

Public Document Pack

Chief Executive

**THE CIVIC MAYOR, CHAIR OF
COUNCIL BUSINESS AND ALL
MEMBERS OF THE COUNCIL**

Steven Pleasant, Chief Executive
Dukinfield Town Hall, King Street,
Dukinfield, SK16 4LA

www.tameside.gov.uk

Email: Robert.landon@tameside.gov.uk

Our Ref	rl/Council
Ask for	Robert Landon
Direct Line	0161 342 2146
Date	Date Not Specified

Dear Councillor,

You are hereby summoned to attend an **ORDINARY MEETING** of the Tameside Metropolitan Borough Council to be held on **Tuesday, 10th October, 2017 at 5.00 pm** in the **Conference Room at Guardsman Tony Downes House, Droylsden**, when the undermentioned business is to be transacted.

Yours faithfully,



**Steven Pleasant MBE
Chief Executive**

Item No.	AGENDA	Page No
1.	<p>MINUTES</p> <p>That the Minutes of the proceedings of the Extraordinary and Ordinary meetings of Council held on 25 July 2017 be approved as a correct record and signed by the Chair of Council Business (or other person presiding) (Minutes attached).</p>	1 - 6
2.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest from Members of the Council.</p>	
3.	<p>COMMUNICATIONS OR ANNOUNCEMENTS</p> <p>To receive any announcements or communications from the Chair of Council Business, the Executive Leader, Members of the Executive Cabinet or the Chief Executive.</p>	
4.	<p>COUNCIL BIG CONVERSATION</p> <p>To consider any questions submitted by Members of the public in accordance with Standing Orders 31.12 and 31.13.</p>	
5.	<p>MEETING OF EXECUTIVE CABINET</p> <p>To receive the minutes of the Meeting of the Executive Cabinet held on 30 August 2017.</p>	7 - 18
6.	<p>OVERVIEW (AUDIT) PANEL</p> <p>To receive the minutes of the meeting of the Overview (Audit) Panel held on 31 August 2017.</p>	19 - 22
7.	<p>LOCAL AUDIT AND ACCOUNTABILITY ACT 2014 - APPOINTMENT OF EXTERNAL AUDITORS</p> <p>To consider the attached report of the First Deputy (Performance and Finance) and the Assistant Director (Finance) and to agree the following recommendations:</p> <p>(a) That Council agrees that it is satisfied with the appointment of Mazars LLP to audit the accounts of Tameside Metropolitan Borough Council for five years from 2018/19 following the procurement process undertaken by Public Sector Audit Appointments Limited (PSAA) and in line with the approval given by Council on the 28 February 2017</p> <p>(b) That Council agrees the appointment of Mazars LLP subject to the conclusion of the Public Sector Audit Appointments Limited (PSAA) process outlined in 4.5 of the report.</p>	23 - 28
8.	<p>TRANSPORT FOR THE NORTH - INCORPORATION AS A SUB-NATIONAL TRANSPORT BODY</p> <p>To consider the attached report of the Executive Leader/Director (Governance and Pensions) and to agree the recommendations set out in the report.</p>	29 - 36

For further information please contact Robert Landon, Head of Democratic Services, on 0161 342 2146 or robert.landon@tameside.gov.uk, or the officer named in the report.

9. AMENDMENTS TO THE CONSTITUTION

(a) Statutory and Proper Officer Appointments

37 - 46

That Council agrees the changes to the Statutory and Proper Officer appointments as set out on the attached document to reflect changes to the Council's senior management.

(b) Adoption of New Powers under the Anti-Social Behaviour Crime and Policing Act 2014

47 - 58

That support is given to adopt new powers contained under the Social Behaviour Crime and Policing Act 2014 into the Council's Constitution.

10. NOTICES OF MOTION

Motion in the name of Councillor Sweeton:

That this Council notes the announcement on 20 July 2017 by Conservative Transport Secretary Chris Grayling MP that the electrification of the Sheffield-Kettering, Oxenholme-Windermere and Cardiff-Swansea railway lines will not take place and the Transport Secretary's comments as part of this announcement that full electrification of the Manchester-Leeds railway line may be too difficult.

Council further notes the announcement on 24 July 2017 of the approval of the £30 billion Crossrail 2 scheme in London.

Northern Powerhouse rail, an investment programme which included the now cancelled electrifications and the electrification of the Manchester-Leeds line, was pledged on page 24 of the Conservative Party manifesto for the 2017 General Election. Crossrail was not featured at all in the Conservative Party manifesto.

This Council supports the electrification of the east-west transpennine railway between Manchester and Leeds. Council recognises the benefits that the electrification of this line, which passes through the Borough of Tameside, would deliver for local people.

This Council is further asked to note that whilst Chancellor Phillip Hammond's has announced at the Conservative Party conference in Manchester this week that an allocation of £300m of investment will be made in Northern rail connectivity he failed to recommit to the electrification across the Pennines, which was originally promised in 2011 and the travelling public in the North is having to put up with sub-standard rail services right now and deserve a better answer on when Manchester to Leeds services will improve.

Council resolves to:

- (i) Ask the Chief Executive to write to Transport Secretary Chris Grayling setting out our support for the full electrification of this line.
- (ii) Call on our three MPs to lobby the government to deliver the planned electrification as promised.

11. QUESTIONS

To answer questions (if any) asked under Standing Order 17.2, for which due notice has been given by a Member of the Council.

12. URGENT ITEMS

To consider any other items which the Chair of Council Business (or other person presiding) is of the opinion shall be dealt with as a matter of urgency.

For further information please contact Robert Landon, Head of Democratic Services, on 0161 342 2146 or robert.landon@tameside.gov.uk, or the officer named in the report.

This page is intentionally left blank

EXTRAORDINARY MEETING OF THE COUNCIL

25 July 2017

Commenced: 4.00 pm

Terminated: 4.45 pm

Present: Councillor Bowerman (Civic Mayor)

Councillors Affleck, Bailey, Beeley, Bell, Bray, Buckley, Cooney, Cooper, Drennan, Fairfoull, Feeley, J Fitzpatrick, P Fitzpatrick, Fowler, Glover, Gwynne, A Holland, B Holland, Homer, Jackson, Kinsey, Kitchen, D Lane, J Lane, McNally, Middleton, Newton, Patrick, Pearce, Peet, K Quinn, S Quinn, Reid, Ricci, Sharif, Sidebottom, M. Smith, T. Smith, Sweeton, Taylor, F Travis, L Travis, Ward, Warrington, K Welsh, Wild and Wills.

Apologies for Absence: Councillors Bowden, Buglass, Cartey, Dickinson, Piddington, Robinson, Ryan, R Welsh and Whitehead.

(Councillor Bowerman, Civic Mayor, in the Chair)

17. FREEDOM OF THE BOROUGH

In opening the meeting, the Civic Mayor welcomed those present to this important and historic occasion to admit Sir Geoff Hurst MBE to be an Honorary Freeman of the Borough.

The Civic Mayor made reference to Sir Geoff's footballing achievements and in particular when he wrote his name in the history books when on 30 July 1966 he scored three goals in England's 4-2 victory over West Germany and remained the only man to have scored a hat-trick in a world cup final. He won 49 England caps, scoring 24 goals and in club football played for West Ham, Stoke City and West Bromwich Albion.

Sir Geoff's achievements were not only limited to the sports field. He had made an impressive commitment and contribution to charity including a long association with Sparks, a children's medical research charity, and had also supported the NSPCC and Brainwave, and more recently the Alzheimer's Society, a charity with which Tameside Council was proud to be associated.

In conclusion, the Civic Mayor stated that it was a pleasure and an honour to put the Motion to Council that Sir Geoff Hurst MBE, be admitted as an Honorary Freeman of the Borough.

The Civic Mayor then put the Motion to the vote of the Council and it was unanimously –

RESOLVED

That in recognition of his outstanding contribution to England's historic World Cup win in 1966 and in celebration of his childhood connections to Tameside, the Council do hereby admit Sir Geoff Hurst MBE to be an Honorary Freeman of Tameside Metropolitan Borough pursuant to the provisions of Section 249 of the Local Government Act 1972, that being the highest honour which the Council has the power to bestow upon him.

The Motion being duly carried, the Civic Mayor invited Sir Geoff Hurst MBE to sign the Roll of Honorary Freemen of the Borough and his signature was witnessed by the Civic Mayor and the Executive Leader of the Council.

The Civic Mayor then presented Sir Geoff with a framed presentation scroll and gift in commemoration of the occasion.

18. HONORARY ALDERMEN

The Civic Mayor extended a warm welcome to the new Honorary Alderman for the Borough, Mr Michael Ballagher and Mr Alan Whitehead. Mrs Margaret Downs, new Honorary Alderwoman, was unable to be present at the presentation.

The Civic Mayor then asked Councillor Kieran Quinn to speak in greater detail about why the awards had been given.

The Executive Leader informed Members that Mr Michael Ballagher had been elected to represent the Dukinfield / Stalybridge ward on Tameside Council in 1980 and served until his retirement in 2002. During his 22 years on the Council he served as Chair of the Education Committee, and as Vice Chair of the Leisure and Personnel Committees. Mike's vocation, however, was heritage and he excelled in his role as the project lead for heritage and was key to organising the millennium celebrations. In 1996 he became the ceremonial head of the Borough, holding the office of Mayor.

Mr Alan Whitehead represented the ward of Ashton Hurst between 1990 and 2015 and was re-elected 6 times and his electoral success spoke volumes about his commitment to public service. Alan was a Councillor who was also trusted with significant responsibilities during his 25 years' service and there was scarcely a year when he was not Chair or Vice-Chair of one of the Council's Committees or Panels. Alan was also Civic Mayor in 1995, the highlight of the year being the opening of the Arcades shopping centre in Ashton.

Mrs Margaret Downs was an exemplary Councillor for Denton South for 24 years retiring in 2016. Margaret was a well-know and highly regarded local, campaigning, community Councillor. During her 24 years as a councillor she served as Chair of the Equal Opportunities Committee, Vice-Chair of the Environment and Engineering Committee, Chair of the Denton District Assembly and Member of the Fostering Panel.

In conclusion, the Executive Leader thanked Mike, Alan and Margaret for their service and commented that they were three very worthy recipients of the title of Honorary Alderman and Alderwoman; a title which would enable them to continue their impeccable record of service to the people of Tameside.

The Civic Mayor then invited Mr Ballagher and Mr Whitehead to sign the Roll of Honorary Aldermen of the Borough and presented them with a framed presentation scroll.

19. CIVIC MAYOR

Councillor Warren Bray extended a formal welcome on behalf of the Council to the Civic Mayor and Deputy Mayor.

The Civic Mayor responded by thanking Councillor Bray and all Members for the honour bestowed upon her. She also expressed the Council's thanks to the retiring Civic Mayor and Deputy Mayor and made presentations to them on behalf of the Council.

Councillor Philip Fitzpatrick, retired Civic Mayor, responded on behalf of the former Civic Party.

CHAIR

ORDINARY MEETING OF THE COUNCIL

25 July 2017

Commenced: 5.00 pm

Terminated: 6.20 pm

Present: Councillors Kitchen (Chair), Bowerman (Civic Mayor), Affleck, Bailey, Beeley, Bell, Bray, Buckley, Cartey, Cooney, Cooper, Dickinson, Fairfoull, Feeley, J Fitzpatrick, P Fitzpatrick, Fowler, Glover, Gwynne, A Holland, B Holland, Homer, Jackson, Kinsey, D Lane, J Lane, McNally, Middleton, Newton, Patrick, Pearce, Peet, K Quinn, S Quinn, Reid, Ricci, Ryan, Sharif, Sidebottom, M Smith, T Smith, Sweeton, Taylor, F Travis, L Travis, Ward, Warrington, K Welsh, R Welsh, Wild and Wills.

Apologies for Absence: Councillors Bowden, Buglass, Drennan, Piddington, Robinson and Whitehead.

(Councillor Kitchen, Chair of Council Business, in the Chair)

20. MINUTES

RESOLVED

That the Minutes of the proceedings of the Annual Meeting of the Council held on 23 May 2017 be approved as a correct record subject to the Schedule of Appointments being amended to show Councillor R Welsh replacing Councillor Bell as a member of the Education Attainment Improvement Board.

21. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Members of the Council.

22. COMMUNICATIONS OR ANNOUNCEMENTS

The Executive Leader began by making reference to the appalling loss of life in recent incidents in Manchester and London and his thoughts were with all those who had been affected. He paid tribute to the first class work of the emergency services who had responded so quickly and examples of humanity at its best where taxi drivers had provided free lifts and many people had donated blood.

He also referred to the General Election in June and shaping a plan for better government and a better country. It was important to start conversations now by demanding clarity on the issues facing the public sector in the short term including funding, social care and Brexit, by making sure communities had a strong voice in Whitehall and the focus for the devolution agenda was the role local and regional government could play in delivering on productivity, jobs and reform.

The Executive Leader continued by informing Members of some governance changes to portfolios he intended to make. He stated that he had received a request from Councillor Robinson, the Executive Member for Children and Families, for a period of absence to attend to health issues. He was strongly of the view that Councillor Robinson's priority must be his health, and in light of the significant statutory responsibilities for his role and the forthcoming months being a critical period in the Ofsted inspection regime, he had asked Councillor J Fitzpatrick, the First Deputy with responsibility for Finance and Performance, to undertake this role until Councillor Robinson recovered to full health and was able to resume his portfolio. Councillor J Fitzpatrick would be supported in this role by Councillors Taylor and Gwynne who had extensive social care experience.

He also reported on new governance arrangements for the Combined Authority and explained that each Authority had been asked to nominate an alternate member of the Combined Authority of the opposite sex to the Authority's Leader of the Council. The Leader advised the Councillor Warrington had been nominated to undertake this role.

In addition, he advised that following nominations being sought from constituent authorities, Councillors Bell, Cartey, Feeley, Pearce, Peet and R. Welsh had been nominated to sit on three newly established Greater Manchester Combined Authority Overview and Scrutiny Committees.

Councillor Travis was pleased to advise on the first of the planned monthly Tameside Coderdojo sessions held at Active Medlock in Droylsden, where young people had the opportunity to learn skills such as building a website, creating an app or game and exploring technology in an informal, creative and social environment. She commented that initiatives such as the Tameside Coderdojo were vital to giving young people the skills they needed to compete for jobs in the modern economy and she thanked all the volunteers who were giving up their time to be mentors.

Councillor L. Travis also made reference to successes in the Manchester Evening News Education Awards 2017 where 6 Tameside schools had been shortlisted. She extended congratulations to Julie Noble, Longdendale High School, as the School Support Staff of the Year winner and Russell Scott Primary School as winner of the School Communication award.

23. COUNCIL BIG CONVERSATION

The Chair reported that there were no questions submitted by members of the public in accordance with Standing Orders 31.12 and 31.13.

24. MEETING OF EXECUTIVE CABINET

Consideration was given to the Minutes of the meeting of the Executive Cabinet held on 28 June 2017. It was moved by Councillor K Quinn, seconded by Councillor Taylor and –

RESOLVED

That the Minutes of the Executive Cabinet held on 28 June 2017 be received and the following recommendations agreed:

- (i) That the Council Tax Support Scheme for 2018/19 in principle remains the same scheme as that effective from April 2017, subject to annual benefit uprating as detailed in the scheme and any further guidance which may be issued from the Department for Communities and Local Government.**
- (ii) That the amended policies and conditions for private hire and hackney carriage drivers and vehicles be adopted by the Council.**

25. DEMOCRATIC PROCESSES WORKING GROUP

Consideration was given to the Minutes of the meeting of the Democratic Processes Working Group held on 17 July 2017. It was moved by Councillor Cooney, seconded by Councillor K Quinn and –

RESOLVED

That the Minutes of the meeting of the Democratic Processes Working Group held on 17 July 2017 be received.

