

EXECUTIVE CABINET

24 June 2015

Commenced: 2.00pm

Terminated: 2.45pm

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

Apology for Absence: Councillor M. Smith.

1. DECLARATIONS OF INTEREST

There were no declarations of interest to report at this meeting.

2. MINUTES

a) Executive Cabinet

Consideration was given to the minutes of the meeting of Executive Cabinet held on 25 March 2015.

RESOLVED

That the Minutes of the Meeting of Executive Cabinet held on 25 March 2015 be taken as read and signed by the Chair as a correct record.

b) Enforcement Co-ordination Panel

Consideration was given to the minutes of the meeting of the Enforcement Co-ordination Panel held on 1 April 2015

RESOLVED

That the Minutes of the Enforcement Co-ordination Panel held on 1 April 2015 be approved.

c) Association of Greater Manchester Authorities/Greater Manchester Combined Authority

Consideration was given to a report of the Executive Leader and Chief Executive which informed Members of the issues considered at the AGMA Executive Board meetings and the Greater Manchester Combined Authority held on 24 April 2015.

RESOLVED

That the report be noted.

d) Forward Plan of Strategic Decisions for the GMCA and AGMA Executive

Consideration was given to the Forward Plan of Strategic Decisions for the GMCA and AGMA Executive held on 24 April 2015.

RESOLVED

That the Forward Plan of Strategic Decisions for the GMCA and AGMA Executive held on 24 April 2015 be noted.

3. FINANCIAL MONITORING

a) Revenue Monitoring – Outturn 2014/15

Consideration was given to a report of the First Deputy (Performance and Finance) / Assistant Executive Director (Finance) detailing the overall net revenue expenditure in 2014/2015, which had exceeded the allocated budget by £2.506m, in line with previous forecasts.

It was reported that strong budget management was required to ensure that the Council achieved its financial plans and this was set out in the context of challenging savings targets: £13m for 2014/15 and a further £24m and £14.1m planned for 2015/16 and 2016/17 respectively.

Details were given of the summary financial position, savings, Council Tax and Business Rates and procurement monitoring and it was –

RESOLVED

- (i) That the revenue outturn position be noted and planned use of current corporate resources confirmed;
- (ii) That the detail for each service area be noted;
- (iii) That the changes to the in-year and future year revenue budgets as outlined are approved.

b) Capital Monitoring Report – Outturn 2014/15

Consideration was given to a report of the First Deputy (Performance and Finance) / Assistant Executive Director (Finance) detailing the capital outturn for 2014/15. The Council had a capital programme totalling £41.569m in 2014/15 and had spent £37.500m, which had resulted in the need to re-profile the capital programme by £4.069m.

It was reported that actual spend in 2014/15 of £37.500m represented 90% of the budget, which compared with the 2013/14 performance of 75% of a budget of £29.072m. Details of the variation totalling £4.069m were shown by service area in **Appendix 1**, together with variations of over the whole life of the scheme, in year scheme variations, capital receipts, changes to the future capital programme, capital financing statement, requests for approval of re-profiling and the revised capital programme.

RESOLVED

- (i) That the capital outturn position for 2014/15 in **Appendix 1** to the report be approved.
- (ii) The capital financing statement for 2014/15 in **Appendix 3** to the report be approved.
- (iii) The revised capital programme for 2015/16 – 2017/18 in **Appendix 5** to the report be approved (which includes the changes in **Appendix 2** to the report and the re-profiling in **Appendix 4** to the report).

c) Treasury Management Activities

Consideration was given to a report of the First Deputy (Performance and Finance) / Assistant Executive Director (Finance) detailing the Treasury Management activities for the financial year 2014/15.

It was reported that as investment rates were lower than external borrowing rates throughout the year, cash reserves had been used to fund internal borrowing, which had resulted in lower than anticipated borrowing costs, with an external interest saving of £4.322m. Investment returns had been £0.05m less than estimated and the net amount had been transferred to reserves at year end.

Details were given of the following:-

- Treasury Management;
- Debt;
- Interest Rates;

- Activities 2014/15:
 - Borrowing
 - Rescheduling
 - Year-end position
 - Investments – managing cash flow
 - Interest payable and receivable in the year;
- Current activities;
- GMMDAF activities;
- Prudential Limits; and
- Co-operative Bank.

