

Minutes of: CABINET

Date of Meeting: 7 September 2022

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

Also in attendance: Councillors R Bernstein, A Booth, J Harris, G Marsden,
J Rydeheard and M Smith

Public Attendance: Several members of the public were present at the meeting.

Apologies for Absence: Councillor T Rafiq

CA.41 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Tahir Rafiq.

CA.42 DECLARATIONS OF INTEREST

There were no declarations of interest.

CA.43 PUBLIC QUESTION TIME

The following question was asked at the meeting by a member of the public, Stephen Cluer:

Why did the council wait until March 2022 to publicise plans for the town centre masterplan and the purchase of the Millgate? Deals like these take months to finalise and the council must have known that this would affect our housing supply numbers. We are now in a situation where any modifications to Places For Everyone have to be approved at the examination in public by the inspectors and I feel this could have been avoided. So why were modifications not made to the PFE before submission to government in February 2022 based on these pending plans?

Responding, Councillor Eamonn O'Brien reported that the Council were unable to propose a modification to PfE before it was submitted in February as the due diligence associated with the purchase of the Mill Gate was not complete and the outcomes of the consultation on the new Bury Town Centre Masterplan was not known at that time and we could not make assumptions on the impact that either of these would have on the evidence on housing numbers.

Regarding the scale and pace of the work, the Mill Gate estate coming on to the market was beyond the Council's control, and we started the process as early as possible when on 17 November 2021 Cabinet approved, in principle, the Council entering into a joint venture with Bruntwood for the purposes of acquiring and developing the Mill Gate estate as part of the regeneration of Bury town centre. Once all of the necessary due diligence was complete, a further report was brought to Cabinet on 22 March 2022 seeking approval for the Council to enter into a joint

venture with Bruntwood and to subsequently acquire the Mill Gate estate. This was beyond the PfE submission date.

In December 2021, Cabinet approved a draft of the new Bury town centre masterplan for six-week consultation period, running from 4 January to 15 February 2022. Once the consultation responses had been analysed and appropriate changes made to the masterplan, the final version of the masterplan was brought back to Cabinet on 9 March 2022.

The sign-off of both the Masterplan and the formal Joint Venture arrangement were beyond the Council decision in July 2021 to submit the PfE after the consultation on the Publication version of the plan. The Publication version was subsequently consulted on and formally submitted on 14 February 2022, after all of the necessary documentation was compiled.

As stated in the Cabinet report, the information that was used to support the PfE submission was the 2020 version of the strategic housing land availability assessments. Bury's 2020 SHLAA did identify housing numbers in Bury Town Centre but could not have foreseen the potential that has arisen through the acquisition of the Millgate.

The nine districts have now updated this supply information and the 2022 versions identifies the housing supply position as at the 31st March 2022. These are comprehensive assessments of all housing supply in each of the nine districts and they will face a rigorous review at the Examination. Given the comprehensive nature of these documents, they take time to produce and they were only completed in August 2022.

Fundamentally, it has been necessary to await the outcome of the updated Strategic Housing Land Availability Assessment in Bury to understand and provide a robust evidence base for the residential development on town centre sites and elsewhere in the Borough. We could not have done this any earlier as, until this was completed, the Council was not in a definitive position in terms of its housing supply and the potential implications for PfE.

A further supplementary question was submitted:

A lot of focus has been placed on residential developments in the greenbelt but the assessment of employment land is just as important. Your own topic paper in 2014 just before the spatial framework began outlined a loss of 4.88 hectares of employment land per annum between 2003 -2013. Your own assessment outlined that between 2001 – 2013 average land take up for new employment land was 2.64 hectares per annum. The council concluded that due to fluctuations in the employment sector a gross amount of 13.81 hectares of employment land would be required over a 16 year period in Bury. Even if Bury experienced nothing but growth going forward your own calculations equate to 39 hectares of new employment space. Can you please explain how you can justify 310 hectares in the places for everyone plans and what employment opportunities and businesses are driving such a dramatic increase in the amount of greenbelt land required up to 2037?

Councillor O'Brien reported that figures are correct, but that the document that is being referred to is the Bury Employment Land Review from April 2013, and the business need of the Borough has changed since that point. Part of this document involved the identification of future needs for employment land in Bury and used an approach that was based on a now withdrawn Government guidance note. The approach simply forecasted need based on historical take-ups rates as opposed to wider policy or strategic aspirations.

The other aspect is that the council's aspirations have grown. The PfE is a plan for the nine participating districts and one of the key aims of the plan's spatial strategy is to rebalance the Greater Manchester economy by addressing the current disparities between the north and south of the conurbation. To do this, PfE seeks to significantly boost the competitiveness of and economic output from the northern districts and the proposed employment site at the Northern Gateway is a key part of this strategy.

The location of this site will generate significant investment with an estimated £1.1 billion in GVA for the Greater Manchester economy each year with around 17,000 quality new jobs generated throughout the lifetime of the project and £600 million in wages generated per year. This will offer substantial benefits to Bury and our residents.