26. NOTICE OF MOTION

Consideration was given to the following motion received in accordance with Standing Order 16.1, which was proposed by Councillor Taylor and seconded by Councillor Feeley:

“That this Council notes that a cap on public sector pay has been in force since 2010. During these seven years, pay has been frozen for two and limited to a rise of 1% in the other five. This had led to wage rises being significantly outstripped by inflation, handing millions of public sector workers a real terms pay cut.

Tameside Council values the work of all public servants, a category of employee that includes teachers, firefighters, police officers, nurses and all directly employed workers here at the Council. We believe that the Government should value the work of the nation’s public servants and end the year on year cuts to their wages.

This Council supports the Trade Union campaign led by the GMB to end the public sector pay pinch and calls on the Government to commit to:

*An end to public sector pay cuts;
Proper funding for public services;
Restoration of independence for the Pay Review Bodies;
A real Living Wage of at least £10 an hour for all public sector workers.”*

Upon being put to the vote the Motion was carried and it was therefore –

RESOLVED

That this Council notes that a cap on public sector pay has been in force since 2010. During these seven years, pay has been frozen for two and limited to a rise of 1% in the other five. This had led to wage rises being significantly outstripped by inflation, handing millions of public sector workers a real terms pay cut.

Tameside Council values the work of all public servants, a category of employee that includes teachers, firefighters, police officers, nurses and all directly employed workers here at the Council. We believe that the Government should value the work of the nation’s public servants and end the year on year cuts to their wages.

This Council supports the Trade Union campaign led by the GMB to end the public sector pay pinch and calls on the Government to commit to:

**An end to public sector pay cuts;
Proper funding for public services;
Restoration of independence for the Pay Review Bodies;
A real Living Wage of at least £10 an hour for all public sector workers.**

27. QUESTIONS

The Chair reported that no questions had been received in accordance with Standing Order 17.2.

28. URGENT ITEMS

The Chair advised that there were no urgent items of business for consideration at this meeting.

CHAIR

This page is intentionally left blank

Agenda Item 5

MEETING OF EXECUTIVE CABINET

30 August 2017

Commenced: 2.00 pm

Terminated: 3.05 pm

Present: Councillor K. Quinn (Chair)
Councillors Cooney, J. Fitzpatrick, Gwynne, Robinson, Taylor, L Travis and Warrington.

Apologies for Absence: Councillors Gwynne and Robinson.

In Attendance:

Steven Pleasant	Chief Executive
Sandra Stewart	Director (Governance, Resources and Pensions)
Stephanie Butterworth	Director (People)
Angela Hardman	Director of Population Health
Robin Monk	Director (Place)
Sarah Dobson	Assistant Director (Policy, Performance and Communications)
Ian Duncan	Assistant Director (Finance)
Ian Saxon	Assistant Director (Environmental Services)
Sandra Whitehead	Assistant Director (Adult Services)

10. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Members of the Executive Cabinet.

11. MINUTES

(a) Executive Cabinet

Consideration was given to the Minutes of the meeting of Executive Cabinet held on 28 June 2017.

RESOLVED

That the Minutes of the meeting of Executive Cabinet held on 28 June 2017 be taken as read and signed by the Chair as a correct record.

(b) Strategic Planning and Capital Monitoring Panel

Consideration was given to the Minutes of the meeting of Strategic Planning and Capital Monitoring Panel held on 10 July 2018.

During consideration of this item Members discussed the process followed for the sale of land and the process for Members considering recommendations.

RESOLVED

That the Minutes of the meeting of Strategic Planning and Capital Monitoring Panel held on 10 July 2017 be received and the following recommendations approved:

Vision Tameside Phase 2 Progress Update

- (i) That the progress with the delivery of the overall Vision Tameside Phase 2 programme, be noted;
- (ii) That the emerging risk associated with the delay in securing an appropriate funding package for the Streetscape Improvement project, be noted;

- (iii) That the budget variations and virements identified in Section 7 to the report, be approved; and
- (iv) That the excellent progress being made to drawdown the £4 million Skills Funding Agency Capital Funding, be noted.

Corporate Asset Management Plan Update

- (v) That the list of disposals identified in Appendix 1 to the report be noted, further to clarification of precise locations on all sites being provided to Panel Members, before approval is given for disposal;
- (vi) That the following schemes be financed via the Council's earmarked reserve for capital investment , which was due to be considered in September 2017:
 - (a) Capital schemes on corporate buildings detailed in the report, (excluding the £40,000 identified for the Burlington Street, Ashton MUGA); and
 - (b) Initial refurbishment works at the Concorde Suite, Droylsden, as detailed in the report, of £500,000.

Education Capital Programme Update

- (vii) That the following Education Capital Funding allocations be noted:
 - Basic Need funding - £4,883,289
 - School Condition funding - £1,678,277
 - Devolved Formula Capital - £432,045
- (viii) That approval be given to the scheme proposal for Aldwyn Primary School Mobile Classroom (£80,000), as detailed in the report, to be financed from the Council's reserves; and
- (ix) That in respect of School Condition Grant 2017/18:
 - (a) The previously approved schemes totalling £386,275 as set out in and appended to the report, be noted;
 - (b) Scheme proposals amounting to £1,142,520, as set out in and appended to the report, be approved; and
 - (c) It be noted that £149,482 of School Condition grant for 2017/18 remained to be allocated.

Engineering Capital Programme 2017/18

- (x) That the Engineering Maintenance Block Allocation with specific reference to the Highways Structural Maintenance Programme and the additional investment of £2.750 million required in 2017/18 via the TAMP (as detailed in the report), be recommended for approval by Council.

Revised Protocol Re: Sale of Land

- (xi) That the revised protocol for the Sale of Land be approved, subject to ensuring that the Council's rationale for deciding which land was surplus to the Council's requirements and how it would be processed in accordance with the law was appropriately reflected in the policy, such amendment to be agreed by the Strategic Planning and Capital Monitoring Panel.

Active Tameside – Capital Investment Programme Update

- (xii) That the content of the report be noted;
- (xiii) An additional £1.096 million to the previously approved budget of £2.0 million for the Active Hyde scheme, be supported and approved; and
- (xiv) A permanent financing arrangement for this additional cost be explored and reported back as part of the capital investment programme review which is due in September 2017.

(c) Single Commissioning Board

Consideration was given to the Minutes of the meeting of the Single Commissioning Board held on 11 July 2017.

RESOLVED

That the Minutes of the meeting of the Single Commissioning Board held on 11 July 2017 be received.

(d) Enforcement Co-ordination Panel

Consideration was given to the Minutes of the meeting of the Enforcement Co-ordination Panel held on 26 July 2017.

RESOLVED

That the Minutes of the meeting of Enforcement Co-ordination Panel held on 28 June 2017 be received and the following recommendation be made to Council:

That Council be RECOMMENDED to adopt the powers and duties under the Anti-Social Behaviour Crime and Policing Act 2014 and to agree that the following delegations be added to Part 3 (a) of the Council's Constitution under Terms of Reference and Scheme of Delegation F. Director of Place:-

That the Director of Place and any officer authorised by him/her to exercise the Council's powers and duties under the Anti-Social Behaviour Crime and Policing Act 2014; and

That the Director of Place (b) may authorise Council enforcement officers or agreed representatives (who may be from any service area) to carry out enforcement powers in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014.

(e) Carbon and Waste Reduction Panel

Consideration was given to the Minutes of the meeting of the Carbon and Waste Reduction Panel held on 29 June 2017.

RESOLVED

That the Minutes of the meeting of the Carbon and Waste Reduction Panel held on 29 June 2017 be received.

(f) Association of Greater Manchester Authorities / Greater Manchester Combined Authority

Consideration was given to a report of the Executive Leader and Chief Executive, which informed Members of the issues considered at the AGMA Executive Board and Greater Manchester Combined Authority held on 30 June and 28 July 2017 and the Forward Plan of Strategic Decisions of the Greater Manchester Combined Authority and AGMA Executive.

RESOLVED

That the content of the report be noted.

12. REVENUE MONITORING – QUARTER 1 2017/2018

Consideration was given to a report of the First Deputy (Performance and Finance)/Assistant Director (Finance), which showed that at Quarter 1 the overall net service projected budget outturn revenue position was £5.830m in excess of budget. It was explained that strong budget management was required across the Council to ensure that its financial plans were achieved and that the Council was therefore able to control budgetary pressures in the future.

The report detailed each Directorate's projected revenue outturn position for 2017/2018 against budgets for the year and showed the net income and expenditure as a variation to the budget.

Also included were details for those budgets that were held corporately and the projected outturn position. These budgets included the cost of capital financing, democracy and where service areas were unable to affect spend against budget, e.g. AGMA costs.

It was explained that the Director of People had forecast outturn in excess of budget of £5.987m due to demand on service provision in Children's Social Care, the report provided further detail on the management of this budget.

The Director of Place forecast outturn was £1.410m in excess of budget due to cost pressures and lower than anticipated income in Environmental Services and Asset and Investment Management Partnership.

It was stated that given the difficult start to the financial year, strong budget management was required across the Council to ensure that financial plans were achieved, and to ensure that the Council was able to control budgetary pressures and deliver the required savings in the medium term.

RESOLVED

- (i) That the forecast revenue outturn position be noted;**
- (ii) That the detail for each service area be noted and that Directors be required to identify measures to ensure expenditure is maintained with the approved budget for the year;**
- (iii) That the changes to revenue budgets as set out in Appendix A to the report be approved; and**
- (iv) That the position on the s75 Integrated Commissioning Fund be noted and that the temporary support of £5m be met from the earmarked reserve for Care Together.**

13. CAPITAL MONITORING

Consideration was given to a report of the First Deputy (Performance and Finance)/Assistant Director (Finance), summarising the capital monitoring position at 30 June 2017 based on information provided by project managers, which showed that the current forecast was for service areas to spend £70.458m on capital investment by March 2018, which was £16.004m less than the current programmed spend. It was proposed, therefore, that the capital investment programme be re-profiled to reflect current information and the re-phasing of £15.584m into the next financial year identified within the individual service areas as detailed in the report.

The projected outturn capital expenditure by service area was detailed and explanations were provided for capital projects with a projected variation of £0.100m or above over the life of the project. Schemes with an in-year variation in excess of £0.100m were highlighted and approval was being sought to re-profile the capital expenditure of these project.

RESOLVED

- (i) That the following be approved:**
 - (a) The reprofiling to reflect up to date investment profiles;**
 - (b) The changes to the Capital Programme; and**
 - (c) The updated Prudential Indicator position.**
- (ii) That the following be noted:**
 - (a) The current capital budget monitoring position;**
 - (b) The resources currently available to fund the Capital Programme;**
 - (c) The current position in regards to compulsory purchase orders (CPOs) and indemnities;**
 - (d) The updated capital receipts position; and**
 - (e) The timescales for review of the Council's three year capital programme.**

14. PAYMENT TO SUPPLIERS

Consideration was given to a report of the First Deputy (Performance and Finance) / Assistant Director (Finance), which sought agreement to the standard payment terms to suppliers with an earlier payment to SMEs within the borough. It was explained that the Public Contracts Regulations 2015 had been introduced in February 2015 in which Regulation 113 required that contracting authorities must have regard to this guidance in relation to payment of valid and undisputed invoices within 30 days. Members were asked to agree that the standard term for payment to suppliers was 30 days from the receipt of the invoice, except in the circumstances set out in the report. The Council wished to continue its support for local businesses and therefore would continue to pay SMEs within 10 days (from the date the invoice was received) that met the definition below:

- a local supplier was defined as someone who held a postcode within the Tameside boundaries (this to be determined for companies as the registered office post code address and not a local branch/office within the borough);
- an SME was as defined by the European Commission as a business or company that has:-
 - Micro business – employ fewer than 10 employees (with an annual turnover under £2 million);
 - Small business – employ fewer than 50 employees (with an annual turnover under £10 million);
 - Medium Business – employ fewer than 250 employees (with an annual turnover under £50 million).

In addition the report stated that in order to operate the Premier Supply Services there would need to be changes and improvements in the processes for paying suppliers. One of those was to permit automatic goods receipting and automatic matching of invoices in certain circumstances to speed up the process; this would require an addition to the Council's Financial Regulation and Procedures.

RESOLVED:

- (i) That the continued application of the Local SME 10 day payment term from the date of receipt of the invoice be confirmed;
- (ii) That a standard term of 30 days from receipt of the invoice for all other suppliers be agreed;
- (iii) That the progress on implementing the new payment arrangements for Premier Supply Service be noted; and
- (iv) That the following addition to section 9.5 to the Council's Financial Regulations and Procedures be recommended to Council:

2. The S151 Officer may approve circumstances in which automatic goods receipting and payment can take place without the need for authorisation from an officer of the Senior Management Team.

15. COUNCIL TAX SUPPORT SCHEME

Consideration was given to a report of the First Deputy (Performance and Finance)/Assistant Director (Exchequer Services) which proposed a local Council Tax discount for care leavers residing in Tameside. The report considered available data on care leavers and outlined reciprocal arrangements between Greater Manchester (GM) Councils for the discount to apply (subject to eligibility) to any care leaver regardless as to which authority in GM provided care.

A snapshot from the Council's Children's Services team showed that the Council had a responsibility for 132 care leavers up to the age of 21 years old, as at April 2017, and living in Tameside. A further 17 had been identified by Children's Services as being 21 years old.

There were currently 101,730 Council Tax properties and 29 care leavers had a Council Tax liability, representing 0.02% of all charge payers in the Borough. Based on the available information the estimated cost of a discount in 2017/18 was £24k for Tameside care leavers aged between 18 and 21 years old with a Council Tax liability.

It was explained that a number of other Greater Manchester local authorities had adopted a policy position of not charging eligible care leavers for Council Tax. Four Greater Manchester local authorities offered a local discount to care leavers. Consideration had been given to whether there should be a reciprocal arrangement across Greater Manchester authorities whereby the Council tax discount was provided based on where the young person was liable for Council Tax.

RESOLVED

That the following be agreed:

- (i) A local discount under (s 13 A (1) (c) Local Government Finance Act 1992);
- (ii) A discount of up to 100% of the Council Tax that is due, be awarded to care leavers who live in Tameside aged 18, 19 and 20 years, up to the date of their 21st birthday.
- (iii) The discount be awarded after all other discounts, exemptions have been awarded where eligible.
- (iv) Where there is a shared liability for the Council Tax due the discount will only be paid to cover the share that the leaver would be liable for.
- (v) The discount will take effect from 1 September 2017 and care leavers who are liable for Council Tax after this date will be granted a discount from the date they occupy the property.
- (vi) That there is discretion to backdate entitlement to 1 April 2017.
- (vii) Where awarded the discount will remain in place until the care leaver reaches the age of 21 years old or ceases to be liable for Council Tax, whichever event occurs first.
- (viii) A Council Tax bill will be issued which will detail the discount.
- (ix) Should a discount be refused the reason for refusal will be notified to the applicant and Children's Services.
- (x) The costs of the discount be monitored during the first year of implementation and the scheme amended as required to support a Greater Manchester approach and policy.