RESOLVED

- (i) **That the treasury management activities undertaken on behalf of both Tameside and the GMMDAF be noted.**
- (ii) **The outturn position for the prudential indicators in Appendix A to the report be approved.**

4. CHARGING FOR TOWN HALLS AND CIVIC BUILDINGS UPDATE

Consideration was given to a report of the First Deputy (Performance and Finance) / Assistant Executive Director (Asset Management and Investment Partnership) detailing the proposed revised charging policy for town halls and civic buildings.

It was reported that the hire rates and charging policy for civic and corporate buildings were last reviewed in July 2013 and the main changes implemented were a relaxation of the need to book venues for a minimum of 4 hours at weekends and evenings and the introduction of a 50% discount rate or actual cost, whichever was the higher, for charities and community groups which not already in receipt of financial support from the Council.

Furthermore, the opening hours for most buildings had also been extended and buildings were open from 7.00am until 7.00pm Monday to Friday. Refurbishment works had been undertaken at Dukinfield, Hyde and Denton Town Halls and Stalybridge Civic Hall, George Lawton Hall and Ryecroft Hall. The lease at Hattersley Hub had been signed and the Highfield Pavilion was now fully operational and open 7 days a week.

Details were given of the proposed charging rates and it was –

RESOLVED

That the current hire rates be amended as detailed in the report and approval be given to the making of a Key Decision to implement the proposed changes.

5. AUTHORITY'S PLANNING POLICY MONITORING REPORT

Consideration was given to a report of the Executive Member (Transport and Land Use) / Assistant Executive Director (Development, Investment and Growth), which informed Members of the Council's duty to produce the Authority's Monitoring Report (AMR) under Part 6, s133 of the Localism Act 2011.

The document set out the progress made against a range of thematically based economic, social and environmental topic. Other key parts of the AMR were:

- Progress on documents detailed in the Borough's Local Development Scheme;
- Unitary Development Plan Policy Assessment; and
- Steps taken to comply with the Duty-to-Cooperate.

It was explained that Section 8 of the AMR set out the key findings of the Local Development Scheme Monitoring. This part of the document established whether there was a need to amend the Council's Local Development Scheme based on documented progress. Given developments around the production of the Greater Manchester Spatial Framework a clear conclusion was that the Local Development Scheme needed to be revised with a fresh Local Plan timetable.

It was reported that the AMR also played an important role in the provision of evidence for emerging strategies and enables the authority to understand the wider social, economic and environmental issues that affect the local area. It also identified current and future trends through comparison with policy and potentially identifies issues or other matters of concern. It is also used as evidence that informs and supports the determination of planning applications.

In considering this item, Members noted that there were some challenges within the system and it was essential that the Council's position on residential developed was robust and that the Council was not exposed.

RESOLVED:

That the Cabinet notes the updates to the statistical monitoring information, the Local Development Scheme monitoring and the Unitary Development Plan Policy Assessment.

6. OMBUDSMAN REPORT

Consideration was given to a report of the Statutory Monitoring Officer, advising Members of the further findings of the Local Government Ombudsman (LGO) report of the 15 March 2015 and the action that had to be taken by the Cabinet to receive the further report of fault causing injustice on the part of the Council, consider and determine a way forward and respond to the LGO in accordance with the statutory provisions.

Members were reminded that a report had been considered at Cabinet on 22 October 2014, which was reported to Council on the 2 December 2014. Previous papers could be found at **Appendix 1** to the report including report of LGO and Monitoring Officer together with decision of the Cabinet and press releases of both LGO and the Council.

It was reported that the LGO not been satisfied with the Council's response and had now issued a further report, a copy of which is attached at **Appendix 2** to the report, the contents of which were self-explanatory. Members noted that the names used in the report were not the real names of the people and place concerned, the protection of which was a legal requirement.

It was further reported that a copy of the further report had to be sent to all Members of the Council as required by the Local Government Act 1974 as amended by the 1989 Act. This would occur as soon as the Cabinet issued their report and no later than 7 July 2015 when the minutes would be published to be received by Full Council on the 14 July 2015 and all elected members would receive a full copy of the papers.

Furthermore, as required by s30 of the Local Government Act 1974, the Council had published a notice within 14 days of receiving the LGO's report, in the Tameside Advertiser and the Tameside Reporter on the 26 March 2015.

