

Public Document Pack



ASHTON-UNDER-LYNE · AUDENSHAW · DENTON · DROYLSDEN · DUKINFIELD · HYDE · LONGDENDALE · MOSSLEY · STALYBRIDGE

EXECUTIVE CABINET

Day: Wednesday
Date: 26 August 2020
Time: 1.00 pm – or at the rise of the Strategic Commissioning Board, whichever is the later.
Place: Zoom Meeting

Item No.	AGENDA	Page No
1	APOLOGIES FOR ABSENCE To receive any apologies for the meeting from Members of the Executive Cabinet.	
2	DECLARATIONS OF INTEREST To receive any declarations of interest from Members of Executive Cabinet.	
3	MINUTES	
3a	EXECUTIVE CABINET To consider the Minutes of the meeting of the Executive Cabinet held on 29 July 2020.	1 - 18
3b	STRATEGIC COMMISSIONING BOARD To consider the Minutes of the meeting of the Strategic Commissioning Board held on 29 July 2020.	19 - 24
3c	COVID RESPONSE BOARD To receive the Minutes of the Covid Response Board held on 22 July 2020.	25 - 36
3d	CARBON AND WASTE REDUCTION PANEL To consider the Minutes of the meeting of the Carbon and Waste Reduction Panel held on 8 July 2020.	37 - 40
4	COVID RESPONSE ITEMS	
4a	RE-OPENING THE HIGH STREET SAFELY To consider the attached report of the Executive Member, Finance and Economic Growth / Director of Growth.	41 - 70
4b	ADULT COMMUNITY EDUCATION CHANGES TO SERVICES AS A RESULT OF COVID19 To consider the attached report of the Executive Member, Lifelong Learning, Equalities, Culture and Heritage / Director of Growth.	71 - 78

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Carolyn Eaton, Principal Democratic Services Officer, to whom any apologies for absence should be notified.

Item No.	AGENDA	Page No
4c	THE COUNCIL'S SPORT AND LEISURE FACILITIES – FINANCIAL SUSTAINABILITY DURING THE COVID-19 (CORONAVIRUS) PANDEMIC	79 - 86
	To consider the attached report of the Executive Member, Neighbourhoods, Community Safety and Environment / Assistant Director of Population Health / Assistant Director of Finance.	
5	OPERATIONAL ITEMS	
5a	GREATER MANCHESTER CLEAN AIR PLAN GOVERNANCE	87 - 192
	To consider the attached report of the Executive Member, Neighbourhoods, Community Safety and Environment / Director of Operations and Neighbourhoods.	
5b	NEW SUPPORTED LIVING SCHEMES - ADULT SERVICES	193 - 210
	To consider the attached report of the Executive Member, Health, Social Care and Population Health / CCG Co-Chair / Director of Adult Services.	
5c	PYRAMID SCHOOLS PFI CONTRACT PARENT COMPANY GUARANTEE & COLLATERAL WARRANTIES	211 - 216
	To consider the attached report of the Executive Member, Finance and Economic Growth / Director of Growth.	
5d	PERSONAL BUDGETS	217 - 238
	To consider the report of the Executive Member, Children's Services / Executive Member, Lifelong Learning, Equalities, Culture and Heritage / Assistant Director, Education.	
5e	GMCA EVERGREEN SURPLUS FUNDING ROUND II – ST PETERSFIELD AND ASHTON MOSS	239 - 276
	To consider the attached report of the Executive Member, Finance and Economic Growth / Director of Growth.	
6	URGENT ITEMS	
	To consider any additional items the Chair is of the opinion shall be dealt with as a matter of urgency.	

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Carolyn Eaton, Principal Democratic Services Officer, 0161 342 3050 or carolyn.eaton@tameside.gov.uk, to whom any apologies for absence should be notified.

EXECUTIVE CABINET

29 July 2020

Comm: 2.15pm

Term: 3.00pm

Present: Councillors Warrington (Chair), Bray, Cooney, Fairfoull, Feeley, Gwynne, Kitchen, Ryan, Wills

In Attendance: Dr Ashwin Ramachandra Co-Chair of NHS CCG Tameside & Glossop CCG
Steven Pleasant Chief Executive & Accountable Officer
Sandra Stewart Director of Governance and Pensions
Kathy Roe Director of Finance
Steph Butterworth Director of Adults Services
Ian Saxon Director of Operations & Neighbourhoods
Richard Hancock Director of Children's Services
Jayne Traverse Director of Growth
Jessica Williams Director of Commissioning
Jeanelle De Gruchy Director of Population Health
Ilys Cookson Assistant Director, Exchequer Services
Assistant Director, Education
Assistant Director, Strategic Property
Planning Policy Team Manager

22. DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

23. MINUTES OF EXECUTIVE CABINET

RESOLVED

That the Minutes of the meeting of the Executive Cabinet meeting held on 24 June 2020 be approved as a correct record.

24. MINUTES OF STRATEGIC COMMISSIONING BOARD

RESOLVED

That the Minutes of the meeting of the Strategic Commissioning Board held on 24 June 2020 be noted.

25. MINUTES OF THE COVID RESPONSE BOARD

RESOLVED

That the Minutes of the meetings of the COVID Response Board held on: 17 June, 1 July, 8 July and 15 July 2020, be noted.

26. STRATEGIC PLANNING AND CAPITAL MONITORING PANEL

Consideration was given to the minutes of the meeting of the Strategic Planning and Capital Monitoring Panel meeting held on 6 July 2020. Approval was sought of recommendations of the Strategic Planning and Capital Monitoring Panel arising from the meeting.

RESOLVED

- (a) The minutes of the meeting of the Strategic Planning and Capital Monitoring Panel held on 6 July 2020, be noted.
- (b) That the following recommendations be approved

CAPITAL PROGRAMME OUTTURN REPORT 2019/20

RESOLVED

That the Executive Cabinet be **RECOMMENDED** to note the Capital outturn position and financing for 2019/20, and the capital financing risks for 20/21 and beyond as set out in appendix 1 to the report and to note that Executive Cabinet on 27 May 2020 had approved:

- (i) The re-profiling of £5.344m of Capital Budgets to reflect up to date investment profiles;
- (ii) The updated Prudential Indicator position which was approved by Council in February 2019
- (iii) Budget virement of £178k to Vision Tameside from Vision Tameside Public Realm; and
- (iv) Reprioritisation of corporate funded capital budget of £110k for Godley Green to be returned to the funding pot following approval of the £10m from Homes England.

CAPITAL PROGRAMME – OPERATIONS AND NEIGHBOURHOODS (2020/21)

RESOLVED

That the Executive Cabinet be **RECOMMENDED** to note progress and that:

- (i) 2020/21 Engineers Capital Budget (Appendix 1) and Department for Transport Highways Maintenance Funding allocations (Appendix 2) are noted.
- (ii) Additional DfT Highways maintenance funding of £0.292m is added to the Capital Programme as set out in paragraph 2.2.
- (iii) The annual highway resurfacing programme is approved (Appendix 3).
- (iv) The status of the GM Mayor's Cycling and Walking Challenge Fund (MCF) schemes is noted (Appendix 4).
- (v) The overall Operations and Neighbourhoods Capital programme outturn for 2019/20 and budget summary for 2020/21 is noted (Appendix 5)
- (vi) Progress and impact of Covid 19 is noted with regards to Cremator Replacement and Mercury Abatement is noted.
- (vii) GMCA approved development costs of £0.906m for the Mayor's Challenge Fund, as set out in Section 3.10 of this report, be approved and added to the Capital Programme.
- (viii) Emergency Active Travel Funding of £0.500m from the Greater Manchester Mayor's Office as set out in section 3.17 of this report be approved and added to the Capital Programme.
- (xi) The LED street lighting scheme re-phasing proposal, as set out in section 2.25 report, be noted

CHILDREN'S SERVICES - PROPERTY CAPITAL SCHEMES UPDATE REPORT

RESOLVED

That Executive Cabinet be **RECOMMENDED** to note the following schemes that had been approved by Executive Decision on 5 March 2020 and 29 April 2020, and be added to the Council Capital Programme:

- (i) £400,000 for the purchase of new property to provide in borough residential assessment unit.
- (ii) £45,250 for the modification of existing property to provide in borough residential respite unit.

GROWTH UPDATE REPORT

RESOLVED

That Executive Cabinet be **RECOMMENDED** to note the report and add the following to the Council Capital Programme that the budget for adaptations in 2020/21 is approved at £2.322m, funded from the Disabled Facilities grant and £0.100m of other external contributions.

EDUCATION CAPITAL PROGRAMME

RESOLVED

That it is **RECOMMENDED TO** Executive Cabinet to **APPROVE** the :

- (i) Budget slippage and proposed changes to the Education Capital Programme budgets for Basic Need Funding Schemes, Special Provision Fund and Healthy Pupils' Capital Fund as outlined in Appendix 1 and School Condition Allocation Funding Schemes Appendix 2, to deliver the work outlined in sections 2 and 3 of this report.
- (ii) Approval for £336,339 of Devolved Formula Capital grant to be added to the Capital Programme for 2020/21.
- (iii) Approval of £1,168,720 of School Condition grant to be added to the Capital Programme for 2020/21. 2. That the 2019/20 Capital Expenditure Outturn position in Appendix 3 is noted.