16. BUSINESS RATES RELIEF

Consideration was given to a report of the First Deputy (Performance and Finance)/Assistant Director (Exchequer Services), which explained that the Government had introduced three new business rate relief schemes which were:

- Supporting Small Business Relief (SSB);
- New rate relief scheme for pubs;
- New discretionary relief scheme.

Guidance on the administration of the new schemes had been released on 20 June 2017, although all the new relief schemes were fully funded by government, specific guidance was had been released on how SSB and Pub relief only were to be administered. It was for local authorities to decide how the Discretionary Relief scheme should be administered to the most hard pressed ratepayers as a result of re-evaluation. The report detailed the results of consultation with the business community, precepting bodies and other interested parties in the design of the discretionary scheme. The report also detailed the associated equalities impact assessment and detailed the steps to be taken to implement each of the new relief schemes.

In designing a discretionary policy a number of factors had been considered including consultation results. The proposed discretionary relief scheme was as follows:

Discretionary Rate Relief Scheme

1. Applications would be considered on a case by case basis on their own merits upon completion of an application form. The application form would be available on the Council's website.

Applications made by agents on behalf of business ratepayers must include written confirmation that the application was being made on their behalf. The application form would also include a state aid declaration which must be signed by the ratepayer.

2. Any award would be made as a credit to a business rates account. Where an account was in credit as a result of relief being awarded then the amount would be refunded upon request from the ratepayer as is usual practice. The granting of discretionary relief must not exceed the funding envelope provided by central government and which would reduce each year as detailed in Section 2.6 of the report. The amount of award would be determined each year in accordance with funding provided.
3. Applications would be considered from business ratepayers who were facing an increase in their rates bills as a result of revaluation, and in line with government guidance as at March 2017 the starting point of the potential 'pool' of eligible business are those that had:
 - an increase by more than 12.5% compared to 2016/17 bill (before reliefs), and
 - a 2017 rateable value was less than £200k, and
 - less than 3 premises in the UK, and
 - not eligible for £1,000 Pub Relief, and
 - not in receipt of Small Business Rates Relief (SBRR) and
 - The business must be a continual occupation from 1 March 2017

The following factors would also then be taken into account in the determination of eligibility for discretionary relief:

- The Council would not grant relief where the business was deemed to have a detrimental impact on neighbours and communities;
- The individual merits of each application taking account whether the business supported the Council's wider objectives.

This equated to approximately 424 business ratepayers. The total relief awarded by the government in 2017/18 is £286k.

RESOLVED

That the discretionary (revaluation support) rate relief scheme as detailed in Section 8 to the report be adopted retrospectively from 1 April 2017 and remain in operation until government funding ceases.

17. CHILDREN'S SERVICES OFSTED INSPECTION UPDATE

Consideration was given to a report of the Executive Member (Children and Families) / Director (Children and Adult Services), which updated Members on the progress to date following the Ofsted Inspection in September 2016. The report also detailed the findings of the monitoring visit undertaken in June. Members were informed that the letter from this monitoring visit, attached at Appendix 1 to the report, had been published on the Ofsted website on 6 July 2017.

It was explained that in response to the findings from the second Ofsted monitoring visit a 12 week action plan had been developed. The action plan set out a planned escalation to the improvement work, to build on the progress made to date and to accelerate the improvement journey. The 12 week action plan was attached at Appendix 3 to the report.

It was stated that the acceleration plan did not replace the existing improvement plan rather it drew out a number of specific actions to be delivered over the next 12 weeks (July – September 2017) that would ensure progress against, and achievement of, the most time critical elements of the improvement plan. There was a key focus on ensuring compliance, continuing recruitment of appropriately skilled staff which in turn would impact on the caseload numbers and continuing the work on improving quality to remove variance.

Implementation of the 12 week action plan had commenced from the beginning of July and would be monitored on a weekly basis by the Director of Children's Services. This included significant data points which were monitored on a daily or weekly basis as necessary, for example caseload information, compliance with statutory timescales and recruitment data.

Cabinet was informed of the outcome of discussions on progress that had taken place at the six-monthly update meeting with Department for Education Advisors. Ofsted had advised that the next monitoring visit would take place on 12 and 13 September 2017.

RESOLVED

- (i) That the progress update and the content of the letter from Ofsted in relation to their monitoring visits in March and June 2017 be noted.**
- (ii) That the delivery of the 12 week action plan be supported.**

18. VISION TAMESIDE – NAMING OF JOINT PUBLIC SERVICE CENTRE

Consideration was given to a report of the First Deputy (Performance and Finance)/Assistant Director (Development and Growth) which outlined the approach to the naming of the new Joint Public Service Centre, being built in Ashton, in preparation for its opening in 2018.

Members were reminded that it had previously been agreed that the names for the new buildings would be:

Daniel Adamson Building – Joint Public Service Centre
Hannah Mitchell Building – Advanced Skills Centre

The report proposed that the building's names be displayed on plaques in the foyers of the respective buildings similar to the approach taken at Guardsman Tony Downes House.

In order to distinguish between the two buildings, it was proposed that signs be displayed on the ends of each of the buildings as illustrated in Picture 1 in the report using the Council's and Tameside College's logos.

RESOLVED

- (i) That the Joint Public Service Centre be named the Daniel Adamson Building and displayed on a plaque in the foyer.**
- (ii) That the Advanced Skills Centre be named the Hannah Mitchell Building and displayed on a plaque in the foyer.**
- (iii) That the entire building be known as Tameside One.**
- (iv) That a Tameside One logo be designed and used on relevant signage where appropriate.**
- (v) That high level back lit signage appear on each of the buildings displaying:**
 - **TMBC logo on the Joint Public Service Centre**
 - **Tameside College logo on the Advanced Skills Centre**
- (vi) That the Vision Tameside name continues to be used for investment, development projects and economic growth.**

19. TRANSFER OF GRAFTON CENTRE TO AN INDEPENDENT CHARITABLE INCORPORATED ORGANISATION

(Councillor J Fitzpatrick declared an interest in this item and left the room during its consideration)

Consideration was given to a report of the Executive Member (Adult Social Care and Wellbeing) / Assistant Director (Adult Services), which outlined progress to date on the transfer of the Grafton Centre to an independent charitable incorporated organisation.

It was explained that the Grafton Centre was in a very positive financial position and the future operating arrangements for the Centre needed to be agreed. The report outlined the various options and it was stated that the most viable option was the establishment of an Independent Charitable Incorporated Organisation and plans were in place for the CIO to commence independent delivery of the Grafton Centre.

RESOLVED:

That the establishment of a Charitable Incorporated Organisation be agreed with the intention to continue the delivery of sub-threshold services from the Grafton Centre.

20. HAUGHTON GREEN SUPPLEMENTARY PLANNING DOCUMENT

Consideration was given to a report of the Deputy Executive Leader/Assistant Director (Development and Investment) which described the work undertaken in developing the Haughton Green Supplementary Planning Document (SPD) and sought approval to adopt it and its associated supporting material as planning guidance with effect from 11 September 2017.

It was explained that the purpose of the SPD was to help guide future development within Haughton Green, particularly that of the former Old Rectory site. The SPD highlighted the importance of adopting a character based design led approach to sustaining an attractive and vibrant community through proposals which respected and enhanced local character.

Together with policies focused on future development, the SPD highlighted specific project principles which could further enhance the area's character. These included public realm projects at two key locations, the Village Green and along Meadow Lane, although these would require further detailed design work beyond the scope of the SPD. In addition it should be noted it was not the intention of the public realm policies to set out improvements which the Council would directly fund or deliver itself, rather the principles which should be followed when considering any such future interventions and which would be the subject of future funding decisions.

The SPD contained a number of policies to assist developers when designing schemes and help the Council to make consistent decisions when assessing planning applications. These policies aimed to ensure future developments apply character based design principles to ensure high quality, sustainable solutions were achieved

RESOLVED:

- (i) That the Haughton Green SPD as appended to the report be adopted, coming into effect as planning guidance on Monday 11 September 2017.**
- (ii) That the Sustainability Appraisal Report, Adoption Statement, Consultation Statement (including analysis of comments received through public consultation), Habitat Screening Opinion and Equalities Impact Assessment which support the SPD be adopted, coming into effect on Monday 11 September.**

21. CONCORDE SUITE

Consideration was given to a report of the Deputy Executive Leader / Assistant Director (Development and Investment), which presented proposals for the refurbishment and re-use of the Concorde Suite, outlining budget costs, delivery timescales and risks associated with the project.

Members were reminded that the following high-level scope had been established for the project:

- a) Refurbishment of the Concorde Suite to provide suitable office accommodation for Council staff in compliance with all relevant standards;
- b) To deliver Phase 1 of the Vision Tameside Recant Strategy;

- c) To ensure the “working better together” agenda can be delivered in the building including the provision of breakout and soft intervention space;
- d) Refurbishment of the Ballroom to make the facility more appealing and increase community use, bookings / income and town centre footfall.

In addition, it was recognised that the refurbishment of the building would help deliver the following benefits:

- a) Bringing an underutilised building back into full use in a cost-effective manner due to office infrastructure and links to the dark fibre network already being largely in place
- b) Secure the future use of a valued community resource and provide opportunities to expand usage
- c) Provide accessible office accommodation to a significant number of staff, close to excellent transport links and with town centre amenities.

RESOLVED:

That the project, outlined in the report, be approved with an estimated budget of £550,000 with the aim of delivering the project by the end of 2017.

22. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That under Section 100A of the Local Government Act 1972 (as amended) the public and press be excluded for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Local Government Act 1972. Information relating to the financial or business affairs of the parties (including the Council) had been provided to the Council in commercial confidence and its release into the public domain could result in adverse implications for the parties involved. Disclosure would be likely to prejudice the Council’s position in negotiations and this outweighs the public interest in disclosure.

23. ASHTON PIONEER HOMES

Consideration was given to a report of the Executive Leader/Director (Governance, Resources and Pensions) which sought final approval as a company member to the transition for Ashton Pioneer Homes to move its governance and rules to a Community Benefit Society, together with the suitable Model Rules for the business in order to ensure that it is financially viable and sustainable for the future

RESOLVED:

- (i) **That the Council provides its necessary consent to the transition from a limited Company to a Community Benefit Society, pursuant to Section 115 of the Co-operative and Community Benefit Societies Act 2014 on the provision that:**
 - (a) **There is no adverse impact on its representation as a member in order to protect and ensure the interests of residents and taxpayers alike; and**
 - (b) **That it is acknowledged that this statutory conversion does not affect the entity’s position within the pension fund and to agree a deed of notice to this effect.**
- (ii) **That the formal adoption of the Model Rules as agreed between the Council and Ashton Pioneer Homes and the negotiated side agreement set out at Appendix A to the report be agreed.**

8. ACTIVE TAMESIDE

(Having declared a prejudicial interest, Councillor Taylor left the meeting during consideration of this item and took no part in the voting or decision thereon).

Consideration was given to a report of the Executive Member (Healthy and Working)/Director Population Health/Assistant Director (Finance) which explained that following the report to Executive Cabinet on 24 March 2016 steps had been taken with Active Tameside to negotiate a long term outcome based contract to bring the contractual arrangements in line with the lease termination date of 31 March 2024.

A contract was entered into from 1 April 2016 to 31 March 2024 conditional on the entering into of a funding arrangement in line with the Cabinet decision, together with a commitment to agree an outcome based contract by 1 April 2017 as a non-material variation to the original agreement.

The funding arrangement was premised on the Council delivering the Denton Wellness Centre and the refurbishment of Hyde Swimming Pool within a set period of time. As this timescale had slipped, it would be reasonable for the Council to reconfigure the repayment profile and management fee to take account of this slippage.

Active Tameside was also engaged in bidding for commissioning works through third parties such as the integrated care foundation trust, and they had concerns that if they were unsuccessful the financial envelope set would again cause them issues. The Council was therefore requested by them to reconfigure the repayment profile and management fee in the contract to take account of this in the event it happens.

RESOLVED:

- (i) That the contractual re-profiling of the financial envelope to take account of the slippage in the development of the Denton Wellness Centre and Hyde swimming pool be approved;**
- (ii) That the contractual re-profiling of the financial envelope to take account of any successful bids in relation to commissioning of additional services be approved.**

CHAIR

This page is intentionally left blank

OVERVIEW (AUDIT) PANEL

11 September 2017

Commenced: 2.00 pm

Terminated: 2.40 pm

Present: Councillors Ricci (Chair), Affleck (Deputy Chair), Bell, Fairfoull, J Fitzpatrick, Peet, K Quinn and Taylor

In Attendance:

Sandra Stewart	Director (Governance, Resources and Pensions)
Ian Duncan	Assistant Director (Finance)
Tom Wilkinson	Deputy Chief Finance Officer
Wendy Poole	Head of Risk Management and Audit Services

Apologies for Absence: Councillors Bailey, Pearce and K Welsh

14. DECLARATIONS OF INTEREST

There were no declarations of interest.

15. MINUTES

The Minutes of the meeting of the Overview (Audit) Panel held on 31 July 2017 were agreed and signed as a correct record.

16. AUDIT FINDINGS REPORT (ISA260) - TAMESIDE MBC AND GREATER MANCHESTER PENSION FUND 2016/17

Consideration was given to a report of the Assistant Director (Finance), highlighting the key matters arising from Grant Thornton's audit of the 2016/17 financial statements of both Tameside MBC and Greater Manchester Pension Fund, which Grant Thornton was required to report under the Audit Commission's Code of Audit Practice and the International Standard of Auditing.

It was reported that the statutory deadline for the production and publication of the draft 2016/17 statement of accounts was 30 June 2017, with sign off by 30 September 2017. However, for the 2017/18 financial year the statutory deadlines would be brought forward to 31 May 2018 and 31 July 2018. The 2016/17 process was therefore brought forward to these dates in preparation for the new tighter timescales so that lessons could be learned prior to the accelerated process coming into effect. It was confirmed that efficiencies would be embedded into the closure process for 2017/18 to achieve the earlier statutory publishing deadlines.

This was the fifth year that Grant Thornton had audited the accounts and there had been significant changes in the reporting requirements. It had been a challenging year to close the accounts as the finance team continued to reduce in size following a service review. In addition, there had been substantial legislative changes to the core financial statements and key prior year re-statements. Despite these challenges the process had been completed within the statutory timescales and the accounts continued to be prepared to a high degree of accuracy and reliability. The auditors had been very positive about the overall quality of the accounts and they had commented on the high level of support given by Council Officers.

A number of adjustments and presentational changes were recommended in the report prepared by Grant Thornton. The key changes related to the correction of the value of operating expenses and an amendment to property revaluations. Members were advised that none of the amendments altered the reported surplus on the Council's General Fund Balance and had no impact on the Council's overall financial position.

Appended to the report were two letters of representation; one for Tameside MBC and one for the Greater Manchester Pension Fund. Following confirmation from the Panel that the Council had complied with all matters set out in the letters, a signed version would be forwarded to the External Auditor.

Members were informed of a requirement that the auditor provided a value for money conclusion. The key findings of the review, as included in Section 3 at Appendix 1, were as follows:

“Grant Thornton has determined that except for the matters they have identified in respect of the Ofsted inspection of Children’s Services, the Council had proper arrangements in all specific aspects. Grant Thornton therefore proposes to issue a ‘qualified except for’ value for money conclusion stating that the Council has proper arrangements for challenging how it secures economy, efficiency and effectiveness in its use of resources.”

