

# Public Document Pack

## Chief Executive

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

Sandra Stewart, Chief Executive  
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Dear Councillor,

You are hereby summoned to attend an **ORDINARY MEETING** of the Tameside Metropolitan Borough Council to be held on **Tuesday, 5th December, 2023 at 5.00 pm** in the **Jubilee Hall, Dukinfield Town Hall** when the undermentioned business is to be transacted.

Yours faithfully,



**Sandra Stewart  
Chief Executive**

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Robert Landon, Head of Democratic Services, to whom any apologies for absence should be notified.

Item No.	AGENDA	Page No
1.	<b>CIVIC MAYOR'S ANNOUNCEMENTS</b>  The Civic Mayor to make any appropriate announcements.  <b>At this juncture the Civic Mayor will retire from the Chair and the Chair of Council Business shall assume the Chair for the remaining business.</b>	
2.	<b>MINUTES OF PREVIOUS MEETING</b>  That the Minutes of the proceedings of the Meeting of Council held on 3 October 2023 be approved as a correct record and signed by the Chair of Council Business (or other person presiding) (Minutes attached).	1 - 6
3.	<b>DECLARATIONS OF INTEREST</b>  To receive any declarations of interest from Members of the Council.	
4.	<b>COMMUNICATIONS OR ANNOUNCEMENTS</b>  To receive any announcements or communications from the Chair of Council Business, the Executive Leader, Members of the Executive Cabinet or the Chief Executive.	
5.	<b>COUNCIL BIG CONVERSATION</b>  To consider any questions submitted by Members of the public in accordance with Standing Orders 31.12 and 31.13.	
6.	<b>MEETING OF EXECUTIVE CABINET</b>  To receive the minutes of the Meeting of the Executive Cabinet held on 25 October and 22 November 2023.	7 - 26
7.	<b>MEETING OF OVERVIEW PANEL</b>  To receive the minutes of the Meeting of the Overview Panel held on 21 November 2023.	27 - 30
8.	<b>MEETING OF STANDARDS COMMITTEE</b>  To receive the minutes of the Meeting of the Standards Committee held on 7 November 2023.	31 - 34
9.	<b>DEMOCRATIC PROCESSES WORKING GROUP</b>  To receive the minutes of the Democratic Processes Working Group held on 20 November 2023.	35 - 36
10.	<b>CONSTITUTION REVIEW</b>  To consider the attached report of the Chief Executive.	37 - 60

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From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Robert Landon, Head of Democratic Services, to whom any apologies for absence should be notified.

**11. APPOINTMENT OF MONITORING OFFICER**

That pursuant to section 5 of the Local Government & Housing Act 1989 Linda Comstive, Interim Borough Solicitor (also known as Assistant Director Legal Services) be appointed as the Monitoring Officer with immediate effect until a permanent appointment is made to exercise the delegated functions and responsibilities in the Council's Constitution.

**12. MEMBERSHIP OF COUNCIL BODIES**

To consider any changes to membership of Council Bodies.

**13. 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.

**14. 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.

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## COUNCIL

3 October 2023

Commenced: 5.00pm

Terminated: 6.20pm

**Present:** Councillors Alam, Axford, Billington, Bowden, Bowerman, Boyle, Bray, Chadwick, Choksi, Colbourne, Cooney, Dickinson, Drennan, Fairfoull, Ferguson, Fitzpatrick, Glover, Gwynne, A Holland, B Holland, J Homer, S Homer, Howarth, Jackson, Jones, Karim, Kitchen, Lane, Martin, McLaren, McNally, Mills, Naylor, Newton, North, Owen, Patel, Quinn, Ricci, Robinson, Roderick, N Sharif, T Sharif, M Smith, T Smith, Sweeton, Taylor, Tilbrook, Ward, Warrington and Wills

**Apologies for Absence:** Councillors: Affleck, Costello, Beardmore, Feeley, Pearce and Reid

**Councillor Kitchen, Chair of Council Business, in the Chair**

### 31. CIVIC MAYOR'S ANNOUNCEMENTS

The Civic Mayor began by announcing, with great sadness, the recent death of former Civic Mayor, William Harrison (known to all as Bill). Bill was a well-known and highly regarded Councillor who would be greatly missed. He represented St Michael's ward and was Civic Mayor of Tameside in 2004-05. Bill was also instrumental in securing a dedicated war memorial for Cockbrook, near St Gabriel's Church, which he unveiled in 2010.

The Civic Mayor extended sympathy to his family and friends and Members stood to observe a minute's silence in his memory.

The Civic Mayor then welcomed Hari & Jacob of the Tameside Youth Council to the meeting and emphasised the importance of young people being involved and visible in a democratic forum.

The Civic Mayor commented on a very busy schedule since the last Council, meeting with many residents of the Borough. Culture had been very much at the forefront of Mayoral activities, and last month, the Civic Mayor was able to attend the Weave festival, which celebrated Stalybridge's heritage and the continuing importance of high streets.

The Civic Mayor further made reference to her attendance at the Stalybridge Street Fest and was looking forward to attending Fridays on the Square in Ashton. The Civic Mayor was also pleased to attend the Steampunk event hosted by Portland Basin Museum, which attracted almost 1,000 visitors; Tameside Festival Chorus, who performed a concert of sacred music at Albion Church, Ashton; and Tameside Voices Community Health and Wellbeing Choir's tenth anniversary at Hyde Central Methodist Church.

The Civic Mayor was keen to embrace the Borough's diversity, and the many communities it comprised, and had attended the induction of the Reverend Carol Schofield as the new parish priest at St John's, Hurst; been to the summer fair at Dukinfield Moravian Church; attended a dinner hosted by the Bishop of Manchester, the Rt Rev David Walker, who was born and brought up in Mossley; attended the Royal British Legion's annual service; been to Hyde Mela; and entertained guests from Mirpur Council, Kashmir; the Urdu Global Network; and the Association of Pakistani Physicians and Surgeons of the United Kingdom Foundation.

In terms of supporting charities, the Civic Mayor had been to a 'snookerthon' for Forget-me-Not Buddies, a dementia charity; visited Feedo Needo, a charity dedicated to eradicating hunger; met Sharon Potts, a remarkable woman who walked from Hyde to North Wales to raise funds for Francis House in memory of her nephew; and attended an Anthony Seddon Fund cycling fund-

raiser. The Civic Mayor had taken part in the Big Walk around Tameside arranged by Denton South Councillors, and was joined by Andrew Gwynne MP. All funds raised would go towards her charities.

As a Mossley Councillor, the Civic Mayor had great pleasure in helping St George's Primary School celebrate its 150th anniversary, visited the Vale on its second birthday, and played a part in the Heritage Open Days which were part of Tameside History Festival.

The Civic Mayor stated that it was a great honour to follow her predecessors in being installed as president of Tameside Scouts, and in that capacity, to chair the annual meeting of Tameside South Scouts.

The Civic Mayor had also worked in partnership with the Police, Fire & Rescue Service, St John's Ambulance and Tameside Hospital.

The Civic Mayor concluded by thanking her consort, Parvez, for his support, and the Deputy Mayor, Councillor Betty Affleck.

## **32. MINUTES**

### **RESOLVED**

**It was moved by Councillor Cooney and seconded by Councillor Fairfoull that the minutes of the meeting of Council held on 18 July 2023 be approved as a correct record and signed by the Chair.**

## **33. DECLARATIONS OF INTEREST**

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

## **34. COMMUNICATIONS OR ANNOUNCEMENTS**

The Executive Leader began by reflecting on a challenging year for both Tameside and the country as a whole. Whilst interest rates appeared to be stabilising, there was the threat of a wider recession and further cuts to public sector funding.

He stated that his highest priority as Executive Leader was investing in the Borough and its residents, using the funding and powers available to drive the regeneration of town centres through culture.

The Executive Leader made reference to the recent 'Friday on the Square' event on Fletcher Square in Ashton, which had attracted over 1,000 people. It was great to see so many people come out to create an atmosphere at a time when the town centre would usually be deserted. Members were advised that the next Friday on the Square event would take place at the end of the week, and he encouraged everyone to take part.

Following on from 'Friday on the Square', the Weave Arts Festival had taken place in Stalybridge. The event was part of Historic England's collaborative 'Hi! Street Fest' project. Delivered in partnership with Tameside Council, the Bridge Cultural Consortium, Emergency Exit Arts and Mossley based Global Grooves. Stalybridge was just one of six towns across the entire country to be chosen to host an event, and build on the good work of the High Street Heritage Action Zone and Greater Manchester Town of Culture legacy. It further celebrated high streets and the people who loved and looked after them. The feedback from residents and businesses had been extremely positive.

The Executive Leader advised that, through talks with people on the doorsteps and shops of Tameside, one of the highest priorities was a redeveloped Ashton town centre. He was pleased to announce, therefore, that the plans for Ashton Market Square had been approved by the Local Planning Authority. Funding from Levelling Up money awarded by the government would be used to give the market square a facelift and provide public space improvements on Fletcher Square, Bow Street, Warrington Street, Market Street, Market Avenue and Wellington Road. Deterrents to anti-social behaviour had also been considered with clear sight lines, improved lighting and CCTV throughout. Another major plan in the works was the resubmission of the plans for Godley Green Garden Village, taking into account as much as possible, the concerns residents shared about the previous iteration. Further progress would be provided within the coming months.

The Executive Leader further advised of the surprise additional £20m fund for Ashton, very recently announced by the Government. It was great news for Ashton and Tameside especially since it was a long term funding scheme that included revenue. It was understood that an 'endowment style' fund would be received, worth £20m over ten years, split between 25% revenue and 75% capital. This was different to previous rounds of levelling up funding, which had provided only capital grants. He reiterated that the announcement the previous weekend had come 'out of the blue', the rationale for the process was 'to ensure funding went directly to the towns which would benefit most, without new competitions or unnecessary hurdles'. Whilst the fund was welcomed, it did not take away the financial pressures faced by the Council and on public services.

The Executive Leader extended his congratulations to Tameside students who achieved success in their recent exam results. He added that, as well as the exams themselves, the students of 2023 also had to face up to the challenges of disruption to their education caused by the coronavirus pandemic. He expressed his thanks to all students and Council officers/schools/colleges, who had supported them, for their hard work and wished all of Tameside's young people the very best for the future.

The Executive Leader welcomed the young people in attendance from the Youth Council and announced that the new Children and Young People's Plan was agreed by Executive Cabinet in August 2023. When complemented with the Early Help Strategy, Family Hubs and the new Adolescent Hubs, the plans for which had now been agreed in principle, it would provide a new approach to ensuring that children and young people received the best possible start in their lives. The final Plan had been strongly shaped by young people themselves through local organisations such as the Children in Care Council and Youth Parliament.

The Executive Leader acknowledged that the improvement journey in Children's Services had not been the smoothest and there was much work still to be done. He was confident that the refreshed plans, following the external review of processes and backed up by a new senior leadership team, would start to deliver the positive change required in Tameside. He advised that all Members and MPs had a separate meeting and that the Chief Executive and Director of Children's Services were meeting regularly with the DfE and Ofsted, who were supportive of the approach.

### **35. 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.

### **36. MEETING OF EXECUTIVE CABINET**

Consideration was given to the minutes of the meetings of Executive Cabinet held on: 26 July, 30 August and 27 September 2023.

It was moved by Councillor Cooney and seconded by Councillor Fairfoull and it was

**RESOLVED**

**That the minutes of the meetings of the Executive Cabinet held on 26 July, 30 August and 27 September 2023 be received.**

**37. MEETING OF STANDARDS COMMITTEE**

Consideration was given to the minutes of the meeting of the Standards Committee held on 5 September 2023.

It was moved by Councillor McNally and seconded by Councillor Kitchen and it was:

**RESOLVED**

**That the minutes of the meeting of the Standards Committee be received.**

**38. MEETING OF OVERVIEW PANEL**

Consideration was given to the minutes of the meetings of the Overview Panel held on 1 August and 26 September 2023.

It was moved by Councillor Naylor and seconded by Councillor M Smith and it was:

**RESOLVED**

**That the Minutes of the meetings of the Overview Panel held on 1 August and 26 September 2023 be received.**

**39. DEMOCRATIC PROCESSES WORKING GROUP**

Consideration was given to the minutes of the meeting of the Democratic Processes Working Group held on 25 September 2023

It was moved by Councillor Cooney and seconded by Councillor Fairfoull and it was:

**RESOLVED**

**That the Minutes of the meeting of the Democratic Processes Working Group be received.**

**40. ANNUAL REPORT OF THE AUDIT PANEL**

Consideration was given to a report of the Chair of the Audit Panel, which gave details of the Annual Report of the Audit Panel 2022/23.

It was explained that the main purpose of the report was to allow the Council to demonstrate to residents, stakeholders and partners, the significance of the Audit Panel's role and the positive contribution it had made to the Council's overall governance arrangements during 2022/23.

It was reported that the 2022/23 municipal year had been yet another year of challenge for local government in terms of the unprecedented demand on services and extremely challenging prevailing economic environment. As the Council's committee whose remit it was to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements, the Audit Panel played a key role in maintaining oversight of those challenges during the year.

There had been a number of examples of this, most notably, in receiving regular assurance on the



Council's corporate risks, including the mitigations in place to manage those risks; and updates from Internal Audit on their programme of planned work. The Panel had also received assurances from the External Auditor. Due to technical challenges in the audit process, there had been delays in concluding previous years' financial statements (from 2020/21). The Panel were looking forward to progressing and resolving those issues in the coming year.

Looking forward to 2023/24 the Panel would continue its important work as well as continuing to develop its own effectiveness. Highlights for the year included: oversight of the embedding of a new 'assurance model', which was best practice in integrating the disciplines of audit and risk. As part of this, the Panel would receive a refreshed internal audit plan linked to risk and oversee the implementation of the new approach to risk management by rationalising the corporate register and implementing the '3 lines' of assurance.

A new Audit Panel work plan was being introduced for 2023/24 and the Panel would also seek to further improve its own effectiveness by benchmarking itself against the latest CIPFA 2022 Position Statement for Audit Committees.

The Panel also looked forward to welcoming two new independent members in 2023/24, in Ian Duncan and Stuart Fair. Both came with a substantial amount of senior finance experience from within the sector.

Members were advised that the Audit Panel had taken significant steps to deliver the oversight necessary to strengthen the Council's governance and control arrangements. There would be continuing challenges facing the Council and the Panel, but the Panel had solid foundations on which to meet those challenges and ensure the Council's overall governance framework remained fit for purpose.

It was concluded that, through the report, the Audit Panel had been able to demonstrate that it had delivered against its terms of reference, maintained its effectiveness and added value to the Council through its oversight of the systems of governance, risk management and internal control. The Audit Panel would continue this work positively into 2023/24.

It was moved by Councillor Naylor and seconded by Councillor M Smith and it was:

**RESOLVED**

**That the content of the report be noted.**

**41. QUESTIONS**

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

**42. URGENT ITEMS**

The Chair reported that there were no urgent items of business for consideration.

**CHAIR**

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## EXECUTIVE CABINET

25 October 2023

Commenced: 1pm

Terminated: 1.37pm

Present: Councillors Cooney (Chair), Choksi, Feeley, Naylor, North, Taylor, Ward and Wills

In Attendance:	Sandra Stewart	Chief Executive
	Gemma McNamara	Assistant Director of Finance (Deputy s151)
	Allison Parkinson	Interim Director of Children's Services
	Julian Jackson	Director of Place
	Debbie Watson	Director of Population Health
	Stephanie Butterworth	Director of Adult Services
	Ben Middleton	Assistant Director for Strategic Property
	Emma Varnam	Assistant Director of Operations & Neighbourhoods

Apologies for Absence: Councillors Fairfoull, Kitchen and Jackson

### 59 DECLARATIONS OF INTEREST

There were no declarations of interests.