ADULTS CAPITAL MONITORING

RESOLVED

That Executive Cabinet be **RECOMMENDED** to note the updates provided in the report, including:

- (i) The progress of the Oxford Park business case and alternatives that had been considered, with a recommendation that it is incorporated into the overall daytime offer review that has been initiated.
- (ii) The progress of Christ Church Community Developments (CCCD) including the success of obtaining match funding to support the project.

27. STRATEGIC COMMISSION AND NHS TAMESIDE AND GLOSSOP INTEGRATED CARE FOUNDATION TRUST FINANCE REPORT 2020/21 - AS AT MONTH 3

Consideration was given to a report of the Executive Member (Finance and Economic Growth) /CCG Chair / Director of Finance explaining that this was the second financial monitoring report for the 2020/21 financial year, reflecting actual expenditure to 30 June 2020 and forecasts to 31 March 2021.

It was explained that, in the context of the on-going Covid19 pandemic, the forecasts for the rest of the financial year and future year modelling had been prepared using the best information available but was based on a number of assumptions. Forecasts were inevitably likely to be subject to change over the course of the year as more information became available, and there was greater certainty over assumptions.

The ICFT and CCG continued to operate under a 'Command and Control' regime, directed by NHS England & Improvement (NHSE&I). NHSE had assumed responsibility for elements of commissioning and procurement and CCGs had been advised to assume a break-even financial position in 2020/21. The Council was forecasting an overspend against budget of £5.966m. Whilst this forecast included some significant COVID related pressures, £3.487m of pressure was not related to COVID but reflected underlying financial issues that the Council would be facing regardless of the current pandemic. This included continuing significant financial pressures in Children's Social Care, budget pressures in Adults services and income shortfalls in the Growth

Directorate. Further detail on Council budget variances, savings and pressures was included in Appendix 2 of the report.

The first capital monitoring report for 2020/21, summarising the forecast outturn at 31 March 2021 based on the financial activity to 30 June 2020, was included at Appendix 3 to the report. The detail of the monitoring report was focused on the budget and forecast expenditure for fully approved projects in the 2020/21 financial year. The approved budget for 2020/21 was £60.067m (after re-profiling following the 2019/20 Outturn) and the current forecast was for service areas to have spent £47.684m on capital investment in 2020/21, which was £12.383m less than the current capital budget for the year. This variation was spread across a number of areas, and was made up of a number of over/underspends on a number of specific schemes (£0.123m) less the re-profiling of expenditure in some other areas into 2021/22 financial year (£12.503m).

An overview of the current approved and earmarked Capital Programme, and the required funding was also provided at Appendix 4 to the report. The Council's capital programme ambition is currently unsustainable. The current committed programme required £18.9m of corporate resources, with only £14.6m available in reserves, leaving a £4.3m shortfall which needed to be met from the proceeds from the sale of surplus assets. The broader ambition of the Council points to a further requirement of £33.2m of corporate funding to pay for earmarked schemes identified as a priority and subject to future business cases. Clearly these would be unable to progress until additional capital receipts were generated. Many of these schemes were identified in 2017/18 and therefore should be the subject of a detailed review and reprioritisation. The Growth Directorate were reviewing the estate and developing a pipeline of surplus sites for disposal.

An update on the Dedicated Schools Grant (DSG) was provided at Appendix 5 to the report. The Council was facing significant pressures on High Needs funding and started the 2020/21 financial year with an overall deficit on the DSG reserve of £0.557m. The projected in-year deficit on the high needs block was expected to be £4.804m due to the continuing significant increases in the number of pupils requiring support. If the 2020/21 projections materialised, there would be a deficit of £5.311m on the DSG reserve at 31 March 2021. This would mean it was likely a deficit recovery plan would have to be submitted to the Department for Education outlining how this deficit was expected to be recovered and how spending would be managed over the next 3 years and would require discussions and agreement of the Schools Forum. The financial pressures in the High Needs Block were therefore serious and represented a high risk to the Council.

RESOLVED

- (i) That the forecast outturn position and associated risks for 2020/21 as set out in Appendix 1 to the report, be noted;**
- (ii) That the significant pressures facing Council Budgets as set out in Appendix 2 to the report, be noted;**
- (iii) That the budget virements and reserve transfers, as set out on pages 23 and 24 of Appendix 2 to the report, be approved;**
- (iv) That the Capital Programme 2020/21 forecast be noted and the re-profiling of capital budgets as set out in Table 2 of Appendix 3 of the report, be approved;**
- (v) That the Education capital budget virements set out on page 9 of Appendix 3 to the report, be approved; and, subject to the total overall budget for School Condition Schemes not exceeding £1.886m, the Assistant Director of Education, in consultation with the Assistant Director Finance, be given authority to undertake further virements of funding between these projects should further changes be required;**
- (vi) That the funding pressures facing the Capital Programme as set out in Appendix 4 to the report, be noted; and a pause on all earmarked schemes and support a full review and re-prioritisation of the future Capital Programme, to be concluded alongside the Growth Directorate's review of the estate and identification of surplus assets for disposal, be approved;**
- (vii) That the forecast position in respect of Dedicated Schools Grant as set out in Appendix 5 to the report, be noted;**

- (viii) That the write off of irrecoverable debts for the period 1 April to 30 June 2020 as set out in Appendix 6 to the report, be approved;
- (ix) As stated in section 7.11, for the period 16 August 2020 to 31 August 2020, that payment to in borough care home providers a monthly gross sum of the relevant care home bed fee rates based on the reduced level of 80% occupancy levels (less the places funded by other third parties), be approved. The Council therefore guarantees each care home will receive income for 80% of its available beds each month including private and out of borough placements. There will be no premium payment for occupancy levels that exceed 80%. This payment arrangement will end on 31 August 2020;
- (x) That payment arrangements to support at home care providers as stated in section 7.16 until 31 August 2020, be continued; and
- (xi) That payment arrangements to day services providers as stated in section 7.19 until 31 August 2020, be continued.

28. COUNCIL TAX SUPPORT SCHEME 2021 – 2022

Consideration was given to a report of the Executive Member (Finance and Economic Growth)/Assistant Director Exchequer Services, which detailed the procedural requirement in deciding if changes were required to the Council Tax Support scheme (CTS).

In considering setting a CTS scheme the Council would need to adhere to a number of procedural requirements which were detailed as follows:

- Set a CTS scheme no later than 11 March before the start of the financial year to which the scheme applies.
- Adopt the prescribed requirements which must apply to all schemes, which included local schemes, the prescribed scheme for persons of state pension credit age and default schemes (the same as the previous council tax benefit scheme).
- Ensure that claimants of state pension credit age continued to receive the same support under the scheme as they receive in council tax benefit.
- Consider the statutory public sector equality duty in adopting a scheme and the child poverty strategy.
- Consult all major precepting authorities.
- Consult generally on changes to the scheme.

In setting the scheme for 2021/2022 consideration had been given to the COVID-19 pandemic and its effects on caseload.

The actual scheme costs had reduced year on year up to April 2019. Although claimant numbers continued to fall in 2018/19 the costs of the scheme had increased, which was attributed to the 5.56% increase in Council Tax bills including the mayoral precept and the adult social care precept. The higher the Council Tax charge, the more the CTS scheme would cost, unless claimant numbers fell significantly. Council Tax increased in 2016/17, 2017/18, 2018/19, 2019/20 and 2020/21 included an adult social care precept, and mayoral precept from 2018/19. The reduction in costs from 2016 could be partly be a consequence of the CTS scheme change requiring that all claimants pay at least 25% of their Council Tax liability.

Scheme costs, claimant numbers and equalities data was monitored every quarter. This regular monitoring had highlighted an increase in claimant numbers and costs, as detailed above, however the scheme was currently operating as expected.

Hardship relief continued to be available to any person who was experiencing financial hardship as a result of the CTS scheme. This relief was an integral part of any local scheme in accordance with government scheme guidance. The purpose of the hardship relief was to mitigate the potential risk that some claimants may, in exceptional circumstances, suffer severe financial hardship as a result of the introduction of the scheme or changes to the scheme and may apply for

additional monies to help pay their Council Tax. The hardship fund totalled £50k in 2020/21 and was identified from existing budgets. However, this amount would not exclude approved applications being granted should the maximum allocated funding being exceeded.

Residents could also obtain advice and assistance on the hardship fund and CTS scheme from the Council's Benefits Service, Citizens Advice Bureau, Tameside Welfare Rights Service and other local advice services such as MiNT. A total of one application for hardship relief was received in the 2019/20 financial year however the application was not eligible and no hardship monies were paid out.

All claimants had to pay at least 25% of their Council Tax liability and the Council continued to face significant financial challenges in how much the Council had to spend on services particularly in response to COVID-19. Cuts in funding from government had a significant impact on spending as government funding provided the greater proportion of the Council's finance, and the money raised from Council Tax paid by local residents makes up only one third of the Council's funding.

It was clear that given the financial challenges faced that a local CTS scheme would need to be set taking into account the finances that were available as any increase in costs of the CTS scheme was borne by Council Tax payers.

Consideration had been given to the current cost of the scheme which was £14.8m and the maximum support available to CTS claimants. The current maximum award was set at being 75% of a claimants Council Tax liability subject to income and circumstances such as the Council Tax band of the property. Should Council Tax levels increase or the caseload increase in future years then the cost of the scheme would increase.

