

Minutes of: CABINET

Date of Meeting: 19 April 2023

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

Also in attendance: Councillors R Bernstein, M Smith and C Birchmore

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

CA.162 APOLOGIES FOR ABSENCE

There were no apologies received.

CA.163 DECLARATIONS OF INTEREST

There were no declarations of interest.

CA.164 PUBLIC QUESTION TIME

There were no public questions.

CA.165 MEMBER QUESTION TIME

The following question was submitted in advance of the meeting by Councillor Birchmore:

The last Radcliffe Cabinet Committee meeting was held over 2 months ago, yet information about regeneration is being presented at this Cabinet Committee meeting tonight. I wondered why there is little update for Radcliffe councillors on the progress of the regeneration plans. Also, the last regeneration newsletter that was sent out to residents was not sent out to councillors to get feedback before being sent to the printers. The contents of the newsletter caused some significant problems for one of the businesses in Radcliffe. Information about regeneration is being discussed by the Radcliffe Regeneration Board but I have been told that minutes of this meeting are not available to the public.

Why, as elected officials who are in regular contact with residents and businesses, are Radcliffe councillors not more involved in decision making about the regeneration of Radcliffe and why are we not kept better updated on issues?

Responding, Councillor Eamonn O'Brien reported that this was a procedural report; the Hub project is now at a stage where we are seeking approvals to move through the development phases and through to implementation. The paper being considered by Cabinet does not change or alter the strategic direction of the project and is in line with the overall business plans previously shared with Members.

With regards to engagement, the Leader advised that, in his experience, residents wanted the Council to move forward with building the hub, and too much engagement was overkill. Communications would continue, but in a balanced way that wouldn't slow the process. He added that some communications and interactions from residents and businesses had led regeneration officers to feel unsafe, and that the Regeneration Office has closed as a result to ensure staff were not being put at risk, abuse, or aggression. He acknowledged that not everyone would agree with every part of this project but asked for proportionate reactions, particularly using social media.

The Leader thanked regeneration officers for their work and confirmed that although the Regeneration Office had closed, engagement would continue. He added that as this project was now moving from a design to an implementation stage, some of the governance arrangements and ways of working would be reviewed. He confirmed that the particular issues Cllr Birchmore referred to would be looked into.

Councillor Birchmore had no supplementary question.

CA.166 MINUTES

It was agreed:

That the minutes of the meeting held on 15 March 2023 be approved as a correct record.

CA.167 BURY CULTURAL STRATEGY

Councillor Charlotte Morris, Cabinet Member for Culture and the Economy, presented the report regarding the development a borough-wide culture strategy which sustained innovation, supported economic development and contributed to a “wellness” model of community health and wellbeing. She thanked officers and Curated Place, as well as community groups and cultural partners who had co-produced the strategy. Councillor Morris confirmed the Overview and Scrutiny recommendation had been met, and confirmed that this was realistic but ambitious, and saw the borough working as a cultural ecosystem to bid for funding opportunities.

Members discussed the report, noting their approval and the importance of culture being acknowledged in the strategy as large, formal, more traditional activities as well as smaller, local events. Members also noted that the structure underpinning this would be important.

Decision:

Cabinet approved the Strategy and agreed implementation in accordance with the proposed action plan.

Reasons for the decision:

This strategy will provide a framework to maintain and enhance the profile of the borough’s culture offer and inform the wider economic development and Wellness strategies under development.

Other options considered and rejected:

The strategy has been subject to extensive review and development with partners over the last 12 months. Earlier work has been considered by the council’s Overview and Scrutiny Committee whose comments have informed the final proposals.

CA.168 PROPOSALS TO ESTABLISH SPECIALIST RESOURCED PROVISION AT CHANTLERS PRIMARY SCHOOL AND WOODBANK PRIMARY SCHOOL

Councillor Lucy Smith, Cabinet Member for Children and Young People, presented the report regarding two separate statutory proposals published by the local authority in respect of Chantlers Primary School and Woodbank Primary School regarding the establishment of specialist resourced provision units at both schools with effect from September 2023. Resourced Provision units enable children and young people with an Education Health and Care Plan to remain in a mainstream school setting, with that setting being able to offer enhanced support to meet specific additional needs.

