rejected:

Option 1 - To not adopt and incorporate the regulations

As a piece of legislation, we have a duty to adopt and utilise the powers contained within.

Option 2 - To implement the regulations into the Private Sector Housing Teams Enforcement Policy and produce an additional civil penalty policy for offences

under The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

This option is not recommended. In order to issue a fine under the regulations, the Council must be certain, beyond all reasonable doubt, that a private Landlord is in breach of their duties under regulation 3 of the regulations. The existing civil penalty policy, adopted by Cabinet on 29th July provides a procedure and fining structure consistent with other GM Local Authorities when issuing fines of the same maximum financial value and burden of proof. There is no need to create an additional policy when once has previously been agreed.

Option 3 - To implement the regulations into the Private Sector Housing Teams Enforcement Policy and produce an additional civil penalty policy for offences under The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 with a different fining structure to the current policy

This option is not recommended as any alteration to the fining structure would cause policies to conflict with each other and could leave the Council open to challenge in the event of any appeal. For clarity and consistency, the fining structure should remain the same as the current civil penalty policy.

CA.96 APPROVAL OF ACCUMULATED SUMS MONIES (S.106) FOR RETURNING EMPTIES HOMES BACK INTO USE

Councillor Claire Cummins, the Cabinet Member for Housing, presented the report which sought the approval of £1m of accumulated commuted sums to bring empty homes back into use across the borough. Members voiced their support for the report, and noted it covered 1000 empty properties and 500 which had been vacant for 2 years or more.

Decision:

That Cabinet:

1. Allocate £1m of accumulated Affordable Housing commuted sums to fund bringing empty properties across the borough back into use as affordable housing, in line with housing and planning policies and the rules governing affordable housing and the use of commuted sums.
2. Delegate agreement and approval of relevant detailed matters to The Director of Economic Regeneration and Capital Growth and Chief Finance Officer / S151 Officer in consultation with the Cabinet Member for Housing Services. Detailed matters include the financial appraisal per property and other relevant detailed agreements between the Council and Six Town Housing.

Reasons for the decision:

The commuted sums were secured through Section 106 Planning Agreements as a result of the Council's Affordable Housing Planning Policy and must be spent on the provision of affordable housing within the borough in accordance with the terms of the legal agreements. Bringing empty properties back into use for affordable housing is a good fit with the rules governing the use of the ring-fenced commuted sums and will contribute significantly to delivering the objectives within both the Council's Housing and Regeneration Strategies, and commuted sums have previously been allocated in this way.

Other options considered and rejected:

Option 1 - Do nothing

The terms of the S106 Agreements require the contributions to be spent or committed within 10 years of receipt. Doing nothing could result in contributions having to be refunded. By not taking any action to bring the empty properties back into use, it is likely that they will deteriorate further and generate an increase in complaints to the Council. It is also a missed opportunity to the ever increasing demand for affordable housing across the borough.

Option 2 - Do not allocate the commuted sums monies to be used to bring empty homes back into use as affordable housing

Cabinet pledged to tackle empty homes across Bury by ensuring a specific post for an empty homes officer was made available. If no money is attributed to a project to return empties back into use, the post holder will only be able to pursue enforcement options to bring properties back into use. This can often be a very lengthy and costly process which, on its own would return few properties back into use over time. By allocating the £1m, the Council can proactively target empty properties and enter into meaningful negotiations with owners to bring their property back into use.

CA.97 APPOINTMENTS UPDATE

Councillor Tahir Rafiq, the 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 19th May 2021.

Decision:

That Cabinet notes the appointments and amendments to appointments made since the Annual Meeting of Council as set out in the report.

Reasons for the decision:

N/A

Other options considered and rejected:

N/A

CA.98 BURY LET'S DO IT PERFORMANCE REPORT AND CORPORATE PLAN QUARTER FOUR DELIVERY UPDATE

Councillor Tahir Rafiq, the Cabinet Member for Corporate Affairs and HR, presented the second performance report against the Bury Council and CCG integrated Corporate Plan, which detailed delivery against planned priorities for quarter four of the 2020/21 Corporate Plan which was published in autumn 2020.

In response to a Member's question regarding the percentage of Freedom of Information requests and complaints, it was noted that these had been deprioritised during the Covid response, but resources were now being reassigned and the Information Commissioner's Office was satisfied that measures were in place to bring these figures back to target.

Decision:

That Cabinet:

1. Notes the progress against the 2020/21 Corporate Plan delivery objectives.

2. Notes the Bury Framework Hierarchy for the Bury Let's Do It Strategy and Corporate Plan.
3. Notes the progress towards the Health and Wellbeing Board and System Board Outcomes.