It was clear given the financial challenges the Council continued to face that a local Council Tax Support scheme would need to be set taking into account the finances that were available, in addition to external factors as follows:

- Impact of COVID-19 and additional £150 reduction awarded by government
- Valuation Tribunal direction
- MHCLG guidance

With regards to the Impact of COVID-19 whilst the economic situation was not a procedural factor to be considered when setting a scheme as required by law, the Council had a duty to consider the impacts of the economy on financially vulnerable residents. The impact of COVID-19 had been unprecedented in terms of people being out of work due to being furloughed or losing their job. This had impacted on the numbers of claimants for both Universal Credit and Council Tax Support.

The number of new CTS claims by month in 2020 was detailed to Members, 459 in January, 403 in February, 786 in March, 506 in April, 422 in May and 536 in June. It was explained that not all that apply would meet the eligibility criteria as CTS was means tested. Claims rose sharply in March with April and June also seeing an increase in claims made which suggested that residents may have lost employment or been furloughed, however May suggested that new claims were comparable to pre lockdown numbers.

The rise in the number of CTS claimants did not correspond with the number of claimants of Universal Credit in Tameside, as the UC claimant numbers were significantly higher. This suggested that the impact of COVID-19 and lockdown had a considerable financial effect in the borough however not all claimants of Universal Credit had a Council Tax liability hence numbers of UC claimants being higher than CTS applications being received. Claimants of Universal Credit and/or Council Tax Support could be in work in low paid jobs and already claiming CTS.

Data from the Office for National Statistics (ONS) official labour market statistics suggested that 27,700 (29.5%) of employments of Tameside residents were furloughed. The data was based on employees residential address and some employees may have more than one job.

It was explained that should the caseload continue to rise in Q2 and Q3 when furlough scheme ends and if unemployment increased, then the costs of the scheme would rise as indicated in the graphs of caseload and costs to date. Should claimant numbers continue to rise at the same rate then scheme costs could increase by up to an additional £1m by the end of December 2020 (Quarter 3).

In response to the COVID-19 economic situation the government announced additional monies to be paid to claimants in receipt of Council Tax Support, which equated to a £150 reduction off Council Tax bills for all existing and new claimants. This would be paid in addition to any Council Tax Support awarded and would benefit the financially vulnerable in Tameside by having less Council Tax to pay in the current financial year 2020/21.

The Ministry for Housing, Communities and Local Government (MHCLG) had not issued any guidance on what local authorities should consider including in their local scheme for the forthcoming financial year. Should MHCLG release guidance at a future date then this would be included in a revision to the scheme to be set in February 2021.

Due these factors, and the £150 reduction on the amount of Council Tax payable for every working age claimant awarded by central government, no revisions to the scheme had been proposed, save for the annual upratings of welfare benefit amounts and urgent changes to legislation which were not anticipated.

The last quarterly review in June 2020 revealed that there continued to be no adverse impact on any specific equalities group. Detailed equalities analysis would be included in the annual CTS reporting document which was to be considered by the Executive Cabinet when setting the scheme.

The population of Tameside was estimated at 226,493 based on the latest mid-year population (2019 stats). Trends show an ageing population. Tameside had 18,134 CTS claimants as at June 2020 and of these 7,602 had reached pension credit age and were therefore fully protected under legislation contained in the prescribed scheme and would not see any change in their benefit entitlement.

RESOLVED

The Council Tax Support Scheme for 2021/22 in principle remains the same scheme as that set in April 2020, subject to annual benefit uprating as detailed in the scheme and any further guidance which may be received by MHCLG or the Valuation Tribunal Service

29. LOCAL OUTBREAK CONTROL PLAN AND UPDATE

Consideration was given to a report of the Director of Population Health, which provided a summary of the principles of Covid-19 outbreak management across Tameside including an outline of the key roles and responsibilities across the system, the mechanisms & infrastructure in place to deliver this, and appropriate routes of accountability.

The report provided a high level summary of the approach to managing and preventing the spread of Covid-19 in Tameside, which would allow residents and communities to safely live with Covid-19 during the current phase of the pandemic. It also included information on how the approach aligned to national and regional systems; detailed the approaches taken to prevent outbreaks; and a description of the systems and steps in place to effectively manage outbreaks that may occur across the population.

It was added that this was an iterative plan which would continue to be informed by local circumstances; intelligence; evidence; and ongoing engagement with communities.

The key aims of the Outbreak Control Plan were to:

- Prevent spread of Covid-19 and contain and suppress outbreaks;
- Early identification of and management of outbreak;
- Define governance, roles and responsibilities and command & control arrangements relating to Covid-19 management;
- Set out communications and engagement arrangements with partner organisations and residents;
- Outline how the impact of outbreaks would be mitigated for residents;
- Outline the approach to surveillance using data and other sources of information to monitor the extent and impact of Covid-19 infection across Tameside; and
- Where possible, incorporate Covid-19 response into existing structures and ways of working

RESOLVED

That the content of the Plan and update be noted and approved.

30. GROWTH PRIORITIES

Consideration was given to a report of the Executive Member (Finance and Economic Growth)/Director of Growth which provided an overview of the Growth Directorate work programme relating to the priorities previously agreed by Members. The current profile of the programme delivery was summarised in Appendices A and B to the report. It was stated that with projects of this nature progress it was often dependent on securing external funding. Therefore these projects would also be subject to their own oversight and decision making as set out in section 3 of the report.

The report stated that the Covid-19 pandemic had and would continue to present a number of challenges and opportunities relating to each project within the programme; these were described in Appendix C to the report.

It was explained that the Growth Directorate was responsible for delivering a programme focusing on the following sites, areas and strategies to achieve the priorities outlined above and which ultimately trace back and support the Council's Corporate Plan and the GM Strategy:

Developing Strategic Sites:

- Godley Green;
- Ashton Moss;
- St Petersfield;
- Hattersley;

Town Centre Regeneration:

- Vision Tameside, Ashton-under-Lyne;
- Stalybridge Town Centre Challenge;
- Droylsden;
- Hyde; and
- Denton

Strategic Connectivity:

- Mottram Bypass and Glossop Spur

Employment & Skills projects

- Various projects/ plans linking into the various town centre and strategic site development

Strategies and Plans

- Inclusive Growth Strategy;
- Housing Strategy/Delivery Plan;

- Strategic Asset Management Plan (SAMP);
- GMSF/Local Plan; and
- Environment & Sustainability Plan

Other key workstreams on a planning and strategic level will also feed in to and support the above programme such as the Strategic Housing Land Availability Assessment (SHLAA), SOAHP Funding Bids.

Appendices A and B to the report provided a 12 month forward view in light of the Growth and Covid work programmes based upon the current assessment of timescales, urgent matters, and secured funding. It should be noted that in order to fully and completely deliver the whole programme, additional funding would need to be sourced through the capital programme, the private sector or external funding. As each project developed, funding requirements would be defined, together with funding sources being identified and delivery models and procurement routes determined. Decisions required throughout each project would be brought for consideration and approval at the appropriate point within each project programme.

The development of the 12 month programme had been based on several criteria, including:

- Covid-19 – Several work programmes had arisen in response to Covid-19 which required immediate and short term responses.
- Secured Funding – There were several workstreams with associated external funding, all of which had varying funding agreement milestones.
- Physical Asset or Operational Considerations – Decisions were required regarding some Council owned assets either as standalone buildings as part of a wider strategy or town centre impact.
- Strategy - Relationship and impact with other strategies and services areas such as the Housing Strategy and Delivery Programme.

RESOLVED

- (i) That the progression of projects as timetabled in Appendices A and B, be agreed;**
- (ii) That the Covid-19 pandemic opportunities and challenges as identified within the body of the report and Appendix C, be noted; and**
- (iii) That further reports be submitted for consideration in due course in respect of funding opportunities to align with the work programme.**

31. STRATEGIC ASSET MANAGEMENT PLAN (SAMP)

Consideration was given to a report of the Executive Member for Finance and Economic Growth / Director of Growth, which set out proposals for the integrated management of land and property assets to ensure they were best used to enable the delivery of the priorities identified in the Corporate Plan.

The Director of Growth was commissioning a review of how land and property assets across the Council and CCG could be best used to enable the delivery of the priorities identified in the Corporate Plan. This would complement the work undertaken through the GMCA's Local Asset Review (LAR) and Neighbourhood Asset Review (NAR), funded by the GM Transformational Fund and One Public Estate Programme.

The Council and CCG owned or occupied a property portfolio, which included a wide range of assets, all of which required individual consideration in terms of their management.

The CIPFA guidance for financial reporting in 2018 required that all Councils evidence an "Integrated thinking" approach to all decisions and expenditure. An integrated thinking leadership system that considered all Council land and property as a strategic asset was required. This would need to:-

- Provide a single integrated overview of all Council land and property; policy, strategy, usage, change, service strategy/need, acquisition, disposal and development.
- Integrate the strategy for the Council's assets and CCG property interests with those of the wider public sector.
- Allow senior management and elected members to oversee Asset Management activities and set priorities.

The COVID 19 pandemic had radically changed working practices and social behaviours and it was expected that this would result in an accelerated change in working patterns and service delivery model; this required an integrated re-imagining of the corporate estate alongside those new service delivery models. This integrated approach to Land and Property Asset Management could be achieved using, Integrated Governance, Corporate Landlord and a Strategic Asset Management Plan.

This report recommended a CIPFA model of governance that was generally accepted across Local Authorities as good practice for public sector property management, which had been designed to provide a framework for an integrated thinking approach to organisation wide land and property Asset Management.