### 60 MINUTES

#### RESOLVED

That the Minutes of the meeting of Executive Cabinet held on 27 September 2023 be approved as a correct record.

### 61 PERIOD 5 2023/24 FORECAST OUTTURN – REVENUE AND CAPITAL.

Consideration was given to a report of the First Deputy (Finance, Resources & Transformation) / Director of Resources. This was the Period 5 monitoring report for the current financial year, which showed the forecast outturn position.

The report reviewed the financial position for the General Fund revenue budget, the Dedicated Schools Grant (DSG) and the Capital budget. The underlying revenue position was £13.021m at Period 5, this was an adverse movement of £1.347m from Period 4 (where it was £11.674m). The adverse movement was primarily driven by forecast increases in Adult Services care home placements. Compensatory management actions had been put in place to deliver a forecast balanced position.

There was a forecast deficit on the DSG of £5.317m, which was an adverse movement from Period 4 (where it was £2.540m). This had been driven by an unprecedented growth over the summer term of Education, Health and Care Plans (EHCP).

The Capital programme was forecasting an underspend in-year, with subsequent reprofiling of budgets to future years, of £12.909m. This was due to programme rephasing at major projects including Godley Green and Hawthorn's Special School.

## **RESOLVED**

### **That Executive Cabinet APPROVES:**

- (i) The proposed contingency budget virements as part of routine financial management.
  - i. Corporate buildings energy costs, £0.819m. As a result of national energy cost rises.
- (ii) The acceptance of £0.130m grant funding from the Department of Health and Social Care to support the streamlining of local authority Adult Social Care Assessments that was announced on 29 March 2023. The funding is to be allocated to the Adult Services 2023/24 revenue budget. The supporting proposals on use of the grant award will be included in a separate report for approval.
- (iii) The acceptance of £0.027m grant funding from the Department of Health and Social Care to support expenditure relating to a review and assessment of Adult Social Care functions by the Care Quality Commission that was announced on 21 September 2023. The funding is to be allocated to the Adult Services 2023/24 revenue budget. The supporting proposals on use of the grant award will be included in a separate report for approval.
- (iv) The allocation of £0.560m to the Adult Services 2023/24 revenue budget via the Council's earmarked reserve to support Adult Social Care and NHS integration initiatives. The funding is to support the forecast additional cost of the support at home model when compared to the standard home care model that is included as part of the mitigating actions figure in the Adult Services period 5 forecast.
- (v) The transfer of £0.250m from the Transformation Earmarked reserve to fund the commissioning of IMPOWER to support the development of the transformation programme to deliver the savings requirements within the MTFS.
- (vi) The acceptance of £0.150m grant funding from GMCA Local Authority Grant Programme to deliver work to alleviate barriers to work, skills and education and to promote digital inclusion for adults across the borough. This will continue to fund 3 staff in post and funded through previous grant awards in both 2021/22 and 2022/23 financial years.
- (vi) The acceptance of £0.088m Know your neighbourhood grant to deliver the project aimed at increasing volunteering and reducing loneliness In Tameside.

### **That Executive Cabinet NOTES:**

- (i) The forecast General Fund revenue budget position of an underlying pressure of £13.021m, which is an adverse movement of £1.347m from Period 4 reporting.
- (ii) The management actions being taken of £12.839m, which have been monitored for delivery, are currently on track, and will be reported back to Cabinet on a regular basis.
- (iii) That there is a projected overall underspend of £0.036m, following the application of management actions, as outlined in Table 2.
- (iv) The forecast deficit on the DSG of £5.317m, which is an adverse movement of £2.777m from Period 4 reporting.
- (v) The Capital programme position of projected spend of £46.321m, following Cabinet approval to reprofile project spend of £12.909m to 2024/25.
- (vi) The indicative grant sum award to the 2023/24 Adult Services revenue budget of £0.541m from the Department of Health and Social Care to support urgent and emergency care during the 2023/24 winter period. Proposals for use of the funding are to be submitted to the Department by 29 September 2023 with approval due by 13 October 2023. A recommendation to accept the approved sum will be included in a subsequent report once confirmed

## **62 MEDIUM TERM FINANCIAL STRATEGY UPDATE**

Consideration was given to a report of the First Deputy (Finance, Resources & Transformation) / Director of Resources. The report presented an update to the Council's Medium Term Financial Strategy (MTFS).

It was reported that the position had improved since the previous report in June 2023 due to the

submission of budget reduction proposals from all service areas along with a 2% reduction in the prevailing rate of Consumer Price Index (CPI) inflation. The rate of CPI released in September 2023 was 6.7%.

The MTFS was part of the financial framework for the Council. A key purpose of the MTFS was to ensure that future budgets would be balanced. It was a statutory requirement for the Council to set a legally balanced budget for the immediate financial year ahead, and it was best practice to have a medium-term view over a 3-5 year period.

The current MTFS had an imbalance of resources to expenditure of £33.819m to 2028/29, with £9.651m still required to be found for 2024/25. In the last update, the MTFS imbalance was £39.783m to 2028/29, with £12.889m required to be found for 2024/25.

The “budget gap” in the MTFS as a percentage of the 2023/24 net expenditure requirement of £221.397m is 4.4% for 2024/25 and 15.3% to 2028/29. The thinktank Localis were running events on local government finance at all political party conferences this year, with their findings suggesting many authorities in the UK were planning for budget reductions of up to 15%. This was in line with the Council’s current MTFS gap.

The Council’s budget monitoring report for Month 5 was also presented to this Executive Cabinet and it contained significant levels of risk in services with activity-driven costs such as social care, homelessness and highway maintenance. The current forecast out-turn for 2023/24 was £0.036m underspent. The underlying risk was £13.021m. The worst case scenario was that the full risk value converts to an overspend, requiring the use of reserves to balance the General Fund position. Within the MTFS position, there was an assumption of pressures requiring funding based on activity and demand in 2023/24, however there was an expectation that services proactively work on demand management and “flattening the curve”, and this was assumed within the MTFS.

It was reported that in the worst case scenario, where demand management fails and no budget reductions were delivered and the Council had to support a balanced budget through reserves use, the Council would exhaust its reserves in 2027/28. For the avoidance of doubt, that was 4 years from the date of this report to Executive Cabinet.

As reserves fall, it would become more and more difficult for the Section 151 Officer to fulfil their statutory duties and confirm that budget estimates were robust and that reserves and balances were suitable and appropriate to maintain fiscal sustainability.

It was explained that the scale of the challenge the Council was facing to set a legally balanced budget in the face of rising demand for social care and homelessness services, inflation against the backdrop of over a decade of reducing financial envelopes since 2010 (the Council has delivered over £180m of reductions in that time) was as acute as it was in the period 2010-2013.

## **RESOLVED**

### **That Executive Cabinet APPROVE:**

- (i) The recommendation to not pool Business Rates across Greater Manchester for 2024/25 and authorises the Section 151 Officer to respond to the Department for Levelling Up, Housing and Communities to that effect.**
- (ii) The updated MTFS for 2024/25 to 2028/29.**

### **That Executive Cabinet NOTE:**

- (i) The impact of additional inflationary and demand pressures on the MTFS from 2024/25 to 2028/29.**
- (ii) The impact of the proposed budget reductions on the MTFS from 2024/25 to 2028/29.**

## **63 DELIVERING BETTER VALUE IN SEND**

Consideration was given to a report of the Deputy Executive Leader / First Deputy (Finance,

Resources & Transformation) / Director of Children's Services. The report sought approval to accept and spend a Department for Education (DfE) Delivering Better Value (DBV) in SEND grant in the sum of up to 1m to support the implementation of change to manage and mitigate identified cost drivers within the SEND high needs system.

It was reported that over recent years, rising demand and other pressures have contributed to many local authorities accruing deficits on their Dedicated Schools Grant (DSG) and the Covid pandemic had exacerbated these issues. The overspend on Tameside's DSG High Needs Block budget had been increasing year-on-year to the point at which it had become unsustainable. The High Needs Block in-year deficit for the last three years was as follows:

- 2020-21 - £1,821,981
- 2021-22 – £1,972,933
- 2022-23 - £1,017,794

Early monitoring of the 2023-24 High Needs Block deficit position indicated that the deficit position was accelerating with the in-year deficit estimated to be £5.876m.

The DfE was running a range of intervention programmes to assist local authorities with deficits to achieve High Needs spend sustainability. Tameside was invited to participate in the DfE's Delivering Better Value in SEND support programme. The implementation of the DBV plan would look to maximise the reduction in High Needs Block costs, however, the demand and costs within the system continued to outstrip forecasts and a significant cumulative deficit of between £39.4m and £68.1m was estimated at the end of 2027-28.

In early August 2023, the DfE DBV Programme Board gave indicative approval to Tameside's Stage 1 DBV implementation plan and revenue funding request of £1m. DfE feedback on the plan stated that it demonstrated an aspiration to deliver significant improvements to services for children and young people with SEND alongside significant financial benefits over the next 5 years.

It was explained that feedback from Newton Europe to DfE on the projected High Needs Block deficits across DBV and Safety Valve local authorities, after mitigating actions had been taken, indicated that deficits remain extremely high over the coming years. In response, DfE introduced a new Stage 2 late in the DBV Programme. Stage 2 required local authorities to identify significant additional opportunities to achieve a sustainable in-year balanced position as soon as possible and had committed to the development of a robust DSG Management Plan to deliver these by the first quarterly monitoring meeting (December 2023).

Tameside's DBV application (stage 1 and 2) was assured by Tameside's DfE Monitoring Advisers and CIPFA before being presented to the DfE DBV Programme Board. Tameside's bid was given full approval on 15th September 2023. No specific conditions were applied to the approval of Tameside's DBV application and the Council awaits receipt of a Grant Offer Letter that would set out the standard grant conditions that apply to this grant award.

The Tameside Draft DBV Plan included some quick wins that could be spent within autumn 2023 term but the majority of workstreams would start to spend from either January 2024 or September 2024. DBV grant was required to be spent by 31 March 2025 and workstreams would be governed through the SEND Inclusion and Partnership Board.

#### **RESOLVED**

**That Cabinet Approve subject to the Director of Children's Services reviewing the standard grant conditions in consultation with the Director of Recourses and the Head of Legal, the acceptance of £1m DBV grant from the Department for Education to fund the implementation of SEND system change.**

## 64 BIODIVERSITY NET GAIN

Consideration was given to a report of the Executive Member for Planning, Transport and Connectivity / Executive Member for Climate Emergency and Environmental Services / Director of Place. The report outlined the new mandatory net gain requirement for biodiversity introduced by the Environment Act 2021 becoming a requirement that applies from January 2024 for developments in the Town and Country Planning Act 1990, unless they were exempt, and to small sites from April 2024 applying for planning permission. It further outlined a range of activities which had been undertaken in readiness for the new requirement and details the opportunities which existed to the council as a landowner.

The report explained that the mandatory requirement for new development to provide a demonstrable net gain in biodiversity will have implications for developers and the council both as local planning authority and landowner. A range of activities have been undertaken to prepare for this new requirement as detailed in this report, and work is ongoing to take advantage of the opportunities available to the council. It is expected that as preparatory work continues, notably in regard to assessing and committing council-owned land for offsetting opportunities, that this will be updated through further reporting.

### **RESOLVED**

#### **That Executive Cabinet:**

- (i) Note the impending requirement for biodiversity net gain for most new development and the consequential demand this will create for biodiversity offsetting;**
- (ii) Note the process required to bring Tameside owned sites forward to be ready to provide potential biodiversity offset locations as set out within Section 3 of this report;**
- (iii) Note the outcomes of the supply and demand work as set out in Appendix 1;**
- (iv) Endorse the approach of assessing our own land with the principal that this be used as a potential offset site, subject to further member reporting.**

## 65 OPTIONS FOR REDUCING STREET LIGHTING ENERGY CONSUMPTION.

Consideration was given to a report of the Executive Member for Planning, Transport and connectivity / Assistant Director of Operations & Neighbourhoods. The report considered options for the council to reduce energy consumption for street lighting. The council sought to decrease its energy consumption to achieve its commitment to 'Net Zero' by 2038. Options were presented to 'dim and trim' or turn off lighting on the public highway or public realm.

It was explained that the need for street lighting varies by location. It was generally accepted that urban and residential areas should be provided with street lighting. However, the level and standard of lighting provided will be dependent upon a number of factors.

Councils did not legally have to provide street lighting, however, once provided, the local authority does have a duty to maintain the system in a safe condition. The standards for street lighting were laid down in British Standard: BS 5489 and European Standard BS EN 13201; lighting to these standards is considered best practice, and reasonable justification should be provided if not achieved. Any decisions to implement dimming, trimming or switching off of Street Lighting need to consider whether standards are being met, and any deviation from these standards will need to be justified.

In regards to energy costs, energy costs had significantly increased in the past 18 months due to a volatile electricity supply market. It was imperative that the council reduces its electricity consumption in order to reduce costs. The impact of trimming and dimming would reduce the amount of energy used to light the highway. In financial year 21/22 the council spent £1.113m (8.04300p/kWh) to provide energy to our general street lighting network. The unprecedented energy cost rise had caused significant pressure to the council's energy budget, in 22/23 the energy cost rose to £1.592m (22.40996p/kWh). An increase of £0.480m compared to the previous year, this equates to a 30.15% increase on 21/22 on energy used only). Further increases in the electricity tariff were expected in the 2023/24 (31.5590p/kWh) financial year this will increase the energy by another 29.02% to £2.243m (estimated).

The Council had looked at a variety of options for reducing energy consumption, with the main road and side road assets separated to provide more flexibility to try and achieve affordable options within an acceptable “payback period”. Appendix 1 provided further detail on the options that had been considered. The recommended Option C2, dimming and trimming on the main roads:

<b>Main Road Lanterns</b>	<b>Savings at 22/23 prices</b>	<b>Cost to implement</b>	<b>Payback at current rate</b>
Trimming – slightly increased darkness switch on/off & dimming to 75% light output 00.00-06.00	<b>£73,614 per annum</b>	<b>£284,200</b>	<b>£284,200 ÷ £73,614 = 3.9 years</b>

<b>Energy savings Main Road Lanterns</b>	<b>Current energy consumption per kWh</b>	<b>Energy savings per kWh</b>	<b>Energy savings per column</b>
Number of columns- 8,120	2,454,805.63	<b>328,454</b>	<b>40.45 kWh</b>

## **RESOLVED**

**That Executive Cabinet APPROVES:**

**The implementation of option C2 in principle, to trim and dim the lighting provisions on the council’s main road lanterns, subject to:**

- (i) options to finance the capital investment of £0.284m required to carry out improvements to the street lighting columns to facilitate dimming and trimming, and this be delegated to the Director of Place in consultation with the Section 151 Officer.**
- (ii) Progress reporting to on the programme forming part of the regular report to Strategic Planning and Capital Monitoring Panel meetings.**

## **66 UK SHARED PROSPERITY FUND UPDATE**

Consideration was given to a report of the Executive Member for Inclusive Growth, Business & Employment / Director of Place. The report provided an update on the UK Shared Prosperity Fund (UKSPF) for all three investment priorities including Communities & Place, Local Business & People & Skills.

