

EXECUTIVE CABINET

21 MARCH 2018

Commenced: 2.00pm

Terminated: 3.10pm

Present: Councillor Warrington (in the Chair)
Councillors Cooney, Fairfoull, J Fitzpatrick Gwynne, Robinson and L Travis

Apologies for Absence: Councillors Kitchen and Taylor
Chief Executive

In Attendance:	Sandra Stewart	Director (Governance & Pensions)
	Robin Monk	Director (Place)
	Ian Saxon	Director (Operations & Neighbourhoods)
	Tom Wilkinson	Assistant Director (Finance)
	Sandra Whitehead	Assistant Director (Adult Services)
	Emma Varnam	Assistant Director (Operations and Neighbourhoods)

55. DECLARATIONS OF INTEREST

There were no declarations of interest submitted for this meeting.

56. MINUTES

a) Joint Meeting of Executive Cabinet and Overview (Audit) Panel

Consideration was given to the Minutes of the Joint Meeting of Executive Cabinet and Overview (Audit) Panel held on 7 February 2018.

RESOLVED

That the Minutes of the Joint Meeting of Executive Cabinet and Overview (Audit) Panel held on 7 February 2018 be taken as read and signed by the Chair as a correct record.

b) Strategic Planning and Capital Monitoring Panel

Consideration was given to the Minutes of the Strategic Planning and Capital Monitoring Panel held on 12 March 2018.

RESOLVED

That the Minutes of the Strategic Planning and Capital Monitoring Panel held on 12 March 2018 be received.

c) Strategic Commissioning Board

Consideration was given to the Minutes of the Strategic Commissioning Board held on 20 February 2018.

RESOLVED

That the Minutes of the Strategic Commissioning Board held on 20 February 2018 be received.

d) AGMA Executive Board Meetings / Greater Manchester Combined Authority

Consideration was given to a report of the Executive Leader and Chief Executive, which informed Members of the issues considered at the Greater Manchester Combined Authority on 23 February 2018 and the Forward Plan of Strategic Decisions of the Greater Manchester Combined Authority and AGMA Executive Board.

RESOLVED

That the content of the report be noted.

57. REVENUE MONITORING

Consideration was given to a report of Executive Member (Performance and Finance) / Assistant Director (Finance), which showed that at Period 10 the overall forecast outturn position for the Council was a net position of £2.607m under budget. This was a movement of £1.869m from the quarter 2 monitoring report, which reported a forecast outturn position of £0.738m under budget. This improved position was due primarily to a combination of one-off additional dividend income, the release of bad debt contingencies and savings on borrowing costs.

It was explained that this overall position reflected the prudent planning taken when setting the 2017/18 budget, but also masked a number of pressures and savings challenges across the Directorates, including:

- The Director of Children forecast outturn was £7.813m in excess of budget due to demand on service provision in Children's Social Care. Specific mention of the management of this budget is included in section 4 the report.
- The Director of Governance was forecasting expenditure would be within budget by £1.205m due to the effect of staff turnover, restrictions in spending and the bringing forward of savings in light of the service pressures being felt elsewhere within the Council.
- The Director of Finance and IT was forecasting expenditure would be within budget by £1.018m due to delays in recruitment and other restrictions in spending.
- The budget for corporate costs was currently forecast to be £7.894m under budget for 2017/18. This was due to a combination of the release of operational contingencies, which would be used to partially offset pressures in Children's Services, and receipt of one off additional grant income and additional Manchester Airport Dividend in excess of budget.

Members were informed that the pressures within Children's Services in particular threatened the financial sustainability of future year's budgets, and whilst these had been absorbed through prudent contingency planning and proactive restrictions on spending elsewhere, further funding cuts and inflationary pressures in 2018/19 and beyond eroded the financial base and the Council's ability to sustain pressures of this size.

Given these significant pressures, which had been mitigated by mainly one-off measures, strong budget management was required across the Council to ensure that its financial plans were achieved, and to ensure that the Council was able to control budgetary pressures and deliver the required savings over the medium term.