Decision:

Cabinet:

1. Noted the outcomes of the consultations for Chantlers Primary School and Woodbank Primary School;
2. Approved the proposal to establish a new 12 place Specialist Resourced Provision for pupils with Social, Emotional and Mental Health (SEMH) needs at Chantlers Primary School; and
3. Approved the proposal to establish a new 12 place Specialist Resourced Provision for pupils with Autistic Spectrum Conditions and Speech, Language and Communication Needs at Woodbank Primary School.

Reasons for the decision:

Development of additional resourced provision in mainstream settings – as set out in the Project Safety Valve agreement between the Council and the Department for Education - is a key element of the specialist place sufficiency strategy. Taken together, the Agreement and strategy set out the business case for the development of new provision to meet increasing demand for specialist provision and reduce the reliance on placements in Independent Non-Maintained Special Schools (INMSS).

The PSV agreement between the Council and Department for Education (DfE) sets out the requirement for new specialist educational provision, including new Resourced Provision and new Free Special Schools. This includes a schedule of those mainstream schools where it is intended to establish new RP, the funding allocated to support delivery, and indicative timescales for delivery.

The agreement has been subject to consideration by Cabinet and the Children & Young People's Scrutiny Committee and is subject to governance provided by the PSV Delivery Board. The development of new specialist provision seeks to ensure access to a high quality continuum of provision, enabling the majority of children and young people with additional needs to access local provision, with appropriate capacity and resources to meet need.

Long-term value for money will be achieved by pupils having their needs met within appropriate mainstream provision with specialist support rather than in special school provision. This will free up special school places for pupils with the highest level of needs and provide the opportunity to place high need pupils within the borough, rather than in out of borough provision.

Other options considered and rejected:

The proposals support the Council's programme of SEND transformation, in expanding in borough specialist provision.

CA.169 PROPOSALS TO LOWER THE AGE RANGE AT FAIRFIELD PRIMARY SCHOOL

Councillor Lucy Smith, Cabinet Member for Children and Young People, presented the report regarding a prescribed alteration to change the age range of Fairfield Primary School. It is proposed to lower the age range of Fairfield Primary School from 3-11 year olds to 2-11 year olds, thus creating a 2 year old nursery provision with effect from September 2023. It was noted that, at the request of the Governing Body of Fairfield Primary school, the Local Authority has published the proposal and has consulted on that proposal.

Decision:

Cabinet:

1. Noted the outcome of the consultation; and

2. Approved the proposal to lower the age range of Fairfield Primary School from 3-11 year olds to 2-11 year olds, thus creating a 2 year old nursery provision with effect from September 2023.

Reasons for the decision:

Fairfield Community Primary is a good school with high standards. By extending the provision offered, the school will provide strong standards, early identification of needs of pupils and allow for strong transition into school (either at Fairfield or another school) from the youngest ages.

The Educational Endowment Foundation state that:

“Beginning early years education at a younger age appears to have a high positive impact on learning outcomes. It is estimated that children who start to attend an early years setting before turning three make approximately six additional months’ progress compared to those who start a year later. Positive effects have been detected for early reading outcomes in the first year of primary school and moderate to high effects have been detected for early language and number skills. There are some indications that the impact of high-quality early years provision is particularly positive for children from low-income families.”

Other options considered and rejected:

The proposal is in line with the local authority’s Early Years strategy.

CA.170 ANNUAL REVIEW OF ADULT SOCIAL CARE FEES AND CHARGES FOR THE FINANCIAL YEAR 2023/24

Councillor Tamoor Tariq, Cabinet Member for Adult Care, Health, and Wellbeing, presented the report regarding proposed raises in several Adult Social Care (ASC) fees and charges to take effect in April 2023. This would see adult care service setting fees (e.g. Residential Care Homes, Nursing Care Homes, Domiciliary Care Providers) uplifted to match the 2023/24 fees paid to commissioned providers which were agreed at March Cabinet, and other fees uplifted by 10.1% in line with the November 2022 Autumn Statement.