The documentation to support the spatial strategy on employment land can be found at <https://www.greatermanchester-ca.gov.uk/what-we-do/planning-and-housing/places-for-everyone/supporting-documents/?folder=\05%20Places%20for%20Jobs#fList>

The following question was asked at the meeting by a member of the public, Philip Smith-Lawrence:

Taken the significant increase in the land supply in Bury since the Places For Everyone plan was submitted to the Government in Feb 2022, can the Cabinet please state if the proposed housing building allocations for Elton Reservoir and Simister are also now to be removed from the Places For Everyone plan, and the housing allocations on these sites be replaced with existing Council controlled land/sites, an example being; the housing allocation at the proposed regeneration site in Prestwich? And if not, why not?

Responding, Councillor Eamonn O'Brien reported that the Council has identified additional housing land supply in the 2022 Strategic Housing Land Availability Assessment update, including sites in the Bury Town Centre Masterplan and as a result of the acquisition of the Millgate. This reduces the amount of Green Belt required to meet the proposed housing target in the PfE, and as a result the Council is proposing to request a main modification to the plan to remove the Walshaw allocation. However, the housing assessment did not identify sufficient additional brownfield sites to replace all of the proposed Green Belt housing allocations.

The housing land supply assessment includes a review of all of the sites that have been identified as suitable and available for housing development within the plan period. This include the proposed regeneration site in Prestwich as well as other Council owned and private brownfield sites that are being brought forward. Many of

these sites have been included within the existing land supply for a number of years and are already accounted for when assessing the amount of Green Belt land required for housing development.

The identification of brownfield sites reduces our need for Green Belt release, however it is not enough to meet our housing targets so some Green Belt land is still required, including the land at Elton Reservoir and Simister.

A further supplementary question was submitted:

The following is stated in the report to Cabinet, section 3:10 - "Importantly, all the additional sites that have been identified are in Council control and the Council is committed to securing the delivery of new residential development in a timely manner." - Why has the Council NOT retained brownfield land and sites across the borough to be developed to meet the borough's housing needs, land and sites which were in the Council's control, and are suitable for housing developments?

Councillor O'Brien reported that the vast majority of Council-owned brownfield land sites are going to meet the housing allowance. The Council is bringing forward a number of brownfield land sites to meet the Borough's housing needs through disposal to developer partners, including the East Lancs Paper Mill, Green Street and School Street in Radcliffe; Wheatfields in Whitefield; and William Kemp Heaton in Bury, as well as the proposals for Bury and Prestwich Town Centres.

However, the Council also has to consider the need for other uses including those which will provide jobs and economic growth to our Borough. As a result, it is appropriate for some sites (such as the former Bury Fire Station) to be developed for alternative uses.

The following question was asked at the meeting by a member of the public, Matthew Dawber:

Does Cabinet believe that undertaking a significant strategic change to the Places for Everyone Plan, including the removal of a sound allocation at Walshaw, without any apparent consultation is an appropriate and legally defensible approach for the Council to take?

Responding, Councillor Eamonn O'Brien reported that as set out in the Cabinet report covering this issue, Section 20(7C) of the Planning and Compulsory Purchase Act requires the Inspector to recommend Main Modifications if asked to do so by the Local Planning Authority, provided that these modifications are necessary to make the plan sound and legally compliant.

Given the increased supply and the subsequent excessive buffer for Bury, it considered that a request to the Planning Inspector(s) to make the modification reflects good planning and is an appropriate and legally defensible approach.

Assuming that Cabinet makes this decision, it is likely that the proposed modification will be debated as part of the Examination of the Plan and the Inspector(s) will need to form a view on this. It should be noted that the Inspector(s) will need to consider such

a proposed modification against all other elements of the Plan and the Examination (e.g. robustness of the housing supply across the nine districts).

Any modifications that the Inspector(s) feel are needed to make the plan sound will be subject to approval by the Cabinet/Executives of each of the 9 participating local authorities, and if approved subject to public consultation for at least six weeks before the Inspectors can recommend them in their final report.

A further supplementary question was submitted:

In order to make the process as fair as possible, will the Cabinet consider deferring the decision to allow for proper consultation and scrutiny of the evidence to be taken commensurate with the change? Consultation at main modification stage is a long way down the line after the examination has taken place.

Councillor O'Brien reported that he wouldn't speak for colleagues, but it would not be his recommendation to defer this, for reasons touched upon in previous questions. While everyone hasn't always agreed, it is important to acknowledge that there is a lot of public view expressed on this already and there is consensus that when we can take sites out and use brownfield sites first to reduce the impact on the greenbelt, we should. In terms of process, there is reassurance that there is consultation still to come, there is rigorous public examination and I remain confident that we are doing something that is legally defensible and maintains a sound plan.

The following question was asked at the meeting by a member of the public:

My question is to Councillor Tariq and the Chief Executive: I have sent you several letters over the last two or three months which you have refused to acknowledge or reply to. Why have you not responded? I want a meeting with you both agreed tonight.