RESOLVED:

- (i) **That the forecast revenue outturn position be noted.**
- (ii) **That the detail for each service area be noted and that Directors be required to identify measures to ensure expenditure is maintained with the approved budget for the year.**

- (iii) That the position on the Integrated Commissioning Fund, including the transaction of the risk share be noted.
- (iv) That the emerging risks and financial pressures be noted.
- (v) That a payment of £1.65m to the Tameside and Glossop Integrated Care NHS Foundation Trust be approved to support the additional financial liabilities incurred by the Trust during 2017/2018 as a result of delayed transfers across the health and social care economy together with transition costs associated with local transformation schemes.

58. CAPITAL MONITORING

Consideration was given to a report of Executive Member (Performance and Finance) / Assistant Director (Finance), which summarised the capital monitoring position at 31 January 2018 based on information provided by project managers, which showed that the current forecast was for service areas to spend £53.550m on capital investment by March 2018. This was significantly less than the original budgeted capital investment for 2017/2018 which was in part due to project delays that were being experienced following the liquidation of Carillion. It was proposed, therefore, that the capital investment programme be re-profiled to reflect current information and the re-phasing of £15.584m into the next financial year identified within the individual service areas as detailed in the report.

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

RESOLVED:

- (i) That the reprofiling to reflect up to date investment profiles be approved;
- (ii) That the changes to the Capital Programme set out in the report be approved;
- (iii) That the updated Prudential Indicator position be agreed;
- (iv) That the following be noted:
 - (a) The current capital budget monitoring position;
 - (b) The resources currently available to fund the Capital Programme;
 - (c) The updated capital receipts position;
 - (d) The timescales for review of the Council's three year capital programme.

59. CONTINUITY OF SERVICE

Consideration was given to a report of the Deputy Executive Leader / Assistant Director (People and Workforce Development), which provided an update on the progress made and implementation plans in relation to the Greater Manchester wide Continuity of Service Protocol. It was explained that the protocol would enable recognition of service where an individual voluntarily changed employer between Local Authorities and NHS employers within Greater Manchester.

Members were informed that the Protocol extended to include all staff employed by:

- a GM CCG organisations;
- a GM NHS body;
- a GM Council (but initially excluding staff employed by schools);
- GM Combined Authority and its constituent bodies;
- Greater Manchester Health & Social Care Partnership.

It was recognised that flexibility of employment across public services was an ambition shared by the organisations and recognised trade unions. Portability of accrued service was a key consideration for employees and needed to be addressed to secure such flexibility.

It was explained that it would be necessary to keep under review to ensure that any financial / equality issues were considered appropriately managed.

RESOLVED:

- (i) That the adoption and implementation of the Protocol from April 2018 be approved except in relation to redundancy, and subject to any changes subsequently agreed by the Director of Governance and Pensions;**
- (ii) That an update to the GM Workforce Engagement Board (WEB) and WLT be provided in April 2018 outlining the implementation and adoption progress across all organisations;**
- (iii) That given that a financial analysis of the proposals has not yet been possible, it is also not possible to fully assess whether public law duties under best value, Wednesbury reasonableness or the fiduciary duty to the public purse have been met nor is it possible until there is evidence of demand and therefore important scheme kept under review and regularly assessed on triannual basis and/or before any major staffing review.**

60. CARE HOMES NEW CONTRACT AND CHANGES OF POLICY

Consideration was given to a report of the Executive Leader / Director of Adult Services, which sought approval to change the current policy around contractual arrangements with care homes which had been in operation since 2012. It was explained that commissioners had been contracting with the sector on an On/Off Framework arrangement since August 2012. The On/Off arrangement carried slightly different contract terms and conditions for On and Off Framework providers, as well as different fee levels. It was stated that this arrangement was no longer fit for purpose and that all care homes should start from the same basis with the same contract, be paid the same fees for the service and have the same opportunity to apply for the enhanced payment.

The proposed change in contracting with the care home providers was based on the changing market conditions and the impact of regulatory changes made by the Care Quality Commission. Following consultation the majority of respondents had no objection to the removal of the on/off framework arrangements, with the exception of those who would be financially disadvantaged. It was explained that, as this change in policy would be to assist the care homes market any disadvantage to service users currently contracted with the Council and care homes should be picked up by the Council.