The report detailed the £1.979m of funding for Tameside against the UK Shared Prosperity Fund (UKSPF) Communities and Place investment priorities. The submission was designed to be an economic driver that delivers genuine levelling up opportunities across Tameside supporting national, GM and Tameside strategic policies. Progress to date on the current projects funded through the UKSPF were set out in Table 1 in Appendix A. There were 16 projects which were all considered to have low risk of non-delivery. Table 2 in Appendix A showed active projects within this investment priority including budget allocation and spend to the end of August in this financial year.

The report also detailed the progress to date on the projects within the UKSPF Support Local Business funding of £1,215m that was awarded to the Council. Progress to date on the current projects within this investment priority were detailed in Table 3 in Appendix B. Overall, there were 2 projects, all considered to have low risk of non-delivery. Table 4 in Appendix B showed proposed spend for the supporting local business investment priority and actual spend to date.

As part of the Grant Funding Agreement, the Council was required to submit a formal reporting template every quarter to support Greater Manchester Combined Authority (GMCA) reporting requirements to DLUHC.

From September 2023, GMCA would require a full contract to date reconciliation and review to be undertaken. In the development of the GM Investment Plan, it was agreed that a number of cross-cutting themes would underpin the delivery of UKSPF in GM to demonstrate the added value of place-based programmes in the realisation of the Greater Manchester Strategy. These are;



- Environment; Contribution to GM's 2038 net zero ambitions.
- Equalities; Contribution to reducing inequalities.
- Social Value; Embedding social value.

Local Authorities were asked to set out their approach to delivering “ways of working” to these cross-cutting themes through the UKSPF interventions and were considered in the original proposals. Greater Manchester Combined Authority (GMCA) could reduce the funding allocation, overall or for a specific year if there was a failure to comply with the UKSPF performance monitoring requirements and / or if progress on project delivery is unsatisfactory.

## **RESOLVED**

**That Executive Cabinet NOTE the update on UKSPF delivery in Tameside and progress to date.**

### **67 CONTRACT FOR THE PROVISION OF AN E-CONTRACT PERFORMANCE SYSTEM**

Consideration was given to a report of the Executive Member for Adult Social Care, Homelessness & Inclusivity / Director of Adult Services. The report sought approval for the procurement of the Provider Assessment and Market Management System, as a call of contract to be procured via the Government Cloud.

It was explained that the Commissioning & Home for All Team currently uses a contracts performance process which uses electronic tools, but cannot be used to easily produce reports. This was both time consuming and can be prone to errors as data is manually transferred. Any necessary service improvement actions from each visit also needs to be identified separately and some may be overlooked when service development improvements plans are being developed. Further the existing process did not allow the provider to challenge the outcome of the performance visit and, as a result of this potential lack of transparency/approval from the provider, the outcome of the visit was not shared publicly. In addition, there was a lack of consensus across Greater Manchester as to a preferred quality assurance and market management tool, albeit three GM Councils have adopted the PAMMS system (Bolton, Oldham and Salford).

It was further explained that Tameside needed to move to an eContracts Quality Assurance/Performance process to ensure that accurate reports could be easily run, as well as to help manage risk within the sector. There were two systems in the G-Cloud that seemed to focus on the social care market (Adam & PAMMS), both of which were now owned by The Access Group, and Adam had been absorbed by PAMMS. Therefore, the report proposed a direct award to The Access Group (who own and operate PAMMS).

The implementation of PAMMS would have several benefits to the Commissioning and Homes for All Team this included:

- Provide information on the outcomes of visits in a more timely, less resource intensive manner.
- Reduce potential inaccuracies in copying data to provide reports.
- Assist to provide appropriate evidence to the Care Quality Commission that the Council had robust systems/procedures in place to ensure providers were delivering the appropriate care and support to the people who needed the service.
- Allow for the sharing of information between Commissioners, some of whom may be funding people in care homes in Tameside.
- Allow for publishing the outcomes of the Council's contracts performance process, which could be viewed alongside the CQC ratings, to give prospective residents a better understanding of the service.

## **RESOLVED**

**To approve the procurement of the Provider Assessment and Market Management System (PAMMS), as a call off contract, to be procured via the Government Cloud (G-Cloud). G-Cloud is a UK government initiative to ease procurement of cloud services by government departments and promote government-wide adoption of cloud computing.**

## **68 ADULT SERVICES HOUSING AND ACCOMMODATION WITH SUPPORT. PRIVATE RENTED SECTOR OPPORTUNITIES**

Consideration was given to a report of the Executive Member for Adult Social Care, Homelessness & Inclusivity / Director of Adult Services. The report for Adult Services to progress accommodation options through the private rented sector, to increase capacity in the borough for the provision of supported accommodation for adults with care act eligible needs to live in their own homes.

It was explained that there were currently 55 people on the waiting list held in Adult Services by its Accommodation Options Group (AOG), and there were 8 people identified for transition in the next two years from Children's Services requiring 24-hour support who needed to be planned for. In addition, the number of people with a learning disability or mental health needs living in costly out of borough places had increased recently, primarily due to the lack of supported accommodation capacity locally to meet need. There was a real concern that without increasing capacity such costly placements would very quickly become long term and the opportunity to return people to supported living in the borough at a reduced cost would be lost. The report outlined a range of accommodation schemes needed over the coming 3-5 years to meet current and future need across all adult groups.

The properties being offered by Private Sector Landlords were in line with the range of accommodation identified in the SCB report and would provide quality accommodation to meet the needs of a group of service users that are currently placed in out of borough placements realising a potential cost saving to the authority.

The properties would be for the housing of a younger adults currently supported in an out of borough placement whose care package is currently costing the Council £2.307m per annum. Once the individuals were settled after a period of transition the service was working towards the cost of support being reduced to realise a saving of £0.533m per annum.

In supporting the progression of this provisions the Council was making a strong commitment to meeting the needs of people with an eligible need by prioritising the continuation of the provision of 24 hour supported living services locally.

### **RESOLVED**

- (i) That approval is given for Adult Services to progress accommodation options through the private rented sector, to increase capacity in the borough for the provision of supported accommodation for adults with care act eligible needs to live in their own homes.**
- (ii) That authority is given to the Director of Adult Services to agree terms, in consultation with the Head of Legal to enter agreements to secure property to deliver 24 hour supported accommodation for individuals with care act eligible needs.**
- (iii) That authority is given to the Director of Adult Services to agree, in consultation with the Head of Legal and Director of Resources, the delivery of the care and support through the in house homemaker service at each property given the complex needs of the people identified for resettlement, thereby delivering best value for the Council.**

## **69 FORMER ACTIVE TAMESIDE SITES – ASHTON SWIMMING POOL AND LONGDENDALE RECREATION CENTRE**

Consideration was given to a report of the First Deputy (Finance, Resources & Transformation) / Head of Estates. The Council had agreed to accept a surrender of the lease of Ashton Swimming Pool and Longdendale Recreation Centre from the existing lease agreement between the Council and Active Tameside. As part of that approval, the report sought approval to declare both sites surplus to Council requirements in accordance with the Council's disposal policy, and to sought approval to demolish both existing buildings. Accordingly, this report was seeking approval to progress with the surplus declaration process together and approval to demolish both existing buildings. This report also addresses the petition received 22 August 2023 to save the Active Ashton Centre.

It was reported that in regards to Ashton Swimming Pool, the current rateable value was £100,000, which would represent an annual rates payable liability to the Council of £51,200. The Council would become liable for the payment of the business rates after expiry of the initial 3 months relief. The property was transferred back to the Council on the 15 September 2023. In addition, there would be the costs of management, security and maintenance. The building had reached the end of its economic life, requiring significant levels of investment to keep it operational. A condition survey undertaken in 2021 which identified £0.610m of backlog maintenance was required and the building condition had significantly deteriorated since then.

High level estimates for demolition had now been received, with an estimated cost of demolition of £0.964m, but these costs could be capitalised and financed from a future capital receipt if demolition was considered to enhance the future value of the site.

The current rateable value of Longdendale Recreation Centre was £47,000, which represented an annual rate liability of c£23,000. When the property was surrendered from the lease, the Council would become liable for the business rates after expiry of the initial 3 months empty rates allowance, the property was transferred back to the Council on 15 September 2023. In addition, there would be the costs of management, security and maintenance. A condition survey undertaken in 2021 identified a backlog maintenance liability of £0.290m.

In terms of mitigating the empty building costs liability post-surrender, the aim was to reduce the Council's liability and maximise the value of any capital receipt, it was proposed to undertake a marketing exercise inviting offers to purchase and develop this site along with the larger adjacent council owned car park, which should prove attractive for residential development.

The demolition costs for both these buildings were a high-level estimate based upon the costs of demolishing the former Denton Baths, with an allowance for inflation and contingency, and an allowance had been made for the removal of asbestos, however, the final cost for each building was dependent upon intrusive surveys, which it has only been possible to undertake recently.

The report explained that a petition with 7,000 signatures was lodged with the Council on 22 August 2023, requesting the Council to consider keeping the Active Ashton Pool building open. Additionally, there have been numerous other similar correspondence seeking the same.

The Council had carefully considered this request as part of this report and had taken account of a number of issues before reaching its conclusion. Active Tameside's proposal to close these facilities was of course disappointing for everyone especially Active Tameside. Active are an independent, not-for-profit charity, and provide some of the best health and wellbeing services across Tameside. However, there are a number of issues, which have to be taken into account when reviewing the building's future. The Ashton leisure centre was constructed over 50 years ago, it was highly inefficient, and with rising energy costs and inflation, was being run at a considerable financial loss to Active Tameside. As highlighted earlier in this report, the building had reached the end of its economic life, requiring significant levels of investment to keep it operational. A condition survey undertaken in 2021 identified £0.610m backlog maintenance was required and the building condition has significantly deteriorated since then. The closure of this building along with the Longdendale and Etherow centres was made to enable Active Tameside to sustain their current business model and secure the future of the whole leisure offer through the remainder of their estate.

It was explained that the Council's finances means that it is not in a position to pay more for the services and Active have not until now been able to access any government support to deal with the excessive energy costs. With the ongoing increased running costs, and the Ashton facility being past its end of life and requiring significant investment, it is no longer feasible to keep this building open.

It was further explained that in considering need, it had been confirmed that all the group activities, which took place in Ashton swimming pool, such as school swimming lessons and swimming clubs were still being delivered within the Borough and had all been successfully relocated and accommodated within the four remaining Tameside Active Swimming Pools. These are detailed in the table in Appendix 3, and the alternative locations are identified on the plan in Appendix 4. All were

located within 3.6 miles from Ashton Swimming Pool. These being: Active Copley, 2.8miles; Active Hyde, 3.6miles; Active Medlock, 3.4miles and the Tameside Wellness Centre (Denton), 2.7miles from Active Ashton. The Council would continue to seek assurances and clarification from Active on the clubs and school swimming lessons to ensure that they continue to be delivered and would support Active Tameside like the council would any other organisation to ensure the best outcome possible for residents.

Consequently, the Council was unable to support the Petition received to keep Ashton Swimming Pool open as it had insufficient capital to repair and maintain in a safe condition and insufficient revenue to manage the day to day running costs.

## **RESOLVED**

### **That Executive Cabinet:**

- (i) Having considered carefully the petition to save Active Ashton and other correspondence of a similar nature, the costs required to address the condition and health and safety of the pool together with ongoing revenue costs including utility costs and declare the former Ashton Swimming Pool and Longdendale Recreation Centre sites, and adjacent Council owned car park at Longdendale, as surplus to the Councils operational requirements. This is consistent with the Cabinet decision made in 2016**
- (ii) Approve the proposed demolition of the existing buildings on each site based on the estimated costs of £1.771m in this report.**
- (iii) Approve the creation of a capital budget of £2.000m for the demolition of the existing buildings in the capital programme to cover demolitions estimates and contingency.**
- (iv) Approve the use of un-earmarked reserves, noting this will reduce the available capital reserves to support risk smoothing, transformation and other Corporate Priorities and that the costs of the demolition works will need be capitalised as part of a wider programme of works to deliver enhancements to Ashton Town Centre.**
- (v) That the Council accept the Sport England funding award and administer the payment to Active Tameside subject to the Council's S151 officer and Head of Legal Services being satisfied that the terms and conditions of the grant do not create any additional risks for the Council and noting that the grant awarded can only be used to provide revenue support towards the utility costs at Active Copley and Active Hyde and no other venue or centre.**
- (vi) Approve the submission of a bid by the 17 October 2023 for Phase 2 funding as outlined in Section 6 to reduce future revenue costs at Denton Wellness Centre and Active Copley.**

## **70 LAND AT GRAFTON STREET, HYDE - DISPOSAL**

Consideration was given to a report of the First Deputy for Finance Resources & Transformation / Assistant Director of Strategy Property. The report sought approval to declare the plots of land detailed on the plan at Appendix 1 as surplus to the requirements of the Council and available for disposal and approve the disposal on the terms provisionally agreed subject to them being in line with the independent Red Book valuation.

It was reported that the Council owns four plots of land that previously formed part of a larger area used to support a series of highway schemes. Following completion of the schemes, the Council had retained the surplus plots, shown edged red on the attached plan at Appendix 1. These areas were now maintenance liabilities with potential costs but did not generate any revenue.

Plot 1, measured approximately 45 square metres, and had in the last few years, been landscaped by the owners of the adjoining site to form an attractive area of hard landscaping. More recently, signage had been introduced onto the land, which represents an encroachment which would be resolved by the proposed disposal.

Plots 2 and 3 were two areas of naturalised land, which wrap around the former residential properties known as 54-58 Clarendon Street that were acquired and demolished by a third party (possibly the

Highways Agency) approximately 20 years ago. The Council land was largely indistinguishable from the third party owned land and the two plots measure 28 square metres and 102 square metres respectively.

Plot 4 was also an area of landscaped land that was largely naturalised, with several unmaintained trees covering the site. The land appeared to have been in this state, for a number of years although, judging from a wall that wraps around part of the property, the land was previously developed as a building or yard area, perhaps prior to the construction of the nearby M67. This site is approximately 450 square metres.

The report detailed that the Council had been approached by an agent acting on behalf of a fast food restaurant and take away provider, who had agreed terms to acquire the freehold and leasehold interests from the freehold owner of the adjacent site who was seeking to sell the site as a redevelopment opportunity. The Council's Grafton St plots are of interest to a fast food restaurant and take away provider, who are ideally seeking to develop a 'Drive Thru' restaurant on the combined sites have advised that they require the adjoining plots owned by the Council in order to develop a 'Drive Thru' restaurant.

Following this initial approach, and given the fact that, in isolation and in the absence of any comprehensive redevelopment proposals for the Council land, this report is seeking approval to declare the four plots owned by the Council surplus to requirements and seeking approval to a disposal of the freehold interests to the fast food restaurant and take away provider, which will be conditional upon planning permission being granted to construct a 'Drive Thru'.

This approach would maximise the potential for the Council to generate a capital receipt for the Council to support the Capital Programme. It was recommended that the Council's freehold interest in the 4 plots shown edged red on the plan are declared surplus, as detailed on the plan in Appendix 1, and approval is granted to sell the freeholds of the four plots on the terms detailed in Appendix 2 to a fast food restaurant and take away provider, thus generating a valuable capital receipt, for this underutilised asset. The completed development would also create new employment opportunities in the Borough. The disposal price would be supported by an independent external RICS "red book" valuation as required by valuation protocols.

#### **RESOLVED**

- (i) To declare the four plots of land outlined on the plan attached (Appendix 1) surplus to the requirements of the Council and available for disposal.**
- (ii) To approve the disposal of the four plots of land detailed in Appendix 1, on the terms provisionally agreed subject to them being in line with the independent Red Book valuation.**

#### **71 URGENT ITEMS**

There were no urgent items.