It was further stated that as required by the Local Government Act 1974 as amended by the 1989 Act, the Cabinet must formally consider this further report, within 3 months of receipt by the Council and as soon as practicable prepare a report which specified:

- (a) what action (if any) it proposes to take in response to the LGO's report;
- (b) if it proposes to take any action in response to the LGO's report, when it proposes to take that action; and
- (c) the reasons for taking the action specified in the LGO's report, or, the reasons for taking no action.

Members were informed that the report had been received on the 12 March 2015, missing the last Cabinet of the Municipal Year before the Notice of Election was published on the 30 March 2015. The LGO had advised, therefore, that the first opportunity at which this matter could be considered by the Executive Cabinet at a public meeting was the first meeting of the Executive Cabinet of the Municipal Year 2015/16 on the 24 June 2015. The LGO had also been provided with copies of the legal notices as published in accordance with the law.

It was reported that the Monitoring Officer's views were supported by independent Queen's Counsel, who had advised throughout the investigation given the significant legal points and importance of this matter to the Council to raise the standards in care homes in the borough whilst balancing the interests of the tax payer who funded them. His opinion in this matter was attached at **Appendix 3** to the report together with as requested by the Cabinet a suggested draft response to the LGO which was attached at **Appendix 4** to the report for consideration should the Cabinet be minded to reject the Ombudsman findings. Members of Cabinet must consider the matter afresh in light of the Ombudsman's further report and consider all the available options open to them as follows:

- (a) to accept the LGO's findings and recommendations either fully or in part and to offer compensation to Mr X, ;
- (b) to reject those findings and recommendations, to make no offer of compensation and to notify the LGO of its reasons; or
- (c) to re-offer the ex-gratia payment to Mr X without any admission of fault or liability on the part of the Council on the basis that the LGO ought to have notified him of this offer at the time it was made.

RESOLVED

That the Ombudsman findings be rejected and that no offer of compensation be made and that the LGO be notified of the reasons for this decision.

7. BIN SWAP PROGRAMME

Consideration was given to a report of the Deputy Executive Leader / Assistant Executive Director (Environmental Services) which provided two alternatives for the roll out of bin swap following the evaluation of the pilot project.

An explanation and risk analysis was provided in respect of details of the timeframe, costs and expansion of the roll out of 'Bin Swap' following the evaluation of trials. The report provided further details about the invest to save proposals; the roll out plan and future enforcement activity.

Members were informed that during 2015/16 any residual waste diverted from landfill through the Greater Manchester Waste Disposal Authority contract would save the council £307 per tonne. The total charge for residual waste sent to landfill during 2014/15 had cost the council £12.04m. It was explained that the areas covered by Bin Swap trials were generating less landfill waste and this equated to cost avoidance of approximately £24k per week.

Members were advised that a full roll out of Bin Swap, based on cost avoidance of £24k per week, could be scaled up to £3.12m per annum with borough wide implementation. The savings from diverting landfill were also evident at the end of year levy correction, whereby Tameside MBC received a rebate of £377,802.12 predominantly due to the fact that the Borough is sending less waste to landfill and other authorities have not achieved this rate of recycling and/or reduction in waste.

It was noted that during the pilot and implementation of phase 1 of Bin Swap the Waste Service saw significant increases in the demand for bins and at its peak the demand for bins tripled. To meet demand it was necessary to triple the team, from 2 delivery crews to 6 delivery crews. In a

phased implementation 6 crews could cope with the demand; in an accelerated implementation, it is predicted 8 crews would be required, but for a shorter period.

Any borough wide expansion of the scheme would require short term investment because following lessons learned and feedback from the previous phased roll out, there would need to be expansion of the engagement team; more support to the call centre team; expansion of the bin delivery service and temporarily extension of the service during the times when double collections were made at the launch of the Bin Swap project in new areas. Costs associated with this project would be met via cost avoidance of waste going to landfill charges, in the years following full implementation.