Members noted that these prices were cheaper than private care, and it was noted that any additional income generated due to these proposed increases would be immaterial because the charging of ASC fees and charges was based on a resident’s ability to pay and was therefore means tested.

Decision:

Cabinet approved the proposed Adult Social Care Fees & Charges for 2023/24 detailed in Appendix A.

Reasons for the decision:

In accordance with the Council’s Financial Regulations, there is a requirement to review fees and charges on an annual basis.

Other options considered and rejected:

Alternatives were not considered, uplifts to Adult Social Care fees are in line the 2023/24 Adult Social Care Provider Fee Uplifts or in line with the November 2022 Autumn Statement announcement that the state pension and a number of other benefits will increase by 10.1%.

CA.171 FUTURE OF BURY TOWN HALL AND OTHER ADMINISTRATIVE BUILDINGS OCCUPIED BY THE COUNCIL

Councillor Eamonn O’Brien, Leader and Cabinet Member for Strategic Growth and Skills, presented the report which presented the findings of the consultation exercise regarding the

preferred option of a phased refurbishment of the Town Hall and outlined progress on the transfer of the Council's lease obligation for 3 Knowsley Place to Pennine Care NHS Foundation Trust.

Decision:

Cabinet:

1. Noted the outcome of the consultation process;
2. Noted the progress on the proposals to transfer the Council's lease obligations for 3 Knowsley Place to Pennine Care NHS Foundation Trust;
3. Subject to the approval of the heads of terms for the transfer of its lease for 3 Knowsley Place to Pennine Care NHS Foundation Trust, delegated approval of the finalised terms to the S151 officer in consultation with the Executive Director (Place);
4. Agreed to commence a tender exercise for a multi-disciplined team to bid for the design of the scheme, undertake necessary structural surveys, develop a phased construction programme and prepare a detailed financial analysis and investment case; and
5. Noted the intention to submit a detailed investment case for the refurbishment of the Town Hall to Cabinet by summer 2023.

Reasons for the decision:

The recommendations represent the next stage in delivery of a phased refurbishment of the Town Hall and the withdrawal from leased premises at 3 and 6 Knowsley Place as approved at Cabinet in February 2023.

Negotiations with Pennine Care NHS Foundation Trust have progressed and an agreement in principle for the Trust to take over the lease of 3 Knowsley Place from the Council (but to enable the Council to retain occupancy of floors 3 and 4 until the phased refurbishment allows staff to move to the Town Hall) is expected to be in place by the end of April 2023.

Other options considered and rejected:

None; consultation with the public, staff and trade unions on the approved preferred option has demonstrated overall support for the proposals.

CA.172 RADCLIFFE HUB PROJECT – ENABLING WORKS - PART A

Councillor Eamonn O'Brien, Leader and Cabinet Member for Strategic Growth and Skills, presented the report which outlined the works packages that, in accordance with the Radcliffe Hub project programme, now need to be instructed via an enabling works contract. He confirmed that monies needed to be defrayed by March 2025 and advised that there would be disruption during the works and therefore further communications and engagement would go out to residents. It was noted that the detailed drawings and programme that inform these works were appended to Part B of this paper.

Decision:

Cabinet:

1. Approved the proposed scope of the enabling works to be undertaken by Vinci Construction;
2. Accepted the tender report recommendation that Vinci Construction undertake this works package at the contract sum set out in Part B of this report;
3. Delegated finalisation of the contract amendments and clarifications to the Director of Law and Governance; and
4. Approved the contingency allowances (set out in Part B) to account for potential cost increases.

Reasons for the decision:

The development site identified for the Hub project in Radcliffe town centre includes several assets that will need to be demolished and cleared and remedial works undertaken in order for the main construction and refurbishment work to be carried out. Whilst the delivery of a vacant possession strategy will ensure that the South Block and Market Chambers buildings are no longer occupied and all units are empty by April 2023, Radcliffe Market will remain operational throughout the proposed construction period. These key considerations have informed both the scope and methodology for carrying out the works, and the phasing of the construction programme and including the enabling period.