After some disturbance, Councillor Tariq thanked the individual for attending and advised that responses have been given. The issues you raise have been looked at, there are links with your GP practice and information has been provided (not appropriate to share in a public forum). I appreciate you have made several visits to the Town Hall, but it is unrealistic to expect to meet with the Chief Executive, Leader or Deputy Leader at the moment of your choosing and we are unable to accommodate this. We understand the concerns contained in your letters and we are looking into them. There has been some breakdown in communication owing to the way you address Council staff and staff at your GP practice, but we are still looking into the issues and, on behalf of the Adult Care and Health team, I will ensure you are given an adequate response and we can support you in the best way possible.

CA.44 MEMBER QUESTION TIME

The following question was submitted by Councillor Jack Rydeheard:

The Places for Everyone report states that "The recommendation set out in this report is fundamentally underpinned by the emergence of new evidence that shows an increase in opportunities for new housing in sustainable locations within the existing

urban area that were not apparent at PfE submission stage.” Can the Council disclose what is that new evidence and was it available at the time and just not looked at?

Responding, Councillor Eamonn O’Brien reported that he would arrange for the full details to be sent to Councillor Rydeheard. He advised that the new evidence was the possibility of new residential units as part of the redeveloped Mill Gate estate, which is a result of the acquisition, master planning, and JV with Bruntwood. Therefore prior to that taking place it was not possible to provide that evidence. So to confirm, it could not have been done earlier in this process and we are doing this as soon as we can but the information was not available at the time. All of that work has been necessary to take place, the new evidence is an outcome of that work and enabled the refresh of the strategic housing allocation which took place over the last few months.

CA.45 MINUTES

It was agreed:

That the minutes of the meeting held on 13 July 2022 be approved as a correct record and signed by the Chair.

CA.46 PLACES FOR EVERYONE - UPDATED EVIDENCE ON HOUSING SUPPLY AND REQUEST FOR A MAIN MODIFICATION TO THE PLAN

Councillor Eamonn O’Brien, Leader and Cabinet Member for Strategic Growth and Skills, presented the report which provided an update in respect of the Places for Everyone Joint Development Plan (PfE). It provided details on the Borough’s updated housing land supply, which has significantly increased since PfE was submitted to Government in February 2022 owing to the acquisition of the Mill Gate and the work undertaken through master planning and the Joint Venture with Bruntwood.

In the light of the updated housing supply evidence, Members noted there was an opportunity to reduce the amount of Green Belt land that is needed to meet Bury’s proposed PfE housing target without impacting on the overall strategy of the submitted Plan and, following an appraisal of the existing PfE sites, the report recommended that a request be made to the Planning Inspectorate to make a Main Modification to the plan involving the removal of the Walshaw site.

Councillor O’Brien thanked everyone for their contribution and work in bringing this forward and thanked residents for their engagement.

In response to Members’ questions, Councillor O’Brien advised that this change was consistent with the Cabinet’s brownfield first approach and was a result of months of hard work in delivering change to Bury Town Centre. It was agreed that any reduction in use of greenbelt land was positive but that the final decision was out of the Council’s control. It was noted that this was the reason for such comprehensive due diligence, to provide robust evidence to support such a reduction. With regards to infrastructure, the benefit of having a wider strategic plan was that this could be planned and secured in advance.

With regards to why the Walshaw site was identified over others, it was noted that each site was assessed on its own merits, not just what was being lost but also what

was being gained by each development and, in the view of the Council, the Walshaw site presented the least amount of strategic benefit.

Wider discussion from Members highlighted that a vote against PfE would not save greenbelt land; Bury Council were required to work within a government-mandated housing allocation and only had choice over where those sites could be. Brownfield land was being utilised as much as possible, but was not sufficient to cover the entire allocation, even with the reductions secured through the PfE Plan.

Decision:

Cabinet:

1. Noted the findings of the updated evidence on Bury's housing land supply as set out in the Strategic Housing Land Availability Assessment (April 2022);
2. Noted the conclusions of an assessment of options for addressing issues arising from the updated housing supply evidence; and
3. Authorised Officers to request a Main Modification to PfE involving the removal of the proposed housing allocation at Walshaw.

Reasons for the decision:

To ensure that the Examination of PfE takes account of the most up-to-date evidence on housing supply and pursues a sound approach to the future provision of housing in Bury.

Alternative options considered and rejected:

The recommendation set out in this report is fundamentally underpinned by the emergence of new evidence that shows an increase in opportunities for new housing in sustainable locations within the existing urban area that were not apparent at PfE submission stage. In accordance with the NPPF and the need to make effective use of land, it has been necessary to consider this new supply within the context of the PfE's approach to housing in Bury.

The inclusion of this newly identified supply whilst maintaining the PfE's current proposed site allocations would lead to Bury having an overall housing supply that would be significantly in excess of the PfE target. As such, the review of the housing supply has considered options to reduce the extent of the housing supply buffer.