The Council had again been awarded green (the most positive outcome) in all categories. This demonstrated that the Council was well placed to deal with the financial challenges that it was faced with.

The report concluded that this outcome was extremely positive within the current financial environment. This reemphasised that the authority had the support of officers, Members, internal and external audit in ensuring that strong financial management continued.

RESOLVED:

- (i) That the content of the report be noted;**
- (ii) That the positive relationship with the audit team and successful progress of the audit be noted;**
- (iii) That the adjustments and presentational changes to the accounts be agreed;**
- (iv) That the value for money conclusion be noted; and**
- (v) That the Council had complied with all matters set out in the Letter of Representation and that a signed copy be forwarded to the External Auditor.**

17. ANNUAL GOVERNANCE STATEMENT 2016/17

The Assistant Director (Finance) submitted the Annual Governance Statement for 2016/17, which was a requirement of Regulation 6 of the Accounts and Audit Regulations 2015. It required authorities to *‘conduct a review at least once in a year of the effectiveness of its system of internal control’* and *‘following the review, the body must approve an annual governance statement prepared in accordance with proper practices in relation to internal control’*.

The Annual Governance Statement, which covered both Tameside MBC and the Greater Manchester Pension Fund, was based on the following:-

- Executive Director Assurance Self-Assessments and signed Assurance Statements;
- Head of Audit’s Annual Report;
- Review against the Code of Corporate Governance;
- Review of System of Internal Audit;
- Annual Audit Letter;
- Review of the Role of the Chief Financial Officer;
- Review of the Role of the Head of Internal Audit;
- Corporate Plan; and
- Statutory Inspections.

It was reported that the Draft Annual Governance Statement was presented to the Senior Management Team on 2 May 2017, Audit Panel on 30 May 2017 and there had been consultation

with Executive Members during June 2017. The Statement had been certified by the Assistant Director (Finance) and submitted to External Audit for review. All comments received had been incorporated into the document and the final version was appended to the report.

RESOLVED:

That the Annual Governance Statement for 2016/17 be approved.

18. AUDITED STATEMENT OF ACCOUNTS 2016/17

The Assistant Director (Finance) submitted a report, detailing the Audited Statement of Accounts for Tameside MBC and Greater Manchester Pension Fund for 2016/17 consistent with International Financial Reporting Standards.

The Panel were notified that the pre-audit Statement of Accounts had been certified by the Assistant Director of Finance on 7 June 2017, a week earlier than the previous financial year, and would be required by 31 May for the 2017/18 accounts. Due to the accelerated deadlines the audit was scheduled to conclude by 11 September 2017.

The Tameside MBC Statement of Accounts 2016/17 had been amended in line with the Audit Finding Report (ISA 260). Due to the ongoing audit there was a small risk that the accounts could be further amended but any changes were likely to be minor. The Greater Manchester Pension Fund Statement of Accounts 2016/17 had been considered at the Management/Advisory Panel on 21 July 2017. It was reported that the main amendments to the accounts had been to the Balance Sheet and Operating Expenses.

RESOLVED:

That the audited Statement of Accounts for 2016/17 be approved, including the core statements and notes to the accounts.

19. SCRUTINY REPORT - REVIEW INTO THE IMPACT OF BIN SWAP AND DELIVERING FUTURE IMPROVEMENTS TO RECYCLING

A report was submitted by the Chair of the Place and External Relations Scrutiny Panel, which commented on the Executive response made by the Executive Member (Clean and Green) in June 2017 to the Scrutiny Review into the Impact of Bin Swap and Delivering Future Improvements to Recycling, which was concluded in November 2016.

RESOLVED

That the recommendations detailed in Section 8 of Appendix 2 to the report be noted.

20. REVIEW AND MONITORING ARRANGEMENTS FOR CHILDREN'S SERVICES IMPROVEMENT

Consideration was given to a report of the Director (Governance, Resources and Pensions), which identified and informed Members of arrangements for the review and monitoring of Children's Services improvement activity.

It was reported that following the Ofsted inspection of Tameside Children's Services in September 2016 the Council had taken a number of steps to ensure that effective monitoring took place for all activity associated with the improvement journey. In addition to the on-going work of the Integrated Care and Wellbeing Scrutiny Panel, an improvement board, an overview panel and a working group had been established as a comprehensive overview function. The role, responsibilities and reporting of the different groups were outlined to the Panel.

A Tameside Children's Services Improvement Plan had been developed that set out how the Council and its partners across the borough were addressing the recommendations made by Ofsted to deliver sustainable improvement. The plan was monitored monthly by the improvement board and progress would be assessed in a number of different ways to ensure a clear and balanced understanding of changes made and their impact.



RESOLVED

- (i) That the report be noted; and**
- (ii) That the reporting mechanisms for monitoring activity, as detailed in paragraphs 2.6, 2.11 and 2.19 of the report, be noted.**

21. URGENT ITEMS

There were no urgent items.

CHAIR

Report To:	COUNCIL
Date:	10 October 2017
Reporting Officer:	Cllr J Fitzpatrick - First Deputy (Performance and Finance) Kathy Roe – Director of Finance
Subject:	LOCAL AUDIT AND ACCOUNTABILITY ACT 2014 – APPOINTMENT OF EXTERNAL AUDITORS
Report Summary:	This report provides an update on the appointment of the Council's External Auditors following the decision in February 2017 to opt into the Sector Led Procurement for External Auditors arranged by Public Sector Audit Appointments Limited (PSAA).
Recommendations:	<ol style="list-style-type: none">1. That Council agrees that it is satisfied with the appointment of Mazars LLP to audit the accounts of Tameside Metropolitan Borough Council for five years from 2018/19 following the procurement process undertaken by Public Sector Audit Appointments Limited (PSAA) and in line with the approval given by Council on the 28 February 2017;2. That Council agrees the appointment to Council subject to the conclusion of the Public Sector Audit Appointments Limited (PSAA) process outlined in 4.5 of the report.
Links to Community Strategy:	The changes required by the Act will enable the Council to continue to be fully accountable to local people for its financial activities, as part of the Council's commitment to improvement, efficiency and good governance.
Policy Implications:	None
Financial Implications: (Authorised by the Section 151 Officer)	Consultation on scale fees for 2018/19 will commence in due course and will be published on Public Sector Audit Appointment Limited's website in March 2018.
Legal Implications: (Authorised by the Borough Solicitor)	Demonstrates compliance with the Local audit and Accountability Act 2014
Risk Management:	As the Council has been appointed a new auditor detailed planning will need to take place so as to achieve a successful transition to the new arrangement in a timely and efficient manner.
Access to Information:	The background papers can be obtained from the author of the report, Wendy Poole, Head of Risk Management and Audit Services by contacting:  Telephone:0161 342 3846  e-mail: wendy.poole@tameside.gov.uk

1. INTRODUCTION

- 1.1 In February 2017, the Executive Cabinet/Overview (Audit) Panel received a report on the Local Audit and Accountability Act 2014 - Changes to arrangements for the appointment of External Auditors. The report presented the options open to the Council, outlined the advantages/benefit, disadvantages/risks for each and recommended that the Council should opt into the Sector Led Procurement for External Auditors arranged by Public Sector Audit Appointments Limited (PSAA), by 9 March 2017. The recommendation to follow this procurement process to appoint auditors was then approved by Full Council on 28 February 2017.
- 1.2 This report provides an update on the outcome of the procurement exercise.

2. BACKGROUND TO THE ISSUE

- 2.1. The Local Audit and Accountability Act 2014 brought to a close the Audit Commission and established transitional arrangements for the appointment of external auditors and the setting of audit fees for all local government and NHS bodies in England. On 5 October 2015 the Secretary of State Communities and Local Government determined that the transitional arrangements for local government bodies would be extended by one year to also include the audit of the accounts for 2017/18.
- 2.2. Section 7 of the Act 2014 states that a “relevant authority must appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding financial year.” Therefore the appointment of an auditor must be completed by 31 December 2017 for the audit year 2018/19.
- 2.3. The Council's current external auditor is Grant Thornton, this appointment having been made under a contract let by the Audit Commission. Following closure of the Audit Commission the contract is currently managed by PSAA, the transitional body set up by the Local Government Association with delegated authority from the Secretary of State Communities and Local Government. Over recent years we have benefited from reduction in fees in the order of 50% compared with historic levels. This has been the result of a combination of factors including new contracts negotiated nationally with the firms of accountants and savings from closure of the Audit Commission. The Council's current external audit fees are £172,500 per annum.

3. OUTCOME OF PROCUREMENT EXERCISE

- 3.1 Whilst the overall details of the procurement exercise are not yet available on PSAA's website, the Council received an email on 14 August 2017, consulting on the appointment of Mazars LLP to audit the accounts of Tameside Metropolitan Borough Council for five years from 2018/19. The appointment will start on 1 April 2018.
- 3.2 The previous Auditor appointments for the Council have been as follows:

Auditor	From Financial Year	To Financial Year
Grant Thornton	2012/13	2017/18
Audit Commission	2008/09	2011/12
PWC	2002/03	2007/08
District Audit	Unknown	2001/02

- 3.3 Grant Thornton have been the Council's External Auditors for five years and probably would have been rotated for 2018/19.

- 3.4 It has also been confirmed that Mazars LLP have been appointed across Greater Manchester as requested by the Greater Manchester Treasurers Group.
- 3.5 Mazars is a large global audit and accounting firm with over 18,000 professionals in 79 countries worldwide. In the UK the firm ranks in the top ten with 1,700 employees and 140 partners working out of 19 offices, and UK fee income in 2016 of £160m. The firm's dedicated public audit team has significant experience in providing external audit to public sector bodies. It comprises individuals with experience of auditing councils, combined authorities, police bodies, fire and rescue authorities, local government pension funds and other public bodies. In addition to its audit contract with PSAA, the firm also has a substantial portfolio of NHS audits and is one of the National Audit Office's framework suppliers for central government audit.
- 3.6 In developing this appointment proposal, PSAA have applied the following principles, balancing competing demands as much as they can, based on the information provided to them by audited bodies and audit firms:
- ensuring auditor independence, as required to do by the Regulations;
 - meeting our commitments to the firms under the audit contracts;
 - accommodating joint/shared working arrangements where these are relevant to the auditor's responsibilities;
 - ensuring a balanced mix of authority types for each firm;
 - taking account of each firm's principal locations; and
 - providing continuity of audit firm if possible, but avoiding long appointments.
- 3.7 The Treasurer of the Greater Manchester Combined Authority sought clarification from PSAA on two points following a recent meeting of the Greater Manchester Treasurers as follows:
- How would transition work, both in terms of Grant Thornton needing to keep the resources in place for 2017/18 but also how Mazars would resource the workload in Greater Manchester?
 - How would Mazars get themselves up to speed without undue 'teaching' requirements on the Councils concerned?
- 3.8 PSAA has well-established arrangements for handover of audits between firms, currently set out in Appendix 12 of the Terms of Appointment. It is recognised that rotating the appointment of an auditor can present difficulties for the audited body and both the outgoing and incoming auditors if not properly managed. In order to minimise disruption to all parties, and maximise the transfer of the outgoing auditor's knowledge of the audited body, in summary PSAA expects the following:
- co-operation between the outgoing and incoming auditor to ensure that the incoming auditor is fully briefed on the specific audit issues facing the audited body;
 - co-operation between the outgoing and incoming auditors to determine responsibility for undertaking specific pieces of audit work in the lead up to, or period immediately following, handover and advise the audited body accordingly;
 - where appropriate, co-operation between the outgoing and incoming auditor to ensure that the incoming auditor is fully briefed on the wider issues facing the audited body; and
 - timely communication by the incoming auditor to the audited body, as soon as possible after formal appointment, of the contact details of the audit team and future audit arrangements, requirements and expectations.
- 3.9 All firms with PSAA contracts are familiar with these arrangements, which were applied successfully for audits from 2012/13 when the work of the Audit Commission's audit practice transferred to firms. Mazars was one of those firms. In the recent procurement exercise to let audit services contracts from 2018/19, one of the questions considered in

some depth in the evaluation of tenders was the capacity of the prospective firm and the realism of its plans to take on the volume of work for which it was bidding. Mazars has an experienced and capable team, from which they are able to deploy resources to cover the audits of the Greater Manchester bodies. PSAA are confident Grant Thornton will retain sufficient resources for 2017/18 work as their total requirement for 2018/19 is slightly larger than for 2017/18, albeit in slightly different geographies. In addition they do not regard Grant Thornton's new geographical allocation as too difficult for them, given a number of their staff need to rotate off certain audits anyway to comply with PSAA and FRC rules about tenure at audited bodies.

3.10 Before considering the allocation of firms to individual audits, PSAA confirmed with Greater Manchester Treasurers the previous joint working request that the Greater Manchester bodies all have the same firm. This requirement limited significantly the appointment options available because of independence considerations. PSAA have also considered the length of the current appointment to Greater Manchester Councils, and the geographical location of one other firm, and are therefore proposing Mazars as the most appropriate appointment option. Their scope for changing such a large group of auditor appointments is relatively limited now that we are in the consultation phase with opted-in bodies on proposed appointments. There is some flexibility in the proposals to make small changes in response to representations from opted-in bodies, but significant changes would not be possible without removing proposed appointments from other opted-in bodies and starting the consultation process again. Balancing the competing demands in relation to independence and joint working requirements in particular, in Manchester and other areas, makes this complex.

3.11 The following information from Gareth Davies at Mazars may also be helpful (Gareth was formerly MD of the Audit Commission's Audit Practice):

- Gareth Davies, the PSAA contact partner at Mazars, will personally lead the firm's engagement with Greater Manchester in the run up to the start of the contract and will take a number of the appointments. He would welcome the chance to meet with colleagues to explain the firm's preparations and discuss any questions.
- The contract is a strategic priority for the firm as a whole and for the Manchester office (One St Peter's Square). Tim Hudson, the firm's managing partner for Manchester, is a key member of the project team. Mazars has experience of gearing up successfully for substantial new contracts both in the public and commercial sectors, often on much shorter timescales than this.
- The firm has a detailed project plan for ensuring that appropriately experienced and skilled resources are in place and fully up to speed in time for the planning work for 2018/19 to begin. As part of that, and in the event that TUPE does not apply, the firm aims to recruit a number of staff already working with Greater Manchester without disrupting Grant Thornton's work on 2017/18 audits (by timing start dates with Mazars for September 2018). They will also deploy existing members of their team with previous Greater Manchester experience.
- As well as Gareth Davies, Gareth Hitchmough is a Mazars registered Key Audit Partner (KAP) for local public audit, based in the North West. The firm is recruiting one other experienced KAP to help cover Greater Manchester and has identified their preferred candidate.
- Mazars has experience of working directly with three combined authorities including one Mayoral Combined Authority (Tees Valley), although they recognise that the arrangements in Greater Manchester are the most developed and have unique features.
- The firm will use the well-established protocol for handover to an incoming auditor to liaise with Grant Thornton on each audit and GM as a whole, quickly building their knowledge of risks and issues and where necessary seeking to review Grant Thornton's working papers.
- The project plan includes using the firm's own knowledge and internal research capability to ensure that their teams are well briefed on how the current arrangements

in Greater Manchester have developed and the plans for the future. They are confident that the time required from key officers would be no more than that required in any well-managed rotation between audit firms. They would of course gratefully take up the offer of induction at Greater Manchester level.