RESOLVED:

- (i) That approval be given to change the current contractual policy arrangements so that all care homes in Tameside are contracted on the same basis;**
- (ii) That the NHS Standard Contract (shorter form version) be used to enter into any contract with care homes;**
- (iii) That current service users should not be disadvantaged by the change in contractual policy arrangements and any financial difference will be met;**
- (iv) That the criteria for the Enhanced Payment and the transitional arrangements proposed as set out in paragraph 7.19 and appendix C of the report be approved;**
- (v) That approval be given to continue with the contractual arrangements on third party top-ups which are restricted to environmental factors that service users may choose prior to residing in the care home.**

61. INTERPRETATION SERVICE

Consideration was given to a report of the Executive Leader / Assistant Director (Adults Services) advising that translation services for both verbal and non-verbal languages were provided via a mixture of different arrangements within Tameside and Glossop Integrated Care Foundation Trust and Tameside Council. There was an 'in-house' verbal language interpretation service in the

Integrated Care Foundation Trust supplemented by additional purchased telephone interpretation and face to face interpretation and an 'in-house' non-verbal service within the Council supplemented by the use of freelance interpreters for both verbal and non-verbal language interpretation.

It was explained that the service was fragmented and heavily dependent upon business support to organise and manage. The integration of Acute, Primary, Community and Social Care in an Integrated Care Organisation offered the opportunity to rationalise and improve this provision to ensure the needs of the local population were met whilst being more cost effective.

The report identified options for providing interpretation services within the Tameside and Glossop health and social care economy and the wider Council so that an appropriate, high quality and best value service could be commissioned to meet these requirements. A joint working group had been formed between the Clinical Commissioning Group, Council and Foundation Trust to produce an implement any approved proposals.

The procurement approach was outlined and it was proposed that the contract should sit within and be procured by the Integrated Care Foundation Trust and this decision had been based upon the advantages of a comprehensive fully managed service across the health and social care economy plus the advantages of maintaining the close links the sensory team had with social care.

The Integrated Care Foundation Trust was predicting a significant recurrent budget reduction of £175,000 on interpretation services if a new model was adopted. This was based partially on a service review within their interpretation service and also an assumption of a large percentage of interpretation moving from face to face to online services. For the Council there might not be the same cashable savings. However, there would be time saved in the administration of current ad hoc services but these were distributed across the Council. A procured service should provide a better rate compared to the current off contract activity and be more efficient from an administrative point of view with improved quality that could be monitored and complying with standing orders.

RESOLVED:

That the approach outlined in the report be noted and that Option 2c be approved and adopted to include the residual services of the Council.

62. INVESTING IN CHILDREN'S PLAYGROUNDS

Consideration was given to a report of the Executive Member (Healthy and Working) / Assistant Director (Operations and Neighbourhoods), which set out details of the investments required towards the improvements of children's playgrounds together with the approximate costing, project plan and on-going cyclic maintenance programme.

This report set out the improvements required to children's play areas together with the approximate costs, project plan and a regular cyclic maintenance programme.

It was stated that improvements to children's play areas would contribute towards giving all children in Tameside a healthy start in life. The improved play areas would encourage young people and their families to get outside, to be active and to spend time together. All the play areas were free to attend and are open every day therefore there are no economic barriers to access as there are with commercial indoor soft play areas.

The existing play areas had not had significant investment for around 10 years and were designed and installed at a time when most parks were staffed and there was a greater maintenance budget. Therefore some of the play areas include features such as sand and equipment which is high maintenance.

This project would improve the 35 play areas across Tameside. It would ensure that there were good quality play areas which young people can enjoy. There will be additional benefits such as reducing the resources required for maintenance through replacing sand with wetpour on most sites and reducing the risk of personal injury claims against the Council which may result from accidents on poor quality play equipment.

RESOLVED:

That the proposal set out in the report be taken to the next stage and that further work is undertaken to produce detailed business case for investment up to £600K providing fully specified and costed scheme together with implementation plan setting out how the current revenue expenditure will be reduced as a consequence of this investment.