Reasons for the decision:

To facilitate the on-going analysis and management of the Council's performance in delivering the Corporate Plan.

Other options considered and rejected:

None.

CA.99 GREATER MANCHESTER ONE NETWORK PROCUREMENT

Councillor Tahir Rafiq, the Cabinet Member for Corporate Affairs and HR, presented the report which sought approval for Bury Council, in partnership with, Greater Manchester Combined Authority (GMCA), Transport for Greater Manchester (TFGM), Stockport Council, Oldham Council and Rochdale Council, to commence a joint procurement process in the summer of 2021 for Wide Area Network (WAN) services under the collective title of GM One Network.

Decision:

That Cabinet approves the decision to join the joint procurement exercise and endorses the use of ICT Capital Investment and Corporate Reserves to fund the delivery of this work.

Reasons for the decision:

It is recommended that Bury Council proceeds with joining the GM-One procurement as a founder member and approves a potential £1.3m from the existing ICT capital scheme for a new wide area network. This will allow a faster implementation of the next generation of WAN technology i.e., a software defined WAN, allows us to fully realise the benefits of the investment in the LFFN and the increased transmission speeds that go with it.

Other options considered and rejected:

Option 1 - Do Nothing – including not lighting the fibre delivered under the LFFN programme

This option is discounted as each organisation needs effective network services and wishes to leverage the infrastructure. This option could require repayment of the DCMS funding for LFFN as a condition of the grant funding is to use the fibre.

Option 2 - DIY – involving each organisation procuring network services separately across the LFFN infrastructure

The incremental benefits of doing this alone as opposed to collaboratively are predominantly linked to existing contractual commitments as there are wider savings to be had from engaging more widely.

Option 3 - Collaboratively light the fibre with other LFFN partners

This option has been pursued on the basis that it represents the most effective means of lighting the LFFN infrastructure. It is expected to generate service improvements plus wider strategic benefits described below with additional gains as other organisations leverage the network, plus it avoids unnecessary

procurement spend and duplication of activities. The network design would still enable each organisation to manage its services across this shared network.

CA.100 FUTURE OF THE CIVIC VENUES

Councillor Richard Gold, the Cabinet Member for Communities, presented the report regarding the three Civic Venues, all of which currently operated at a loss and were also in need of significant financial investment. It was noted that outside caterers would be permitted at both Ramsbottom and Elizabethan venues.

In response to a question about the dancefloor at the Longfield Suite, it was noted that options for a new location within the Borough were currently being explored, but were still in an early stage.

Decision:

That Cabinet:

1. Notes the results and feedback generated from the public consultation in respect of the Civic Venues.
2. Having regard to the views received from the consultation; approve the future of the Civic Venues as follows: -
 - a) Ramsbottom Civic Hall to re-open once the Vaccination Centre has ceased, and when covid restrictions allow. Its future to be considered as part of the current planning process in respect of the Place Management and Movement Plan for Ramsbottom.
 - b) The Longfield Suite remain closed and be replaced by a new events and community space, to be provided by the redevelopment of Prestwich Town Centre.
 - c) That the sprung dancefloor at the Longfield Suite be retained and preserved for future use at an alternative venue in the borough. The memorial wall to be relocated as part of the regeneration and development of Prestwich.
 - d) The Elizabethan Suite to re-open, once the Vaccination Centre has ceased, and when covid restrictions allow, however, there will be no catering/beverage function.
 - e) That the Chief Executive be requested to convene a cross party working group to consider the options for the future of Bury Town Hall and the Elizabethan Suite and to report with recommendations to a future meeting of the Cabinet.

Reasons for the decision:

Ramsbottom Civic Hall

Option 1 - re-open fully (whilst the Town Plan is being further developed) once the Vaccination Centre has ended, from 1/8/21 (it is feasible that the venue will be required until 2022)

An ongoing minimum subsidy of £83,596pa will be required although this may be higher post COVID recovery. The workforce required to reopen (subject to the implementation of required HR policy and process) would resume in their Civic Venues posts. It is to be noted that due to the continued impact of covid restrictions, there would be a continued impact on income.

The Elizabethan Suite

Option 2 – re-open once the Vaccination Centre has ended, from 1/8/21(it is feasible that the venues will be required until 2022), however there will be no catering/beverage function

Some of the workforce would be at risk of compulsory redundancy (subject to the implementation of required HR policy and process).

Redundancy costs would potentially be incurred at a cost to be determined. The running costs of the venue would remain (i.e., utility costs), and income could be lower than previous levels.