- On the CCG point, Mazars has existing engagements where the local government and health audits are carried out by different firms but they always endeavour to establish arrangements with other suppliers to avoid difficulties for clients. For example, with Grant Thornton in the York area where the two firms recently collaborated to assist the local health economy with observations on the scope for improved partnership governance arrangements.

4. RESPONDING TO THE CONSULTATION

4.1 The consultation closes at 5pm on Friday 22 September 2017.

4.2 If the Council is satisfied with the proposed appointment, then this needs to be confirmed by email to auditorappointments@psaa.co.uk before the deadline. No further action is needed. If the Council wishes to object to the proposed auditor appointment then representations to PSAA need to be by email to auditorappointments@psaa.co.uk before the above deadline.

4.3 Representations can include matters that the Council believes might be an impediment to the proposed firm's independence, were it to be appointed. The email should set out the reasons why the proposed appointment should not be made. The following may represent acceptable reasons:

- there is an independence issue in relation to the firm proposed as the auditor, which had not previously been notified to PSAA;
- there are formal and joint working arrangements relevant to the auditor's responsibilities, which had not previously been notified to PSAA; or
- there is another valid reason, for example you can demonstrate a history of inadequate service from the proposed firm.

4.4 PSAA will consider carefully all representations and will respond by Monday 16 October 2017 by email. If representations are accepted, the Council will be consulted on an alternative auditor appointment between 16 and 27 October 2017. If representations are not accepted, this will be confirmed by email. Council's may then choose to make further representations to the PSAA Board, providing any additional information to support the case.

4.5 The PSAA Board will consider all proposed auditor appointments at its meeting scheduled for 14 December 2017 and will write to all bodies to confirm the Board's final decision on the appointment of the auditor before 21 December 2017.

5. SCALE FEES FOR 2018/19

5.1 PSAA will consult on scale fees for 2018/19 in due course and will publish confirmed scale fees for 2018/19 for opted-in bodies on their website in March 2018. The results of the audit procurement exercise indicates that a reduction in scale fees in the region of approximately 18 per cent should be possible for 2018/19, based on the individual scale fees applicable for 2016/17.

6. RECOMMENDATION

6.1 As set out on the front of the report.

Agenda Item 8

Report To:	COUNCIL
Date:	10 October 2017
Executive Member/Reporting Officer:	Cllr Kieran Quinn - Executive Leader Sandra Stewart - Borough Solicitor and Monitoring Officer
Subject:	TRANSPORT FOR THE NORTH: INCORPORATION AS A SUB-NATIONAL TRANSPORT BODY
Report Summary:	<p>Transport for the North (TfN) is an evolving partnership of Local Transport Authorities and Local Enterprise Partnerships across the North of England acting collectively and working with the Government, Highways England, HS2 and Network Rail to develop a Northern Transport Strategy.</p> <p>The purpose of the report is for the Council to consent to the making of Regulations by the Secretary of State to establish TfN as a Sub-Regional Transport Body under Section 102E of the Local Transport Act 2008. The consent of each constituent authority is required.</p>
Recommendations:	<p>That Council approves:</p> <ol style="list-style-type: none">(i) The making by the Secretary of State of Regulations under Section 102E of the Local Transport Act 2008 to establish Transport for the North as a Sub-National Transport Body;(ii) That where the regulations propose to confer on TfN local transport functions consent to include such concurrent powers be agreed subject to the consent of the Council as set out in section 2 of the report.
Links to Community Strategy:	<p>The proposals support a number of elements of the Community Strategy by contributing to:</p> <ul style="list-style-type: none">• A Safer Environment: Through safer streets as a result of taking vehicular flows away from Town Centres, residential, commercial and other such localities;• A Prosperous Society: In providing new opportunities for inward investment following the completion of the major schemes;• A Healthy Population: Through the encouraging the use of sustainable travel; and <p>An attractive and environmentally friendly place to live, work and visit: Through increased public transport provision and the removal of unnecessary vehicular traffic from targeted locations.</p>
Policy Implications:	There are no policy implications
Financial Implications: (Authorised by the Section 151 Officer)	There are no financial implications, the Submission Proposal provides that the Constituent Authorities may all agree to contribute to the costs of TfN in the future. However, a decision to raise such contributions and the amount would require a unanimous decision of the Constituent Authorities

and could only be taken after written consent to the proposal has been received from each of the Constituent Authorities.

Legal Implications:
(Authorised by the Borough Solicitor)

The Cities and Local Government Devolution Act 2016 provided for the establishment by secondary legislation of Sub-National Transport Bodies. A Sub-National Transport Body is a Body Corporate, and consists of 2 or more relevant authorities i.e. Combined Authorities and/or Local Authorities.

The process for establishing a Sub-National Transport Body is that the constituent authorities (the Combined Authorities and/or relevant Local Authorities) are required to make a joint proposal to establish a Sub-National Transport Body and all constituent authorities are required to consent.

The TfN proposal can only be submitted with the agreement of the authorities which, if the Sub National Transport Body is established, will be its constituent authorities. The TfN proposal sets out the powers and functions that are being requested by TfN. These include general functions, functions to be exercised concurrently with Local Authorities (or PTEs), and powers devolved from the Government. The proposal does not include a proposal for any local authority functions to be carried out by TfN instead of a Local Authority, only concurrently. The proposal includes a requirement for constituent authorities to make statutory contributions towards the costs of TfN apportioned on the basis of resident population which can only be raised with unanimous support of the Constituent Authorities. The proposal also sets out the decision-making and voting arrangements that TfN will adopt.

The Council will be asked to consider and provide consent to the draft regulations that would establish TfN as a sub-national transport body.

Risk Management:

Having an effective Constitution minimises the risk of decisions being taken outside existing Council Policy and budget framework.

Access to Information

The background papers relating to this report can be inspected by contacting the report writer, Robert Landon Head of Democratic Services by:



Telephone: 0161 342 2146



e-mail: Robert.landon@tameside.gov.uk

1. INTRODUCTION

- 1.1. In 2014, Local Transport Authorities and Local Enterprise Partnerships across the North of England came together in partnership with the Department for Transport and the National Transport Agencies to form Transport for the North (TfN). TfN is an evolving partnership looking to develop a pan-northern transport strategy to drive economic growth in the North, and to plan and deliver the improvements needed to connect the region with fast, frequent and reliable transport links.
- 1.2. In October 2016, with the agreement of all Constituent Authorities (including the GM Combined Authority), TfN submitted a proposal to the Secretary of State for Transport that TfN should be established as the first Sub-national Transport Body under the provisions of Section 102E of the Local Transport Act 2008 as amended by the Cities and Local Government Devolution Act 2016.
- 1.3. The proposal submitted by the Constituent Authorities included the following key provisions:
 - a. All Constituent Authorities will be entitled to appoint a representative to TfN, such representative to normally be the Elected Mayor or Leader;
 - b. Decisions will be expected to be unanimous, but where voting is required votes will be weighted in accordance with the populations of the Constituent Authorities;
 - c. Decisions in relation to the Budget, the adoption of a Transport Strategy and the Constitution will require a Super Majority;
 - d. Funding will be provided by the Secretary of State and no decision to require financial contributions from Constituent Authorities can be made without the agreement of each Authority;
 - e. There will be appropriate mechanisms for Scrutiny of TfN's decisions;
 - f. Rail North Limited will be wholly owned by TfN; and
 - g. A wider Partnership Board including representatives of government bodies and the Local Enterprise Board will be set up to inform TfN's decision making.
- 1.4 TfN, with its partners, is developing a Strategic Transport Plan and accompanying long term Investment Programme, so that people and businesses can see a firm commitment to create a stronger, more diverse and resilient economy. Informed by important evidence, including Major Roads and Integrated Rail Reports, the plan will inform the Investment Programme required to transform economic performance.
- 1.5 Key dates for this process are as follows:
 - June 2017: TfN publishes its STP position statement along with the Evidence Base, Initial Integrated Rail and Initial Mayor Roads reports;
 - Summer 2017: TfN to undertake initial engagement around the evidence base, which will then be used to produce the STP and long term, sequenced Investment Programme;
 - Autumn 2017: Publication of the STP and Integrated Sustainability Appraisal for public consultation;
 - Winter 2017/Spring 2018: Public consultation on the STP and Integrated Sustainability Appraisal. Publication of the Single Integrated Rail Plan.
 - Summer 2018: Publication of the final STP and Integrated Sustainability Appraisal. Adoption of the STP as the plan of the statutory body.

2. POWERS AND FUNCTIONS

Powers and Functions

- 2.1 This section sets out the powers and functions, which will be given to TfN through the Regulations and by legislation. These will be as follows:
 - a) To prepare a Transport Strategy for the Combined Area in accordance with section 102I of the Local Transport Act 2008;

- b) To provide advice to the Secretary of State about the exercise of the transport functions in the Combined Area;
- c) To be a Statutory Partner with the Secretary of State in both road and rail investment processes and to be responsible for setting the objectives and priorities for strategic road and rail investments in the Combined Area;
- d) To be consulted in relation to rail franchise agreements for services to and from or within its area;
- e) To co-manage with the Secretary of State the TransPennine Express and Northern Rail Franchises;
- f) To co-ordinate the carrying out of specified transport functions that are exercisable by its different Constituent Authorities with a view to improving the effectiveness and efficiency of the carrying out of those functions;
- g) To promote and co-ordinate road transport schemes;
- h) To make proposals to the Secretary of State for the transfer of transport functions to TfN;
- i) To make other proposals to the Secretary of State about the role and functions of TfN;
- j) To undertake Smart Ticketing within the Combined Area;
- k) To promote and oppose local or personal bills in Parliament;
- l) To pay Capital Grants to support the funding and delivery of joint projects; and
- m) To exercise the powers of a highway authority to acquire land and to construct highways under Section 24.

Concurrent Functions

- 2.2 It should be noted, however, that some of the concurrent local transport functions included in the draft regulations are highway functions and that in the GMCA area the CA, although the LTA, is not the local highway authority. As a result, the Department for Transport (DfT) will be seeking the consent of GMCA's constituent councils (which are the local highway authorities) to TfN having certain concurrent highway functions.
- 2.3 The functions concerned which are set out in Regulation 11 of the draft Regulations are the following functions in the Highways Act 1980.
- Section 8(1) (power to enter agreements with local highways authorities etc for doing certain works)
 - section 24(2) (power of local highway authority to construct new highways)
 - section 25(i) (powers to enter into agreement for creation of footpath etc)
 - section 26 (i) (compulsory powers for creation of footpaths etc)
 - various functions in sections 239, 240, 246 and 250 relating to the acquisition of land for highway purposes
- 2.4 It should be stressed that functions are to be exercisable by TfN **concurrently** with the local highway authority - **no powers are being taken away from the local highway authority**. Moreover, regulations 14 and 15 provide additional safeguards for local highway authorities:
- TfN may not exercise the function in Section 24(2), unless the manner in which it proposes to exercise the function has been approved by:-
 - (a) each council through whose area the highway is to pass,
 - (b) the person who is proposed to be highway authority for the highway
 - (c) the highway authority for any highway with which the new highway will communicate, and
 - (d) the Secretary of State
 - TfN may not exercise the remaining highway functions in Regulation 11 in relation to an area of a local authority, unless the manner in which it proposes to exercise the function has been approved by the local authority.
- 2.5 The Secretary of State is requesting that the consent of all relevant authorities is provided by no later than Friday 20 October 2017.

- 2.6 Before exercising any transport powers or functions it holds concurrently with any of the Constituent Authorities or Highways Authorities within the TfN area, TfN will consult those Authorities and enter into a Protocol covering the way in which those functions will be exercised.

3. TRANSPORT FOR THE NORTH GOVERNANCE ARRANGEMENTS

- 3.1. The Secretary of State has responded to the proposals and has indicated that he is minded to make Regulations creating TfN as the first Sub-national Transport Body with the following functions:
- (a) The preparation of a Northern Transport Strategy;
 - (b) The provision of advice of the North's priorities, as a Statutory Partner in the Department's investment processes; and
 - (c) The co-ordination of the TransPennine Express and Northern rail franchises through the acquisition of Rail North Limited.

- 3.2 Regulations are being drafted which will reflect the terms of the Proposals in so far as they have been agreed by the Secretary of State and will give TfN the statutory powers to carry out these functions.

- 3.3 A draft Constitution has been drawn up which includes provisions which reflect and implement the Submission Proposals. The Constitution contains the following provisions:

Articles

- 3.4 The Articles set out the statutory basis for TfN and its membership. TfN is proposed to be made up of representatives from the 19 Constituent Authorities (including GMCA) who are the Transport Authorities who are the Transport Authorities who are the Transport Authorities for the North of England. TfN will operate through a delegation to its Chief Officers of all its functions other than those specifically reserved to TfN.
- 3.5 The Articles contain an overview of the functions of TfN and the major partnerships through which it will exercise these functions in particular its roles as Statutory Partner in determining priorities for road and rail and investment and its role in managing the Transpennine Express and Northern Rail franchises.
- 3.6 TfN will establish a Partnership Board with representatives of all the Constituent Authorities, representatives of other authorities who were members of Rail North Limited, representatives of the 11 Local Enterprise Partnerships and representatives of the Department for Transport and of other Government Agencies. The Board will be responsible for setting the strategic agenda for transport in the North of England.
- 3.7 TfN will also engage with partners in the Rail North Partnership Board setting the strategic priorities for rail investment and in the Highways North Board setting the strategic priorities for road investment.
- 3.8 TfN will co-manage the TransPennine Express and Northern Rail Franchises through a Committee, which will include representatives of all other Authorities who were members of Rail North Limited.

Voting

- 3.9 The Articles provide for weighted voting in accordance with a matrix, which give the representative of each Constituent Authority a vote which is weighted to reflect the population of the area of the constituent authority.

- 3.10 A decision to approve the Budget, to approve the constitution or to adopt the Transport Strategy will require 75% of the weighted vote and a simple majority of the Members.
- 3.11 It is proposed that TfN should be entitled to co-opt Members and that such co-opted Members should have voting rights. It is further proposed that those authorities, which are members of Rail North Limited, but which will not be a constituent authority of TfN, should each be entitled to appoint a representative to be a co-opted members of TfN with a right to speak and vote on rail franchise matters. The voting in relation to rail franchises shall be weighted in accordance with a voting matrix which reflects the voting arrangements for Rail North Limited.

Responsibility for Functions

- 3.12 The Membership of TfN will together be responsible for approving the Budget, the Constitution and the Transport Strategy. Officers of TfN will have delegated responsibility to carry out all of TfN's day-to-day functions and to implement the strategic decisions made by TfN. In carrying out these functions TfN and its officers will have due regard to the views and advice of the Partnership Board, the Department for Transport and other Statutory Agencies.

Audit and Governance Committee

- 3.13 TfN will appoint an Audit and Governance Committee to provide independent review and assurance to Members on governance, risk management and control frameworks. It oversees financial reporting, the Annual Governance Statement process and internal and external audit, to ensure efficient and effective assurance arrangements are in place.

Scrutiny Committee

- 3.14 Each of the Constituent Authorities will be entitled to appoint a representative (and a substitute) to the Scrutiny Committee.
- 3.15 The role of the Scrutiny Committee will include:
- a) reviewing the decisions of TfN and of officers of TfN under the scheme of delegations;
 - b) making reports or recommendations to TfN with respect to the discharge of the functions of TfN and on transport matters that affect the TfN area.

The Rail North Committee

- 3.16 TfN will establish a Rail North Committee, which will advise on TfN's statutory Partner role in relation to rail investment and will have oversight of the management of the TransPennine Express and Northern Rail Franchises.

