

Minutes of: CABINET

Date of Meeting: 10 January 2024

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

Also in attendance: Councillors R Bernstein and M Smith

Public Attendance: Cath Farrell, Interim Chief Executive of Six Town Housing was present at the meeting.

Apologies for Absence: Councillor N Boroda and Councillor C Cummins

CA.108 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Nathan Boroda and Clare Cummins.

CA.109 DECLARATIONS OF INTEREST

There were no declarations of interest.

CA.110 PUBLIC QUESTION TIME

There were no public questions.

CA.111 MEMBER QUESTION TIME

There were no Member questions.

CA.112 MINUTES

It was agreed:

That the minutes of the meeting held on 13 December 2023 be approved as a correct record.

CA.113 ADOPTION OF PUBLIC PROTECTION ENFORCEMENT POLICY

Councillor Alan Quinn, Cabinet Member for Environment, Climate Change and Operations, presented the report which outlined the updates needed to the enforcement policy within the Public Protection Service. Members discussed the level of discretion officers had in decision making under this policy, and noted that that Member involvement was welcomed but that the Cabinet Member strongly trusted officer recommendations in these matters.

Decision:

Cabinet approved the adoption of the revised enforcement policy which will ensure fair and transparent use of enforcement action and activities through existing delegated powers arrangements to officers in their statutory and non-statutory enforcement activities.

Reasons for the decision:

The revised enforcement policy is an essential requirement to ensure that the Council adopts a consistent and fair approach to enforcement and the current enforcement policy no longer reflects recent changes to enforcement strategies and regulatory enforcement options available to the Council.

The revised enforcement policy will ensure that the Council's regulatory services operate under a Policy which has been reviewed in line with good governance.

The revised enforcement policy will provide a number of regulatory services across the Council with a clear policy to ensure that enforcement, when absolutely required, is conducted in a consistent, proportionate, transparent and targeted fashion.

Other options considered and rejected:

Not updating the policy could be considered an option, however for the purposes of good governance, best practice and to reflect the changes in legislation, regulation and enforcement options available to Council enforcement officers to ensure the policy reflects current operational practices and enforcement options.

CA.114 CHILDREN'S SERVICES DIRECTORATE - SENIOR MANAGEMENT STRUCTURE

Councillor Lucy Smith, Cabinet Member for Children and Young People, presented the report which sought Cabinet approval to progress to formal consultation with affected staff on the restructure of the Children & Young People's Directorate Management structure. Members welcomed this report and it was noted that the intention was for the creation of the Director of Social Care & Early Help post to be expedited to Council for approval.

Decision:

Cabinet:

1. Agreed in principle the commencement of consultation with affected staff in January 2024 on the proposed structural changes to the Children & Young People's Directorate, as set out within the body of the report;
2. As part of these proposals, Council be recommended that the vacant post of Director of Social Care Practice (Chief Officer Band E, £93,102-£101,596) be redesignated as Director of Social Care & Early Help, evaluated as (Chief Officer Band F, £103,767-£112,636) to reflect the post's expanded portfolio; and
3. Delegated authority to the Executive Director of Children and Young People and the Cabinet Members for Children's Services and HR and Corporate Affairs, in consultation with the Director of People and Inclusion, Monitoring Officer and S151 Officer to consider responses received from the consultation and produce a final version of the structure.

Reasons for the decision:

The proposal will support effective service delivery of Children's Services, via stronger integration of key services, bringing all early help and support services under the leadership of the proposed director of social work and early help, and aligning children vulnerable in education services under the responsibility of the virtual school.

The proposed planning reflects the requirements of recent statutory guidance, the Revised Working Together Guidance 2023, and the Childrens Social Care National Framework 2023. The former is clear that within early help the role of education and childcare settings is strengthened and made explicit and within safeguarding it clarifies a broader range of practitioners who can be the lead practitioner for children receiving child in need support (s17 CA) such as early help practitioners.

Other options considered and rejected:

The rationale for the proposal is driven by our aspiration that all children and young people in Bury reach their potential, are happy, healthy, and safe and are therefore able to make the best use of their skills to lead independent and successful lives.

The Department is committed to delivering service improvement across the whole gamut of its responsibilities encompassing, Education, SEND, Early Help and Social Care. Current departmental structures could be maintained, although a recent recruitment exercise for the post of Director of Social Care Practice was unsuccessful, and market testing broadly supports the combined Social Care and Early Help role as being a better positioned proposition.

CA.115 STRATEGIC HOUSING REVIEW - MANAGEMENT OF HOUSING STOCK

Councillor Eamonn O'Brien presented the report on behalf of the Cabinet Member for Housing Services, which provided Members with an overview of the activity that has taken place since November with regards to the transfer of the management and maintenance of Council housing to direct control by the local authority. He thanked Councillor Cummins and the team of officers across Six Town Housing, the STH Board, as well as Cath Farrell in particular, for the hard work and decision making throughout this process.

In response to Members' questions it was noted that the new Director of Housing post would be interim for the time being but the intention for this was to be a permanent position. With regards to keeping the Six Town Housing name, this was to retain the properties owned by the company and the brand would be phased out appropriately in order to manage associated costs. Members welcomed the role of Scrutiny moving forwards, ensuring greater Member involvement and oversight of matters.