63. REPLACEMENT OF CREMATORS

Consideration was given to a report of the Executive Member (Clean and Green) / Assistant Director (Operations and Neighbourhoods), which provided information on replacing the current cremators and auxiliary equipment at Dukinfield Crematorium in order to meet its statutory requirements.

It was explained that three current cremators had been installed in 1998. The life expectancy of cremators, based on the capacity they were being used at Dukinfield, was between 15 and 20 years and were now at the end of their working life.

The report outlined the work required and likely timeline and it was stated that whilst £1.5m had been identified for the project a further report would be required once more accurate figures were available.

RESOLVED:

- (i) That the proposal be taken to the next stage and that further work is undertaken to produce detailed business case for investment providing fully specified and costed scheme together with implementation plan setting out how the current revenue expenditure will be reduced as a consequence of this investment.**
- (ii) That the appointment of a technical advisor be approved to develop a schedule of works and a detailed specification of all the councils requirements for the project in order to develop a full detailed business case, covering both the proposed capital investment and ongoing revenue operations to enable capital investment being fully approved.**

64. REPAIR AND RESTORATION OF CEMETERY BOUNDARY WALLS

Consideration was given to a report of the Executive Member (Clean and Green) / Assistant Director (Operations and Neighbourhoods), which provided information on the condition of the boundary walls within the Local Authority Cemeteries and demonstrated a programme to bring them back into a pleasing and safe condition.

Following the long term concerns for the condition of the Local Authority Cemeteries boundary walls within the borough, capital funding had been set aside to enable some of the most urgent repairs to be undertaken. All of the eight Cemeteries have been jointly inspected

Of the eight cemeteries inspected, it was decided that the boundary walls at Ashton (Hurst), Dukinfield, Hyde, Mossley and Mottram cemeteries were in need of the most significant repairs.

It was felt that Audenshaw, Denton and Droylsden cemeteries had limited masonry defects or alternative boundary protection such as metal railings/fencing.

For each of the 5 Cemeteries highlighted as the most in need of work being required, detailed defects have been noted and marked on location plans for each site.

RESOLVED:

That the programme of works set out in Appendix A to the report to carry out the necessary repairs to the boundary walls be approved in principle subject to a more detailed business case to be produced for approval setting out the procurement and delivery methods to be used, together with a plan and timescales for completion of the project with a view to undertaking the high priority work first.

65. ENGINEERING CAPITAL PROGRAMME 2018/19 AND 2017-18 UPDATE

Consideration was given to a report of the Executive Member (Clean and Green) / Assistant Director (Operations and Neighbourhoods), which set out initial details of the 2018/19 Engineering Capital Programme for Engineering Services and sources of funding with specific reference to the Highways Structural Maintenance Programme and capital funding made available by the Council for both the Tameside Asset Management Plan (TAMP) for highways and flood prevention and repair of consequential flooding damage.

The purpose of the report is to seek approval for the proposed allocation of the 2018/19 DfT allocation and specifically for the allocation amongst Tameside's principal and non-principal roads (£1.69m), together with the profiled TAMP programme (£5.00m).

Highway Structural Maintenance was fundamental to extending the life of existing highways and making the best use of the Council's assets. The proposed 2018/19 highways programme was detailed in Appendix 2 to the report.

RESOLVED:

That approval be given to the Engineering Maintenance Block Allocation with specific reference to the Highways Structural Maintenance Programme for 2017/18 and the additional capital investment via the TAMP, noting the planned profiled spend, and for flood prevention and repairs SUBJECT to a clear schedule of works, project costs, profile of spend and timetable for completion to enable monitoring by Strategic Planning and Capital Monitoring Panel who need.

66. IMPROVING THE BOROUGH GATEWAYS

Consideration was given to a report of the Executive Member (Clean and Green) / Assistant Director (Stronger Communities), which set out details of the improvements required to the Borough Gateways, together with the approximate costing, project plan and on-going cyclic maintenance programme.

It was explained that currently the gateway signs differed in design and format across the Borough and the Communications Team have provided some alternative designs for further discussion and approval by the Executive Cabinet.

The internal signage from Town to Town will also be replaced to ensure a consistent approach is adopted throughout the borough. Any supporting posts will either be re-painted or replaced and the immediate area cleaned.