Procedure Rules

- 3.17 This section sets out the procedures, which shall apply to meetings of TfN. The Rules of Debate reflect the nature of the business of TfN and that most decisions are expected to be consensual without the need for formal debating procedures.

Scrutiny Procedure Rules

- 3.18 The Scrutiny Procedure Rules provide for Scrutiny Committee to set up smaller Scrutiny Panels to review discreet topics and to allow these Panels to invite representatives of outside bodies to attend to inform their Reviews.

Financial Procedures

- 3.19 CIPFA provisions set out the financial rules and controls, which will govern all expenditure by TfN. It is expected that more detailed financial controls in relation to individual projects will be set out in the Funding Letter from the Secretary of State.

Codes and Protocols

- 3.20 It is not intended that TfN should have its own Code of Conduct for Members, but Members will be expected to adhere to the Code of Conduct of their appointing Authority in the conduct

of TfN's business and any Standards issue would be referred back to the appointing Authority by the Monitoring Officer.

- 3.21 Although TfN is not required to adopt its own Code of Conduct for Members, it will need to have a separate Disclosure of Interests by each Member in respect of their interests within the whole of the TfN geographical area.
- 3.22 The Code of Conduct for Officers sets out the standards of behaviour expected from TfN's officers.
- 3.23 The Protocol on Member/ Officer Relations sets out guidance on the mutual respect, which should exist between officers and Members and the way in which they should interact with each other.
- 3.24 The Code of Corporate Governance sets out the core principles and values which will govern the way in which TfN operates.
- 3.25 The Anti-Fraud and Corruption Policy sets out the measures that TfN will put in place to avoid and address fraud and corruption in any of its dealings.
- 3.26 The Whistle blowing Policy sets out the ways in which whistle-blowers may bring their concerns to management and the protections that are in place to ensure that whistle-blowers are not victimised or discriminated against.



Role of the Partnership Board

- 3.27 TfN has evolved over the years, from the inception of TfN as a partnership representing all those with an interest in the improvement of transport in the North of England to the creation of TfN as the first Sub-Nation Transport Body. Although TfN as a corporate body will consist of the representatives of the 19 Constituent Authorities, there is an aspiration that it will continue to operate through the Partnership Board taking decisions in partnership with the representatives of the 11 Local Enterprise Partnerships as representatives of the business community and with representatives of the Department for Transport and other Government Agencies and will continue to have an independent chair.
- 3.28 The draft Constitution reflects the legal requirements for decision making within TfN as a corporate body, but it will be open to TfN to operate these constitutional arrangements in a way that is consistent with continuing the present arrangements of the Partnership Board if Members so agree.

Consent to the Regulations

- 3.29 Draft Regulations are being drafted to create TfN as a Sub-National Transport Body. Before the Secretary of State may make these Regulations each of the Constituent Authorities must consent to the making of the Regulations. It is anticipated that the Secretary of State will send a letter to each of the Constituent Authorities at the beginning of September 2017 requesting formal consent to the making of the Regulations. The letter will request a response within 14 days.

This page is intentionally left blank

Report To:	COUNCIL
Date:	10 October 2017
Executive Member/Reporting Officer:	Cllr Kieran Quinn - Executive Leader Steven Pleasant – Head of Paid Service Sandra Stewart - Borough Solicitor and Monitoring Officer
Subject:	STATUTORY AND PROPER OFFICER APPOINTMENTS
Report Summary:	The attached document details the Statutory and Proper Officer appointments that have been amended to reflect changes to the Council's Senior Management structure and explains changes within the leadership team to create additional capacity.
Recommendations:	That the amended Part 3d - Appointment of Statutory and Proper Officers of the Constitution be adopted and the Monitoring Officer be authorised to amend the constitution accordingly which includes Part 7 of the Constitution – Management Structure http://www.tameside.gov.uk/contactus .
Links to Community Strategy:	The Constitution provides an effective framework for implementing the Community Strategy.
Policy Implications:	There are no policy implications.
Financial Implications: (Authorised by the Section 151 Officer)	Any cost implications are being met within existing budget arrangements.
Legal Implications: (Authorised by the Borough Solicitor)	The proposed amendments comply with the requirement to review the constitution and reflect the recent changes to the Council's Senior Management Team.
Risk Management:	Having an effective Constitution minimises the risk of decisions being taken outside existing Council policy and budget framework.
Access to Information	The background papers relating to this report can be inspected by contacting the report writer, Sandra Stewart Borough Solicitor and Monitoring Officer by:  Telephone:0161 342 3028  e-mail: Sandra.stewart@tameside.gov.uk

Introduction

1. Since 2010, the Council has reduced the cost of its Senior Leadership Team by over 50%, this reduction in capacity whilst the business has become more complex is starting to have a significant impact just as we need to lead on some far reaching transformational changes on a number of fronts, particularly finding ways to address the increasing demand for health and social care and children's services.
2. Tameside and Glossop Clinical Commissioning Group (T&G CCG), Tameside Metropolitan Council and Tameside and Glossop Integrated Care NHS Foundation Trust are working together to develop, introduce and operate an integrated system of health and social care to improve healthy life expectancy in Tameside and Glossop.
3. In September 2015, the three organisations agreed a set of principles to deliver significant improvements in health and care for the people of Tameside and Glossop. These improvements will be brought about by bringing together GPs, social care providers, hospital clinicians, the community and voluntary sector to deliver better connected services for people.

Need for Changes to Leadership Team

4. It has become clear that the challenges we face in bringing about significant public reform to tackle increasing demand within significantly reduced funding have become too broad and complex coupled with core capabilities are spread too thinly that we need to address this directly.
5. With the departure of Damien Bourke, Assistant Director (Asset & Investment), Clare Watson, Director of Commissioning (who is on a secondment until January 2019) and Dominic Tumelty, Assistant Director of Children's, it is necessary to make some changes to the leadership team to deliver the step change that we need and at the pace required.
6. There is a need to re-organise to focus on our strengths, which leads to a number of senior management changes as set out below:
7. Stephanie Butterworth will cease to hold both statutory roles of Director of Children's Services and Director of Adult Services. Ms Butterworth will remain the Director of Adult Services and will undertake the substantive task of the strategic commissioning lead for Ageing well with the following strategic priorities and deliverables:
 - ✓ Transfer of Adult Social Care to the newly integrated Care Organisation
 - ✓ Development of new models for residential/nursing care
 - ✓ Development of new models for supporting adults to live at home
 - ✓ Roll out GM Model for reducing malnutrition, dehydration & falls
 - ✓ Delivery of the Dementia (United Plan)
 - ✓ Expansion of support for carers
8. The Director of Adults will be supported in this role by Sandra Whitehead, the Assistant Director for Adults.
9. A new statutory role of Director of Children's will be created to focus on delivering great outcomes for children whilst ensuring it is financially sustainable and is best placed to tackle future challenges. James Thomas, was appointed the Interim Director of Children's Services with effect from the 9 October 2017. James has an excellent track record in delivering high quality children's services and has experience of working at a Director level in his previous post at Newham Council. James also has over a decade's experience of working at Westminster Council in a leadership role for children's services which was judged by Ofsted to be outstanding. James will provide us with the assured Leadership that we need as we embark on the next phase of our improvement journey and we offer him our full support as he takes on this challenging role.

10. The Director of Children's role will be supported by Bob Berry, Assistant Director of Education.
11. The role of Assistant Director of Children Services will be deleted to provide a single line of leadership and accountability.
12. Robin Monk's broad and complex role as the Director of Place will be refocused on the following strategic deliverables, which are key priorities to the Council and need to be delivered at pace:
 - ✓ Production of a 20 year investment and growth strategy
 - ✓ Lead on strategic planning/development management
 - ✓ Lead on prosperity board
 - ✓ Lead on Tameside investment partnership
 - ✓ Lead on PFI Contracts
 - ✓ Lead on the GMSF and GM Skills Strategy
 - ✓ Lead on the Developing Well agenda
 - ✓ Roll out the Work and Health Strategy in partnership with the Director of Commissioning
 - ✓ Review of assets for the Council, CCG and ICFT with a view to transfer responsibility and accountability and single leadership of assets to the Council.
 - ✓ Examine current working of the LEP and determine its future value to the Council.
 - ✓ Deliver assets to support the implementation of Integrated Neighbourhoods by 1 January 2018 or such other date as agreed.

and undertake day to day leadership and management of the economic growth and investment portfolio previously led by the Assistant Director for Growth & Investment.

13. The role of Director of Growth will therefore be deleted as Mr Monk will be assuming direct responsibility for this role and its duties and accountability, in order to ensure we provide more capacity to meet our strategic priorities.
14. The Assistant Director of Digital Tameside, whose functions had already been agreed in June 2017 to be transferred to the newly appointed s151 Officer, Kathy Roe who officially took up that role on the 1 October 2017 following appointment by Council, will transfer from the 1 October 2017 also.
15. Ian Saxon, the Assistant Director of Environmental Services will become the Director for Operations and Neighbourhoods on the 1 January 2018 and be supported by Emma Varnam who is the Assistant Director of Stronger Communities. Meanwhile, Ian and Emma will move to Hyde to develop wider corporate and strategic knowledge of Council Services generally in preparation for their new roles and to support the new Director of Children's with the benefit of their extensive organisational knowledge and experience.
16. Jess Williams, who is the Care Together Programme Director will also undertake the role of Interim Director of Commissioning (until Clare Watson's return from secondment in January 2019), and will enable us to bring some pace to the transformation required.
17. The aim of the leadership team is to provide singularity of leadership for the Tameside & Glossop Clinical Commissioning Group (CCG) and the Council with relentless focus to provide better outcomes within a sustainable budget. The current funding remains extremely challenging with a projected resource gap of £40 million for the period 2017 to 2020.
18. The leadership team need to create a culture of continuous improvement to drive our transformation programme and to concentrate skills, talent and leadership capacity to do this.

19. The changes set out in this report are an important first step towards achieving this objective. They focus our activities on our core strengths and create clear lines of accountability and transparency, with our leaders empowered to deliver within a clear governance framework.

Leadership Team

20. The Senior Leadership team together with the wider Senior Management team of the Single Commissioning team are set out below:

Senior Leadership Team

Council Chief Executive & CCG Accountable Officer	Steven Pleasant
Director of Governance & Pensions (Monitoring Officer)	Sandra Stewart
CCG Deputy Accountable Officer & Director of Finance (s151 Officer)	Kathy Roe
Director of Place	Robin Monk
Director of Children	James Thomas (interim)
Director of Adults	Stephanie Butterworth
Director of Population Health	Angela Hardman
Director of Nursing Quality & Safeguarding	Gill Gibson
Care Together Programme Director & Director of Commissioning (1)	Jess Williams
Director of Neighbourhoods & Operations (2)	Ian Saxon

Notes:

- (1) Substantive posts held by Clare Watson on secondment until 1.1.2019
- (2) Role comes into effect from 1.1.2018 and role of current holder Assistant director of Environmental Services will be deleted

Senior Management Team

Assistant Director People & Workforce Development	Tracy Brennand
Assistant Director Exchequer	Ilys Cookson
Assistant Director Policy, Performance & Communications	Sarah Dobson
Assistant Director of Finance (Deputy Chief Finance Officer/Deputy s151 Officer)	Tom Wilkinson
Deputy Chief Finance Officer	Tracey Simpson
Assistant Director Digital Tameside	Tim Rainey
Assistant Director Learning	Bob Berry
Assistant Director Adults	Sandra Whitehead
Assistant Director (Stronger Communities)	Emma Varnam
Interim Assistant Director of Population Health (1)	Debbie Watson
Consultant Public Health	Anna Maloney
Consultant Public Health	Gideon Smith
Interim Deputy Director of Quality & Safeguarding (2)	Michelle Walsh
Deputy Director of Commissioning	Ali Lewin

Notes:

- (1) To provide additional capacity whilst Angela Hardman takes on a broader role across GM
- (2) Leading on the transfer and integration of continuing healthcare

21. The Leadership team needs to accelerate efforts in order to ensure we create sustainable and affordable services for the future. In the meantime, it is important we stay focused on working effectively and delivering great service to our residents. The level of change required isn't something that will happen immediately, it will take time, effort and commitment from everyone putting local people and communities first at every stage. Much remains to be done in order to find the right balance between pride in our heritage and what we have achieved and embracing change, to build a better, stronger, healthier Tameside.

Council Constitution

Part 3d - Appointment of Statutory and Proper Officers

1. In this Constitution the posts set out below shall be the designated Statutory and Proper Officer for the Council and those posts shall undertake the specific responsibilities attached to the role of the specific Statutory and Proper Officer.
2. In the event of any Officers mentioned below being for any reason unable to act or of any of their posts being vacant, the Chief Executive or in his absence or in the alternative, the Executive Director (Governance and Resources), and in the absence of both, the Section 151 Officer, shall nominate an Officer to act in their stead.
3. Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time being, been made.

Statutory Officers

Legislation	Section	Statutory Officer	Allocated To
Local Authority Social Services Act 1970	S6	Director of Social Services (Adult Services only)	Director (Adult Services)
Local Government Act 1972	S151	Chief Finance Officer	Director (Finance)
Local Government and Housing Act 1989	S4	Head of Paid Service	Chief Executive
Local Government and Housing Act 1989	S5	Monitoring Officer	Director (Governance & Pensions)
Education Act 1996	S532	Chief Education Officer	Director (Children's Services)
Children Act 2004	S18	Director of Children's Services	

Proper Officers

Legislation	Section	Provision	Proper Officer
Any reference to any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Town Clerk of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.			Chief Executive
Any reference in any local statutory provision to the Clerk of the Council or similar which, by virtue of an order made under the Local Government Act 1972 or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council.			Chief Executive
National Assistance Act 1948	All	Public Health (misc)	Director of Population Health
National Assistance (Amendment) Act	All	Public Health (misc)	Director of Population Health

1951			
Registration Services Act 1953	S9(1) S3(b) S13(2)(h) S20(b)	Registration of Births, Deaths and Marriages	Director (Governance and Pensions)
		Registration of Births, Deaths and Marriages Regulations 1968 - 1994	Director (Governance and Pensions)
Local Government Act 1972	S13(3)	Parish Trustee	Chief Executive
	S83(1)-(4)	Witness and receipt of declaration of acceptance of office	Chief Executive
	S84	Receipt of declaration of resignation of office	Chief Executive
	S88(2)	Convening of meeting of Council to fill casual vacancy in office of Chair/Mayor	Chief Executive
	S89(1)(b)	Receipt of notice of casual vacancy from two local government electors	Chief Executive
	S96(1)	Receipt of notices of pecuniary interests	Monitoring Officer
	S94 & 96(2)	Keeping of record of disclosures and notice of pecuniary interests	Monitoring Officer
	S100(B)(2)	Circulation of reports and agendas	Chief Executive
	S100(B)(7)	Supply of papers to press	Chief Executive
	S100(C)(2)	Summary of minutes	Chief Executive
	S100(D)(1)(a)	Compilation of background papers	Chief Executive
	S100(D)(5)(a)	Identification of background papers	Chief Executive
	S100(F)	Identification of confidential documents not open to Members	Chief Executive
	S115(2)	Receipt of money due from Officers	Director (Governance and Pensions)
	S146(1) (a) & (b)	Declarations and certificates with regard to securities	Director (Governance and Pensions)
	S191	Functions in respect of Ordnance Survey	Director (Place)
	S204(3)	Receipt of application for licence under Licensing Act 1964	Assistant Director of Environmental Services to the 01.01.18 and thereafter Director of Neighbourhoods & Operations
S210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or if there is no such office, to the Proper Officer	Director (Governance and Pensions)	