The proposed Asset Management Working Group would provide a single organisational overview, senior management and Member guidance to services and decision makers, co-ordinate all land and property asset management activities and set priorities in delivering: -

- Asset Management Policy.
- Asset Management Strategy.
- Asset Management Action Plan.
- Recommendations to Executive Cabinet on the future use of all Council Land and Property Assets, and sites where the CCG had an interest, including sites that could be made available for disposal or alternative use
- Co-ordinate with and inform corporate policies that effect Council Assets, i.e. Green Spaces, Highways, parking, agile working, transportation, growth, education, leisure, adult social care, primary health care, community health care, children's social care, education, MTFS, capital programme/ strategy, disposals..
- One Public Estate.
- Agile and Flexible Working.
- Asset Management co-ordination with external organisations.
- Corporate Landlord.
- Asset Management Governance.
- Change procedures for operational land and property.
- Service/Directorate Asset Management Plans.
- Land and Property related Environmental and Energy service.
- A pipeline of surplus sites.

The proposed Asset Management Officer Group would: -

- Advise future Asset Management Policy.
- Advise future Asset Management Strategy.
- Assist in the development of an annually reviewed Asset Management Action Plan.
- Identify options for the future use of all Council Land and Property Assets.
- Review and identify surplus sites.
- Co-ordinate internally and with external organisations and integrated working programmes.
- Feedback and guidance on agile and flexible working.
- Agree and oversight the Corporate Landlord model, including change procedures.
- Identify and document service land and property needs through Service/ Directorate Asset Management Plans. (SDAMPs)
- Act as a corporate level user group to feedback on Corporate Landlord performance and issues.

Regular communication between the Strategic Property Team and users/ clients would be a key component of an integrated approach to asset management, therefore it was envisaged this new approach to integrated asset management would be rolled out at Senior Management Group. The Strategic Property Service attend all Directorates' Management Team's on a quarterly or 6 monthly basis.

The Corporate Landlord was where the ownership of all land and property was centrally held on behalf of the Council/ CCG, this included the operational, industrial, community, highways, surplus, education, drainage and green spaces. Services based in / operating the operational estate were in essence 'tenants of the Corporate Landlord'.

It was proposed that the Corporate Landlord should be based upon the following principles:

- Property was a corporate resource and would not be in the sole control of any one directorate or service.
- All property related activity and budgets should be managed centrally, under the Strategic Property Service acting, on behalf of the Corporate Landlord. Except:-
 - (i) Operations and Green Spaces Service; should continue to maintain, operationally manage and hold budgets for Green Spaces land, but the land itself, the buildings on it and the building budgets should be vested in the Corporate Landlord.
 - (ii) Highway and Drainage assets, including land adjacent; Engineering Services; should continue to maintain, plan, operate and hold capital and revenue budgets as they do now, but the land itself shall be vested in the Corporate Landlord.
- Any other land and property that could be identified as having a clear operational reason not to be covered by Corporate Landlord. To the satisfaction of the Asset Management Working Group.
- The Corporate Landlord should be responsible for maintaining the "condition" and "compliance" of operational buildings. Service Tenants "Suitability" issues would be subject to change control procedures.
- The relationship between the Corporate Landlord and service clients, who were Tenants of the Corporate Landlord should be clearly defined utilising a standard service level agreement which outlines roles, responsibilities, clear fee scales (if applicable) and performance measures.
- The Corporate Landlord, through the Asset Management Working Group should lead on all property transactions and reviews such as, land and property review, such as leases, acquisitions, disposals, land assignments, valuations, CPO's and wayleaves.
- All Land and Property policy, strategy, change and usage should be considered corporately, through the governance structure as set out in the report which would include the Asset Management Working Group, Asset Management Officer Group and Strategic Property Service and as necessary, Executive Cabinet.
- No Council/ CCG services should agree or commence negotiations related to any land and property asset related plans/ co-locations/ bids, change of use or additional expenditure without it being agreed through the Corporate Landlord, the Asset Management Working Group and then, as necessary, Executive Cabinet.

With regards to the Strategic Asset Management Plan it was intended to direct how assets were managed to best effect to not only capitalise on their benefit to the Borough, its communities and residents but also to maximise efficiency and effectiveness going forward.

It was stated that the proposed timeline would be as follows:

- July 2020 – Executive Cabinet would be requested to approve the Strategic Asset Management Policy and Strategy, Corporate Landlord Approach and Governance.
- 14 August 2020 – Identify Directorate and Service Leads.
- Executive Cabinet in August 2020 – Disposals Strategy and 1st Tranche of surplus sites report, subject to consultation findings.
- In September 2020 - Instigate Asset Management Working Group and Asset Management Officer Groups.

- In September 2020 - Commission "Portfolio Review" of alternative site uses and valuations across the estate.
- By 2 October 2020 – All services/ Directorates Leads to complete Service Directorate Asset Management Plan's for all Services of the Council/ CCG.
- By 4 December 2020 – Complete review of all SDAMP's and advise Asset Management Working Group on the proposed way of meeting the short term identified service needs. (Interim Operational Accommodation Strategy to enable service changes post Covid19)
- February 2021 – Executive Cabinet would be requested to approve the 2021-2022 Asset Management Action Plan. (Including planned reviews and surplus property).
- By 4 March 2021 - All SDAMP's and Corporate Landlord (Land and Property) SLA's would be signed off by Directorate Management / Leadership Teams and the Asset Management Working Group.
- March 2021 - Portfolio review would be completed.
- April 2021 - Accommodation Strategy 2021-2023 to AMWG. (Longer term).

The report concluded that the adoption of an Integrated approach to the strategic management of land and property assets was an essential enabler in the future delivery of the Council and CCG's Corporate Plan.

The integrated adoption of a Strategic Asset Management Plan, Governance and Corporate Landlord principles detailed in the report would provide the methodology to consider land and property assets in a single corporate view and then best wield those assets as a tool in delivering the Corporate Plan priorities

RESOLVED

- (i) **That the inherent value in the effective and efficient direction and utilisation of all land and property assets in sustaining the provision of services and enabling the delivery of the Tameside and Glossop Corporate Plan, be noted;**
- (ii) **That Council Policy that land and property are a corporate resource and decisions on it should not be in the sole control of any one directorate or service, be agreed;**
- (iii) **That the alignment of assets with organisational priorities and objectives is key to ensuring that all land and property decisions are made in the correct context and having regard to all relevant factors, be agreed;**
- (iv) **That the Strategic Asset Management Plan - Policy and Strategy, detailed in Appendix 4 of the report, be agreed;**
- (v) **That the Strategic Asset Management Plan, Policy, Strategy and Action Plan be reviewed as part of an Asset Management Working Group annual service planning process, be agreed;**
- (vi) **That the Governance Model detailed in section 2 of the report be agreed;**
- (vii) **That the Corporate Landlord approach detailed in section 3 of the report be agreed;**
- (viii) **That each Directorate identify an appropriate Director or Assistant Director to act as Directorate lead for Asset Management and to be a Member of the Asset Management Working Group, be agreed; and**
- (ix) **That each Directorate identify an appropriate relevant Assistant Director or Head(s) of Service to act as service lead for Asset Management, to attend the Asset Management Officer Group and to develop Service/ Directorate Asset Management Plans, (SDAMP) for all Council and CCG services, be agreed.**

32. IMPACT OF COVID ON THE LOCAL EDUCATION PARTNERSHIP (LEP) ADDITIONAL SERVICES INCLUDING CONSTRUCTION FM / SCHOOL CATERING CATERING

Consideration was given to a report of the Executive Member (Finance & Economic Growth) / Director of Growth / Assistant Director (Finance) proposing the next steps required to enable value for money, capital programme management, facilities management and school catering services were delivered over the long term to dovetail with the Strategic Asset Management Plan objectives. Members were reminded that the Council had created the Local Education Partnership (LEP) in

February 2009 as a delivery vehicle through which capital investment from the Government's Building Schools for the Future (BSF) programme could be effectively deployed. The contract with the LEP had subsequently been expanded to include additional services and as time progressed the LEP was increasingly used to deliver services traditionally delivered by the Council. The establishment of the LEP had allowed the Council to deliver over £400m of school and operational capital works over the past decade, including the rebuilding and modernisation of over 20 schools within the Borough.

Following the collapse of Carillion, it was agreed by Executive Cabinet in July 2018 that the LEP could replace Carillion with Robertson as the main strategic partner to allow for the completion of the Vision Tameside Phase Two programme and the continuity of facilities management, primary schools catering and estates management services. A further Executive Decision in June 2019 to insource estates management meant the Council had three main contract functions within the LEP under the Additional Services contract:

- Facilities Management – Providing Facilities Management services to the Council for its operational buildings (excluding schools).
- Capital Projects – the delivery of capital projects, each subject to separate model contracts;
- Primary School Catering – schools have the option to opt out at 6 months' notice.

Members were informed that the ongoing pandemic continued to have a profound impact upon working practices at the Council as more staff worked flexibly from home. This had therefore changed the requirement for Council offices and associated facilities management services. It was advised that this impact, and subsequent opportunity, was being reviewed by officers from across the Council as part of developing the Strategic Asset Management Plan that would help inform the proposed property and facilities management options appraisal and business plan.