RESOLVED:

- (i) That the proposal is taken to the next stage and that further work is undertaken to produce detailed business case for investment up to £300K providing fully specified and costed scheme together with implementation plan the exact nature of works**

- proposed at each site and how these works will be prioritised within the available funding.
- (ii) That the existing cyclical maintenance programme will incorporate the new borough gateways and this work will be managed within the existing revenue budget; and
 - (iii) That the style and format of the new Gateway signs be approved.

67. LED STREET LIGHTING

Consideration was given to a report Executive Member (Clean and Green) / Assistant Director (Operations and Neighbourhoods), which reminded Members that a report was presented at the Council's Strategic Planning & Capital Monitoring Panel in December 2014 seeking permission to consider the way forward for the Council's street lighting assets, including energy costs. It was recommended that a wholesale LED lantern replacement scheme for residential streets should be undertaken. Also recommended was an assessment on the viability of an LED lantern replacement for the main roads to be undertaken after 3 years (2018).

IT IS RECOMMENDED TO COUNCIL that a wholesale LED lantern replacement programme should be approved IN PRINCIPLE for the remaining main road traffic routes over two years with an initial allocation of £3.6M subject to any expenditure or financial commitment being SUBJECT to a detailed business case being considered by Members, setting out key assumptions, specified works and costs, and a more detailed plan for delivery. It is intended that this scheme should deliver revenue savings of £282,328 per year based on current prices.

68. CROWDED PLACES

Consideration was given to a report of the Executive Member (Clean and Green) / Assistant Director (Stronger Communities), which explored the options available and proposals to improve safety in and around crowded places, where large groups of pedestrians congregated, particularly around schools and places of worship. The report also utilised methodology and principles identified as part of a wider review, with partners from Greater Manchester Police, to explore improving safety at locations, which may be at risk by deliberate actions by drivers as a terrorist activity.

RESOLVED:

- (i) That the estimated 250 areas that cover all the schools and places of worship within the borough be surveyed according to the assessment criteria framework identified in Appendix A;
- (ii) That a further report is brought back to members setting out the results of the surveys and options for safety improvements setting out the results of the risk assessment and prioritisation process, and to assess whether this level of resource is appropriate and to enable work to progress.

69. 4C COMMUNITY CENTRE ASHTON - CAPITAL INVESTMENT PROGRAMME

Consideration was given to a report of the Executive Leader / Director of Adults Services, which provided an overview of the developments and plans in relation to the delivery of the new community development in Ashton, working in partnership with Christ Church Community Developments Charitable Organisation (CCCD). The report proposed the allocation of £150,000 capital grant, which together with the £51,583 match funding to be provided by CCCD, would provide a high quality community facility in the centre of Ashton.

RESOLVED:

That approval be given to a capital grant of £150,000 to the Christ Church Community Developments Charitable Organisation.

70. REVIEW OF LEARNING DISABILITY DAY SERVICES - OXFORD PARK DEVELOPMENT

Consideration was given to a report of the Executive Leader / Director of Adults Services, which reminded Members that on 27 November 2017 the Oxford Park development (£0.455 million) was provisionally agreed by the Strategic Planning and Capital Monitoring Panel (see Appendix 1 to the report for business case) pending a response to a two part question requesting from Active Tameside assurance that the project was deliverable and that it would not adversely impact on Active Tameside's revenue generating activities as this may effect the contribution sought from the Council through the leisure management contract.

Active Tameside have provided this assurance within Appendix 2, and verbally as part of the project management group.

The report also provided a brief overview of the project governance going forward including:

- Identified project lead
- Project group formation
- Development of a service level agreement (SLA) to formally agree utilisation of site / service
- Identification of improved Better Care Funding (iBCF) funding to support revenue funding during transition of new service
- A group of performance indicators for on-going performance management of the project

Once final agreement to funding was given then planning permission could be sought and construction can commence. The current estimated completion date is January / February 2019

RESOLVED:

That the assurance provided in Appendix 2 to the report from Active Tameside in response to minute 32 of the Strategic Planning and Capital Monitoring Panel meeting of 27 November 2017 approved by the Executive Cabinet on 13 December 2017 be acknowledged.