	S225(1)	Deposit of documents	Chief Executive
	S228(3)	Accounts - to be open for inspection	Director (Finance)
	S229(5)	Deposit of documents - certification	Director (Governance and Pensions)
	S234	Authentication of documents	Director (Governance and Pensions)
	S234(2)	Statutory Notices under various Public Health and associated legislation	Assistant Director of Environmental Services to the 01.01.18 and thereafter Director of Neighbourhoods & Operations
	S236(9) & (10)	Service of Byelaws on other Authorities	Director (Governance and Pensions)
	S238	Certification of Byelaws	Director (Governance and Pensions)
	Schedule 14 Para 25(7)	Certification of resolutions - Para 25	Director (Governance and Pensions)
	S248 (2)	Keeping roll of Freeman	Chief Executive
	Schedule 12 Para 4(2)(b)	Signature of summons to Council	Chief Executive
	Schedule 12 Para 4 (3)	Receipt of notices regarding addresses which Summons to meeting are to be sent	Chief Executive
	Schedule 16 Para 28	Receipt of deposit lists of protected buildings	Executive Director (Place)
	N/A	Any reference in any local statutory provision to the Treasurer of a specified Council or the Treasurer of a specified Borough which, by virtue of order made under Section 254 of the Local Government Act 1972, or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council	Director (Finance)
	N/A	Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Treasurer or a Treasurer of a Borough which virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council	Director (Finance)
Local Government Act 1974	S30(5)	Notice of Local Government Ombudsman report	Chief Executive

Local Government (Miscellaneous Provisions) Act 1976	S41	Certification of copies of resolutions, Minutes, other documents	Chief Executive
Rent (Agriculture) Act 1976	All	Provision of alternative accommodation Regeneration and Architecture	Director (Place)
Local Authorities Cemeteries Order 1977	All	Officer of the burial authority	Assistant Director of Environmental Services to the 01.01.18 and thereafter Director of Neighbourhoods & Operations
	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	
Cremation Regulations	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	
Rent Act 1977	S15	Certificates of provision of suitable alternative Regeneration and Architecture Part IV accommodation	Director (Place)
Highways Act 1980	S37(5)	Deposit of Certificate of Dedication or copy order	Assistant Director of Environmental Services to the 01.01.18 and thereafter Director of Neighbourhoods & Operations
	S205(3)	Preparation of specification estimate and provisional appointment	
	S205(3)	Certification of copies of resolution and approved documents	
	S210(2)	Certifications of document giving details of estimate and consequential amendment of provisional appointment	
	S211(1)	Making final appointment	
	S216(2) & (3)	Settlement of proportion of amount	
Greater Manchester Act 1981	S60(5)(a)	Receipt of objections to proposals to designate places for touting, hawking, photographing etc.	Director (Governance and Pensions)
Rates Act 1984	S7	Certification of rate	Director (Finance)
Building Act 1984	S61(2)	Repair etc., of drain	Director (Place)
	S78	To act as "the surveyor" empowered to take and authorise emergency action in respect of damage to dangerous buildings, walls etc. To order the demolition of buildings rendered dangerous by damage, without prior authorisation of the Council	Director (Place)
Public Health	S11(1)	Control of Diseases (various)	Director of Population

(Control of Diseases) Act 1984	S11(3) S18(1) S20(1) S21(1) S22(1) S23(2) S24(1) S26(2) S29(4) S30(2) S31(1) S32(1) S34(3), (5) S35(1) S36(1) S37(1) S38(1) S39(1), (3) S40 S41(1) S42(1) S43(1) S48(1) S50(2)(b) S51(1)		Health
Weights and Measures Act 1985	S72	Chief Inspector (Weights and Measures)	Assistant Director of Environmental Services to the 01.01.18 and thereafter Director of Neighbourhoods & Operations
Local Elections (Principal Areas) Rule 1986	Rule 44	Receipt from Returning Officer of names of persons elected to Council	Chief Executive
	Rule 46, 47	Receipt from Returning Officer of election documents	Chief Executive
	Rule 48, 49, 51	Retention of election documents and making them available for public inspection	Chief Executive
Elections	N/A	Registration Officer for any constituency or part of a constituency coterminous with or contained in the Tameside Metropolitan Borough	Chief Executive
	N/A	Returning Officer for the election of Councillors for the Tameside Metropolitan Borough	Chief Executive
	N/A	Officers who in the event of the Chief Executive being for any reason unable to act or in his absence authorised to undertake the full range of duties	Director (Governance and Pensions) and Head of Democratic Services

The Public Health (Infectious Diseases) Regulations 1988	Regs 6 Regs 8 Regs 9 Regs 10 Regs 11 Regs 12 Regs 13 Schedule 3 & 4	Infectious Diseases	Director of Population Health
Milk and Dairies (General) Regulations 1988	Part VII (Regulations 18 to 20)	Statutory Provision Pasteurisation Orders	Director of Population Health
Local Government and Housing Act 1989	S2	Receipt of list of Politically Restricted Posts	Chief Executive
	S19	Members interests - notification	Chief Executive
	S15, 16, 17	Receipt of notices relating to Political Groups	Chief Executive
Environmental Protection Act 1990	S149	Stray dogs	Assistant Director of Environmental Services to the 01.01.18 and thereafter Director of Neighbourhoods & Operations
Council Tax (Administration and Enforcement) Regulations 1992	Reg 7	Service of Attachment of Earnings Orders	Director (Governance and Pensions)
The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000	Regs 3 and 4	Recording of collective Executive Decisions Verification etc. of Mayoral Petitions	Chief Executive
The Local Authorities (Standing Orders) (England) Regulations 2000	Regs 3 and 4 and Schedule 1	Provision relating to the appointment and dismissal of staff	Chief Executive

Report To:	COUNCIL
Date:	10 October 2017
Executive Officer:	Member/Reporting Officer: Councillor Allison Gwynne – Executive Member Clean and Green Ian Saxon – Assistant Director (Environmental Services)
Subject:	REQUEST FOR THE COUNCIL'S CONSTITUTION TO BE AMENDED TO ADOPT NEW POWERS UNDER THE ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014
Report Summary:	This report provides an update on the Anti-Social Behaviour Crime and Policing Act 2014 and seeks support for new powers contained under the Act to be adopted within the Councils Constitution under the Terms of Reference and Scheme of Delegation.
Recommendations:	That Council agrees to adopt new powers contained under the Anti-Social Behaviour Crime and Policing Act 2014 into the Councils Terms of Reference and Scheme of Delegation.
Links to Community Strategy:	The Anti-social Behaviour Crime and Policing Act 2014 supports the priorities of the Council's corporate plan: Supporting economic growth and opportunity Increasing self-sufficiency and resilience of individuals and families Protecting the most vulnerable
Policy Implications:	Any decisions to subsequently apply any of the new powers contained in this report will be taken within the context of Council and Strategic Neighbourhood Partnership policies.
Financial Implications: (Authorised by the Section 151 Officer)	There are no direct financial implications arising from this report.
Legal Implications: (Authorised by the Borough Solicitor)	The Anti-Social Behaviour Crime and Policing Act 2014 (the Act) provides Council officers with a number of enforcement powers which can be used in tackling a wide variety of anti-social behaviour. These powers are identified in the body of the report and at Appendices 2 and 3 to the report. Council Officers have to be authorised by the Council's Constitution to use these powers. Any use of these powers without authorisation would be ultra vires. Any prosecution brought by the Council alleging a failure to comply with a notice issued under the Act, would therefore fail on the grounds that the Council officer had no authority to serve a notice in the first place. Likewise any application to the County Court for an Injunction under the Act would therefore fail on the grounds that the Council officer had no authority to issue a claim. The Council's Constitution would therefore need to be amended to extend the scheme of delegation;

- a) To include matters relating to those duties and responsibilities imposed on the Council by the Anti-Social Behaviour, Crime and Policing Act 2014; and
- b) To authorise Council enforcement officers (who may be from any service area) to carry out enforcement powers in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014.

Should the constitution be amended then officers would need to be adequately trained to ensure that the powers are used in an appropriate, proportional and reasonable way.

Risk Management:

Risk assessments would be carried out whenever consideration is being given to using these new powers. There is a real risk – if these new powers are not adopted – that the Council will find itself unable to deal adequately with issues relating to ant-social behaviour.

Access to Information:

The background papers relating to this report can be inspected by contacting Ian Saxon, Assistant Executive Director (Environmental Services)



Telephone:0161 342 3470



e-mail: ian.saxon@tameside.gov.uk

1 INTRODUCTION

- 1.1. The purpose of this report is to recommend that the Council adopts, through its' Constitution, new powers under the Anti-Social Behaviour Crime & Policing Act 2014. This Act can be used to help tackle anti-social behaviour, environmental anti-social behaviour and criminal activities.
- 1.2. Section 3 of this report outlines the 6 new powers contained under the Anti-Social Behaviour Crime & Policing Act. The new powers are designed to be flexible and faster and easier to use to tackle anti-social behaviour across a range of legislation.
- 1.3. The Council's constitution exists to allow the Council to provide clear and effective leadership and create clear decision making processes. The Councils Constitution ensures that those with the power to make decisions on behalf of the Council are clearly identifiable and are accountable to the residents of Tameside. It is important that the Constitution is occasionally updated with regards to changes in legislation which effect how the Council operates and carries out its daily business.

2 BACKGROUND

- 2.1. Tackling anti-social behaviour (ASB) is a key priority for the Council and its partners and a number of approaches are already in place to help tackle ASB.
- 2.2. In 2010 the Council established the Anti-Social Behaviour Risk Assessment Conference (ASBRAC) process. This was in response to the learning from the Serious Case Review and ensures that victims receive the support they need by all partners, giving them a voice through a Victim's Champion.
- 2.3. In 2012 the Council worked with Partners to establish Restorative Justice in Tameside through Neighbourhood Resolution Panels. The Panels are made up of trained community volunteers and staff, who bring together both the victim (harmed) and the offender (harmer), and through mediation and dialogue work together to reach agreed outcomes outside of the criminal justice system. This process has proved to be successful for a wide range of low-level crime types and is used as an example of best practice across Greater Manchester.
- 2.4. In 2016 Neighbourhood Services officers transferred into two Integrated Neighbourhood Service Hubs, one in Ashton Police Station and one in Hyde Police Station. These meet on a daily basis to discuss issues, including ASB, that are placing a strain on communities and front line services. A range of early intervention methods are employed, including the use of Anti-Social Behaviour Contracts (ASC's), to address a range of ASB issues.
- 2.5. In addition, officers within the Council's Public Protection arm, including Environmental Health, Trading Standards, Licensing, Housing Enforcement and Environmental Protection, are in the process of moving towards a Single Regulatory Service which will encompass a wide range of place-related regulatory functions within a single unit.

3 ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

- 3.1. The Anti-Social Behaviour Crime and Policing Bill received Royal Assent on 13 March 2014 and is now an Act of Parliament. The Act brings together a number of changes to the tools and powers available to the various organisations, agencies and practitioners who tackle anti-social behaviour.

- 3.2. The reforms contained within the Anti-Social Behaviour Crime and Policing Act replaced 19 existing powers with 6 new ones and has been designed to provide better protection for victims and communities and ensure that professionals have effective powers that are quick, practical and easy to use. A diagram showing the 6 new powers and the 19 powers they replaced can be seen at **Appendix 1** of this report.
- 3.3. The 6 new powers contained under the Anti-Social Behaviour Crime and Policing Act are designed not only to provide effective respite for victims and communities, but also to stop future anti-social behaviour by the offender. Through the inclusion of 'positive requirements', perpetrators may be required to address the underlying causes of their behaviour, for example, substance misuse, anger management or problem drinking.
- 3.4. Under the Anti-Social Behaviour Crime and Policing Act, anti-social behaviour is defined as:
- *Conduct that has caused or is likely to cause harassment, alarm or distress to any person, or*
 - *Conduct capable of causing nuisance or annoyance to a person in relation to that persons occupation of residential premises, or*
 - *Conduct capable of causing housing-related nuisance or annoyance to any person.*
- 3.5. A summary of the 6 new powers, the powers they have replaced and the category they fall under is set out below. A full description of the powers can be seen at **Appendix 2** of this report.
- Power to grant Injunctions (People)**
- 3.6. The legislation allows several agencies, including local authorities, to make applications to the court for Injunctions relating to individuals. Examples of when this tool may be used include vandalism, public drunkenness, irresponsible dog ownership and noisy or abusive behaviour towards neighbours.
- 3.7. Breach of an injunction by an adult will amount to contempt of court, punishable by the county court by a term of imprisonment of up to 2 years or an unlimited fine. Breach of injunction by someone under 18 could result in the youth court imposing a supervision or detention order.
- Criminal Behaviour Order (People)**
- 3.8. A Criminal Behaviour Order will be an order on conviction and will be available for the most seriously anti-social individuals through the criminal courts.
- 3.9. A Criminal Behaviour Order could include prohibitions which are designed to stop an offender from engaging in problematic behaviour. An Order can also include requirements for the offender to engage in activities to address the causes of their offending. Compliance with the Order would be monitored by the National Probation Service or the Community Rehabilitation Company.
- Community Protection Notice (Place)**
- 3.10. A Community Protection Notice is intended to address a wide range of behaviours that negatively affect the quality of life for a community living in a particular area. It can apply to any individual who is over the age of 16 or a business / organisation. However, it does not replace the statutory nuisance regime.
- 3.11. A Community Protection Notice may be used, for instance, in a situation where a dog was repeatedly escaping from its owners back garden due to a broken fence; the owner could be issued with a notice requiring that they repair the fence to avoid further escapes.

- 3.12. 'Authorised Persons' can issue a Community Protection Notice, including; a police officer, the relevant Local Authority or a person designated by the relevant Local Authority, such as a Registered Social Landlord.

Public Spaces Protection Order (Place)

- 3.13. A Public Spaces Protection Order is intended to deal with a particular nuisance in an area which negatively affects the community's quality of life. Unlike the Community Protection Notice, it will apply to everyone using that geographical area and will impose conditions on the use of that area (e.g. restricting the use of a highway late at night by groups of people or the drinking of alcohol in a public space). Orders will last for up to 3 years, after which they will require review.

- 3.14. Local authorities may issue Public Spaces Protection Orders where they reasonably believe that the behaviour is detrimental to the local community's quality of life and that the issuing of the order is a reasonable response.

- 3.15. The order prohibits certain named behaviours from taking place in a defined geography, for example drinking alcohol or allowing dogs to be off the leash.

Closure Notice (Place)

- 3.16. A Closure Notice can be issued by the Police or Local Authority in cases of possible or actual public nuisance associated with a particular premise, for a maximum of up to 48 hours.

- 3.17. A Closure Notice can also be designed to prohibit access to people at particular times, such as an anticipated party that had been advertised through social media.

Police Dispersal Power (Police Powers)

- 3.18. Under the Police Dispersal Powers, persons aged 10 and above who have committed, or are likely to commit anti-social behaviour can be directed to leave a specified area, and not return for a specified period of up to 48 hours. This does not replace the power to return a child under the age of 16 (who is on the streets between 9pm and 6am without an adult) home or to a place of safety.

- 3.19. The Police Dispersal Power may be used in cases where there is intelligence to indicate that there is likely to be anti-social behaviour on a particular housing estate during the weekend.