It was noted that the facilities management and lifecycle arrangements (FMAs) for the Samuel Laycock and the Great Academy schools, which were procured under the BSF programme in conjunction with Design & Build contracts for their redevelopment, had expiry dates of 31 August 2036. These FMAs would be reviewed in the context of the Council's Strategic Asset Management Plan, in particular the options appraisal relating to the delivery of facilities management services. This would be covered in a separate review of the BSF funded contracts and this would include a review of the contracts for Samuel Laycock and Great Academy.

The report gave details of the additional services contract review provided through the LEP Strategic Partnering Agreement. It was noted that the post COVID-19 world would require a comprehensive review of the public sector estate, which in turn would also effect the future provision of the services currently provided through the LEP. Although no decisions had been made it was probable that the makeup and use of the operational estate would face a period of rapid change over the next 12 months, greatly effecting the Council's facilities management requirements. The report recommended that a post COVID-19 review of the operational and public sector estates was undertaken, alongside a review of the Council's corporate capital plans. These actions would then inform a next stage review of the facilities management and capital programme services provided by the LEP. A decision was then required in respect of arrangements beyond July 2020.

It was highlighted that property and facilities management services were an enabler service to core Council services and if not properly managed could have an impact across the organisation. A number of key risks associated with poor management and/or performance were highlighted including:

- Non-compliance with statutory and health & safety requirements;
- A negative effect on Council services and customer experience;
- Capital projects cost and/or timescale overruns;
- A poor quality and unreliable built environment;
- Increased property running costs;
- Poor business continuity/resilience; and
- A negative impact on the environment.

It was explained that the LEP was a company limited by guarantee and was currently owned by Amber, International Public Partnerships Limited (INPP) (fund controlled by Amber) and the Council. The LEP itself held 10% of the shares in the two PFI Project Companies which were set up to deliver the BSF schools programme. There were also a number of guarantees and warranties that the LEP or Special Purpose Vehicle were liable for on works delivered by it for the Council. Amber Infrastructure, the main LEP shareholder, was keen to continue to work with the Council through the LEP and was looking at different delivery models and ownership structures through which the Council could deliver projects and services. The LEP would continue in existence until all of its obligations under the BSF funded contract had expired in 2036, to the benefit of the Council and its educational provision.

RESOLVED

- (i) That the term of the Additional Services Contract with the LEP be extended to 31 July 2022;**
- (ii) That authority be delegated to the Director of Growth in consultation with the Director of Governance & Pensions to finalise and amend the contract extension and associated commercial terms of the Additional Services Contract;**
- (iii) That the Director of Growth and Assistant Director, Education, notify schools of the extended arrangements for Primary School Catering and that the Director of Growth undertakes a detailed options review and presents recommendations on the future provision Primary Schools Catering to Executive Members by March 2021. Noting that the notice period of schools in relation to the catering contract will probably have to vary to at least 12 months in order to maintain the viability of the contract;**
- (iv) That following a post COVID 19 review of the estate and capital programme, the Director of Growth undertakes a detailed review of Capital Projects/ Construction delivery and reports to Executive Members by December 2021;**
- (v) That following a post COVID 19 review of the operational estate, the Director of Growth undertakes a detailed review of Facilities Management and reports to Executive Members by December 2021;**
- (vi) That the Agreements with the LEP relating to the provision of facilities management and lifecycle services to the Samuel Laycock and Great Academy schools be reviewed in consultation with the schools and considered as part of the review of the wider BSF schools estate and contracts, which will be the subject of separate Key/Executive Decision;**
- (vii) That the Director of Growth and Director of Children's Services update their respective Executive Members with progress on a monthly basis; and**
- (viii) That it be noted that the LEP is contractually obliged to remain in place until 2036 to hold the PFI shares of the PFI schools.**

33. PFI SCHOOLS

Consideration was given to a report of the Executive Member (Lifelong Learning, Equalities, Culture and Heritage)/Assistant Director (Education)/Assistant Director (Finance), which informed Members that five PFI built schools in Tameside were currently seeking to convert to Academy Status; three High Schools, Alder, Mossley Hollins and Hyde; and two primary schools, Pinfold and Arundale. It was confirmed that Academy Orders had been received for all of these schools.

It was explained that the Council's position with regard to the academisation of PFI schools had been that, in order to consent to any PFI conversion, the Council were held harmless/indemnified for:

- (a) The legal costs of the conversion process and the Council insist that these be met by the converting schools; and**
- (b) All liabilities under the contracts caused by the default of the school by the DfE on the basis that Academies and MATs generally had limited funds to the extent of grant monies provided by the DfE whereas liability under the PFI agreements extended to tens of millions of pounds.**

The key issue causing the Council concern in relation to the academisation of PFI schools was an issue of financial risk. The Council was concerned that the conversion of PFI schools to academies may leave it exposed to certain risks that it did not previously bear and/or was able to control. Discussion with Department for Education officials had provided officers with the assurance that ultimately the DfE would step in to protect the Council from these risks but had not gone as far as to provide the council with an indemnity. Hence the concern that Members may consider that there was insufficient mitigation of the risk. In order to clarify these issues Elected Members agreed to seek the necessary legal advice on the strength of the DfE's covenants / commitments set out in their standard documentation and the risks that would be retained by the Council, to enable the Cabinet to review its current stance on academisation of PFI.

The contractual obligations between the SPV's and Tameside Council would not change as a result of a school converting to Academy and therefore the financial risks associated with the PFI schemes would remain with the Council, post academisation. The PFI schools had raised a number of concerns about the operation of the PFI contracts with all of the schools unhappy about aspects of the performance of the contract. Currently the Council was in a position to charge schools directly for the costs of the contract. Following academisation, the Council would have to invoice the schools prior to receiving the schools element of the contributions. The Council therefore ran the risk that if the converted schools did not consider the contract being delivered satisfactorily that the schools may decide not to pay the Council for the services with the Council and the school getting into a legal dispute about the payments which even if the Council was able to resolve successfully could result in significant cash flow issues for the Council as a result of the delay in payment caused as a result of the dispute.

These PFI schools would be part of that local provision of education places in the borough, and in educating Tameside's children and young people. Tameside MBC continued to receive benefit from the contracts once these schools converted to Academy and beyond the contract end date.

For the PFI Contracts to work effectively for the schools and to minimise the risk to the Council post transfer the relevant parts of the Council Contract with the SPV's should be contained within a back to back agreement with the Academy. The Academy would be required to have a nominated representative to liaise with the Councils Contract Manager. Performance should then be jointly reviewed on a monthly basis and any areas of disagreement should be raised before the invoice is signed off. These issues would then be managed by the Councils Contract Manager. An escalation process should be introduced within the Council/Academy agreement to help resolve any issues that were not able to be resolved via the Councils Contract Manager and Academy Representative. Having robust contract and performance management arrangements in place and effective engagement with the Academy representative would reduce the risk to the Council and maintain a good service to the Academy.

It was noted that the financial risks had lessened as more schools had converted nationally and as assurances from the Department for Education had strengthened, this was outlined in the correspondence received from Vicky Beer, Regional Schools' Commissioner. The financial risks had not been removed. Therefore the key issue for consideration was the balance of risk. The potential financial risks of progressing PFI academisations must be balanced against the risk to the implementation of the Council's schools' strategy agreed by Executive Cabinet in August 2018. The strategy asserted that the Council must have a clear voice in determining the future of all Tameside's schools and must be concerned with the long-term sustainability and viability of all its schools.

A number of residual risks remain with the Council in its liability to pay the PFI provider, its reliance on the continued income in the form of PFI credits, the DSG regulations allowing the top slice and collection of the academy's contribution. This had not been a problem with those PFI schools that had converted elsewhere, but some residual risk remained. The likelihood of these materialising was low. However, in light of the Council's position and the residual liability, the Council's external auditor previously raised this as a risk in its annual report dated 28 August 2013 and received by the September 2013 Audit Panel. Consequently, the Council agreed that it would only agree to

circumstances where it was provided with a DfE indemnity. The DfE did not agree to provide an indemnity but advised that in the 7 years since the Council's external Auditors made their recommendation, they had given greater comfort to Local Authorities in their standard documentation.

Tameside Council had no objections in principle to schools becoming academies but could not subsidise any costs for any works associated with any conversions, particularly PFI's where the costs could be substantial.

Where schools wishing to convert were PFI's the Council needed to ensure that once the schools had converted that the authority had no additional liabilities, cost or risks if the school or the Trust failed to make the payments or was in breach of the contract in any way.

It was agreed that in order to enable the Cabinet to review its current stance in light of the external auditors concerns on record, external legal advice would be obtained on the strength of the DfE's covenants/commitments set out in their standard documentation and the risks that would be retained by the Council. Independent external legal advice was obtained, which was set out at **Appendix 3** to this report.

Whilst no decision was risk free the question that members were required to ask themselves was whether the benefits achieved by academisation outweighed those in the event that the Council was required to pick up the financial risks in circumstances where it would not have control.

In considering this matters members were asked to reflect upon whether this was an appropriate risk balance and/or share bearing in mind that on an enforced academy by the DfE because school inadequate, DfE bear the risk but where the Local Authority looking to support and intervene before inadequate was an outcome, the Council carried the risk for the remainder of the PFI contact some 15 or more years. Before the Council could consider particular proposed academisation it would be beneficial to first agree the Council's policy in relation to the academisation of PFI schools, which would largely depend on the council's appetite for risk.

It was stated that if Members were minded to agree recommendations then every PFI academy conversion would still be subject to due diligence including finance, legal and any issues in relation to the current delivery of services and payments under the PFI contract.