The recommended approach seeks to reduce Bury's housing land supply through the removal of a proposed PfE site allocation. An alternative means of reducing the buffer is to maintain the supply but to propose an increase to Bury's PfE housing target. Consideration of the options for reducing the buffer is set out in the main body of this report. The consideration of options for reducing housing supply and minimising the impact of the Green Belt is contained within the site options appraisal (summarised in Section 5 of this report).

CA.47 PLACES FOR EVERYONE - DELEGATED APPROVALS FOR EXAMINATION

Councillor Eamonn O'Brien, Leader and Cabinet Member for Strategic Growth and Skills, presented the report which sought approval to delegate authority to agree to potential modifications to the Submitted Places for Everyone Plan Joint Plan 2021 (PfE) as may be considered necessary during the PfE Examination and to the content

of any Statements of Common Ground that may be considered necessary to aid the Examination process.

In response to Members' questions it was noted that it was ultimately up to the Planning Inspector to determine whether the Plan was sound, but we believe it is and that the changes being put forward would keep the Plan sound. It was noted that public consultation would be carried out in the best way possible, with the Council remaining transparent about how, why and when decisions were being made.

Decision:

Cabinet:

1. Delegated authority to the Executive Director of Place, in consultation with the Cabinet Member for Strategic Growth and Skills and the Director of Law & Democratic Services, to agree proposed Main Modifications to the Places for Everyone Joint Plan 2021 as may be necessary to meet the tests of 'soundness' defined in the National Planning Policy Framework (2021) (or any equivalent following the amendment or revocation thereof); and the relevant statutory requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 (or any equivalent Regulations following the amendment, re-enactment or revocation thereof);
2. Delegated authority to the Executive Director of Place to propose any minor modifications to the Places for Everyone Joint Plan 2021, as may be necessary; and
3. Delegated authority to the Executive Director of Place to prepare and agree Statements of Common Ground for the Places for Everyone Joint Plan as required.

Reasons for the decision:

To ensure that any necessary modifications to the Submitted Places for Everyone Joint Plan 2021 that arise through the Examination process, can be agreed and approved in a timely manner. PfE needs to progress through Examination as smoothly as possible. If it is necessary to amend policies and/or site allocations this will need to be done quickly, by a proposed modification, as recommended by the Inspectors to ensure that the Plan can be considered 'sound' and proceed to Adoption.

Alternative options considered and rejected:

There are not considered to be any reasonable alternative options. Following the normal approvals process to agree Main Modifications and Statements of Common Ground will significantly extend the Examination period, frustrating the Inspectors, participants and local communities in Bury and across the plan area. It would also result in a significant increase in costs to the Council (and others) for the Inspectors, expert witness and QC representation time.

CA.48 HOUSING SUPPORT SERVICE: YOUNG PEOPLE 18-25 YEARS - PART A

Councillor Tamoor Tariq, Cabinet Member for Adult Health, Health and Wellbeing, presented the report which proposed an innovative support service, providing a transitional home for seven young Bury adults with Learning Disabilities and/or autism, aged 18-25 years. Members voiced their cross-party support for this scheme and noted that this could be a catalyst for further similar schemes.

Decision:

Cabinet confirmed commissioning intentions to Merston and Inclusion to proceed with the Crompton Street project, therefore confirming the building can be secured for Bury clients.

Reasons for the decision:

This innovative support scheme offers a transitional living service for young adults with Learning Disability aged 18-25 years. The potential for cost savings/cost avoidance has been demonstrated. The scheme offers seven units towards our corporate and Adult Social Care housing commitments and supports our 'Let's Do It' strategy in offering an opportunity for people to live locally, independently, and with choice.

Alternative options considered and rejected:

Option 1: Not to proceed with the scheme.

The impact of this will mean young adults continue to be placed in more expensive placements. This accommodation and model of care (including follow-up support to prevent escalation of crisis/ challenging behaviour), follows best practice. Not to proceed with the scheme would be a missed opportunity to:

- i) pilot a new transitional offer for young adults;
- ii) contribute towards our Adult Social Care housing targets, which provide people with learning disabilities the chance to live locally, independently, with choice;
- iii) save and prevent costs compared to people living independently/placing young people in more expensive placements.

Option 1 was therefore rejected.

Option 2: To proceed with the scheme using an alternative property/landlord.

This scheme was brought to our attention by the property developer Merston. Adult Social Care operational social work lead and commissioning staff viewed the property for suitability along with providers. All agreed the property as suitable for this type of service. The property developer and vendor have been very supportive in the current fast-paced housing market. Whilst we could pursue the scheme with another property and landlord, time would be lost and the objectives of the scheme (outlined above) not achieved for another 6 months. Option 2 was therefore rejected.

CA.49 INVESTMENT IN A POPULATION HEALTH MANAGEMENT APPROACH TO CORONARY HEART DISEASE AND LONG-TERM CONDITIONS

Councillor Tamoor Tariq, Cabinet Member for Adult Health, Health and Wellbeing, presented the report which outlined a case for investment in data quality and project coordination to support the development of a population health management in primary care, with an initial focus on coronary heart disease (CHD). Members supported the proposal, noting that simple checks had the potential to save lives, and that this demonstrated a collaborative and invest to save approach.