Decision:

Cabinet:

1. Noted the work undertaken since the last update to Cabinet in November 2023;
2. Noted the outcomes of the staff consultation which took place between 13th November and 13th December 2023;
3. Agreed that, whilst in practical terms services will become integrated from 15th January as previously agreed, the legal transfer of housing management functions and TUPE of Six Town Housing staff will take effect from 1st February 2024 following TUPE consultation feedback from staff;
4. Noted the post transfer governance arrangements for housing management post 1st February 2024;
5. Agreed that, in the first instance, line management of all current Six Town Housing functions and staff will report to the new Director of Housing Operations post in the Council's Corporate Core under the leadership of the Executive Director (Strategy and Transformation). The five pillar delivery model

described to Cabinet in November remains the overall aspiration for Housing Services, however, the revised proposal will ensure a 'safe landing' for housing functions and staff and a phased approach for transition to any future model; and

6. Agreed that the company Six Town Housing will be retained with revised governance arrangements.

Reasons for the decision:

The recommendations made reflect both staff feedback through the TUPE consultation process and the continued progress of both the Six Town Housing Improvement Programme and joint work in preparation for transfer.

Other options considered and rejected:

Failure to make the changes set out would not show due regard for staff feedback through the consultation process and potentially would present risks to the effective delivery of housing functions post transfer.

CA.116 PROPOSAL TO UTILISE A DYNAMIC PURCHASING SYSTEM FOR DISABLED ADAPTATIONS

Councillor Eamonn O'Brien presented the report on behalf of the Cabinet Member for Housing Services, which outlined the proposal to utilise a Dynamic Purchasing System (DPS) delivered by Independence Community Interest Company (INCIC) for disabled adaptations. This was an important service and the DPS would help prevent bottlenecks and delays, securing specialist workers where appropriate and providing a better service to residents.

Decision:

Cabinet:

1. Agreed to make a direct award to Independence CIC Dynamic Purchasing System to deliver disabled adaptation works for all tenures; and
2. Agreed to enter into an Access Agreement for four-years with the option of additional two-year extension option at the sole discretion of Bury Council to access and use the Dynamic Purchasing System provided by Independence CIC.

Reasons for the decision:

The DPS will allow for wider procurement and flexibility in the market. Other benefits include:

- Greater economies of scale giving better prices.
- Increased opportunities for local SMEs to allow for greater opportunity to compete and expand into the public sector.
- Compliance with Public Contracts Regulations 2015 (PCR 2015) and has been advertised in the Official Journal of European Union (OJEU) as well as the UK government Contracts Finder website.
- Compliant for all contracting authorities to use, negating the need for a new competitive procurement exercise.
- An 'open market' solution designed to provide buyers with access to an unlimited group of pre-qualified providers.

- Continued refreshment of the supplier base - Unlike a traditional framework, Contractors /Suppliers (Providers) can apply to join at any time. Suppliers can apply to single or multiple lots within a DPS. The rules relating to the usage and creation of a DPS come from The Public Contracts Regulations 2015 (PCR2015).

The software system used to access the DPS will enable streamlined monitoring for the progression of works, enable better complaint handling, ensure priority cases can be prioritised. It is compatible with Microsoft 365 and is GDPR compliant.

Other options considered and rejected:

1. No change to business as usual:
 - The local authority has a statutory duty to deliver the DFG function as detailed in the Housing Grants, Construction and Regeneration Act 1996, Equality Act 2010 and Care Act 2014. The consequences of not providing DFG's effectively will be increased complaints of maladministration, monetary fines, and reputational risks.
 - Failure to comply with statutory timescales (12 months from application to payment of grant) may result in Judicial Review.
 - The process in which records are processed makes GDPR requirements a challenge, as finding information to individual clients are not stored in one location. For example, emails from Home Improvement Officers could be inadvertently left in email inboxes rather than saved to client records. This makes complaint handling difficult.
 - Seeking three quotations, for each individual piece of work is both resource intensive and causes delays for the customers.
 - Therefore, doing nothing is not a viable option as the current system does not meet the demands of the borough, is time intensive and does not provide assurances to complete works in a timely manner.
2. Procure a framework agreement:
 - The cost to procure a new DFG framework for the council would be excessive and would potentially increase existing risks to the council.
 - Accessing an existing framework (e.g., Manchester Framework) is limited to the availability of existing Contractors/Suppliers (Providers) as well as the products available from when originally tendered. It does not allow for the admission of new Providers when the market or customers demanded as such. Overall frameworks deliver savings in terms of time and money.
 - There are recognised benefits in the use of frameworks, however there are important limitations in terms of choice and compliance for DFGs as well as increased risk to be considered.

CA.117 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 November 2023 be noted.

CA.118 URGENT BUSINESS

a APPOINTMENTS UPDATE

Councillor Eamonn O'Brien, Leader and Cabinet Member for Strategic Growth, presented the report which set out changes to appointments since the Council meeting in May 2023 regarding Councillor Boroda's appointment as Cabinet Member and associated Committee and Outside Body positions.

Decision:

Cabinet noted 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

COUNCILLOR E O'BRIEN
Chair

(Note: The meeting started at 6.00 pm and ended at 6.33 pm)