RESOLVED

That, subject to the Academies/DfE agreeing to indemnify the Council in advance for the external legal costs, which will be incurred for undertaking this process, it be;

- (i) Agreed that the Council no longer has an in-principle objection to the academisation of PFI schools in relation to the absence of an indemnity from the DfE to hold the Council harmless from any costs incurred by the academy(s) that the Council by default is required to make good under the PFI contracts;**
- (ii) Agreed that the potential conversion of PFI schools be considered on a school by school basis adopting the due diligence as set out in this report;**
- (iii) Noted that final decisions on each potential Academy conversion will require an Executive Cabinet decision; and**
- (iv) Noted that the legal costs of dealing with this matter including those of the Council and any Banks/funders are likely to be between £100 and £150K.**

34. PLANNING EVIDENCE TO BE PUBLISHED

Consideration was given to a report of the Executive Member (Housing, Planning and Employment)/Director of Growth that sought approval to publish several pieces of evidence based work recently presented to Members. This work supported the further development of the Greater Manchester Spatial Framework (GMSF), Development Management planning decisions and future development of the Council's Local Plan.

The Council was currently preparing two planning documents, the GMSF, which sought to designate strategic sites of scale for both housing and employment uses, and the Local Plan, which would play a crucial role in giving certainty as to what and where different land uses were appropriate at a local level within Tameside. The Government had made it clear that local authorities were expected to have up-to-date plans in place as a legal requirement. The Local Plan and GMSF were important place shaping documents which would reflect the Council's broader ambitions contained within its Corporate Plan and emerging Housing and Inclusive Growth Strategies.

It was explained that the effective progression of the GMSF and Local Plan required the publication of a number of evidence based pieces of work in order to justify policy and to ensure that the Council could deliver a 'sound' plan. Failure to do so expeditiously had the potential to place the Council at risk of preparing a plan which could not be effectively justified and failed to meet statutory timescales. It was advised that the following evidence and supporting work required publication following the conclusion of an all Member briefing session on 27 February 2020:

- Tameside Retail and Leisure Study 2018;
- Tameside Open Space Review 2017/18;
- Housing Delivery Test Action Plan 2019;
- Brownfield Land Register Update 2018;
- Strategic Housing and Economic Land Availability Assessment 2017/18; and
- Sites of Biological Importance and Regionally Important Geomorphological Sites 2017 Update.

Local Planning Authorities were required to review some elements of evidence within prescribed timescales and were legally expected to make any up to date information which had been collected for monitoring purposes, available as soon as possible after the information became available as part of monitoring practice and general good planning practice. In particular there was an expectation that Brownfield Land Registers were reviewed at least once each year. This was the minimum legal requirement, where it would be good practice and more transparent to update the register on a more frequent basis to reflect changes and assess new sites expeditiously.

Additionally where the results of the Housing Delivery Test indicated a need to prepare an Action Plan, government guidance included an expectation for this to be published within 6 months of publication of the Housing Delivery Test measurement. The most recent results of the Housing Delivery Test were published on 13 February 2020.

The evidence had highlighted a number of key points which were summarised for Members. It emphasised that Tameside's town centres would continue to be important to the future economic prosperity of the Borough with an opportunity to re-invent the area's centres with more of a focus on choice and quality.

The Strategic Housing and Economic Land Availability Assessment indicated the potential supply of housing between set dates and sought to make best use of sites within highly accessible locations, principally located around transport hubs and the boroughs town centres. It indicated a supply of 7,936 units over the plan period which was topped up by the allocations proposed through the Greater Manchester Spatial Framework. Approximately 75% of units identified through the assessment were expected to come forward on brownfield sites, indicating a brownfield first approach to the Councils future housing growth. While differing slightly in methodology, the Councils formal Brownfield Land Register identified 117 sites with the potential to deliver 4202 units. Publication of the register helped to provide up to date and consistent information on brownfield sites which the Council considered appropriate for residential development.

The results of the Government's Housing Delivery Test Measurement in 2018, published in 2019, indicated a requirement for Tameside to prepare an action plan, as delivery of new homes had fallen below 95 per cent of the target number of units to be completed over the measurement

period. The Action Plan, following approval, would seek to support the delivery of housing and the establishment of a new housing target for the Borough.

The importance of the natural environment to the Borough was also highlighted and emphasised that most residents within Tameside had access to some form of functional open space within a reasonable walking distance from home. However, the need for the provision of play space remained a focus within residential areas.

The evidence highlighted the importance of forward planning and market interest in the borough as an investable location. It also highlighted some of the challenges the Local Plan and GMSF would seek to address. Of upmost importance however was that the Council made any up to date information, which had been collected for monitoring purposes, accessible as soon as possible after that information became available, as general good planning practice to support the Councils plan making efforts and issuing sound planning decisions

RESOLVED

- (i) That the publication of the 2017 update to the Council's Sites of Biological Importance (SBI) and Regionally Important Geological and Geomorphological sites (RIGS), be agreed;**
- (ii) That the publication of the 2017/18 Open Space Review be agreed;**
- (iii) That the publication of the Tameside Retail and Leisure Study 2018, including its associated appendices be agreed;**
- (iv) That the publication of the 2017/18 Strategic Housing and Economic Land Availability Assessment be agreed;**
- (v) That the publication of 2018 Brownfield Land Register and provision of data to government be agreed; and**
- (vi) That the publication of the 2019 Housing Delivery Test Action Plan be agreed.**
- (vii) That delegated authority be given to the Director of Growth and Executive Member (Housing, Planning and Employment), to publish future revisions to:**
 - (a) the Council's Strategic Housing and Economic Land Availability Assessment.**
 - (b) the Council's Brownfield Land Register and provision of data to government.**
 - (c) the Council's Housing Delivery Test Action Plan (where the preparation of one arises).**

35. URGENT ITEMS

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

CHAIR

STRATEGIC COMMISSIONING BOARD

29 July 2020

Comm: 1.00pm

Term: 2.15pm

Present: Dr Ashwin Ramachandra – NHS Tameside & Glossop CCG (Chair)
Councillor Brenda Warrington – Tameside MBC
Councillor Warren Bray – Tameside MBC
Councillor Gerald Cooney – Tameside MBC
Councillor Bill Fairfoull – Tameside MBC
Councillor Leanne Feeley – Tameside MBC
Councillor Allison Gwynne – Tameside MBC
Councillor Joe Kitchen – Tameside MBC
Councillor Oliver Ryan – Tameside MBC
Councillor Eleanor Wills – Tameside MBC
Steven Pleasant – Tameside MBC Chief Executive and Accountable
Officer for NHS Tameside & Glossop CCG
Dr Vinny Khunger – NHS Tameside & Glossop CCG
Dr Kate Hebden – NHS Tameside and Glossop CCG
Carol Prowse – NHS Tameside & Glossop CCG

In Attendance: Sandra Stewart Director of Governance & Pensions
Kathy Roe Director of Finance
Ian Saxon Director of Operations and Neighbourhoods
Stephanie Butterworth Director of Adults Services
Richard Hancock Director of Children's Services
Jayne Traverse Director of Growth
Jessica Williams Director of Commissioning
Jeanelle De Gruchy Director of Population Health
Ilys Cookson Assistant Director, Exchequer Services
Debbie Watson Assistant Director of Population Health
Assistant Director, Education

Apologies for

Absence: Dr Asad Ali – NHS Tameside & Glossop CCG
Dr Christine Ahmed – NHS Tameside & Glossop CCG

18. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Board members.

19. MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting of the Strategic Commissioning Board held on 24 June 2020 be approved as a correct record.

20. MINUTES OF THE COVID RESPONSE BOARD

RESOLVED

That the Minutes of the meetings of the Covid Response Board held on: 17 June, 1 July, 8 July and 15 July 2020, be noted.

21. STRATEGIC COMMISSION AND NHS TAMESIDE AND GLOSSOP INTEGRATED CARE FOUNDATION TRUST FINANCE REPORT 2020/21 - AS AT MONTH 3

Consideration was given to a report of the Executive Member (Finance and Economic Growth) /CCG Chair / Director of Finance explaining that this was the second financial monitoring report for the 2020/21 financial year, reflecting actual expenditure to 30 June 2020 and forecasts to 31 March 2021.

It was explained that, in the context of the on-going Covid19 pandemic, the forecasts for the rest of the financial year and future year modelling had been prepared using the best information available but was based on a number of assumptions. Forecasts were inevitably likely to be subject to change over the course of the year as more information became available, and there was greater certainty over assumptions.

The ICFT and CCG continued to operate under a 'Command and Control' regime, directed by NHS England & Improvement (NHSE&I). NHSE had assumed responsibility for elements of commissioning and procurement and CCGs had been advised to assume a break-even financial position in 2020/21. The Council was forecasting an overspend against budget of £5.966m. Whilst this forecast included some significant COVID related pressures, £3.487m of pressure was not related to COVID but reflected underlying financial issues that the Council would be facing regardless of the current pandemic. This included continuing significant financial pressures in Children's Social Care, budget pressures in Adults services and income shortfalls in the Growth Directorate. Further detail on Council budget variances, savings and pressures was included in Appendix 2 of the report.