Decision:

Cabinet agreed that £550,000 from the public health reserves be invested in building population health capacity, including in data quality and project coordination over three years (financial years 22/23, 23/24, and 24/25) through the GP Federation to support a wider programme of work focussed on reducing CHD and inequalities in CHD.

Reasons for the decision:

A population health management approach to reducing CHD and inequalities in coronary heart disease (and other long-term conditions) will depend on good quality data and project coordination. This investment supports the development of data and capacity that will enable this approach to be expanded to other major causes of illness and deaths and health inequalities.

Alternative options considered and rejected:

Do nothing: the lack of high-quality data on aspects of inequality such as ethnicity as well as aspects of care for people with CHD will prevent the measurement and reduction of inequalities in CHD, limiting the primary care system's ability to identify and reduce inequalities in diagnosis and care for people with CHD and to improve uptake of preventive treatments.

CA.50 DEVELOPMENT OF AN ONSIDE YOUTH ZONE IN BURY

Councillor Lucy Smith, Cabinet Member for Children and Young People, presented the report which updated Cabinet on the findings of the Viability Study for the proposed Youth Zone in partnership with the charity Onside, as well as potential funding, sites and next steps. Members voiced their cross-party support for the scheme and noted that work on engagement in townships outside of the Youth Zone itself was being undertaken from now until the next Cabinet report expected in January 2023.

Decision:

Cabinet:

1. Noted the outcomes of the Viability Study;
2. Agreed that Bury Town Centre is the most appropriate location for the facility, to enable the project to move to the next stage;
3. Requested that the Chief Executive submit a further report in January 2023 after undertaking further work to agree the most suitable site in Bury Town Centre and develop an outline financial plan; and
4. Agreed to bring back to the January 2023 Cabinet meeting further information about how a youth partnership will be formed setting out how the targeted offer from the Council and voluntary sector will be complimentary and integrated into the Youth Zone's wider universal offer.

Reasons for the decision:

To deliver a new youth facility in Bury town centre following a 60 week build period.

Alternative options considered and rejected:

None - Onside is developing Youth Zones around the Country and can bring additional private sector financing into Bury.

CA.51 RELOCATION OF PUPIL REFERRAL UNIT (SPRING LANE SCHOOL) - PART A

Councillor Lucy Smith, Cabinet Member for Children and Young People, presented the report which set out those proposed plans for relocation of the Secondary Pupil Referral Unit (Spring Lane School) in order to provide the Department for Education (DfE) with vacant possession of the site, and sought approval for the financial arrangements to deliver those plans. Members noted the request for ease of access

for the leisure centre, which was not part of this report but was linked with the wider regeneration.

Decision:

Cabinet approved the transfer of Spurr House from Adult Care to Children and Young People within the Council's estate management arrangements.

Reasons for the decision:

- To unlock the delivery of a new secondary school for Radcliffe.
- Utilise a Council owned vacant building for re-development.
- To enable the project to develop new specialist educational provision to progress.

Alternative options considered and rejected:

In order to deliver the new school in Radcliffe, the Council is required to confirm that it will commit to meet certain obligations, including providing DfE with vacant possession of the Spring Lane site by an agreed date, to facilitate the construction of the new secondary school in Radcliffe. Failure to provide such commitments will prevent the new school in Radcliffe scheme from progressing.

CA.52 SECONDARY SCHOOL PROVISION IN RADCLIFFE - FINANCIAL APPROVAL TO COUNCIL'S FUNDING OBLIGATIONS - ADDITIONAL SITE COSTS - PART A

Councillor Lucy Smith, Cabinet Member for Children and Young People, presented the report which sought approval for additional costs in respect of the delivery of the new secondary school in Radcliffe arising from a number of site-specific costs, largely relating to the existence of former coal mine workings in the area, which impact on the construction of the building.

In response to Members' queries regarding potential delays, it was noted that DfE had given assurances that the project was on track and would be handed over in September 2024, but that every project had potential for delays and as such the Council and Star Academy continued to work with the DfE and hold them to account to ensure any delays were flagged early and mitigated appropriately.

Decision:

Cabinet:

1. Approved the funding of indicative costs as set out in Part B of this report, to meet the Council's financial obligations, to be met from the Children's Services schools capital programme; and
2. Delegated approval of the finalised costs to the Executive Director of Finance.

Reasons for the decision:

- To unlock the delivery of a new secondary school for Radcliffe.
- Utilise a Council owned Brownfield site for development.

Alternative options considered and rejected:

In order to deliver the new school in Radcliffe, the Council is required to confirm that it will commit to meet certain financial obligations. Failure to provide such a commitment will prevent the scheme from being progressed.

The alternative option to not proceed with the school was rejected owing to the demonstrative need for new secondary school provision in Radcliffe and the importance of that provision in supporting the economic growth and sustainability of Radcliffe and its alignment with the wider objectives of the Radcliffe Strategic Regeneration Framework (SRF).