Other options considered and rejected:

Instructing the works under a single main works contract. This was rejected as re-tendering and re-pricing would add significant delays to the project. Use of a two-stage design and build procurement system has also enabled significant collaboration between the main contractor and design team. This has improved buildability of the asset and enabled more effective value management.

CA.173 BURY MARKET AND FLEXIHALL - PROPERTY ACQUISITION (PART A)

Councillor Eamonn O'Brien, Leader and Cabinet Member for Strategic Growth and Skills, presented the report which request approval for acquiring a site which sits within the proposed footprint of the new Flexihall building. Following announcement of the LUF funding, negotiations had taken place via specialist advisors and terms to facilitate vacant possession of the property were now recommended for approval. Members discussed the potential for solar panels on this and other developments, and it was noted full details were contained in the Part B paper later in the agenda.

Decision:

Cabinet:

1. Approved the payment of a surrender premium to extinguish the lease in place at 6 – 10 Princess Parade in accordance with the terms set out in Part B of this report; and
2. Delegated the finalised terms of the agreement to the Chief Executive in consultation with Cabinet Member for Finance, S151 Officer and Monitoring Officer.

Reasons for the decision:

To facilitate completion of land assembly required to deliver the Bury Market and Flexihall project in accordance with the Levelling Up Fund bid submission and subsequent notification of a successful bid.

Other options considered and rejected:

An alternative option is to not secure a surrender of the lease, this option was rejected as vacant possession of the property is required in order to continue with the Flexihall development under the previously agreed scope.

The Council can seek to use compulsory purchase powers as an acquiring authority the Council is able to use compulsory purchase powers and acquire land without the consent of the landowner. The process however is not swift and could take in the region of 18-24 months to be concluded. The requirements of the Levelling Up Fund bid stated that all funds would need to be defrayed by quarter one 2025. This option has been rejected as it would give the Council insufficient time to acquire the properties within the funding defrayment timeline.

CA.174 BURY TOWN CENTRE PUBLIC SPACES PROTECTION ORDER

Councillor Richard Gold, Cabinet Member for Finance and Communities, presented the report which outlined an application for a Public Spaces Protection Order (PSPO) produced in conjunction with the Bury Business Improvement District (BID). Due to complaints made,

investigations had been carried out and work with partners done to come to the best resolution to enable members of the public to enjoy Bury Town Centre, resulting proposals to ban amplification of music and the consumption of alcohol in public places.

Members discussed the need for appropriate signage, an example of which was included in the papers, and it was noted that there would be a period of education people on the new rules, and exceptions could be made when appropriate.

Decision:

Cabinet:

1. Agreed to continue the existing ban on alcohol consumption within Bury Town Centre whilst in a public space;
2. Agreed to ban the use of any amplified sound equipment, speakers, microphones etc.;
3. Agreed that both these recommendations would be exempt if Bury Council give permission to any individual who is wanting to hold a specific event or festival; and
4. Delegated the authority to approve future Public Spaces Protection Orders to the Council's Chief Information Officer in consultation with the Director of Law & Governance and the Cabinet Member for Finance and Communities.

Reasons for the decision:

The reason for the recommendation regarding the banning of consuming alcohol in a public place, is mainly due to the deterrent that it provides to members of the public who consider this to be acceptable behaviour. The reason for the recommendation to ban the use of amplified equipment in Bury Town Centre, is due to the disturbances that excessive noise has caused for residents and local businesses. The initial request put towards Bury Council was to ban busking altogether to try and rectify this problem. However, after discussions with partners and looking at the impact on the community, it was agreed that busking brings positives as well as negatives, therefore the banning of amplified equipment was agreed as it is the volume of the busking that was reported as causing the most concern.

Other options considered and rejected:

Civil Injunction - A Civil Injunction is an order that could be considered to deal with a certain individual that is causing harassment, alarm, or distress. This is a highly effective tool in most instances and if applied to this situation it could be useful to remove a prolific offender. However, this would only apply to the individual in question, meaning that other people causing the issues raised within this report would be able to continue and the same work would have to be repeated for each individual.