The first capital monitoring report for 2020/21, summarising the forecast outturn at 31 March 2021 based on the financial activity to 30 June 2020, was included at Appendix 3 to the report. The detail of the monitoring report was focused on the budget and forecast expenditure for fully approved projects in the 2020/21 financial year. The approved budget for 2020/21 was £60.067m (after re-profiling following the 2019/20 Outturn) and the current forecast was for service areas to have spent £47.684m on capital investment in 2020/21, which was £12.383m less than the current capital budget for the year. This variation was spread across a number of areas, and was made up of a number of over/underspends on a number of specific schemes (£0.123m) less the re-profiling of expenditure in some other areas into 2021/22 financial year (£12.503m).

An overview of the current approved and earmarked Capital Programme, and the required funding was also provided at Appendix 4 to the report. The Council's capital programme ambition is currently unsustainable. The current committed programme required £18.9m of corporate resources, with only £14.6m available in reserves, leaving a £4.3m shortfall which needed to be met from the proceeds from the sale of surplus assets. The broader ambition of the Council points to a further requirement of £33.2m of corporate funding to pay for earmarked schemes identified as a priority and subject to future business cases. Clearly these would be unable to progress until additional capital receipts were generated. Many of these schemes were identified in 2017/18 and therefore should be the subject of a detailed review and reprioritisation. The Growth Directorate were reviewing the estate and developing a pipeline of surplus sites for disposal.

An update on the Dedicated Schools Grant (DSG) was provided at Appendix 5 to the report. The Council was facing significant pressures on High Needs funding and started the 2020/21 financial year with an overall deficit on the DSG reserve of £0.557m. The projected in-year deficit on the high needs block was expected to be £4.804m due to the continuing significant increases in the number of pupils requiring support. If the 2020/21 projections materialised, there would be a deficit of £5.311m on the DSG reserve at 31 March 2021. This would mean it was likely a deficit recovery plan would have to be submitted to the Department for Education outlining how this deficit was expected to be recovered and how spending would be managed over the next 3 years and would require discussions and agreement of the Schools Forum. The financial pressures in the High Needs Block were therefore serious and represented a high risk to the Council.

RESOLVED

- (i) That the forecast outturn position and associated risks for 2020/21 as set out in Appendix 1 to the report, be noted;**
- (ii) That the significant pressures facing Council Budgets as set out in Appendix 2 to the report, be noted;**
- (iii) That the budget virements and reserve transfers, as set out on pages 23 and 24 of Appendix 2 to the report, be approved;**
- (iv) That the Capital Programme 2020/21 forecast be noted and the re-profiling of capital budgets as set out in Table 2 of Appendix 3 of the report, be approved;**
- (v) That the Education capital budget virements set out on page 9 of Appendix 3 to the report, be approved; and, subject to the total overall budget for School Condition Schemes not exceeding £1.886m, the Assistant Director of Education, in consultation with the Assistant Director Finance, be given authority to undertake further virements of funding between these projects should further changes be required;**
- (vi) That the funding pressures facing the Capital Programme as set out in Appendix 4 to the report, be noted; and a pause on all earmarked schemes and support a full review and re-prioritisation of the future Capital Programme, to be concluded alongside the Growth Directorate's review of the estate and identification of surplus assets for disposal, be approved;**
- (vii) That the forecast position in respect of Dedicated Schools Grant as set out in Appendix 5 to the report, be noted;**
- (viii) That the write off of irrecoverable debts for the period 1 April to 30 June 2020 as set out in Appendix 6 to the report, be approved;**
- (ix) As stated in section 7.11, for the period 16 August 2020 to 31 August 2020, that payment to in borough care home providers a monthly gross sum of the relevant care home bed fee rates based on the reduced level of 80% occupancy levels (less the places funded by other third parties), be approved. The Council therefore guarantees each care home will receive income for 80% of its available beds each month including private and out of borough placements. There will be no premium payment for occupancy levels that exceed 80%. This payment arrangement will end on 31 August 2020;**
- (x) That payment arrangements to support at home care providers as stated in section 7.16 until 31 August 2020, be continued; and**
- (xi) That payment arrangements to day services providers as stated in section 7.19 until 31 August 2020, be continued.**

22. LOCAL OUTBREAK CONTROL PLAN AND UPDATE

Consideration was given to a report of the Director of Population Health, which provided a summary of the principles of Covid-19 outbreak management across Tameside including an outline of the key roles and responsibilities across the system, the mechanisms & infrastructure in place to deliver this, and appropriate routes of accountability.

The report provided a high level summary of the approach to managing and preventing the spread of Covid-19 in Tameside, which would allow residents and communities to safely live with Covid-19 during the current phase of the pandemic. It also included information on how the approach aligned to national and regional systems; detailed the approaches taken to prevent outbreaks; and a description of the systems and steps in place to effectively manage outbreaks that may occur across the population.

It was added that this was an iterative plan which would continue to be informed by local circumstances; intelligence; evidence; and ongoing engagement with communities.

The key aims of the Outbreak Control Plan were to:

- Prevent spread of Covid-19 and contain and suppress outbreaks;
- Early identification of and management of outbreak;

- Define governance, roles and responsibilities and command & control arrangements relating to Covid-19 management;
- Set out communications and engagement arrangements with partner organisations and residents;
- Outline how the impact of outbreaks would be mitigated for residents;
- Outline the approach to surveillance using data and other sources of information to monitor the extent and impact of Covid-19 infection across Tameside; and
- Where possible, incorporate Covid-19 response into existing structures and ways of working

RESOLVED

That the content of the Plan and update be noted and approved.

23. COVID-19 URGENT EYECARE SERVICE - CUES

A report was submitted by the Executive Member (Adult Social Care and Health)/CCG Co-Chair/Director of Commissioning, which explained that on 17 April 2020 a new service specification was released by NHS England (approved by Royal College of Ophthalmologists) for COVID-19 Urgent Eyecare Service (CUES). The specification suggested that to support whole system management of urgent eye conditions during the current COVID phase and recovery phase CCGs should commission a CUES service. Across Greater Manchester CCGs were commissioning the CUES either as a development of their Minor Eye Conditions Service (MECS) or as a new service from Primary Eyecare Services.

It was explained that Tameside and Glossop had commissioned MECS from Primary Eyecare Services for several years and developing this as CUES would improve access and reduce the risk that patients with urgent eye health issues would find it difficult to access care, with potential implications for their sight and long term eye health.

Members were informed that over the last two years waiting lists for Ophthalmology had grown significantly in Tameside and Glossop with issues in services across the main NHS providers. The onset of COVID had compounded the situation with a rise of circa 100 people waiting more than 18 weeks in April 2020.

National guidance had been followed during COVID with reduction in hospital activity and changes in access for community services. For MECS this involved:

- Suspension of walk in service;
- All referrals being triaged via telephone;
- Patients being assessed using telemedicine, telephone and video calls. Advice and guidance was given to patients where appropriate with telephone follow-ups where required; and
- If needed, patients were seen for a face-to-face appointment at the optometry practice following appropriate safety measures.

It was recognised that delays in Ophthalmology treatment could result in poorer outcomes for some patients and Ophthalmology was one of the areas highlighted for elective reform with increased access to services out of hospital and streamlined pathways key expectations.

Commissioning the proposed CUES service would bring Tameside and Glossop in line with other commissioners in Greater Manchester and provide an opportunity for improved patient care by reducing the risk of long waits for urgent eye care causing harm, increasing access to neighbourhood based care and freeing up access in GP and hospital services to manage other people. The service would reduce the risk of growth in the Ophthalmology waiting list by treating people in the community where possible.

The service aligned with the GM elective reform ambition to reduce avoidable patient attendance at secondary care and by commissioning this year it provided an opportunity to test system wide change at a time when it would have limited financial impact and it will support organisation wide efforts in managing demand during COVID.

Commissioning as a service enhancement within the existing contract with Primary Eyecare Services enabled rapid deployment of a service seen nationally as a key improvement whilst living with the impact of COVID.

RESOLVED

That the commissioning of the CUES service from Primary Eyecare Services in line with National and Greater Manchester expectations be approved, with a review scheduled for January 2021 to inform on-going commissioning in 2021/22.

24. MEASURES FOR RECOVERY – T&G RESPONSE TO SIMON STEVENS LETTER

Consideration was given to a report of the Executive Member, Adult Social Care and Health / CCG Co-Chair / Director of Commissioning which provided assurance regarding the Phase 2 response in Tameside and Glossop to safely supporting COVID-19 patients whilst also reintroducing aspects of proactive and preventative healthcare as advised by NHS England.

It was reported that the spread of Covid-19 had meant that the delivery of emergency and urgent care was prioritised with the NHS operating as a command and control system.

On 30 January the first phase of the NHS preparation and response to Covid-19 was triggered with the declaration of a Level 4 National Incident. Earlier this quarter Sir Simon Stevens (NHS England Chief Executive) wrote to partners outlining expectations from NHS England as part of the second phase of the NHS response to covid-19. Phase 2 planning identified how patients could be effectively supported with Covid-19, whilst other proactive and preventative services were safely reintroduced.

National guidance on Phase 3 was expected shortly that would include the financial and delivery context, the regulation and oversight approach and a request for plans to be developed at a Greater Manchester system level.