71. ACTIVE HYDE POOL EXTENSION SCHEME

Consideration was given to a report of the Executive Member (Healthy and Working) / Director of Place, which sought approval to increase the capital budget for the Hyde Pool scheme by £88,280.72 or 2.85% to cover the costs associated with unavoidable inflationary increases and ground condition risk.

Executive Cabinet approved a £20.4m leisure facility investment budget on 24 March 2016 which included £2m for the Active Hyde pool extension scheme. Since then the cost of the scheme had increased by £1.096m to £3.096m.

The original budget estimate for the scheme had been based on limited building survey information which made a number of assumptions about the feasibility of extending the existing mechanical, electrical and pool filtration systems at the existing facility. When establishing the likely cost of the scheme it was envisaged that much of the existing mechanical, electrical and pool filtration infrastructure could be adapted to support the new conventional pool installation keeping costs to a minimum.

Extensive surveys of the existing systems, commissioned since the Executive Cabinet report, had confirmed that services could not be integrated as planned due to positioning, capacity and

condition issues. This directly resulted in the cost increase of £1.096m. The additional investment to finance the increase was approved by the Executive Cabinet on 30 August 2017.

Tenders were received by the LEP on 2 May 2017, with Aspect Construction Group Limited (Aspect) being selected as the preferred contractor subject to Council approval. The Council's Strategic Planning and Capital Monitoring Panel (SPCMP) recommended award of a contract to Aspect and a budget of £3.096m on 10 July 2017, which was subsequently approved at Executive Cabinet.

Following the approval by Executive Cabinet, a head contract was issued by the Council on 10 October 2017, based on the standard Design and Build Contract agreed between the LEP and the Council in 2009. The head contract for the Hyde Pool Extension was agreed by the Council and the LEP in late October 2017.

The LEP issued a copy of the sub contract to Aspect on 23 October 2017. The sub contract effectively steps down all of the terms and conditions in the head contract to the sub-contractor. Aspect was uncomfortable with a number of clauses within the sub-contract.

The report sought approval to increase the capital budget for the Hyde Pool scheme by £88,280.72 or 2.85% to cover the costs associated with unavoidable inflationary increases and ground condition risk. The Council could not change the terms of the head contract and therefore the step in provision amendment proposed by Aspect could not be achieved. Aspect had indicated that they were willing to enter in to contract, without amendment to step-in provision, if the additional budget requirement is met by the Council.

RESOLVED:

That the increased capital budget by £88,280.72 to £3,185,000 for 2018-2019 be approved, which will allow works to start on site in May 2018.

72. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

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

73. REVIEW OF LEARNING DISABILITY DAY SERVICES - OXFORD PARK DEVELOPMENT

Consideration was given to a report of the Executive Leader/Chief Executive which advised Members on the new governance arrangements and the implications for the Council following New Charter Housing Trust making a decision to merge with Adactus and form a new group company to be known as Jigsaw.

RESOLVED:

That the Council will only consent to the transition from NCHT to a Community Benefit Society and the subsequent merger with Adactus if it has guaranteed representation of its choosing on the Group Board and where this is not achieved the Chief Executive to take all necessary steps to maintain an objection to the merger including involving the regulator

where necessary to ensure that ‘community interests’ of the borough and tenants are represented and protected.

74. MANCHESTER AIRPORT – CONCESSION OPPORTUNITY

Consideration was given to a report of the Executive Leader / Chief Executive, which explained that Greater Manchester Boroughs were being consulted in relation to the submission of a second screening bid by a Manchester Airport Group consortium in relation to the concession opportunity.

It was stated that in the event that the bid was successful this would require a restructure of the arrangements to govern the future relationship between shareholders in Manchester Airport Holdings Limited.

RESOLVED:

- (i) That the submission of the bid;**
- (ii) That the principles of revised governance be supported acknowledging that there will be the opportunity to work through the detail in the legal documentation;**
- (iii) That it be noted that further consultation will be required before Manchester City Council votes on any shareholder decisions which are reserved matters**

CHAIR