**CHAIR**

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## EXECUTIVE CABINET

22 November 2023

**Commenced:** 1pm

**Terminated:** 1.37pm

**Present:**

Councillors Cooney (Chair), Choksi, Fairfoull, Feeley, Kitchen, Naylor, North, Jackson, Taylor, Ward and Wills

**In Attendance:**

Sandra Stewart	Chief Executive
Ashley Hughes	Director of Resources (S151)
Stephanie Butterworth	Director of Adult Services
Julian Jackson	Director of Place
Emma Varnam	Assistant Director of Operations & Neighbourhoods
James Mallion	Assistant Director of Public Health
Tracy Brennand	Assistant Director for People & Workforce Development
Jordanna Rawlinson	Head of Communications

### 72 DECLARATIONS OF INTEREST

There were no declarations of interest.

### 73 EXECUTIVE CABINET MINUTES

The minutes of the Executive Cabinet meeting on the 25 October 2023 were approved as a correct record.

### 74 STRATEGIC PLANNING AND CAPITAL MONITORING PANEL MINUTES

Consideration was given to the minutes of the meeting of the Strategic Planning and Capital Monitoring Panel meeting held on 17 November 2023. Approval was sought of recommendations of the Strategic Planning and Capital Monitoring Panel arising from the meeting.

### PERIOD 6 2023/24 FORECAST OUTTURN - CAPITAL

#### RESOLVED

**That Executive Cabinet NOTE:**

- (i) **The reprofiling of £1.024m of capital spend outlined in table 3 of the report.**
- (ii) **Other capital changes of £2.316m in table 7 of the report.**
- (iii) **The Capital programme position of projected spend of £46.946m, following Cabinet approval to reprofile project spend of £1.024m from 2024/25.**

### 75 PERIOD 6 2023/24 FORECAST OUTTURN – REVENUE AND CAPITAL.

Consideration was given to a report of the First Deputy (Finance, Resources & Transformation) / Director of Resources. The report detailed the period 6 monitoring for the current financial year, showing the forecast outturn position.

It was reported that the General Fund, had a £7.950m overspend, for which recovery planning was required urgently. The report reviewed the financial position for the General Fund revenue budget, the Dedicated Schools Grant (DSG) and the Capital budget.

The underlying revenue position was an overspend of £13.901m at Period 6, which was an

adverse movement of £0.880m from Period 5 (where it was £13.021m). The adverse movement was primarily driven by increases in Children's care home placements.

The projected in year management action considered to be achievable across Council departments has reduced to £5.951m. These mitigations brought the reported position to an overspend of £7.950m, that Directorates were not able to contain within agreed budgets. This represented an adverse movement of £7.986m on the Period 5 position.

Members were advised that there was a forecast overspend on the DSG of £5.317m, which was a nil movement from the Period 5 position. This had been driven by an unprecedented growth over the summer term of Education, Health and Care Plans (EHCP) and forecast support towards the education element of Children's Social Care placement costs.

The Capital programme was forecasting an underspend in-year, with subsequent reprofiling of budgets to future years, of £11.885m. At month 6, £1.024m had been reprofiled from 2024/25 back into 2023/24. The £11.885m of total reprofiling to 2024/25 to date was due to programme rephasing at major projects including Godley Green and Hawthorn's Special School.

## **RESOLVED**

- (i) That Executive Cabinet receive a financial recovery plan signed off by the Section 151 officer at the next planned meeting of Executive Cabinet, from each of the Directors of Place, Adults and Children in a form (template) approved by the Section 151 Officer.**
- (ii) That the proposed contingency budget virements as part of routine financial management be approved:**
  - i. Increased fuel costs for the Council's fleet, £0.185m. As a result of national fuel cost rises.**
  - ii. To correct a historic imbalance between income and expenditure budgets for internal estates charges, £0.475m.**
  - iii. Traded services income budget deficit, £0.119m primarily as a result of schools transferring to academies.**
  - iv. Health income budget deficit, £0.214m as a result of the demise of NHS Clinical Commissioning Groups (CCG) and the formation of the Greater Manchester Integrated Commissioning Board (ICB). A number of former NHS CCG locality services have been centralised within the Greater Manchester ICB arrangements and are no longer delivered or supported by the Council.**
  - v. The allocation from contingency to fully fund the confirmed pay award, totalling £2.402m.**
- (iii) That £0.989m grant funding for the financial year 2023-24 from the Department of Education relating to the Early Years Supplementary Grant be accepted. The funding is to be allocated to early years providers to supplement the free entitlement funding they already receive through the Early Years Block of the Dedicated Schools Grant. Information on the distribution is included at Appendix 3.**
- (iv) That the allocation of £0.255m of earmarked reserves to support adult social care and NHS integration initiatives be approved. The investment is to be allocated to the 2023/24 Adult services revenue budget and will finance the hourly rate cost differential between the support at home and home care models and supporting additional in year demand.**
- (v) That £0.022m new burdens grant via the Department For Levelling Up, Housing and Communities be accepted. The grant is awarded to support the administration of the Council Tax Support Fund and is to be allocated to the 2023/24 Resources Directorate (Exchequer Services) revenue budget to finance the related expenditure.**
- (vi) That £0.028m new burdens grant via the Department for Energy Security and Net Zero be accepted. The grant is awarded to support the administration of the Energy Bills Support Scheme Alternative Funding and the Alternative Fuel Payment Alternative Fund schemes and is to be allocated to the 2023/24 Resources Directorate (Exchequer Services) revenue budget to finance the related expenditure.**



- (vii) That £0.020m additional grant funding via the Greater Manchester Combined Authority (GMCA) awarded to the Council in May 2023 to extend the delivery of the Independent Domestic Violence Advisory service for the period 1 October 2023 to 31 March 2024 be accepted. The grant is to be allocated to the 2023/24 Population Health revenue budget. The existing service is commissioned via Bridges (who are part of Jigsaw Support) and it is recommended that the existing contract is extended for a 6 month period to the funding period end date of 31 March 2024.
- (viii) That the allocation of £0.030m investment via the earmarked Population Health reserve to support longer term health improvements across the borough to support the implementation and delivery of the Greater Manchester Combined Authority (GMCA) Ageing In Place Pathfinder within the borough be accepted. The investment is to be paid to Jigsaw Support in 2023/24 via a grant agreement that will specify the outcomes to be delivered. The Ageing Well Steering Group for the borough will monitor progress and delivery of the initiative.
- (ix) The write off of irrecoverable debts as set out in Appendix 1 (1 April 2023 to 30 June 2023, Quarter 1) and Appendix 2 (1 July 2023 to 30 September 2023, Quarter 2) be approved.
- (x) The reprofiling of £1.024m of capital spend outlined in table 18 and other capital changes of £3.207m in table 23 be agreed.

**That Executive Cabinet NOTES:**

- (i) The forecast General Fund revenue budget position of an underlying pressure of £13.901m, which is an adverse movement of £0.880m from Period 5 reporting.
- (ii) The management actions being taken of £5.951m, reduced from £13.937m at month 5, and that recovery plans are required to manage the financial position.
- (iii) That there is a projected overall overspend for the Council of £7.950m, following the application of management actions, as outlined in Table 2.
- (iv) The forecast deficit on the DSG of £5.317m, which has not changed from Period 5 reporting.
- (v) The Capital programme position of projected spend of £46.946m, following Cabinet approval to reprofile project spend of £1.024m from 2024/25.

**76 CORPORATE PERFORMANCE UPDATE, NOVEMBER 2023**

Consideration was given to a report of the Executive Leader / Chief Executive. The scorecard contained long term outcome measures that track progress to improve the quality of life for local residents and was attached at Appendix 1 to the report.

It was highlighted that over the first Quarter of 2023/2024, 171.6 people per 10,000 adults aged 65+ were living in residential and nursing homes, an increase from 146.7 per 10,000 in Quarter 1 of the previous financial year. As of the end of September, 68.7% of care home beds in Tameside were in settings rated Good or Outstanding by the Care Quality Commission, a fall of 5.7 percentage points from the previous scorecard update in July.

It was stated that 60.1% of children in Tameside received a good level of development in 2022, 5.1 points lower than the national average of 65.2%. This data was the first update to this dataset since the Early Years Foundation Stage reforms in September 2021, meaning that it was not possible to directly compare 2021/22 assessment outcomes with earlier years. Therefore, although values were lower than the previous release in 2019 both for Tameside and England as a whole, this did not indicate a negative trend in outcomes. The number of 3 and 4 year olds at Early Years settings rated Good or Outstanding was 80.3% in the Summer term this year, down significantly from 91.3% in the Summer term last year. On the other hand, progress was being made on meeting the Department for Education-set target for 2 year olds in funded early education, with 87% of the target met in the summer term, up from 83% for the previous year's summer.

The proportion of primary schools rated Good or Outstanding by Ofsted had increased since the previous scorecard update, with 94.7% of primary schools meeting this standard, which remained above the national average of 90.2%. The percentage of secondary schools rated Good or Outstanding was unchanged from the previous update at 62.5% compared to the national average of 81.8%.

**RESOLVED**

**That the contents of the report, scorecard Appendix 1 and the glossary of indicators at Appendix 2 be noted.**

**77 TAMESIDE ADULTS CARERS STRATEGY**

Consideration was given to a report of the Executive Member for Adult Social Care, Homelessness and Inclusivity/Director of Adult Services. The report sought approval to adopt a new Tameside Carers Strategy 2024-27 following the engagement with key stakeholders and a final period of consultation.

It was reported that following a period of engagement and consultation, the service had developed a new Tameside Carers Strategy attached at Appendix 1 to set out the vision and priorities for 2024-2027. It demonstrated the council's commitment to supporting carers, while they supported their loved ones. The Carers Service engaged and consulted with Carers in a variety of ways about their experiences of their caring role and the support that was on offer to them, and the people that they care for.

**RESOLVED**

**That Executive Cabinet approve the adoption and publication of the Tameside Carers Strategy 2024-27.**

**78 ADULT SOCIAL CARE STRATEGY**

Consideration was given to a report of the Executive Member for Adult Social Care / Director of Adult Services. The report sought approval to adopt a new Adult Social Care Strategy following engagement with key stakeholders and a final period of consultation.

It was explained that the Adult Social Care Strategy attached at Appendix 1 set out Tameside's vision and priorities for 2024 to 2027, called Living Well at Home. Whether people were living well at home with 24-hour support or services were coming into people's home that experience should be a standard everybody could be proud of. The focus would be to maximise people's independence so that they could live more meaningful and enjoyable lives with strong links to their local community.

It was further explained that the last few years had not been easy with the challenge of the pandemic and the recovery period following it. With the additional financial challenges of the Cost-of-Living Crisis, it was important now more than ever to support vulnerable people to access the right services to look after their health and mental wellbeing.

The Adult Social Care Strategy provided the strategic context to drive future commissioning, care management and our role in the integration of health and social care.

**RESOLVED**

**That approval be given to the adoption and publication of the Adult Social Care Strategy 2024-27.**

## **79 ASHTON MOSS DEVELOPMENT FRAMEWORK**

Consideration was given to a report of the Executive Member for Inclusive Growth, Business & Employment / Director of Place. The report provided an update on the preparation of the Development Framework for the Ashton Moss strategic employment site and the ongoing work to facilitate its future development as Ashton Moss Innovation Park.

It was reported that the Ashton Moss Development Framework Appendix 1 had been prepared by a multi-disciplinary team, led by LDA Design, to consider collectively the AME and AMW areas; this combined site was referred to as 'Ashton Moss Innovation Park'. To inform preparation of the Framework the multi-disciplinary team had engaged with service across the Council (including planning, highways, strategic property, greenspace, and digital), Tameside College, TfGM, other key stakeholders and landowners, Members, and the Tameside Inclusive Growth Board. The Framework had been prepared collectively with the principal landowners at Ashton Moss (Muse Developments, Staley Developments and Arqiva) who were supportive of its content.

The Ashton Moss Development Framework was an investment, planning and economic tool that would assist in driving forward development of the site. It clearly outlined the infrastructure required to enable and unlock the full potential of the site, as well as the key delivery considerations and development options. The Framework considered the background, context, planning status and ownership of the site. An analysis of current commercial property market trends and potential for employment generation had informed the analysis of site constraints and identified opportunities.

It was explained that the baseline engagement with specialist commercial property market agents has identified unprecedented demand for spaces to support a wide range of industrial, manufacturing and other industries. This informed the view that the Ashton Moss Innovation Park was optimally positioned to both provide jobs for local people and attract specialist talent from around the region.

The report detailed the work that would continue over the next 18 months in relation to the Ashton Moss Development Zone. In support of this the report sought approval for £0.184m of non-recurrent Council earmarked reserves previously allocated by Executive Cabinet in January 2023 to the Place Directorate to support the further development of Ashton Moss and be utilised for this purpose in 2023/24 and 2024/25 to progress the next steps.

### **RESOLVED**

**That approval be given to:**

- (i) The Ashton Moss Development Framework for adoption, which will facilitate the future development of Ashton Moss Innovation Park and act as a material consideration when consulting on any planning applications for the site to help ensure that proposals for development comply with the vision and objectives for Ashton Moss.**
- (ii) The next steps as set out in Section 5 and enable the Director of Place to manage the programme of works associated with their delivery, in consultation with the Executive Member for Inclusive Growth, Business & Employment, which will be subject to the usual governance and transparency requirements.**
- (iii) That £0.184m of non-recurrent Council earmarked reserves previously allocated by Executive Cabinet in January 2023 to the Place Directorate to support the further development of Ashton Moss, be utilised for this purpose in 2023/24 and 2024/25 to progress the next steps in accordance with Section 5.**

## **80 HIGHWAY SAFETY PROGRAMME**

Consideration was given to a report of the Executive Member for Planning, Transport and Connectivity / Director of Place. The report provided details of a proposed approach to allocate

funding in order to develop and deliver a highway safety programme in Tameside. It also listed a proposed criteria against which potential schemes should be measured. It suggests no actual schemes but states that top ranking schemes against the criteria, would have separate, detailed reports that would require approval, as and when funding allows.

Members were advised that each of the ten districts in Greater Manchester previously made annual bids to receive funding for substantial road safety schemes that were unable to be funded by other means. Previously, this funding allowed the council to deliver a range of road safety schemes including:

- i. Introduction of traffic signals at Curzon Road and Whitacre Road in 2016. The scheme reduced incidents at that location from 15 recorded casualties (2008 to 2012 prior to the scheme being introduced) to 0 recorded casualties (2014 to 2022).
- ii. Clarence Street, Whitelands Road and Bayley Street, Stalybridge in 2017. The scheme reduced incidents at that location from 24 serious and slight recorded casualties (2014 to mid-2017, before the scheme started) to 3 slight casualties (2017 from start of scheme to 2022).

However, funding for these type of schemes stopped the following year and had not been made available since. Throughout Greater Manchester, incident rates and severity of injuries had increased. The police, as enforcers, had limited resources when it comes to preventing bad driving and engineering measures were seen as an important contribution to highway safety.

It was stated that in 2022, Greater Manchester Combined Authority (GMCA) announced a funding stream, the Integrated Transport Block, would be divided between the 10 Highway Authorities of Greater Manchester and Transport for Greater Manchester (TfGM) over a period of two years, 2022/2023 – 2023/2024. The remaining three years 2024/2025 – 2026/2027 was to be determined.

It was explained that Tameside's confirmed budget, which was ring fenced for the development and delivery of highway safety initiatives, was £0.624m carried forward from 2022/2023 and £0.631m for 2023/2024. This gave a confirmed budget to date of £1.255m to commit to the development and delivery of a highway safety programme for Tameside.