CA.53 RADCLIFFE 3G FOOTBALL TURF PITCH

Councillor Alan Quinn, Cabinet Member for Environment, Climate Change and Operations, presented the report which provided details of a proposed floodlit 3G Football Turf Pitch (FTP) at Redbank Playing Fields in Radcliffe together with associated pavilion, car parking and grass pitch improvements, and set out the details of a funding bid submitted to the Football Foundation as well as seeking approval to the overall funding package including expenditure of approved Council capital match funding.

In response to Members' questions it was noted that ensuring clear soil samples had dictated the placing of the pitch. The Cabinet Member advised he was happy for further consultation to take place and that pricing mechanisms for the facility would be sensitive to the locality.

Decision:

Cabinet:

1. Approved the overall 3G scheme package including submission for external grants which (subject to grant approval) will total £2,060,000;
2. Approved to expend the £500,000 capital match funding that is within the Councils approved capital programme (subject to grant approval); and
3. Approved up to a maximum of £150,000 from Operations Reserve and S106 Reserve to cover any shortfall in partnership funding. The reserve would be used to meet any currently unforeseen costs which may accrue due to changes in inflation rates or planning conditions (subject to grant approval).

Reasons for the decision:

Development for 3G FTP's is identified as a priority for Council. The Redbank 3G pitch project has been developed in partnership with the County FA, Football Foundation and Radcliffe Football Foundation. The project aims to maximise external funding and utilises approved capital match funding. This will provide a much needed facility for the community of Radcliffe, supporting the delivery of the People and Communities Plan for Radcliffe 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. This has been rejected as it would reduce the outcomes of the project and would be less likely to attract external funding.
- Consideration of an alternative site to develop the next 3G FTP within Radcliffe or elsewhere within the Borough. This option has been rejected as it is envisaged that it could take up to two years to develop an alternative site proposal with the Football Foundation.

CA.54 ELECTRICITY AND ANCILLARY SERVICES - CONTRACT RENEWAL

Councillor Eamonn O'Brien, Leader and Cabinet Member for Strategic Growth and Skills, presented the report which sought formal approval to use the YPO electricity supply framework for the purchase and supply of the Council's corporate electricity for the period 1 April 2023 to 31 March 2027, with the option to extend for a further two-year period to 2029 and for a further two years until 2031. The Council's corporate electricity supply contract covers the supply of electricity to office buildings, schools, community centres, libraries, leisure facilities and buildings occupied by Persona and Six Town Housing. This comprises in excess of 500 supply points across the borough.

Decision:

Cabinet:

1. Approved the use of the YPO Energy Framework Agreement to administer the purchase and supply of the Council's corporate electricity contract for the period 1 April 2023 to 31 March 2027 (at an annual cost of circa £7m per annum). The total estimated contract value will be circa £28m over a four-year period, with options to extend to 2029 and 2031. (The annual and total contract value may change significantly as current energy prices have been significantly affected by the conflict in Ukraine);
2. Approve the use of YPO's appointed framework supplier, Npower Business Solution, for the supply of electricity through the framework duration; and
3. Provide delegated authority to the Executive Director of Operations and Executive Director of Finance, in consultation with the portfolio lead for Corporate Affairs and HR, to award the contract and facilitate the execution, implementation, and operation of the contract.

Reasons for the decision:

The proposed arrangements ensure that the Council has a compliant contract in place and has tested the market for best value.

Alternative options considered and rejected:

Spot Buy (Fixed Price Contracts)

This is where the Council would buy short-term contracts for a fixed price over the time period. Although savings could potentially be made, the council would be more exposed to the vagaries of the wholesale market (a price is fixed on a single day in the year) and could pay higher off-contract prices until an appropriate new contract is in place. It is also not compliant with either Contract Procedure Rules (CPR) or public procurement legislation. This was ruled out due to the risk of price volatility, lack of in-house expertise and the fact that this does not comply with Council Constitution.

Procure our own energy by direct tender

This option is possible, but it would involve a standalone OJEU (Official Journal of the European Union) tender to secure contracts directly with the selected energy provider(s) (or via a broker see option 6.2.3). This approach is unlikely to produce the best results due to the relatively small scale of the portfolio compared to that of most large purchasing organisations. In contrast, a Public Sector Buying Organisation such as YPO, can obtain good wholesale prices through aggregating the demand of a large number of public sector organisations. In addition, a direct tender would require the Council to engage additional resources (skilled energy traders and additional staff for

contract management) and provide greater risk of exposure to energy price fluctuations. It was therefore determined as unviable.

Procure through a Private Sector based provider

The Council would be required to invite tenders for a private sector Third Party Intermediary (TPI) to procure energy supply (as per 4.2.2), but it would need to be sure that it would be getting best value through a truly aggregated, flexible contract. Full price transparency of all costs, including TPI fees and any commission paid by suppliers to the TPI would be needed. By aggregating the Council's volumes, the TPI could access the wholesale market on our behalf, but we may only receive prices based on the supplier's view of the market. A full OJEU tender process would be required to engage with such a provider with all the associated resource and time implications this would entail. TPIs may have issues regarding business continuity in the present economic climate and are unlikely to be able to aggregate the council's volume with other customers in an OJEU compliant manner or to the same level or offer the same additional and social value as the YPO contract. Due to this level of complexity and lack of in-house resources to deliver this, this option was dismissed.