Community Protection Notice (CPN) - a Community Protection Notice was designed and implemented in 2014 to help assist with such issues that cause harassment, alarm, and distress within the community. This option was a viable option at the beginning of this process and has been used on a few occasions. However, as with the Civil Injunction this is an action that can only be used towards an individual and not to tackle a collective problem.

Acceptable Behaviour Contract (ABC) - An ABC is a low-level intervention that will still be used alongside the PSPO if these recommendations are approved. This is a non-enforceable contract between Bury Council and an individual which is voluntarily agreed. It is a way of an individual working with the Council to avoid any further actions being taken.

During the consultation process, the option to ban busking altogether was considered as this had been requested by some residents and businesses, however after assessing the situation and looking at the overall impact this would have it was agreed that this was not a viable option and for the members of the public who are socially and economically struggling, it would possibly have a detrimental effect on them.

CA.175 REVIEW OF THE COUNCIL'S SENIOR MANAGEMENT STRUCTURE

Councillor Eamonn O'Brien, Leader and Cabinet Member for Strategic Growth and Skills, presented the report which set out proposals for consultation regarding a review of the wider Chief Officer structure, particularly in relation to the Corporate Core Services. This also delivered on the outstanding balance of the £200k savings from Chief Officer costs within the 22/23 budget and confirmed leadership arrangements for the Corporate Core Department from within existing capacity.

Members discussed the report, noting that the Employment Panel would be involved with the appointment of the Executive Director (Strategy & Transformation), and that there would be a separate set of proposals to achieve the outstanding savings target.

Decision:

Cabinet:

1. Agreed to the commencement of consultation with affected staff on the proposed structural changes set out within the body of this report. Specifically that:
 - a) The posts of Deputy Chief Executive (Chief Officer DCEX Band) and Joint Chief Information Officer (Chief Officer Band F) are deleted;
 - b) A new post of Executive Director (Strategy & Transformation) is established at Chief Officer Band H to lead the Corporate Core Department;
 - c) The post of Head of Strategic Performance & Intelligence (SM2) is deleted and a new role of Head of Performance & Delivery established (Chief Officer Band A) to replace the previous Head of Delivery post (Chief Officer Band A) and ensure focus on delivery of the Corporate Plan and its associated priorities;
 - d) A new Policy Officer role is established (Grade 12) reporting to the Head of Performance & Delivery;
 - e) The portfolio of the Assistant Director (Digital, Data and Technology) is expanded to take on joint leadership of the ICT and Digital portfolio across the Council and NHS Greater Manchester in Bury. Leadership responsibility for the Contact Centre will also transfer to this post from the Head of Communication, Marketing & Engagement;
 - f) Leadership responsibility for the Communications function transfers from the Deputy Chief Executive to the Executive Director (Strategy & Transformation);
 - g) The Assistant Director (Economy & Business) and their current portfolio transfer to the leadership of the Executive Director (Strategy & Transformation) and that this role takes on responsibility for the Bury Adult Education Service and is redesignated Assistant Director (Business & Skills);
 - h) The Director of Housing becomes a direct report of the Executive Director (Place) with the Housing portfolio aligned as part of the Business Growth Infrastructure (BGI) Department;
 - i) To take account of the proposed changes, that the role of Executive Director (Place) is regraded from Chief Officer Band G to Chief Officer Band H;
 - j) To take account of the proposed changes, that the role of Director of Law & Governance is regraded from Chief Officer Band E to Chief Officer Band F;
 - k) Leadership responsibility for the Bury Art Museum transfer to the Executive Director Operations;
 - l) The One Commissioning Organisation is re-named as the Health and Adult Care Department; and
 - m) The Executive Director (Strategic Commissioning) is redesignated Executive Director (Health and Adult Care). The Executive Director (Health and Adult Care) will assume responsibility for leading and implementing the Public Service Reform Strategy, including the neighbourhood model.