The overall objective of the funding was to encourage safe and long term driving practices on our roads, whether that was by introducing physical engineering schemes on the roads or via training for groups of people that were deemed more in need. Having had no funding available to deliver highway safety works since 2017 it was essential that the council now identified and prioritised schemes for development and delivery to improve safety on the borough's highway.

The number of requests that had been documented over the years was considerable and additional resources would be required to develop a programme and then design potential highway safety schemes for approval.

Requests for traffic calming or speed reduction measures had been compiled over many years from ward members, residents and other stakeholders. Each request would now be examined and applied to the proposed evaluation criteria to identify priority schemes which were deliverable and affordable from the current available ITB budget. Careful consideration would be given to the development and delivery of sustainable schemes which offered best value and would have minimal impact on future maintenance costs.

Members discussed some of the previously documented requests that were to be examined against the evaluation criteria.

## **RESOLVED**

**That the following be approved:**

- (i) **The proposed approach, set out in this report, to develop a highway safety programme for Tameside.**

- (ii) **The allocation of Integrated Transport Block funding, to allow the development and delivery of a highway safety programme as set out in section 2 of the report.**
- (iii) **The proposed evaluation criteria which will allow a prioritised highway safety programme to be developed as set out in section 3 of the report.**
- (iv) **The principle of engaging with key stakeholders to support the highway safety development process as set out in section 3 of the report.**
- (v) **In principle, the procurement of external highway consultancy services, via STAR procurement as set out in section 2 of the report.**

## **81 LOCAL STUDIES AND ARCHIVES FORWARD PLAN 2024-2028**

Consideration was given to a report of the Executive Member for Towns and Communities / Assistant Director of Operations and Neighbourhoods. The report set out the key priorities of the proposed Forward Plan 2024-2028 and sought formal approval of the plan.

The National Archives (TNA) was the National body with ministerial governance in place that oversees Archives across the UK. TNA acted as the professional body for Archive Services and set the standards for best collections care and best practice public access to records through their Accreditation Scheme. Tameside Local Studies and Archives Centre was an approved Place of Deposit, meaning the Service held certain public records of local interest such as the Council's records. Holding Accredited status was required to maintain Places of Deposit status.

As TNA's Accreditation scheme was re-iterative, it meant the Service would be going through its full accreditation process again in 2024. A strong forward plan was important in helping it maintain its high standards. It was also essential in demonstrating to the Accreditation Panel how the Service would achieve its aims and ambitions and was required for submitting an accreditation application.

The Service gained full accreditation on 4 October 2018. This was based on relevant GMALSP policies being submitted as well as the following Tameside specific policies and procedures developed in line with Accreditation standards and expectations:

- The Tameside Collections Information Plan. This set out the Service's information process for archives; from the point of their deposit at the Centre, through accessioning to cataloguing (Appendix 1).
- The Tameside Preservation and Security Policy. This outlined how the Service kept its holdings secure, and ensures that they were not subject to conditions or actions which may harm them. It also outlined the environmental conditions in which the holdings should be stored as well as the Service's preservation procedures Appendix 2.
- The Tameside Policy and Access Restrictions policy. This outlined the necessary access restrictions and the legislation behind these. The policy set out the closure periods, exceptions and the reasons behind them Appendix 3.

It was explained that the Forward Plan had been developed by staff, informed by the public consultation and stakeholder consultation mentioned above (point 5.1 to point 5.3), service requirements and the requirements of the Accreditation.

The Service aims, set out in the Forward Plan, were as follows:

1. Access to Services: Ensure our Services were accessible, expanded and reached beyond the current visiting audiences, and maintained the highest possible standards of customer service.
2. Access to Learning: Provide opportunities for education to users of all ages, which were relevant, informative, engaging and inspiring.
3. Access to Collections: Collect, care for, document and develop the borough's archival collections and provide access to them in imaginative, informative and interesting ways.

## **RESOLVED**

**That the contents of the report be noted and the Local Studies and Archives Forward Plan covering 2024-2028 be approved.**

## **82 MUSEUMS FORWARD PLAN**

Consideration was given to a report of the Executive Member for Towns and Communities / Assistant Director of Operations and Neighbourhoods. The report set out the Museums Forward Plan, Collections Development Policy, Documentation Policy, Care and Conservation Policy and Access Policy for formal consideration and adoption.

The report explained that the Council's Museums and Galleries consisted of Portland Basin Museum, Astley Cheetham Art Gallery and the Manchester Regiment collection. The Museums and Galleries were part of Arts Council England's Museum Accreditation scheme, which was the industry standard for museums and galleries. Tameside Museums had been invited to reapply for Accreditation and in order to achieve it the service needed to have approved plans and policies in place.

The service aims, set out in the Forward Plan, were as follows:

- Access to services: ensure that all of our sites were accessible, friendly and had the highest standards of customer care.
- Access to the community: respond to the needs and demands of the local community and to participate fully in the life of Tameside, contributing to the cultural, social and economic activity of the borough.
- Access to learning: offer visitors enjoyable, inspirational and educational experiences.
- Access to collections: ensured that the borough's museums, galleries and collections were cared for and added to, for future generations.

The full Forward Plan 2023-28 was appended to the report. The Assistant Director of Operations and Neighbourhoods then summarised each of the four policies appended to the report.

The Collections Development Policy provided an overview to the collections and set the themes and priorities for collecting. It also provided information about the legal and ethical framework for acquiring and disposing of objects.

The Documentation Policy set out how the museum accounts for the collections it held. It showed that the council followed standard procedures for documenting the objects in the councils care.

The Care and Conservation Policy outlined how the museum cared for its collections and how ethical and legal requirements were met. It was designed to ensure the long term preservation of the collection and takes into account recognised museum frameworks and standards.

The Access Policy set out how people could see, use and reference the collections and the buildings they were housed in. It showed that a variety of interpretive methods to exhibit the collections were used and that information is provided to the public as to how they could access the collections.

## **RESOLVED**

**That the policies be approved.**

## **83 URGENT ITEMS**

There were no urgent items.

**CHAIR**

## OVERVIEW PANEL

21 November 2023

**Commenced: 16:00**

**Terminated: 16:45**

**Present:**

Councillors Smith (Chair), Billington, Cooney, Fairfoull, Fitzpatrick  
Kitchen, North, N Sharif and Roderick

**In Attendance:**

Sandra Stewart	Chief Executive
Ashley Hughes	Director of Resources
Tracy Brennand	Assistant Director, People & Workforce Development
Emily Drake	Head of Payments, Systems and Registrars
Simon Brunet	Head of Policy, Performance, Communications and Scrutiny

**Apologies for Absence:** Councillor Reid

### 16. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 17. MINUTES

The minutes of the Overview Panel meeting on the 26 September 2023 were approved as a correct record.

### 18. SCRUTINY UPDATE

Consideration was given to a report of the Chief Executive that provided a summary of the work undertaken by the Council's Scrutiny Panels for September to November 2023.

Members were advised that on the 13 September 2023 the Children's Services Scrutiny Panel met with the Deputy Executive Leader (Children and Families) / Director of Children's Services / Assistant Director of Children's Services / Head of Service and received an update on Children's Social Care. It was further advised that on the 4 October 2023 the Panel further met with Deputy Executive Leader (Children and Families) / Chief Executive / Director of Children's Services and received an update specific to the safety of children in Tameside.

It was reported that on 8 November 2023 the Panel met with Deputy Executive Leader (Children & Families) / Director of Children's Services / Assistant Director, Children's Services / Interim Head of Quality Assurance / Performance, Intelligence and Scrutiny Manager and reviewed the Children's Social Care and Early Help Scorecard. The Panel further met with Deputy Executive Leader (Children & Families) / Director of Children's Services and received the updated Children's Social Care Improvement Plan.

Future training was also discussed, in particular with a greater focus on corporate parenting. On the 13 September 2023, the Panel also met with the Deputy Executive Leader (Children and Families) / Director of Children's Services and received an update on Children's Social Care.

On the 14 September 2023, the Health and Adult Social Care Scrutiny Panel met with the Executive Member (Adult Social Care, Homelessness & Inclusivity) / Director of Adult Services and received an update on Adult Social Care Reforms. It was explained that on 9 November 2023 the Panel met with the Medical Director, Pennine Care NHS Foundation Trust / Deputy Place Based Lead and Head of Mental Health, Learning Disabilities and Autism (Tameside) and received an update on

mental health priorities for Tameside and an overview of the services and support delivered by Pennine Care.

It was reported that on the 12 September 2023, the Place and External Relations Scrutiny Panel met with the Executive Member for Climate Emergency & Environmental Services / Assistant Executive Member (Armed Forces & Enforcement) / Director of Place / Assistant Director, Operations and Neighbourhoods / Super Intendent, Greater Manchester and received an update on implementation and effectiveness of the GMP neighbourhood model and received a forward plan of activity for the Community Safety Partnership. Following this meeting, members of the Panel received a draft version of the Council's Anti-social Behaviour (ASB) Policy for review and comment.

A formal and collective response for the Scrutiny Panel was submitted to the Executive Member (Towns & Communities) which was appended to the report. The Panel also received Executive Responses to LGSCO focus reports, "Out of Order – learning lessons from complaints about antisocial behaviour" and "Not in my back yard – Local people and the planning process". It was further explained that on 7 November 2023, the Panel met the Executive Member (Inclusive Growth, Business & Employment) / Assistant Director, Investment, Development & Housing / Head of Economy, Employment & Skills and received an update on strategic properties, work streams, local delivery and support for business and employment. The Panel further received the formal response submitted to the Executive Member (Towns & Communities) on the draft Anti-Social Behaviour (ASB) Policy.

Members were further advised with regard to scrutiny activity and working groups in various areas. On the 1 November 2023, the Place and External Relations Scrutiny working group meeting considered the effectiveness of local partnership arrangements in the development and delivery of community safety priorities within the Community Safety Partnership (CSP). Members received an updated version of the ASB Policy where the comments of Scrutiny had been given full consideration and informed the document.

It was reported that on 2 November 2023, the Children's Services Scrutiny Panel working group meeting considered the effectiveness of services and support for care leavers in Tameside. On 31 October 2023, the Health and Adult Social Care Scrutiny Panel considered services aimed that supported and improved outcomes for the perpetrators of domestic abuse, access to safe accommodation for victims and the importance of prevention work in this area.

It was reported that Mid-year budget update sessions for all Scrutiny members had taken place on 6 November 2023. The update was provided by the First Deputy (Finance, Resources and Transformation) / Director of Resources (Section 151 Officer). The Executive had received a formal response of the Scrutiny Chairs, which captured a range of points and highlighted any concerns and specific areas for consideration that supported the Council's ongoing work in this area. The response letter was tabled in a separate report to Overview Panel on 21 November 2023.

## **RESOLVED**

**That the content of the report and summary of scrutiny activity be noted.**

### **19. SCRUTINY MID-YEAR BUDGET UPDATE**

Consideration was given to a report of the Chair of Place and External Relations Scrutiny Panel / Chair of Health and Adult Social Care Scrutiny Panel / Chair of Children's Services Scrutiny Panel / Chief Executive. The report provided a summary and feedback based on the recent scrutiny engagement on the mid-year budget position for 2023/24 and future planning.

It was reported that all Scrutiny Panel members were provided with an opportunity to attend one of two mid-year budget update sessions delivered on 6 November 2023. This year the invitation included all non-executive members of Overview Panel. Members were advised that the sessions enabled members to seek assurance on the Council's approach to managing and mitigating budget



pressures, known risks and future uncertainty. A response letter of the Overview Panel Chair and Scrutiny Chairs to the First Deputy (Finance, Resources and Transformation) and Director of Resources (Section 151 Officer) was appended to the report at appendix 1.

The First Deputy (Finance, Resources and Transformation) and the Director of Resources advised that a response to the letter was being drafted and thanked all members of the Scrutiny Panel for their engagement.

## **RESOLVED**

**That the content of the report be noted.**

## **20. IMPROVEMENT TEAM UPDATE**

Consideration was given to a report of the Assistant Director, People and Workforce Development which outlined the progress to date since the creation of the Improvement Team and detailed the future plans for the service.

Members were provided with an overview of the progress and impact to date since the creation of the Improvement team. The current team structure was outlined within the report. It was explained that the team was funded via a £5 million Transformation Fund Council reserve and over the last 12 -18 months, 18 Improvement Projects had commenced based on requests from services and were approved by senior officers and members. Members were provided with a summary of these each project and it was explained that four were in diagnostic phases and six were in delivery phase. Five projects had been completed and three, namely Transitions to Adulthood, Leaving Care and Supported Accommodation had been subsumed into the Children's Improvement Plan and would be progressed under the Children's Improvement governance arrangements.

Members were advised that since September 2023, the team's capacity had been focussed on supporting the Children's Services Improvement journey. It was acknowledged that the shift in focus had impacted on the delivery of other elements of the programme but this was considered an essential change considering the necessary pace that was required in Children's Services. It was reported that with a refocus of the Children's Improvement Plan, the Improvement team capacity and its impact would be scaled up. The development of a Transformation and Improvement Strategy following engagement with elected members and officers would be prioritised as this provided the necessary framework and focus against which all improvement projects would be delivered.

It was further highlighted that the programme of work continued to be aligned to the Corporate Plan and directorate business plans, with projects focussed on Children's Services prioritised in light of the current Ofsted Improvement work. Key projects that supported delivery of budget reduction initiatives featured heavily in the programme although it was explained that some projects focussed on improved outcomes, without a direct financial impact.

Members thanked officers for the continued progress made by the Improvement Team to date on the delivery of the programme. Wide ranging discussion ensued with regard to the report, in particular around the Children's Improvement and the progress made with regard to Supported Accommodation. The Chair thanked officers for an informative report.

## **RESOLVED**

- (i) That the impact made by the Improvement Team to date on the delivery of the programme be noted.**
- (ii) That the plans for the future development of the Improvement Function be noted, including –**
  - a. Development of a Transformation and Improvement Strategy to provide the necessary framework and focus against which all improvement projects will be delivered.**
  - b. Development of broader support for transformation and project management**

- (iii) That it be noted that the prioritisation of future projects will focus on supporting the delivery of budget reductions, supporting children's services improvement journey and improving outcomes, prioritised using an impact versus complexity analysis.

## 21. URGENT ITEMS

There were no urgent items for consideration.

**CHAIR**

## STANDARDS COMMITTEE

7 November 2023

**Commenced:** 4.00 pm

**Terminated:** 4.20 pm

**Present:** Mirriam Lawton (Independent Person & Chair), Councillors Kitchen, Lane, McNally and Ricci

**In Attendance:** Sandra Stewart Chief Executive  
Robert Landon Head of Democratic Services

**Apologies for Absence:** Councillors Costello, S Homer, and Parish Councillor Travis

### 8. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 9. MINUTES

#### RESOLVED

The Minutes of the Standards Committee meeting held on the 5 September 2023 were approved as a correct record.

### 10. REVIEW OF COUNCIL CONSTITUTION

Consideration was given to a report of the Chief Executive that informed the Standards Committee of the overall review of the Council Constitution and sought the views of the Committee on the contents of Part 5: Standards of Conduct and Ethics.