The Longfield Suite

Option 2 –fully close

This will generate a cost saving of £125,205pa, but some of this taken account of in the 21/22 budget, and a further budget saving of £23,000 would occur. The workforce would be at risk of compulsory redundancy (subject to the implementation of required HR policy and process). Redundancy costs would potentially be incurred at a cost to be determined. The venue could remain empty until demolished. Alternative options exist for bookers to relocate elsewhere. The memorial wall will be relocated as part of the regeneration and development of Prestwich. In addition, full options will be explored to retain and relocate the existing sprung dance floor.

Other options considered and rejected: Ramsbottom Civic Hall

Option 2 – re-open in part (no major functions or weddings) once the Vaccination Centre has ended, from 1/8/21 (it is feasible that the venue will be required until 2022)

Re-opening in part will require a subsidy of c£64,000pa. The workforce would be at risk of compulsory redundancy (subject to the implementation of required HR policy and process). Redundancy costs would potentially be incurred at a cost to be determined. The workforce required to re-open in part would resume in their Civic Venues posts. It is to be noted that due to the continued impact of covid restrictions, there would be a continued impact on income. Alternative options exist for bookers to relocate elsewhere.

Option 3 – fully close once the Vaccination Centre has ended, from 1/8/21(it is feasible that the venues will be required until 2022)

This will generate a net budget saving of £55,500, but much of this has already been taken account of in the budget process. The workforce would be at risk of compulsory redundancy (subject to the implementation of required HR policy and process). Redundancy costs would potentially be incurred at a cost to be determined. The venue could remain empty for 12 months or more in line with the development of the Town Plan. Alternative options exist for bookers to relocate elsewhere.

The Elizabethan Suite

Option 1 – re-open fully once the Vaccination Centre has ended, from 1/8/21(it is feasible that the venues will be required until 2022)

An ongoing minimum subsidy of £4,592pa + £105,891pa civic chef (£110,483) will be required. The workforce required to re-open (subject to the implementation

of required HR policy and process) would resume in their Civic Venues posts. It is to be noted that due to the continued impact of covid restrictions, there would be a continued impact on income and a higher overspend.

Option 3 –fully close once the Vaccination Centre has ended, from 1/8/21(it is feasible that the venues will be required until 2022)

This will generate a net saving of £4,592 + £105,891 Civic Chef (£110,483), much of which is already accounted for in the current budget. The workforce would be at risk of compulsory redundancy (subject to the implementation of required HR policy and process). Redundancy costs would potentially be incurred at a cost to be determined. The venue could remain empty for 5 years or more subject to the future of the Town Hall. The venue could not be opened up for use internally without the incurred costs of cleaning /caretaking and the co-ordination of bookings by another Council team etc. The running costs of the venue would remain (i.e., utility costs), however the venue would not be income generating. These costs would have to be absorbed by another Council team due to the infrastructure of the Town Hall utilities regardless of option. Alternative options exist for bookers to relocate elsewhere.

The Longfield Suite

Option 1 – re-open fully once repairs to the roof, and other minor repairs have been undertaken

An ongoing minimum subsidy of £125,205pa will be required. The workforce required to re-open (subject to the implementation of required HR policy and process) would resume in their Civic Venues posts. It is to be noted that due to the continued impact of covid restrictions, there would be a continued impact on income.

CA.101 MINUTES OF ASSOCIATION OF GREATER MANCHESTER AUTHORITIES / GREATER MANCHESTER COMBINED AUTHORITY

It was agreed:

Minutes of the Greater Manchester Combined Authority meeting held on 26 March 2021 be noted.

CA.102 URGENT BUSINESS

CA.103 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.104 DISPOSAL OF THE SITE OF THE FORMER BURY FIRE STATION SITE, THE ROCK, BURY - PART B

Councillor Eamonn O'Brien, the Leader of the Council and Cabinet Member for Finance and Growth, presented the Part B report containing information that is

exempt from disclosure, regarding the sale of the former Bury Fire Station on The Rock site.

Decision:

That Cabinet:

1. Give approval to progress the sale of the site to the preferred bidder.
2. Agree a delegation to the Director of Economic Regeneration and Capital Growth to agree a detailed head of terms in consultation with the Cabinet Member for Finance & Growth and the Monitoring Officer.

Reasons for the decision:

The sale of the site would:

- Bring forward the development of a key gateway site in northeast of the town centre.
- Provide a capital receipt for the Council.
- Provide on-going Business Rate revenue.
- Remove the risks associated with holding a vacant site.

Other options considered and rejected:

None – this site was identified as one of the Phase 1 properties in the Accelerated Land and Property Disposals Programme approved by Cabinet at their meeting on 24 March 2021.

COUNCILLOR E O'BRIEN
Chair

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