Community Remedy

- 3.20. The Community Remedy is a statement of options, developed in consultation with the public, that aims to give victims a say in the out of court punishment for offenders of low level crime and anti-social behaviour. The Act places a duty on the Police and Crime Commissioner to consult with the public and community representatives.

- 3.21. It is anticipated that The Community Remedy will provide an overarching commitment to a consistent approach to tackling anti-social behaviour whilst also supporting options available through Restorative Justice.

Adopting the new powers

- 3.22. In order to use these new powers, the Council will need to adopt the Anti-Social Behaviour Crime and Policing Act within the framework of its constitution under its Terms of Reference and Scheme of Delegation

- 3.23. The Council's Terms of Reference and Scheme of Delegation currently place the delegated authority for use of the powers that have been replaced with the Executive Director (Place). In order to use the new powers to their maximum effect the Council could consider

adopting the new powers contained within the Anti-social Behaviour Crime and Policing Act under the delegated authority of the same Executive Director.

4. RECOMMENDATIONS

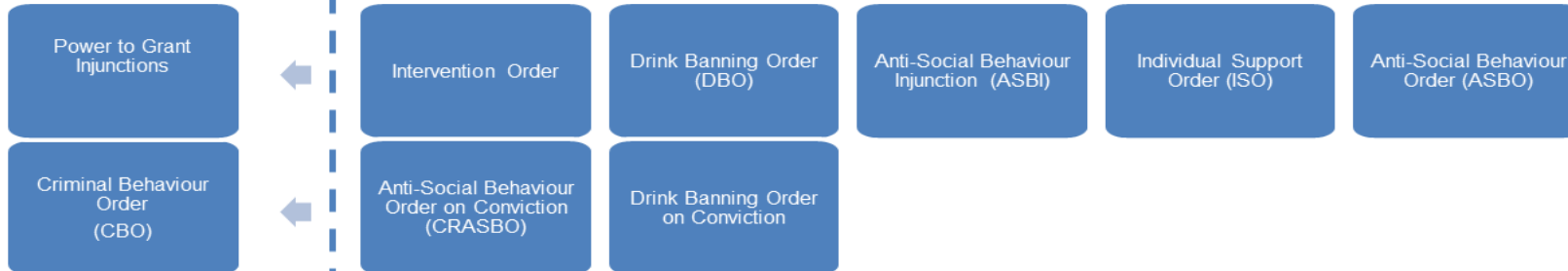
- 4.1. As stated on the report cover

**ASB Crime and Policing Act 2014
(New Powers)**

Existing powers under various legislation

Appendix 1

People



Places



Additional Police Powers



The Anti-social Behaviour, Crime and Policing Act 2014

1. Power to grant Injunctions (People)

- 1.1 The power to grant injunctions replaces the Anti-social Behaviour Injunction (ASBI), Anti-social Behaviour Order (ASBO), Individual Support Order (ISO), Intervention Order and Drink Banning Order (DBO).
- 1.2 The Injunction will be available in the county court for adults and in the youth court for under 18's. There is a wider range of potential applicants or the new injunction than the current ASBI. This is intended to help reduce the burden falling on any particular agency to make applications on behalf of others. There is a formal requirement for the applicant to consult with the local Youth Offending Team if the injunction is against someone under the age of 18, however, this does not give a VETO power to the local Youth Offending Team.
- 1.3 There is no minimum or maximum term for an injunction for adults but in the case of under 18s, the maximum term is 12 months. This will provide victims and communities with the respite they deserve, send a strong message to perpetrators that their behaviour is not acceptable and provide sufficient time for them to work with local agencies to address any underlying issues driving the behaviour.
- 1.4 The court could also include 'positive requirements' in the injunction to get the perpetrator to address the underlying reasons for their anti-social behaviour potentially reducing breach rates in the longer term. Where an injunction imposes requirements, the court must receive evidence from the applicant of the suitability and enforceability of the requirements and who is responsible (an individual or organisation) for supervising compliance. An example could include the local authority, youth offending teams, recognised providers of substance misuse recovery or dog training providers for irresponsible dog owners.
- 1.5 In granting an Injunction to a housing provider, local authority or the police, the court may attach a power to exclude the respondent from their home or a specified area if it thinks they have been violent or threatened violence to other persons, or if there is a significant risk of harm to others. In the case of a housing provider, exclusion can only relate to the property owned or managed by them, there is no such limitation in the case of the police or local authority and exclusion would be tenure neutral.
- 1.6 Breach of an Injunction by an adult will be contempt of court, punishable in the usual way by the county court by a term of imprisonment of up to two years or an unlimited fine. Breach of injunction by someone under 18 could result in the youth court imposing a supervision order or a detention order.
- 1.7 Examples of when this tool may be used include vandalism, public drunkenness, and irresponsible dog ownership, noisy or abusive behaviour towards neighbours.

2. Criminal Behaviour Order (People)

- 2.1 The Criminal Behaviour Order replaces the Anti-social Behaviour Order on Conviction (CRASBO) and Drink Banning Order on Conviction.
- 2.2 The Criminal Behaviour Order will be an order on conviction, and will be available for the most seriously anti-social individuals and could be applied for on conviction for any criminal offence in any criminal court. This will replace the ASBO on conviction and the drink

banning order on conviction. The Criminal Behaviour Order can only be made on the application of the prosecutor, in most cases the Crown Prosecution Service, either at their own initiative or at the request of the police or local authority. Unlike the current process, local authorities would be able to apply directly to the prosecution without requesting the permission of the police.

- 2.3 The court may make a Criminal Behaviour Order against the offender if two conditions are met. The first condition is that the court is satisfied, beyond reasonable doubt that the offender, has engaged in behaviour that caused or is likely to cause harassment, alarm or distress to any person. The second condition is that the court considers that making the order will help in preventing the offender from engaging in such behaviour. Hearsay evidence (which may not have been admissible in the criminal proceedings) is allowed in Criminal Behaviour Order proceedings.
- 2.4 Where the offender is under the age of 18, the police or local authority must consult the local Youth Offending Team (YOT) and must inform the prosecutor of the views of the team. The consultation requirement does not give the Youth Offending Team a VETO power over applications for Criminal Behaviour Orders.
- 2.5 The Criminal Behaviour Order could include prohibitions and/or positive sanctions that assist in preventing the offender from engaging in behaviour that could cause harassment, alarm or distress in the future. If an order includes a requirement the court must receive evidence from the applicant of the suitability and enforceability of the requirements and who is responsible (an individual or organisation) for supervising compliance.
- 2.6 Where a court adjourns a hearing for an order, it can place an interim order on the offender that lasts until the final hearing of the application if the court thinks it is just to do so.
- 2.7 A person who without a reasonable excuse does anything that she or he is prohibited from doing or fails to do anything that she or he is required to do under the conditions of the order commits an offence and is liable on summary conviction to imprisonment for up to six months or to a fine or both and on conviction on indictment, to imprisonment for a period up to 5 years or to a fine, or both.

3. Community Protection Notice (Place)

- 3.1 The Community Protection Notice replaces Litter Clearing Notice, Street Litter Clearing Notice, Graffiti/Defacement Removal Notice.
- 3.2 The Community Protection Notice is intended to deal with unreasonable, ongoing problems or nuisances which negatively affect the community's quality of life by targeting the person responsible. The notice can direct any individual over the age of 16, business or organisation responsible to stop causing the problem and it could require the person/s responsible to take reasonable steps to ensure that it does not occur again. For example where a dog was repeatedly escaping from its owners back garden due to a broken fence, the owner could be issue with a notice requiring that they fix the fence to avoid further escapes.
- 3.3 An authorised person may issue a Community Protection Notice to an individual aged 16 or over, or a body, if satisfied on reasonable grounds that;
 - The conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and
 - The conduct is unreasonable.
- 3.4 Authorised Persons include; a police constable, the relevant local authority or a person designated by the relevant local authority for the purposes of this section for example a Registered Social Landlord.

- 3.5 A Community Protection Notice is a notice that imposes any of the following requirements on the individual or body issued with it -
- A requirement to stop doing specified things
 - A requirement to do specified things
 - A requirement to take reasonable steps to achieve specified results
- 3.6 Before a Community Protection Notice can be issued a written warning must be given advising what the behaviour is and that unless the individual/body's conduct ceases to have a detrimental effect a Community Protection Notice will be issued. The authorised person must also be satisfied that despite the individual or body having had enough time to deal with the matter, their conduct is still having a detrimental effect.
- 3.7 This notice will replace current measures such as litter clearing notices, defacement removal notices and street litter control notices. It is not meant to replace the statutory nuisance regime, for example a Community Protection Notice cannot be used against noise that is classified as 'statutory nuisance', which will still have to be dealt with by environmental health officers. However, there is no legal bar for it to be used where behaviour is such as to amount to a statutory nuisance under section 79 of the Environmental Protection Act 1990, for example, a local authority could issue a Community Protection Notice to address anti-social behaviour while investigating whether it constitutes statutory nuisance.
- 3.8 The notice should be issued to someone who can be held responsible for the anti-social behaviour, for example if a small shop were allowing litter to be deposited outside the property and not dealing with the issue, a notice could be issued to the business owner, whereas if a large national supermarket were to cause a similar issue, the company itself or the store manager could be issued with a notice.
- 3.9 A Community Protection Notice is different from the powers they replace in that they cover a wider range of behaviour i.e. all behaviour that is detrimental to the local community's quality of life rather than specifically stating the behaviour covered e.g. litter or graffiti. Noise disturbance could be tackled, particularly if it is demonstrated to be occurring in conjunction with other anti-social behaviour. The notice can be issued by a wider range of agencies; the police, local authorities and private registered providers of social housing (if approved by local authorities), thereby enabling the most relevant agency to deal with the situation. The notice can apply to businesses and individuals (which is the same as for some of the notices they replace but not all).
- 3.10 Breach of any requirement in the notice, without reasonable excuse, would be a criminal offence, subject to a Fixed Penalty Notice or prosecution. On summary conviction an individual would be liable to a fine of up to £2,500 or in the case of a business up to £20,000.

4. Public Spaces Protection Order (Place)

- 4.1 The Public Spaces Protection Order replaces Designated Public Place Order, Gating Order and Dog Control Order
- 4.2 The Public Spaces Protection Order will replace the Designated Public Place Order, the Gating Order and the Dog Control Order. The new order is intended to deal with a particular nuisance in a particular area which negatively affects the community's quality of life. Unlike the Community Protection Notice, it will apply to everyone and will impose conditions on the use of a particular area (e.g. restricting the use of a highway late at night by groups of people or the drinking of alcohol in a public space). The Public Spaces Protection Order could also be used to deal with likely future problems

- 4.3 Only local authorities may issue Public Spaces Protection Order. The authority must reasonably believe that the behaviour is detrimental to the local community's quality of life and that the impact of the behaviour warrants restrictions being implemented. The behaviour must be ongoing or persistent (or there must be a reasonable belief that future behaviour will be ongoing or persistent).
- 4.4 Public Spaces Protection Orders will last for up to three years before requiring a review, there is no limit on the number of times an order can be reviewed and renewed.
- 4.5 A local authority must carry out the necessary consultation, publicity and notification before making a Public Space Protection Order or extending/varying the order, this includes consulting with the chief officer of police and the local policing body and any representatives of the local community they consider appropriate for example a local residents group or a community group that regularly uses the public space.
- 4.6 The Public Spaces Protection Order can prohibit certain things for example drinking alcohol or keeping dogs on leashes or both. Unlike the orders this power will replace, only one order will be required to deal with a specific place, with one consultation. For instance, a single order could be used to prohibit drinking in a specific park as well as ensuring dogs were kept under control, through either being kept on a leash or limiting the number of dogs an individual can walk at one time.
- 4.7 Where an Public Spaces Protection Order restricts access to a public right of way, the local authority should also consider the wider impact on those in the locality and the availability of other routes e.g. an alleyway between houses and a key local amenity (shops etc) should not be closed where there is no other reasonable route for people to use. The local authority must also inform those in the locality of any proposed order.
- 4.8 The Breach of an order without reasonable excuse is a criminal offence, subject to a Fixed Penalty Notice or prosecution.

5. Closure Notice (Place)

- 5.1 The Closure Notice replaces ASB Premises Closure Order, Crack House Closure Order, Noisy Premises Closure Order and S161 Closure Order. Both the Police and Local Authorities will be entitled to apply for such an order.
- 5.2 A Closure Notice may be made if the Police or Local Authority reasonably believes that there is a public nuisance or there is likely to be disorder imminently in the vicinity of, and related to, the premises and that the order is necessary to prevent the occurrence or reoccurrence of such disorder or behaviour.
- 5.3 A Closure Notice is issued out of court, can be issued for a maximum of 48 hours, and cannot prohibit access by the owner of the premises or people who habitually live on the premises. The notice can also be designed to prohibit access to particular people at particular times. For example, where a property is closed in anticipation of a party publicised through social media, the family who lived there would not be prohibited, and additional people could also be exempted such as other family members where appropriate.
- 5.4 A Closure Notice that lasts for up to 24 hours may be issued by a police officer of at least the rank of Inspector or a local authority. A notice can be issued for or extended up to a maximum of 48 hours if agreed by a police officer of at least the rank of superintendent and can be extended by the Magistrates Court for up to 3 months.
- 5.5 Breach of the Closure Notice, without a reasonable excuse, will be a criminal offence and could be liable to an unlimited fine and/or up to three months imprisonment if in breach of a notice and up to six months imprisonment if in breach. Also any person guilty of obstructing

an officer in the process of closing a property also commits an offence and is liable to a fine and/or up to three months imprisonment.

6. Police Dispersal Power (Police Powers)

- 6.1 The Police Dispersal Power replaces S.30 of ASB Act 2003 Dispersal Order and S.27 of Violent Crime Reduction Act 2006, Direction to Leave
- 6.2 The dispersal power will enable police officers and police Community support officers to direct a person aged 10 and above who has committed, or is likely to commit anti-social behaviour to leave a specified area, and not return for a specified period of up to 48 hours. The officer must also judge that issuing the direction is necessary for the purpose of removing or reducing the likelihood of anti-social behaviour or crime and disorder.
- 6.3 The Police Dispersal Power can only be used where an officer of at least the rank of Inspector has authorised its use in a specified locality.
- 6.4 The dispersal would in most instances be given in writing to ensure that those individuals being dispersed are clear where they are being dispersed from, where this is not reasonably practicable, the direction would be given orally.
- 6.5 As with the current powers a person who is directed to leave under the power has not committed a criminal offence but refusal to comply with the direction is a criminal offence. Non-compliance carries a maximum penalty of a fine or three months detention. The power to return a child under the age of 16 (who is on the streets between 9pm and 6am without an adult) home or to a place of safety is being retained.
- 6.6 This Police Dispersal Power may be used for example if the Inspector has intelligence to indicate that there is likely to be anti-social behaviour on a particular housing estate during the weekend and authorises the use of the dispersal power for 48 hours. Alternatively, in a situation where an officer needs to use the dispersal power in an area that has not been authorised, the officer can contact an inspector for authorisation and describe the circumstances to him or her.
- 6.7 Failure to comply with the direction would be a criminal offence and would carry a maximum penalty of up to £2,500 and/or three months imprisonment.
- 6.8 For example the police may have intelligence to indicate that there is likely to be anti-social behaviour on a particular housing estate during the weekend and authorises the use of the dispersal for 48 hours.