The Committee was told that The Local Government Act 2000, as amended, required a local authority, which was operating executive arrangements, to prepare and keep up-to-date a Constitution. Although specific elements of the Constitution had been reviewed and amended, the Constitution as a whole had not been comprehensively reviewed for a number of years. The Committee was advised that an overall review of the Council Constitution would be considered by Council on 5 December 2023

It was reported that a significant part of the Constitution was Part 5: Standards of Conduct and Ethics, which fell within the remit of the Standards Committee. This Part of the Constitution contained a number of codes, protocols and policies, which set the framework within which both Members and Officers were expected to act. The following documents formed Part 5 of the Constitution:

- |    |   |
|----|---|
| 5a | Members Code of Conduct                     |
| 5b | Whistleblowing Policy                       |
| 5c | Anti-Fraud, Bribery and Corruption Strategy |
| 5d | Members Planning Code                       |
| 5e | Monitoring Officer Protocol                 |
| 5f | Section 151 Officer Protocol                |
| 5g | Member/Officer Protocol                     |

In relation to 5a, Members Code of Conduct, the Committee were advised that this had been reviewed and amended by Council on 12 January 2021 following recommendations of the Standards Committee. The Whistleblowing Policy, 5b, applied to everyone with a concern about wrongdoing in the Council's activities, whether they were a Councillor, a council employee, a

contractor, an associated party or a concerned member of the public, and had been examined in recent years.

A summary was provided with regards to Anti-Fraud, Bribery and Corruption Strategy, Members Planning Code, which had recently been reviewed, Monitoring Officer Protocol, Section 151 Officer Protocol and Member/Officer Protocol.

The Committee were notified that the updated protocols and policies would be shared on a digital basis and Members requested that a printed version be made available in the Members Lounge at Tameside One and also at any relevant training sessions.

#### **RESOLVED**

**That the Standards Committee endorsed the current contents of Part 5 a – g of the Council Constitution.**

### **11. FLAG FLYING PROTOCOL**

Consideration was given to a report of the Chief Executive that set out the current arrangements for flag flying on civic occasions and the arrangements for flying flags at half-mast. The current Flag Flying Protocol was appended to the report, and included details of when flags on Council buildings should be flown at half-mast.

The Committee were informed that it had been suggested that the current protocol, which had been in place since 2009, be amended to reflect changed circumstances and changing practices and that the requirement to fly flags on Council buildings in the event of the death of a former Chief Officer of the Council should be removed. An assessment of other local authority flag flying protocols showed that the inclusion of this requirement was rare and in practice difficult to apply.

#### **RESOLVED**

**That the Standards Committee:**

- (i) Agree that the protocol be amended to remove the requirement to fly flags on Council buildings at half-mast in the event of the death of a former Chief Officer of the Council; and**
- (ii) Note that the protocol would also be amended to reflect that the only Town Hall with a working flagpole was Dukinfield Town Hall in light of recent requirements to working at heights.**

### **12. REGISTER OF INTERESTS AND GIFTS AND HOSPITALITY**

Members were advised that the Register of Interests and Register of Gifts and Hospitality were available online for inspection and that there had been no recent declarations of gifts and hospitality received by Members.

### **13. DISCUSSION PERIOD FOR MEMBERS TO RAISE ISSUES (IF ANY)**

No issues were raised.

### **14. URGENT ITEMS**

The Chair advised the Standards Committee that the Monitoring Officer was a statutory appointment under Section 5 of the Local Government and Housing Act 1989 and the current responsibilities of the Monitoring Officer role under the constitution rested with the role of Borough Solicitor (otherwise known as or referred to as the Assistant Director of Legal Services). The

Committee were informed that the Interim Assistant Director of Legal had left the authority and the Deputy Monitoring Officer was currently unavailable for a prolonged period. An appointment to the role of Assistant Director of Legal Services would be made at the next full Council meeting, scheduled for 5 December 2023, and any issues for consideration by the Monitoring Officer, would be held in abeyance up until this point.

**15. DATE OF NEXT MEETING**

**RESOLVED**

**That the date of the next meeting of the Standards Committee was scheduled to take place on 26 March 2024.**

**CHAIR**

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## DEMOCRATIC PROCESSES WORKING GROUP

20 NOVEMBER 2023

Commenced: 4.00pm

Terminated: 4.25pm

**Present:** Councillors Cooney (In the Chair), Kitchen, McNally, North, Ward and Warrington.

**Apologies** for Councillor Costello and Fairfoull.  
**Absence**

### 9. MINUTES OF PREVIOUS MEETING

#### RESOLVED:

That the minutes of the meeting of the Working Group held on 25 September 2023 be approved as a correct record.

### 10. REVIEW OF THE COUNCIL CONSTITUTION

Members considered a report of the Chief Executive, which advised that a review of the Constitution had been undertaken to ensure that it was up to date and remained fit for purpose.

Members were reminded that the Local Government Act 2000, as amended, required a local authority which was operating executive arrangements to prepare and keep up-to-date a constitution. The Council Constitution provided a framework within which people could understand their own responsibilities, and the responsibilities of others. It allowed decision-making, within a democratically elected body, to be consistent, accountable and transparent. The Constitution set out the principles that were especially important to the way that the Council worked and the fundamentals of how the local authority operated.

The Monitoring Officer was required to monitor and review the operation of the Constitution on an on-going basis, and, where necessary, bring forward amendments to the Council. It was explained that some elements of the Constitution had been reviewed by Council in recent years, such as the Members Code of Conduct, Financial Regulations and Contract Standing Orders. Also, the scheme of delegation and terms of reference had been updated to reflect organisational changes agreed by Members.

The report set out the contents and purpose of each part of the Constitution and advised where changes were proposed for consideration by full Council.

It was explained that most councils have stuck fairly closely to the constitutional structures set out in the Government's "Modular Constitution", produced in 2000. It was emphasised that this model, modular constitution is a piece of statutory guidance – councils therefore needed to have regard to it in reviewing, and redrafting, their own constitutions. Following the structure of the Modular Constitution makes it easier to ensure that the contents of the constitution are being managed properly and legally. The structure is also tried and tested, having been in operation in most councils for over two decades.

The following parts of the Constitution have been reviewed and agreed by Council in recent years and therefore do not need to be reviewed other than a check that still reflect current organisational and legal requirements:

- Financial Regulations – amended by Council on 5 October 2021
- Contract Standing Orders – amended by Council on 4 October 2022
- Members Code of Conduct – amended by Council on 17 November 2020

With regard to each Part of the Constitution the Working Group made the following recommendations:

- Part 1 – Summary and Explanation  
no changes proposed;
- Part 2 – Articles of the Constitution  
Proposed changes to the Policy Framework as set out in Article 4 – The Full Council
- Part 3 – Terms of Reference and Scheme of Delegation  
Noted changes to be made reflect organisational and legislative changes and agreed other suggested changes to officer delegations.
- Part 4 – Procedural Standing Orders  
The policy framework be amended as set out in Article 4 in **appendix 1**.
- Part 5 – Standards Of Conduct And Ethics  
No changes but agreed should shared on a digital basis and that a printed version be made available in the Members Lounge at Tameside One and also at any relevant training sessions.
- Part 6 – Members Allowance Scheme  
No changes will be subject to consideration by Independent Review Panel at a future date.
- Part 7 – Management Structure  
No changes proposed at this time.

**RESOLVED:**

**That Council be recommended to agree:**

- (i) **That the changes to Part 3a: Scheme of Delegations and Terms of Reference as set out in Appendices 2 and 3 be noted and those that require Council approval be recommended for approval.**
- (ii) **That Council note the intention to review sub-delegations by Directors.**
- (iii) **That the proposed changes to Part 4f: Budget and Policy Framework set out in Article 4 be recommended to Council for approval.**
- (iv) **That the Part 5 Standards of Conduct and Ethics – Standards Committee endorsement of current contents and view that need to be better understood by Members and Officers be noted.**

**CHAIR**



**Report to:** COUNCIL

**Date:** 5 December 2023

**Report of:** Sandra Stewart – Chief Executive

**Subject Matter:** REVIEW OF COUNCIL CONSTITUTION

**Report:** The report sets out proposed changes to the Council Constitution.

**Recommendations** That Members consider the proposed changes to Council Constitution, in particular the following:

- (i) That the changes to as set out in **Appendix 1**.
- (ii) That Members note the intention to review sub-delegations by Directors and ensure recorded.
- (iii) That the updated Part 3d - Statutory and Proper Officers be noted as set out in **Appendix 2**.
- (iv) That the proposed changes to Part 4f: Budget and Policy Framework set out in Article 4 be approved.
- (v) Part 5 Standards of Conduct and Ethics – Standards Committee endorsement of current contents and view that need to be better understood by Members and Officers be noted.

**Financial Implications:** There are no direct financial implications  
(Authorised by Section 151 Officer)

**Legal Implications:** The Local Government Act 2000, as amended, requires a local authority which is operating executive arrangements to prepare and keep up-to-date a Constitution which contains a copy of the authority's standing orders for the time being. The Monitoring Officer is required to monitor and review the operation of the Constitution on an on-going basis, and, where necessary, bring forward amendments to the Council  
(Authorised by Borough Solicitor)

**Risk Management:** It is important to continually monitor and review the effectiveness of the Constitution to ensure good governance.

**Links to Community Strategy:** The Constitution and democratic framework provides an effective framework for implementing the Community Strategy.

<b>Access to Information</b>	<b>Appendix 1</b>	<b>Table of proposed changes</b>
	<b>Appendix 2</b>	<b>Statutory and Proper Officers</b>
	<b>Link to Constitution</b>	<a href="#"><u>Agenda for Constitution on Tuesday, 23rd May, 2023 (moderngov.co.uk)</u></a>

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](mailto:robert.landon@tameside.gov.uk)

## **1. INTRODUCTION**

- 1.1 The Local Government Act 2000, as amended, requires a local authority which is operating executive arrangements to prepare and keep up-to-date a Constitution. The Monitoring Officer is required to monitor and review the operation of the Constitution on an on-going basis, and, where necessary, bring forward amendments to the Council. Although specific elements of the Constitution have been reviewed and amended, the Constitution as a whole has not been comprehensively reviewed for a number of years. It is also timely to ensure that the Constitution is fit for purpose prior to LGA peer review and to ensure that the Constitution reflects organisation and legislative changes.

## **2. WHAT IS THE PURPOSE OF THE CONSTITUTION?**

- 2.1 The Council Constitution provides a framework within which people can understand their own responsibilities, and the responsibilities of others. It allows decision-making, within a democratically elected body, to be consistent, accountable and transparent. The Constitution should facilitate strong, effective relationships. Good constitutions provide an anchor for strong organisational and political cultures in which people work well together, and in which decision-making is well-understood by (and visible to) the public. Constitutions are also rulebooks, they set out much, but not all, of the technical detail of how the council's main decision-making systems operate.
- 2.2 By law, a council's constitution must contain certain key elements. The detail of these can be found in the Local Government Act 2000 (Constitutions) (England) Direction 2000, which remains in force.
- 2.3 The Constitution sets out the basic principles that are especially important to the way that the council works and the fundamentals of how the local authority operates. Being able to articulate the principles that govern how decision-making will work will provide consistency, and will make it easier to secure commitments to positive working behaviours. If people don't understand why decision-making systems work as they do, and/or if those systems are seen as arcane and frustrating, they may not be taken seriously.
- 2.4 Under executive arrangements, members exert oversight, and provide direction, in a number of places – at full Council, in scrutiny committees, audit committee and other forums – working groups, panels and so on. Having a sense of members' expectations of the level of oversight they will have over decision-making, and delivery, is an important part of designing constitutional arrangements that are balanced, and which provide for strong local accountability. Particularly as councils are under great financial pressure, ensuring that consistent expectations exist around member oversight of financial issues is important, the Constitution sets this framework.
- 2.5 Further to the general point above about the dividing line between members and officers, there needs to be a degree of confidence in those matters where officers will be empowered to make decisions, and to deal with problems and risks.

## **3. WHAT IS THE CURRENT STRUCTURE OF THE CONSTITUTION?**

- 3.1 Most councils have stuck fairly closely to the constitutional structures set out in the Government's "Modular Constitution", produced in 2000. It deserves re-emphasis that this model, modular constitution is a piece of statutory guidance – councils therefore need to have regard to it in reviewing, and redrafting, their own constitutions. Following the structure of the Modular Constitution makes it easier to ensure that the contents of the constitution are being managed properly and legally. The structure is also tried and tested, having been in operation in most councils for over two decades. The current structure of the Tameside Council

Constitution is as follows:

<b>Part</b>	<b>Content</b>
<b>1</b>	<b>Summary</b>
<b>2</b>	<b>Articles Of the Constitution</b>
<b>3</b>	<b>Responsibility For Functions</b>
3a	Terms of Reference and Scheme of Delegation
3b	Portfolios
3c	Job Profiles
3d	Statutory and Proper Officers
<b>4</b>	<b>Procedural Rules</b>
4a	Procedural Standing Orders
4b	Financial Regulations
4c	Procurement Standing Orders
4d	Officers Employment Procedure Rules
4e	Access to Information Procedure Rules
4f	Budget and Policy Framework
4g	Scrutiny Procedure Rules
<b>5</b>	<b>Standards of Conduct and Ethics</b>
5a	Code of Conduct
5b	Whistleblowing Policy
5c	Anti-Fraud, Bribery and Corruption Strategy
5d	Members Planning Code
5e	Monitoring Officer Protocol
5f	Section 151 Officer Protocol
5g	Member/Officer Protocol
5h	Gifts and Hospitality
<b>6</b>	<b>Members Allowance Scheme</b>
<b>7</b>	<b>Management Structure</b>

#### **4. WHAT HAS BEEN REVIEWED?**

4.1 At its meeting on 21 May 2013 Council authorised the Monitoring Officer to make minor changes to the constitution to reflect changes in Council officer structure and changes in legislation requiring changes to delegations. Various minor changes have been made since then to ensure that the Constitution reflect current organisational and legislative requirement.

##### **What did not need to be reviewed?**

4.2 In addition to changes referred to in 4.1 the following parts of the Constitution have been reviewed and agreed by Council in recent years and therefore did not need to be reviewed other than a check that they still reflected current organisational and legal requirements:

- Financial Regulations – amended by Council on 5 October 2021
- Contract Standing Orders – amended by Council on 4 October 2022
- Members Code of Conduct – amended by Council on 17 November 2020

#### **5 DETAIL OF CONSTITUTION CONTENT AND REVIEW**

##### **Part 1 – Summary and Explanation**

5.1 This part sets out what is included in the Constitution; what it is for and who decides what is in the constitution. It is not proposed to change this Part of the Constitution.

##### **Part 2 – Articles of the Constitution**

5.2 While the Articles themselves are not a statutory requirement, their contents act as a central repository of basic information about key bodies and structures within the council, including membership, terms of reference and other key information about those bodies and how they

work together. This information is reproduced elsewhere in the constitution – but the Articles provide a useful introduction to those bodies and structures, and how they interact. The current Articles are:

Article 1	The Constitution
Article 2	The Council
Article 3	Citizens and the Council
Article 4	The Full Council
Article 5	Chairing the Council
Article 6	The Executive
Article 7	Scrutiny Panels
Article 8	Overview Panel
Article 9	Speakers Panel (Planning)
Article 10	Speakers Panel (Licensing)
Article 11	Speakers Panel (Liquor Licensing)
Article 12	Standards Committee
Article 13	Audit Panel
Article 14	Health
Article 15	Neighbourhood Forums
Article 16	Joint Arrangements
Article 17	Officers
Article 18	Decision Making
Article 19	Finance, Contracts and Legal Matters
Article 20	Review and Revision of Constitution
Article 21	Interpretation and Publication of Constitution

Proposed changes to the Articles are set out in the **Appendix 1** table of changes.