- 2) Delegated authority to the Chief Executive and Leader of the Council, in consultation with the Cabinet Member for HR & Corporate Affairs, Director of People and Inclusion, Monitoring Officer and S151 Officer to consider responses received from the consultation and agree a final proposed report. (Where the changes from the proposals set out below are not substantive, the Cabinet Member for HR & Corporate Affairs will agree implementation, where changes are substantive revised proposals will return to Cabinet for consideration and approval).
- 3) Subject to consultation, commended the following proposals to Council where the required changes are decisions which directly rest with Council:
 - a) That the role of Executive Director (Place) is regraded from Chief Officer Band G to Chief Officer Band H;
 - b) That a new post of Executive Director (Strategy & Transformation) is established at Chief Officer Band H;
 - c) That the role of Director of Law & Governance is regraded from Chief Officer Band E to Chief Officer Band F; and
 - d) That a Market Supplement payment of £14k is applied to the Director of Adult Social Services role.

Reasons for the decision:

The appointment of Lynne Ridsdale as Chief Executive provides the opportunity to undertake a review of the wider Chief Officer structure, particularly in relation to the Corporate Core Services, in order to:

- Address the requirements of the role of Deputy Chief Executive and the responsibilities currently attached to that post.
- Ensure the Council's structure and Chief Officer capacity is effectively aligned to the priorities of the Corporate Plan and LET'S Do It!
- Ensure clarity of accountability and expectations across the Council's Executive Team and Strategic Leadership Group.
- Identify opportunities for savings and efficiencies in support of a total current savings target of £300k from the Council's Chief Officer structure to be delivered in its entirety by April 2024.

Other options considered and rejected:

Subject to approval by Cabinet the proposals set out in this report will be presented to Trade Union Colleagues at the next Local Government Services Consultation Meeting and agreement sought to start a period of 30 days consultation with affected staff. Following this, final proposals reflective of feedback from the consultation process, will be shared with the Cabinet Member for HR & Corporate Affairs for approval. In accordance with the Council's Pay Policy Statement, changes to salary packages above £100k require approval by Council and these recommendations, following consultation, will be commended to Council for their agreement.

CA.176

MINUTES OF ASSOCIATION OF GREATER MANCHESTER AUTHORITIES / GREATER MANCHESTER COMBINED AUTHORITY

Members discussed the Clean Air Zone cameras and their wider use for the police and detection of crime, and it was noted this would be discussed further at GMCA meetings.

It was agreed:

That the minutes of the Greater Manchester Combined Authority meeting held on 10 February 2023 be noted.

CA.177 URGENT BUSINESS

Members noted the sad passing of Carl Jakeway, paying tribute to him and offering condolences to his family and his colleagues.

CA.178 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.179 RADCLIFFE HUB PROJECT – ENABLING WORKS - PART B

Councillor Eamonn O'Brien, Leader and Cabinet Member for Strategic Growth and Skills, presented the Part B report which set out the full financial details.

Decision:

Cabinet:

1. Approved the proposed scope of the enabling works to be undertaken by Vinci Construction;
2. Accepted the tender report recommendation that Vinci Construction undertake this works package at the contract sum set out in the report;
3. Delegated finalisation of the contract amendments and clarifications to the Director of Law and Governance; and
4. Approved the contingency allowances to account for potential cost increases.

Reasons for the decision:

As set out for the Part A report.

Other options considered and rejected:

As set out for the Part A report.

CA.180 BURY MARKET AND FLEXIHALL - PROPERTY ACQUISITION (PART B)

Councillor Eamonn O'Brien, Leader and Cabinet Member for Strategic Growth and Skills, presented the Part B report which set out the full financial details.

Decision:

Cabinet:

1. Approved the payment of a surrender premium to extinguish the lease in place at 6 – 10 Princess Parade in accordance with the terms set out in the report; and
2. Delegated the finalised terms of the agreement to the Chief Executive in consultation with Cabinet Member for Finance, S151 Officer and Monitoring Officer.

Reasons for the decision:

As set out for the Part A report.

Other 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 6.55 pm)