It was explained that under the phased option all suitable domestic properties in the Borough would be on the Bin Swap system by the end of this calendar year. Specifically the roll out plan would be undertaken according to the following programme:

- Droylsden – August 2015
- Audenshaw – August 2015
- Denton – August 2015
- Dukinfield – August/November 2015
- Ashton Under Lyne – November 2015
- Hyde – November 2015
- Longdendale – November 2015
- Stalybridge – November 2015
- Mossley – Complete

The accelerated option would see all suitable domestic properties in the Borough on the bin swap system by August 2015. A lengthy discussion took place on the relative merits of both options and the risks associated with each. Subject to a detailed implementation plan picking up the issues and concerns raised it was:

RESOLVED

- (i) That the Council agrees a new policy for waste collection for the whole borough known as 'Bin Swap' which will result in the current 240 litre (black) bin becoming the recycling bin for glass, metals and plastic and the 140 litre (green) bin would become the bin for residual general (landfill) waste. The consequences of this would be to increase capacity for recycling of those materials by approximately 70% whilst reducing the residual waste capacity by approximately 40%.**
- (ii) That approval be given to an accelerated roll out of the bin swap as outlined in the report with the intention that this would be effective from 1 September 2015.**
- (iii) That the Exceptional Circumstances Policy (Appendix 1 to the report) approved for the pilots be adopted for the whole borough under the new Bin Swap regime agreed for the Borough.**
- (iv) That the necessary support for the implementation roll out be put in place as set out in the report and the £1.2million associated costs be met from the savings realised as a consequence of the Bin Swap.**

8. SECONDARY SCHOOLS ADMISSIONS

Consideration was given to a report of the Executive Member (Learning, Skills and Economic Growth)/Assistant Executive Director (Education) detailing the objection to the admission arrangements for September 2016 onwards that had been received by the Office of the Schools Adjudicator. The objection specifically related to oversubscription criterion 4, attendance at a Tameside primary school.

It was reported that the latest version of the Schools Admissions Code came into effect on 19 December 2014 and applied to school admissions arrangements determined in 2015 for admission in school year 2016/17 and any future years. The Code required school admission arrangements

in 2016 to be determined by 15 April 2015 this year and published on the Council website by 1 May together with notice informing members of the public that they could write to the Schools Adjudicator by 30 June should they have objections to the arrangements and the School Admissions Code amended the dates slightly for future years.

It was further reported that on 14 April 2015, the Council had been informed that the Office of the Schools Adjudicator had received an objection to the admission arrangements for Tameside community high schools and the objection only related to community high schools as follows:

- Alder Community High School;
- Astley Sports College and Community High School;
- Denton Community College;
- Hyde Community College;
- Longdendale High School; and
- Mossley Hollins High School.

RESOLVED

That a consultation on amending the determined admission arrangements for community high schools for entry in September 2016 to replace the current criterion 4 be approved.

9. GREATER MANCHESTER GROWTH DEAL ROUND 2 – DENTON LINK ROAD PROJECT

Consideration was given to a report of the First Deputy (Performance and Finance), Executive Member (Transport and Land Use) and the Assistant Executive Director (Development, Growth and Investment) which sought approval for the Council to accept the £1.67 million available from the Greater Manchester Growth Deal Round 2 funding towards the delivery of the Denton Link Road project. It further seeks approval for a £238,570 capital contribution to the project and other delegated authority required to secure project delivery.

RESOLVED

- (i) That the Council accepts £1.67 million for the Denton Link Road project from the Greater Manchester Growth Deal Round 2 funding available through Transport for Greater Manchester (TfGM).**
- (ii) That the heads of terms for the deed of variation to the Crown Point East CPO Indemnity and Development Agreement be agreed as set out in the report.**
- (iii) That the Executive Director (Place), in consultation with the Executive Director (Governance & Resources), be authorised to negotiate the final terms and complete the deed of variation to the Crown Point East CPO Indemnity and Development Agreement with Langtree plc.**
- (iv) That the Executive Director (Place), in consultation with the Executive Director (Governance & Resources) be authorised to negotiate and complete any land transfer agreements required with Langtree plc and other land owners in respect of any landholdings required to construct the Denton Link Road and dedicate as a public highway.**
- (v) That the Council's Environmental Services (Design and Delivery) team be responsible for the design and delivery of the Denton Link Road.**
- (vi) That the Council approves a £238,570 capital contribution to fund the contingency element of the project. Any amount of contingency left unspent on completion of the project will be returned to the Council's reserves.**

10. URGENT ITEMS

The Chair reported that there were no urgent items for consideration at this meeting.

CHAIR