Do nothing

This is not an option as the Council and users of its buildings rely on energy to operate. It would place a requirement on services, schools, Persona and Six Town Housing to procure their own energy supplier or run out of contract which is a cost with a premium.

CA.55 THE COUNCIL'S FINANCIAL POSITION - 2021/22 OUTTURN

Councillor Richard Gold, Cabinet Member for Finance and Communities, presented the report which set out the final financial position for the Council for 2021/22. The report sets out the position for both revenue and capital and provides an analysis of the variances, both under and overspending. On revenue, Members noted that the revenue budget underspent by £0.667m. This net underspend comprises individual departmental overspends and underspends. The largest individual departmental overspend was on Children and Young People, mainly on staff costs for social care and safeguarding, as well home to school transport. The most significant underspend was on non-specific services, driven by reduced capital financing costs and the return from investing in Manchester Airport. On capital, Members noted that there was a £45.736m outturn against a budget of £49.464m. This is after the 2021-22 budget was reprofiled, so that £57.734m budget was transferred into the 2022-23 financial year.

Members discussed the report, welcoming the underspend but querying the variance from budgeted expectations. Councillor Gold agreed and advised that this had been an unusual year and that budgets were monitored throughout the year to mitigate unforeseen surprises.

Decision:

Cabinet:

1. Noted the 2021-22 final underspend on the revenue budget of £0.667m, against a budget of £171.9m. It should be noted that this budget, whilst mainly funded from Council Tax and Business Rates income, also included funding of £5.2m

from earmarked reserves and a £7.732m contribution from General Fund Balances;

2. Noted that a £2.5m additional contribution was made to the pooled fund in 2021-22. There will be a further additional contribution of £2m, which will be paid over in 2022-23, at which point all contributions will balance to the Section 75 agreement across the term;
3. Noted the final position on the collection fund was a surplus on Council Tax and a deficit on Business Rates. The main cause of the Business Rates deficit was the granting of additional reliefs after the budget was set. These reliefs were granted by the Government to offset the impacts on businesses of the pandemic. The Council's cost of the Business Rates deficit will mainly be met from compensatory Government grants;
4. Noted that the final position on reserves and balances is £114.035m at the end of 2021/22 (excluding schools balances and matched funds). The £114.035m is split between £70.743m general reserves and £43.287m earmarked reserves. The schools net reserve balance is (£12.627m) which is made up of £8.846m individual schools surplus balances less £21.473m deficit on the central Dedicated Schools Grant which is subject to a formal deficit recovery programme;
5. Noted expenditure of £45.736m on capital programmes during the year; and
6. Noted the capital spend of £45.736m against a budget of £49.464m. The resulting underspend of £3.728m, combined with funding adjustments of £0.656m, enables a carry forward into 2022/23 of £4.384m. This report includes the recommendation to approve a capital budget carry forward for £4.384m.

Reasons for the decision:

To note the final financial position for the Council for 2021/22.

Alternative options considered and rejected:

N/A

CA.56 THE COUNCIL'S FINANCIAL POSITION AS AT 30TH JUNE 2022

Councillor Richard Gold, Cabinet Member for Finance and Communities, presented the report which outlined the forecast financial position of the Council at the end of the first quarter of the 2022/23 financial year based on information known on 30th June 2022. The report sets out the position for both revenue and capital and provided an analysis of the variances, both under and overspending.

Members discussed the report, noting the increasing costs of fuel and utility services which would affect future budgets. It was agreed that Bury were not the only one in this position and it was hoped that a Government solution would be introduced. In response to a query over the vacancy factor, it was noted this was not a target but reflected the typical turnover of the Council and was common practice in Local Authority finances. It did not include services where agency staff were needed to cover vacancies, and it was positive that monitoring matched predictions.

Decision:

Cabinet:

1. Noted the forecast overspend of £1.509m within the revenue budgets at quarter 1 and the need for Directorates to continue to work with their finance managers

to maintain tight budgetary control and identify mitigating actions and deliver these to ensure services work within their budgets. It should be noted that this is a forecast only at this stage and is before the utilisation of the £1.5m utilities reserve but also before the full impact of the pay award for 2022/23 is taken into account which could increase costs over and above those budgeted by a further £1.6m;

2. Noted the use of the reserves in line with the criteria and one-off departmental priorities;
3. Noted forecast delivery of the 2022/23 MTFS savings as agreed by Council in February 2022;
4. Noted the position on the Dedicated Schools Grant, Collection Fund and the Housing Revenue Account;
5. To approve an overall increase in the capital programme of £8.020m, as a consequence of new and updated external grant allocations and additional external funding secured by 30th of June;
6. Noted the current position on the capital programme and that a further update will be brought to Cabinet in quarter 2 in respect of forecast spend this financial year; and
7. Approved the extension of the current Insurance contract by 12 months.