### **Part 3a – Terms of Reference and Scheme of Delegation**

5.3 Part 3a of the Constitution contains Terms of Reference and Scheme of Delegation sets out the Terms of Reference for each of the following Member bodies and can be found at this link: [Part3a terms of reference and scheme of delegation updated 21119.pdf \(moderngov.co.uk\)](#):

- Executive Cabinet
- Board
- Speakers Panel (Planning)
- Speakers Panel (Employment Appeals)
- Speakers Panel (Licensing)
- Speakers Panel (Liquor Licensing)
- Health and Adult Social Care Scrutiny Panel
- Place and External Relation Scrutiny Panel
- Children’s Services Scrutiny Panel
- Strategic Planning and Capital Monitoring Panel
- Overview Panel
- Audit Panel
- Pension Fund Management Panel
- Education Attainment Improvement Board
- Health and Wellbeing Board
- Asset Management Panel

5.4 Part 3a also sets out delegation to individual Executive Members, Senior Leadership Team and individual Directors.

5.5 Directors and Assistant Directors have been consulted on the contents of this part of the Constitution and suggested changes and reasons for proposed changes are set out in **Appendix 1**. At its meeting on 20 November 2023 the Democratic Processes Working Group reviewed the suggested changes. The Working Group noted that some of the proposed

changes fell into the category of changes that could be agreed by the Monitoring Officer as consequential changes from organisational or legislative changes. **Appendix 1** therefore only includes proposals that require a decision of Council. The table sets out the proposed change, reason for proposal and recommendations for Council.

### **Part 3b - Portfolios**

- 5.6 Part 3b sets out the Portfolios of individual Executive portfolios, these are reviewed annually and presented to Council for information. The appointment of Executive Members and the portfolios allocated to them are determined by the Executive Leader rather than Council and no changes are proposed to Part 3b.

### **Part 3c – Job Profiles**

- 5.7 Part 3c of the Constitution contains job profiles for various Member roles as follows:
- Speakers Panels - Chair and Deputy Chairs
  - Scrutiny Panels - Chair and Deputy Chair
  - Council - Civic Mayor and Chair of Council
  - Overview Panel - Chair
  - Frontline Councillors
- 5.8 It is not proposed to make any changes to Part 3c.

### **Part 3d – Statutory and Proper Officers**

- 5.9 Part 3d sets out the statutory and proper officers, this sets out which officers are designated to each of the statutory roles and where there is a requirement to appoint a proper officer with legal responsibility for specific tasks and actions. Proper Officer appointments are usually the member of Senior Leadership team with responsibility for the service area, current Statutory and Proper Officer appointments are attached at **Appendix 2**.
- 5.10 The proposed changes in this section relate to public health matters and are highlighted in yellow.

### **Context for Reviewing Part 3 of the Constitution**

- 5.11 Councils are complex institutions, with multi-million pound budgets. While elected councillors are in charge and set out the strategy and policy framework for decision making, they cannot take all or even most day-to-day decisions. This is why systems exist, in local authorities, for certain decisions to be delegated. All authorities are obliged to keep a “scheme” of delegation – a description of the types of decisions that can be made by council officers, and by individual councillors or groups of councillors, under a range of different circumstances. These decisions must be made in line with the policy framework set by elected members.
- 5.12 Understanding the distinction between member and officer roles:
- Members lead, officers implement;
  - Delegation should support members to focus on policy;
  - Delegation helps with political accountability – it provides for officer decision-making within a framework set by councillors.
- 5.13 Schemes of delegation are intended to assist the authority in maintaining efficiency and effectiveness in service delivery. It should not prevent or be used to sidestep serious issues or significant decisions by either councillors or officers. Officers cannot (usually) pass an operational decision back to councillors because it is too difficult – although it is a different matter if the decision is especially politically contentious, or raises wider policy issues. And Councillors cannot delegate decisions to officers that are political and strategic because this sits within their sphere. While accountability rests with members politically, officers are accountable and responsible for decisions properly delegated to them; and in respect of “proper officer” functions, members do not hold responsibility at all.

### **Consistent Financial Thresholds**

- 5.14 In addition to the scheme of delegation there are spend criteria which determines whether the decision is delegated or taken by members. The size of the spend is often set to reflect the size of the council's overall budget. The thresholds are set out in the Financial Regulations.

### **Political Clarity**

- 5.15 There will always be an area of overlap between member and officer decision-making responsibilities; Because of this councillors' political motivations and objectives must be understood by officers; Officers need to possess a degree of political discernment so that they can operate confidently in "political" spaces, making certain decisions with members in concert. This is particularly the case with high profile, or contentious, decisions, which might require a higher degree of member oversight. Even where member and officer roles overall are well understood, the impact of local politics can make the demarcation unclear and inconsistent. On some high profile or highly contentious matters, members can rightly expect to be more involved than might otherwise be the case – or at the very least sighted when decisions come to be made. There may therefore be occasions where responsibility has been delegated but the officer chooses not to exercise it – because it is a sensitive issue or where the officer feels that it is policy rather than operational decision (or could be perceived by residents as such). While this will be rare, councils need to have systems in place to ensure that these issues can be identified ahead of time. It cannot always be relied on that officers holding delegated authority will have the political acumen to proactively identify these kinds of issues. Chief officers, and the Monitoring Officer (and other legal and governance professionals) may have to provide advice, and oversight.
- 5.16 For the Scheme of Delegation to work effectively Councillors, especially executive members must be kept informed of, and engaged in, emerging issues (this can be via briefings or member-officer discussions) and are made aware of major forthcoming decisions coming their way but as mentioned earlier the efficient running of the council would be limited if too many decisions, especially those that are operational, rest with the executive.
- 5.17 Officers have to keep members sighted on matters of corporate importance to ensure proper accountability. If decisions work through the member process but with members having little understanding of their significance or opportunity their ability to challenge or influence them is limited. Structures should be in place to ensure that members are kept informed of issues and any modifications to a decision that may be likely. Otherwise, it has the potential to become performative or simply a tick box exercise which weakens the council's overall governance.

### **The Cascade Principle**

- 5.18 The Scheme of delegation in the Constitution delegates responsibility to Chief Executive and Directors, however:
- Decisions should be taken at the most appropriate level, by those with the practical skills and knowledge to make those decisions effectively;
  - To provide for this, systems of onward delegation from chief officers to more junior officers should exist;
  - Where onward delegation, or "sub-delegation", is exercised, the nomination/authorisation of individuals to make decisions must be clearly recorded.
- 5.19 When officer delegations are made the Constitution delegates to Chief Executive/Directors. They can then transfer delegated power to the relevant officers. This can be described as delegation via the "cascade principle". This means that decisions are taken at the most appropriate level i.e. by those with the correct professional skills, and with a closer connection to those affected. Thus, the vast majority of the Council's decisions and actions will fall into the category of operational day to day decisions taken by its officers. Officers acting under delegated powers in this way (further to authorisation through what is sometimes called "sub-delegation") can exercise a range of powers necessary to discharge executive functions. This includes officers taking decisions, implementing decisions and managing the services, contracts and staff for which they are responsible. Officers have the authority to take decisions

within their area of responsibility which have been delegated and/or nominated to them. Officers work on the basis that, where functions have not been delegated or nominated to officers, it is the right of Members to take the final decisions. This is usually informed by officers' advice, although members may listen to the advice but make an independent decision. Where the cascade principle is used by a local authority this will usually be governed by a local scheme of nomination which sets out the defined areas of the Council's service areas given to specific officers. This is based on the assumption that for the majority the delegated officer will make decisions. This may require that the individual decision must be evidenced in writing, dated and signed by the officer delegating the power – and that the nomination is clearly recorded. The scheme of nomination can be temporary and the person or body (if it is a committee) may reassume responsibility at any time. However, this should be done with due consideration and liaison between officers and cabinet. If the power of resumption is too loose and cabinet unpredictably makes decisions within the officer delegation sphere, the scheme of delegation will become ineffective or inoperable, and essentially meaningless.

- 5.20 Following the review of the scheme of delegation it is intended to review sub-delegations to ensure that any sub-delegations are appropriately recorded and that there is an appropriate record when such decisions are made.

#### **Accurate recording and reporting**

- 5.21 Legislation exists that requires the reporting of certain individual decisions made under delegated authority. Even where individual reporting is not required, a regular digest of decisions made under delegated authority needs to be prepared, shared with members and published. As is the case in delegation from manager to staff, formal delegation of authority is the process of distributing and **entrusting** work to another person, with minimal intervention. Here, that is from elected member to a local government officer. As with other areas of governance there needs to be in place a means of oversight and accountability of decisions made in this way. Councils are required to issue and maintain an up-to-date record of what part of the Council or individual has responsibility for particular types of decision or decisions relating to particular areas or functions. Recording arrangements for certain delegated officer decisions (not all) are set out in the Openness of Local Government Bodies Regulations 2014. Regulation 7 says:

#### **Adherence to law**

- 5.22 Decisions must be made in a way that respects the scope of the power originally held, and the way that that power has been delegated; The exercise of delegation is framed by law – legal advice needs to be given, and taken, to avoid confusion. All delegation and decisions following from that delegation have always to remain within the law – i.e. decisions must remain within the scope of the delegation itself to be valid. Officers holding responsibility for delegated decisions should be expected to have sufficient familiarity of the scheme of delegation and its requirements not to need the regularly intervention of the Monitoring Officer or Chief Finance Officer. In certain contexts, this may not be completely simple. While it is unlikely that the precise scope of a delegated power will be tested in court, the nature of the delegation must be clearly expressed, and understood, in terms that reflect the original legal authority by which the delegation has been made.

#### **Delegation from Cabinet**

- 5.23 Some functions of the council, as specified by the Local Government Act 2000, are divided into two categories: executive and non-executive. Non-executive functions (or Council functions) are set out in Regulations issued under the Act and include activities such as the determination of applications relating to planning and licensing. The council may delegate decisions concerning these services to committees, sub-committees or officers under section 101 of the Local Government Act 1972.
- 5.24 Executive decisions, meanwhile, are the responsibility of Cabinet. Generally speaking they reflect the broad spread of Council policymaking on things like adult social care, housing, children's services, environmental services, leisure and culture, and the setting of policy for

non-executive functions like planning and licensing. Executive decisions can be made by:

- Cabinet, collectively. At a meeting of Cabinet, a decision is tabled and made by all Cabinet members together;
- Cabinet members individually. Some councils, but not all, make arrangements for individual Cabinet member decision-making. Cabinet members will make decisions in accordance with the terms of reference of their portfolios, as set out in the constitution. Certain decisions are likely to be held by the Leader under this model;
- Officers, in line with the scheme of officer delegation.

5.25 The most significant are often described as “key” decisions. A key decision taken by the Leader, Cabinet, Committee of Cabinet or an Officer is any executive decision which is likely:

- to result in the Council incurring expenditure or making savings which are significant (this is generally expressed in a figure that relates to the council’s overall budget, in Tameside this is
  - any Executive decision which requires a budget expenditure of £30,000 or more that is not in the budget presented to Council;
  - any Executive decision to vire £500,000 or more in the budget presented to Council;
- to have a significant impact on communities living or working in an area comprising two or more wards in the council; or some councils have provision that under certain circumstances where there is likely to be significant impact on communities in one ward, this is regarded as a key decision unless it is considered impracticable to do so.

5.26 Key decisions are usually made by members – by Cabinet collectively, or by an individual member of Cabinet. However, Council constitutions can provide for the making of key decisions by officers.

5.27 In respect of functions like planning and licensing delegation is necessary to provide for efficient and effective decision-making on individual applications. Under these arrangements most planning and licensing decisions are made by officers, with certain decisions escalated to councillor panels, subject to recognised principles for escalation. In respect of planning in particular, delegation might be blanket in nature, with certain matters reserved to members “by exception”. Alternatively there might be specific and quite narrow circumstances in which delegated authority is to be exercised. Councils take a variety of approaches here. Inevitable, large, urban unitaries will probably tend to delegate more decisions to officers than smaller shire districts, purely for logistical reasons.

#### **“Proper officer” functions**

5.28 A “proper officer” is appointed by a local authority to carry out certain administrative functions as required by statute. Functions of a proper officer include receiving or giving notices, certifying or authenticating documents, keeping registers, and issuing summonses for meetings. A proper officer is empowered by statute to make certain decisions without recourse to the executive members or leader. Changes to Proper Officer appointments tend to follow from organisational changes and no changes are proposed.

### **PART 4 – PROCEDURAL RULES**

#### **Part 4a – Procedural Standing Orders**

5.29 The procedural standing orders are based on the modular constitution set out in guidance issued as part of the preparations for the introduction of the Local Government Act 2000. The standing order are based on law and practice, their main purpose is to provide for the better regulation of proceedings at Council and other meetings but also include information about accessing meetings and documentation for both Councillors and members of the public. Part 4a has been reviewed to ensure that the procedural standing order are up to date and fit for purpose and no changes are proposed. **No changes are proposed to Part 4a – Procedural Standing Orders.**



#### **Part 4b – Financial Regulations**

5.30 The Financial Regulations and Procedures form part of the Council's Constitution (part 4b) and provide the framework rules for the management of the Council's finances. This responsibility includes ensuring that the Council complies with the law, implementing an effective system of governance, financial management and internal control, making proper arrangements for the management of risk, preparing accounts and budgets, undertaking effective internal audit, preventing and detecting fraud, and putting in place arrangements for securing economy, efficiency, and effectiveness in its use of resources, and achieving value for money. The Financial Regulations and Procedures are designed to demonstrate how the Council will meet these financial responsibilities. They apply to every Member and Officer of the Council and anyone in the public or private sector who acts on behalf of the Council. **The Financial Regulations were considered and amended by Council on 5 October 2021 and no changes are proposed at this stage.**

#### **Part 4c – Procurement Standing Orders**

5.31 These are standing orders made pursuant to s135 of Local Government Act 1972. Where such standing orders are made, they shall include provision for securing and regulating competition for contracts entered into. They may also include exemptions to such provisions under certain thresholds specified within the Standing Orders. Since the establishment of STAR Procurement, it has been considered essential that all partner authorities have a single set of Procurement Standing Orders in order to harmonise procurement processes and enable the shared service vehicle to deliver an effective and consistent procurement processes. **The Procurement Standing Orders were considered and amended by Council on 4 October 2022 so that they were in line with requirements of membership of STAR and no changes are proposed at this stage.**

#### **Part 4d – Officers Employment Procedure Rules**

5.32 Part 4d sets out the rules for the recruitment and discipline of officers of the Council and Member involvement. **No changes are proposed for this part of the Constitution.**

#### **Part 4e – Access to Information Procedure Rules**

5.33 Part 4e sets out rules concerning public access to meetings and the rules which must be followed when calling a meeting. These rules are based on law and there is little or no scope for amending other than to ensure in line with existing statutory requirements and **no changes are proposed.**

#### **Part 4f – Budget and Policy Framework**

5.34 Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2012 (SI 2012/2853), the full council must set the budgetary and policy framework of the authority within which the executive will operate. These Regulations, which were made under ss. 9EA, 9EB and 105 of the Local Government Act 2000 (in England), make provision for local authorities to discharge of executive functions by another local authority or the executive of another local authority. Specifically, the Regulations require the full council to:

- adopt or approve specified plans and strategies of the local authority;
- adopt or approve the budget and any plan or strategy for the control of the authority's borrowing or capital expenditure; and
- determine the scheme of members' allowances.

5.35 Part 4f requires updating to determine which items should be included as those currently included in some cases no longer exist. As part of this aspect of the review an assessment has been made of what policies and strategies form part of the Budget and Policy Framework at other Metropolitan Authorities. Part 4f also set out the procedure for call-in of items which are in breach of the budget and policy framework.