Reasons for the decision:

To ensure the Council's budgetary targets are achieved.

Alternative options considered and rejected:

This report is in accordance with the Council's financial procedure regulations.

CA.57 TREASURY MANAGEMENT OUTTURN 2021/22

Councillor Richard Gold, Cabinet Member for Finance and Communities, presented the report which provided an update on the Treasury Management function throughout 2021/22 including the Council's capital expenditure and financing, the treasury position as 31st March 2022, the investment and borrowing strategy, and the borrowing and investment Outturn.

Decision:

Cabinet approved, for onward submission to Council on the 21st of September, the:

- 2021/22 Prudential and Treasury Indicators
- Treasury Management 2021/22 Outturn Report

Reasons for the decision:

It is a requirement of the CIPFA Code that the Council receives an annual Treasury Management Outturn Report.

Alternative options considered and rejected:

N/A

CA.58 CHILDREN'S SERVICES OFSTED UPDATE

Geoff Little, Chief Executive of Bury Council, provided an update on the progress of the Children's Services Improvement Programme, covering four areas:

Strengthening Leadership and Management

The new Director of Social Work Practice started this week, who would effectively be the Deputy Director for Social Work over the department, and a Principal Social Worker had been appointed, who would lead development of practice of social workers. In addition, the Lead for Strategy, Assurance and Form and the Lead for Transformation had been appointed. Elsewhere in the service, four new Team Managers had been appointed in safeguarding and a new supervision policy had been adopted to strengthen the quality of frontline management.

Development of Workforce

Cabinet agreed a major overhaul of the structure of the department in July, which was currently out to consultation and was receiving positive feedback so far. The challenge in recruitment continued but further measures were being developed, for example international recruitment, review of offers in some service areas, and piloting changes to improve Business Support in defined service areas.

Adoption of the Family Safeguarding Model of Practice

Since this was approved by Cabinet at their last meeting the DfE have agreed to give bespoke support from Herefordshire Council to implement the new model of practice, which required the highest level of partnership support.

Forthcoming Ofsted Monitoring Visit

At its last meeting the Children's Improvement Board focussed on detailed partnership contributions to the improvement plan and on the performance of the Children's Safeguarding team within the Council and improvements being made. This was important as the next monitoring visit from Ofsted was due to take place in October and would focus on child protection planning and processes leading to court proceedings. In addition, Manchester City Council were carrying out a peer review of Children's protection which, along with the work of the Board, would put us in a better position for the Ofsted visit, the outcome of which would be made public and brought to a future Cabinet meeting once received.

Members thanked Geoff for the update, thanked everyone in Children's Services for the improvements, and thanked partners across the borough for stepping up and engaging with the improvement plan.

Decision:

Cabinet noted the update.

Reasons for the decision:

This update was provided in response to a resolution of Council at the meeting held on 19 January 2022.

Other options considered and rejected:

N/A

CA.59 MINUTES OF ASSOCIATION OF GREATER MANCHESTER AUTHORITIES / GREATER MANCHESTER COMBINED AUTHORITY

It was agreed:

That the minutes of the Greater Manchester Combined Authority meeting held on 24 June 2022 be noted.

CA.60 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.61 HOUSING SUPPORT SERVICE: YOUNG PEOPLE 18-25 YEARS - PART B

Councillor Tamoor Tariq, Cabinet Member for Adult Health, Health and Wellbeing, presented the Part B report which set out the financial details.

Decision:

Cabinet confirmed commissioning intentions to Merston and Inclusion to proceed with the Crompton Street project, therefore confirming the building can be secured for Bury clients.

Reasons for the decision:

As set out for the Part A report.

Alternative options considered and rejected:

As set out for the Part A report.

CA.62 RELOCATION OF PUPIL REFERRAL UNIT (SPRING LANE SCHOOL) - PART B

Councillor Lucy Smith, Cabinet Member for Children and Young People, presented the Part B report which set out the financial details.

Decision:

Cabinet approved the transfer of Spurr House from Adult Care to Children and Young People within the Council's estate management arrangements.

Reasons for the decision:

As set out for the Part A report.

Alternative options considered and rejected:

As set out for the Part A report.

CA.63 SECONDARY SCHOOL PROVISION IN RADCLIFFE – FINANCIAL APPROVAL TO COUNCIL'S FUNDING OBLIGATIONS – ADDITIONAL SITE COSTS - PART B

Councillor Lucy Smith, Cabinet Member for Children and Young People, presented the Part B report which set out the financial details.

Decision:

Cabinet:

1. Approved the funding of indicative costs as set out in Part B of this report, to meet the Council's financial obligations, to be met from the Children's Services schools capital programme.
2. Delegated approval of the finalised costs to the Executive Director of Finance.

Reasons for the decision:

As set out for the Part A report.

Alternative options considered and rejected:

As set out for the Part A report.

COUNCILLOR E O'BRIEN

Chair

(Note: The meeting started at 6.00 pm and ended at 8.05 pm)