5.36 **Following an assessment of the content of other Local Authorities Budget and Policy Frameworks it is proposed that the policy framework be amended as set out in Article 4 in Appendix 1.**

#### **Part 4g – Scrutiny Procedure Rules**

- 5.37 Part 4g sets out the rules for the operation of scrutiny. This has been reviewed to ensure that it reflects current legislative requirements and practice at Tameside.

### **PART 5 – STANDARDS OF CONDUCT AND ETHICS**

- 5.38 All elements of Part 5: Standards of Conduct and Ethics have been considered by the Standards Committee on 7 November 2023 and no changes are proposed.

#### **Part 5a – Members Code of Conduct**

- 5.39 The Members Code of Conduct was reviewed and amended by Council on 12 January 2021 following recommendations of the Standards Committee.
- 5.40 The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is expected of them, to provide personal checks and balances, and to set out the type of conduct against which appropriate action may be taken. It was also to protect councillors, the public, fellow councillors, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

#### **Part 5b – Whistleblowing Policy**

- 5.41 This policy applies to everyone with a concern about wrong-doing in the council's activities, whether they are a Councillor, a council employee, a contractor, an associated party or a concerned member of the public. The purpose of the Whistleblowing Policy is to:
- Provide avenues to raise genuine concerns,
  - Allow people to take the matter forward if they are dissatisfied with the Council's response,
  - Reassure people that they will be protected from reprisals or victimisation for speaking up in good faith
- 5.42 The concern may be about something that:
- is unlawful (for example theft, fraud, bribery and corruption); or
  - breaks the Council's constitution; or
  - falls below established standards or practice; or
  - amounts to improper conduct; or
  - anything that makes you feel uncomfortable or that you think is wrong.

#### **Part 5c – Anti Fraud, Bribery and Corruption Strategy**

- 5.43 This strategy states that the consequences of fraud, bribery and corruption affect all employees, service users and council taxpayers as every pound lost results in fewer jobs, reduced services and higher council tax bills and can impact upon the Council's reputation and its ability to achieve its corporate objectives. The Council's aim is to foster a culture where fraud, bribery and corruption within our organisation is never acceptable, therefore it has formally decided that:
- We will not tolerate malpractice or wrongdoing. We are determined that all instances of malpractice will be fully investigated and will ensure that appropriate action is taken against all those concerned.
  - We believe that members of the public, Councillors, employees, contractors or any other interested party should feel able to report any cases of malpractice or wrongdoing without fear of recrimination.
  - All Councillors and employees are asked to exercise proper stewardship of public money, carry out all business fairly, honestly and openly, and put in place appropriate systems and procedures, incorporating efficient and effective internal controls, to prevent and detect fraud, bribery and corruption.

#### **Part 5d – Members Planning Code**

- 5.44 The aim of this Code is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. This code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision-making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

#### **Part 5e – Monitoring Officer Protocol**

- 5.45. The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at Tameside Borough Council. The current responsibilities of the Monitoring Officer role rest with the Assistant Director (Legal Services) who undertakes to discharge their statutory responsibilities in a manner that enhances the overall reputation of the Council. In doing so they will also safeguard, so far as is possible, Members and Officers who are acting in their official capacities from legal difficulties and/or criminal sanctions.

#### **Part 5f – Section 151 Officer Protocol**

- 5.46 The Chief Finance Officer is a statutory appointment pursuant to Section 151 of the Local Government Act 1972. This Protocol provides some general information on how those statutory requirements will be discharged at Tameside Borough Council. The current responsibilities of the Chief Finance Officer role rest with the Director of Resources, who undertakes to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council.

#### **Part 5g – Member Officer Protocol**

- 5.47 The protocol seeks to maintain and enhance the integrity (real and perceived) of local government, which demands the highest standards of personal conduct. The Protocol sets out the roles of Members and Officers and how they should interact with each other.

#### **Part 5h – Gifts and Hospitality**

- 5.48 The purpose of this guidance note is to provide a guide to employees and Councillors about:
- \* The legal rules on gifts and hospitality and what may happen if they are breached
  - \* When gifts and hospitality may be accepted
  - \* The procedure to follow if you are offered a gift or hospitality
  - \* What to do if you think an employee or a Councillor has acted inappropriately

#### **Part 6 – Members' Allowance Scheme**

- 5.49 Tameside Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 1991, and the Local Authorities (Members' Allowances) (England) Regulations 2001 and 2003 and any subsequent amendments has made the Members' Allowance Scheme included in the Constitution.
- 5.50 Changes to the Members Allowance Scheme should be made following a review by the Independent Remuneration Panel and subsequent recommendations to Council. However the amount paid for Basic Allowance, Special Responsibility Allowance and travel and subsistence are update in line with national changes and in uplifted in line with Local Government Pay awards.

#### **Part 7 – Management Structure**

- 5.51 This part of the Constitution sets out the Leadership structure of the Council, that is details of Chief Executive, Directors and those who report directly to them.
- 5.52 This part of the Constitution is updated following changes to the structure.

## **6 RECOMMENDATIONS**

6.1 As set out on the front of the report.

## PROPOSED CHANGES TO PART 3A – TERMS OF REFERENCE AND SCHEME OF DELEGATION

Reference to Constitution	Existing Provision	Proposed Change	Reason for Change
Part 3a: F 55 (Place)	<p>55. To exercise the following powers under the Anti-social Behaviour, Crime and Policing Act 2014:</p> <ul style="list-style-type: none"> <li>(i) The issue of Community Protection Orders in accordance with Part 4, Chapter 1, s43</li> <li>(ii) To request injunctions from the Courts using the Power to Grant Injunctions in accordance with Part 1, s1.</li> <li>(iii) The issue of fixed penalty notices in accordance with Part 4, Chapter 1, s52, to anyone who has committed an offence under s48 of the act (failing to comply with a community protection notice)</li> <li>(iv) The issue of Public Space Protection Orders in accordance with Part 4, Chapter 2, s59</li> <li>(v) The variation of Public Space Protection Orders in accordance with Part 4, Chapter 2, s61</li> <li>(vi) The issue of closure notices for up to 24 hours in accordance with Part 4, Chapter 3, s76</li> </ul>	<p><b>To exercise all powers granted to the Local Authority under the Anti-social Behaviour, Crime and Policing Act 2014</b></p>	<p>The current provisions do not include all powers contained within the act.</p>

	(vii) The extension of closure notices for up to an additional 24 hours in accordance with Part 4, Chapter 3, s77		
Part 3a: F (Place)	2. The purchase of books, periodicals, records and similar material within the approved estimates.	1. The purchase of books, periodicals, records and similar material within the approved estimates. 2. The sale, donation or disposal of library stock no longer in use.	Library stock needs to be sold/donated or disposed of to ensure space for new library resource
Part 3a – A - All Officers Of The Senior Leadership Team	13. To write off bad debts and incorrect charges to a limit of £3,000 in any one case, following consultation with the Director of Resources and appropriate Executive Members for all other amounts.	To write off bad debts and incorrect charges to a limit of £5,000 in any one case, following consultation with the Director of Resources and appropriate Executive Members for all other amounts	Value increased to £5k
Part 3a: D (Resources)	15. The definition of applications for Housing Benefit in accordance with statutory requirements and the approved schemes.	The assessment of applications for Housing Benefit and Council Tax Support in accordance with statutory requirements and the approved schemes.	Need to include Council Tax Support
Part 3a: D (Resources)	20. The power to serve notice in accordance with the Non-Domestic Rating (Alteration of lists and Appeals) Regulations 2005, when such action is required to preserve the Authority's position on non-domestic rating and council tax valuation matters.	The power to serve notice in accordance with the Non-Domestic Rating (Alteration of lists and Appeals) Regulations 2005, and Council Tax (alteration of Lists and Appeals) (England) Regulations 2009 when such action is required to preserve the Authority's position on non-domestic rating and Council Tax valuation matters.	Need to include Council Tax matters

Part 3a: D (Resources)	21. To grant relief from non-domestic rates on the grounds of hardship.	To grant relief from non-domestic rates, and council tax on the grounds of hardship and housing benefit in accordance with relevant legislation.	Need to include council tax and housing benefit matters
Part 3a: D (Resources) New section	Not currently detailed	To issue council tax and business rates demand notices in accordance with legislation and to issue invoices for goods and services provided.	Need to include billing matters
Part 3a: D (Resources) New Section	Not currently detailed	To award reliefs/exemptions and discounts in respect of Business Rates and Council Tax in accordance with legislation	Business need
Part 3a:D (Resources) New section	Not currently detailed	To award Discretionary Housing Payments in accordance with Legislation and discretionary Council Tax Section 13A payments under legislation and policy	Business need
Part 3a: D (Resources) New section	Not currently detailed	To issue completion notices in respect of Council Tax and Business Rates in accordance with legislation	Business need
Part 3a: D (Resources) New section	Not currently detailed	To review decisions regarding Housing Benefit /Council Tax Support awards and Council Tax liability in accordance with legislation and to preserve the Authority's position in relation to Housing Benefit Tribunal hearings.	Business need
Part 2: Article 4	The policy framework means the following plans and strategies:-	The policy framework means the following plans and strategies:-	To reflect current legislative requirements.

	<p>(i) those required by law.</p> <ul style="list-style-type: none"> <li>• Annual Library Plan;</li> <li>• Children and Young People’s Plan;</li> <li>• Community Strategy;</li> <li>• Crime and Disorder Reduction Strategy;</li> <li>• Local Transport Plan;</li> <li>• Plans and strategies which together comprise the Development Plan;</li> <li>• Youth Justice Plan;</li> <li>• Medium Term Financial Strategy;</li> <li>• Statement of Licensing Policy;</li> <li>• Local Authority Policy Statement under the Gambling Act 2005.</li> </ul> <p>(ii) those recommended in Government guidance</p> <ul style="list-style-type: none"> <li>• The plan and strategy which comprise the Housing Investment Programme;</li> <li>• Adult Learning Plan;</li> <li>• Local Agenda 21 Strategy; and</li> <li>• Quality Protects Management Action Plan</li> </ul> <p>(iii) other plans and strategies which the Council may decide to adopt</p> <ul style="list-style-type: none"> <li>• Vision for Tameside;</li> <li>• Capital Tameside;</li> <li>• E-Tameside;</li> <li>• Community Legal Services Partnership Strategy; and</li> </ul>	<p>(i) those required by law.</p> <ul style="list-style-type: none"> <li>• Annual Library Plan;</li> <li>• Children and Young People’s Plan;</li> <li>• Community Strategy;</li> <li>• Crime and Disorder Reduction Strategy;</li> <li>• Local Transport Plan;</li> <li>• Plans and strategies which together comprise the Development Plan;</li> <li>• Youth Justice Plan;</li> <li>• Medium Term Financial Strategy;</li> <li>• Statement of Licensing Policy;</li> <li>• Local Authority Policy Statement under the Gambling Act 2005.</li> <li>• Pay Policy</li> <li>• Housing Strategy</li> </ul> <p>(ii) other plans and strategies which the Council may adopt as Pension Authority in respect of the Greater Manchester Pension Fund.</p>	
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	<ul style="list-style-type: none"> <li>Other plans and strategies submitted by the Cabinet</li> </ul> <p>(iv) other plans and strategies which the Council may adopt as Pension Authority in respect of the Greater Manchester Pension Fund.</p>		
Part 3a A: Chief Executive (acting as Director of Pensions)	NEW	<p>To decide whether to offer voluntary scheme pays facility to members who have an annual allowance tax change; and if so, to decide the circumstances upon which it would do so;</p> <p>To determine the amount of an exit credit payable to a scheme employer who ceases to participate in the Scheme in accordance with the guidelines approved by the Pension Fund Management Panel.</p>	Legal changes to requirements of the Pension Fund

## APPENDIX 2

### 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 or her absence, the Monitoring Officer, 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's Services)
Local Government Act 1972	S151	Chief Finance Officer	Director (Resources)
Local Government and Housing Act 1989	S4	Head of Paid Service	Chief Executive
Local Government and Housing Act 1989	S5	Monitoring Officer	Assistant Director (Legal Services)
Education Act 1996	S532	Chief Education Officer	Director (Children's Services)
Children Act 2004	S18	Director of Children's Services	Director (Children's Services)
National Health Service Act 2006	S73	Director of Public Health	Director of Public Health

#### 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)	Head of Health Protection (Greater Manchester) UK Health Security Agency and/or their

			duly authorised nominees
National Assistance (Amendment) Act 1951	All	Public Health (misc)	Head of Health Protection (Greater Manchester) UK Health Security Agency and/or their duly authorised nominees.
Registration Services Act 1953	S9(1) S3(b) S13(2)(h) S20(b)	Registration of Births, Deaths and Marriages	Chief Executive
		Registration of Births, Deaths and Marriages Regulations 1968 - 1994	Chief Executive
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	Chief Executive
	S94 & 96(2)	Keeping of record of disclosures and notice of pecuniary interests	Chief Executive
	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 of Resources
	S146(1) (a) & (b)	Declarations and certificates with regard to securities	Director of Resources
	S191	Functions in respect of Ordnance Survey	Director (Place)
S204(3)	Receipt of application for licence under Licensing Act 1964	Director (Place)	
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	Assistant Director (Legal Services)	

	S225(1)	Deposit of documents	Chief Executive
	S228(3)	Accounts - to be open for inspection	Director (Resources)
	S229(5)	Deposit of documents - certification	(Monitoring Officer)
	S234	Authentication of documents	(Monitoring Officer)
	S234(2)	Statutory Notices under various Public Health and associated legislation	Director (Place)
	S236(9) & (10)	Service of Byelaws on other Authorities	(Monitoring Officer)
	S238	Certification of Byelaws	(Monitoring Officer)
	Schedule 14 Para 25(7)	Certification of resolutions - Para 25	(Monitoring Officer)
	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	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 (Resources)
	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 (Resources)
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	All	Officer of the burial authority	Director (Place)

Cemeteries Order 1977	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	Director (Place)
Cremation Regulations	All	Registrar for various matters relating to cremation Health and to nominate a Medical Referee and Deputy Referees under the regulations	Director (Place)
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	Director (Place)
	S205(3)	Preparation of specification estimate and provisional appointment	Director (Place)
	S205(3)	Certification of copies of resolution and approved documents	Director (Place)
	S210(2)	Certifications of document giving details of estimate and consequential amendment of provisional appointment	Director (Place)
	S211(1)	Making final appointment	Director (Place)
	S216(2) & (3)	Settlement of proportion of amount	Director (Place)
Greater Manchester Act 1981	S60(5)(a)	Receipt of objections to proposals to designate places for touting, hawking, photographing etc.	(Monitoring Officer)
Rates Act 1984	S7	Certification of rate	Director (Resources)
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 (Control of Diseases) Act 1984	S11(1) 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)	Control of Diseases (various)	Head of Health Protection (Greater Manchester) UK Health Security Agency and/or their duly authorised nominees and the Director of Public Health.

	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)		
Weights and Measures Act 1985	S72	Chief Inspector (Weights and Measures)	Director (Place)
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/her absence authorised to undertake the full range of duties	(Monitoring Officer) 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	Head of Health Protection (Greater Manchester) UK Health Security Agency and/or their duly authorised nominees.
Milk and Dairies (General) Regulations 1988	Part VII (Regulations 18 to 20)	Statutory Provision Pasteurisation Orders	Head of Health Protection (Greater Manchester) UK Health Security Agency and/or their duly authorised nominees
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	Director (Place)
Council Tax (Administration and Enforcement) Regulations 1992	Reg 7	Service of Attachment of Earnings Orders	Director of Resources
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

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