Full details of the key priorities for Phase 2 were appended to the report. These could be summarised as:

- Urgent care: Increase the availability of booked appointments that allowed patients to bypass the emergency department altogether. Reintroduce time-critical procedures and ensure all admitted patients were assessed daily for discharge.
- Routine surgery and care: Where additional capacity was available, restart routine elective surgery. In the absence of face-to-face visits, primary and secondary care clinicians should stratify and proactively contact their high risk patients
- Cancer: Maintain access to essential surgery. Safely reintroduce referrals, diagnostics and treatment to minimise potential harm and to reduce the scale of the post-pandemic surge in demand.
- Cardiovascular Disease, Heart Attacks and Stroke: Secondary care to prioritise capacity for urgent arrhythmia services plus management of patients with severe heart failure and severe valve disease. Hospitals to prioritise capacity for stroke services.
- Maternity: Providers to make direct and regular contact with all women receiving antenatal and postnatal care. Ensure obstetric units had appropriate staffing levels including anaesthetic cover. Maintain Antenatal and Newborn Screening Services.
- Primary Care: Ensure patients had clear information on how to access primary care services and were confident about making appointments. Complete work on implementing digital and video consultations. Given the reduction of face-to-face visits, stratify and proactively contact

their high-risk patients with ongoing care needs. Support delivery of the Enhanced Care in Care Homes service. Deliver as much routine and preventative work as could be provided safely including vaccinations immunisations, and screening. Maintain good vaccine uptake and coverage of immunisations. Plan for an expanded flu programme.

- Community Services: Sustain the Hospital Discharge Service, working across secondary care and community providers in partnership with social care. Prepare to support the increase in patients who had recovered from Covid and who having been discharged from hospital needed ongoing community health support.
- Mental Health and Learning Disability/ Autism services: Establish all-age open access crisis services and helplines. For existing patients known to mental health services, continue to ensure they were contacted proactively and supported. Prepare for a possible longer-term increase in demand as a consequence of the pandemic. Annual health checks for people with a learning disability should continue to be completed.
- Reduce the risk of cross-infection and support the safe switch-on of services by scaling up the use of technology-enabled care: General Practices and NHS Trusts should continue to triage patient contacts and utilise remote appointments.
- There were fundamental interdependencies between estates, workforce and IT which meant that they could not be considered in isolation and must be developed with key consideration of one other.

The Phase 2 action response document would be reviewed at Out of Hospital Silver monthly with reports by exception to Covid Senior Coordination Group. In moving into Phase 3 there would be further emphasis on returning critical services to agreed standards, beginning to resume other elective activity and putting plans in place to deal with the backlog of activity.

It was stated that providers had demonstrated a great ability to adapt and change when under significant pressure and it was important to take hold of the opportunities presented through these adverse times and not lose momentum with the transformational progress that had come about. Opportunity to 'lock in' beneficial changes that had been introduced in recent months would be taken. This included strong clinical leadership, flexible and remote working, and rapid innovation including introducing new technology-enabled service delivery options such as digital consultations.

RESOLVED

That the content of the report be noted and a further report be submitted to a future meeting in respect of the development of the Tameside & Glossop model.

25. URGENT ITEMS

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

CHAIR

BOARD

22 July 2020

Present: Elected Members Councillors Warrington (In the Chair), Bray, Cooney, Fairfoull, Feeley, Gwynne, Kitchen, Ryan and Wills.
Chief Executive Steven Pleasant
Borough Solicitor Sandra Stewart
Section 151 Officer Kathy Roe

Also In Attendance: Tim Bowman, Steph Butterworth, Jeanelle De Gruchy, Richard Hancock, Dr Ashwin Ramachandra, Ian Saxon, Paul Smith, Sarah Threlfall, Jayne Traverse and Tom Wilkinson, Jess Williams

Apologies for Absence Dr Asad All and Kathy Roe

50. DECLARATIONS OF INTEREST

There were no declarations of interest.

51. MINUTES OF PREVIOUS MEETING

The minutes of meeting on 15 July 2020 were approved as a correct record.

52. MONTH 3 FINANCE REPORT

Consideration was given to a report of the Executive Member (Finance and Economic Growth)/CCG Chair/Director of Finance which set out actual expenditure to 30 June 2020 and forecasts to 31 March 2021. It was explained that the report focused on Council budgets as the financial position for the Tameside and Glossop Integrated NHS Foundation Trust was not included due to the command and control arrangements in place. It was further explained that the forecasts for the remainder of the financial year and future year modelling had been prepared using the best information available but were based on a number of assumptions, which were subject to change.

The report stated that the Council was forecasting an overspend against budget of £5.966m after the announcement of a further £2.3m of COVID-19 support grant announced by the government on 16 July. Whilst the forecast overspend included some significant COVID related pressures, it was highlighted that £3.487m of pressure was not linked to coronavirus but reflected underlying financial issues unrelated to the ongoing pandemic. Members were informed that there continued to be significant financial pressures in Children's Social Care, budget pressures in Adult Services and income shortfalls within the Growth Directorate.

Additional risks were faced by the Council in relation to its obligations to deliver Special Education Needs (SEN) Transport at a cost of £4.2m and potential pressures in relation to the Council's Leisure Trust provider at a cost of £3.5m, these risks could be mitigated either through changes to guidance in relation to SEN transport, a Government rescue package and/or insurance in relation to the Leisure Trust. Further Council budget variances, savings and pressures were included in Appendix 2 to the report.

Details of the Capital Programme were provided and the report summarised the forecast outturn at 31 March 2021 based on the financial activity to 30 June 2020. It was explained that this was the first capital monitoring report for 2020/21 and focused on the budget and forecast expenditure for fully approved projects in the 2020/21 financial year. The approved budget for 2020/21 was

£60.067m and the current forecast was for service areas to have spent £47.684m on capital investment in 2020/21; £12.383m less than the current capital budget for the year. Members were informed that their key messages at period 3 monitoring were:

- The delays in the Vision Tameside Public Realm were due to the Council being asked to prioritise works to the junction in front of the new Interchange. There had also been delays in the Ashton town centre and Civic Square due to COVID-19 and staff being redeployed to other priority areas of the Council. Work was expected to be completed later in the financial year.
- There had been unforeseen delays to the LED street lighting scheme which had resulted in delays between the procurement of materials and also the appointment of consultants. It was anticipated that the scheme would be completed by the end of the next financial year allowing for significant revenue savings to be made.

Appendix 4 to the report provided an overview of the current approved and earmarked Capital Programme, and the required funding. The Council's capital programme ambition was currently unsustainable and Members were advised that there was a £4.3m shortfall which would need to be met from the proceeds from the sale of surplus assets. The Growth Directorate were reviewing the estate and developing a pipeline of surplus sites for disposal.

In addition to the financial pressures related to the Council's Capital Programme, Appendix 5 provided an overview of the forecast position on the Dedicated Schools Grant (DSG) for 2020/21. The report stressed that there were significant financial pressures on the high needs block which represented a high risk to the Council. The current projections for 2020/21 indicated that there would be a deficit of £5.311m on the DSG reserve at the end of this financial year. As a consequence, it was likely that a deficit recovery plan would have to be submitted to the Department for Education (DfE) outlining how the deficit would be recovered and how spending would be managed over the next three years. The position was to be monitored closely throughout the year and updates would be reported to Members.

AGREED:

That Executive Cabinet are recommended to:

- (i) Note the forecast outturn position and associated risks for 2020/21 as set out in Appendix 1;**
- (ii) Note the significant pressures facing Council Budgets as set out in Appendix 2;**
- (iii) Approve the budget virements and reserve transfers set out on page 23 and 24 of Appendix 2.**
- (iv) Note the Capital Programme 2020/21 forecast and approve the re-profiling of capital budgets as set in Table 2 of Appendix 3.**
- (v) Approve the Education capital budget virements set out on page 9 of Appendix 3. Members are also asked to give approval that, subject to the total overall budget for School Condition Schemes not exceeding £1.886m, the Assistant Director of Education, in consultation with the Assistant Director Finance, is given authority to undertake further virements of funding between these projects should further changes be required.**
- (vi) Note the funding pressures facing the Capital Programme as set out in Appendix 4. Members are asked to approve a pause on all earmarked schemes and support a full review and re-prioritisation of the future Capital Programme, to be concluded alongside the Growth Directorate's review of the estate and identification of surplus assets for disposal.**
- (vii) Note the forecast position in respect of Dedicated Schools Grant as set out in Appendix 5.**
- (viii) Approve the write off of irrecoverable debts for the period 1 April to 30 June 2020 as set out in Appendix 6.**

53. ADULT COMMUNITY EDUCATION COVID-19 SERVICE CHANGES

Consideration was given to a report of the Executive Member (Lifelong Learning, Equalities and Culture)/Director of Growth setting out the changes to the Adult Community Education Service due to COVID-19. Members were informed that the Council's training centre based at Stamford Chambers in Ashton-under-Lyne had remained closed since 18 March 2020 due to the pandemic. However, Government guidance issued on 15 July 2020 advised that adult community education providers should plan to open to all learners from September with priority learners aged 19+ able to return to onsite delivery from 13 July where this could be safely accommodated. The Adult Education Service supported around 600 individual learners per annum, a significant minority of whom were from BAME backgrounds and/or had a learning difficulty or disability.

Since late March teaching and learning had been undertaken remotely where possible thus allowing those individuals on courses leading to a qualification to remain engaged in learning and to receive regular support from their tutor through online teaching and feedback. Individuals were not permitted to sit any examinations so vocational qualifications and functional skills results had been calculated by tutors in-house using a range of evidence following strict awarding body guidelines. This had enabled those learners who had achieved the appropriate standard to be submitted for certification and final results would be available in late July following external moderation.

Members were informed that the Service, funded via a grant from the Greater Manchester Combined Authority (GMCA) devolved Adult Education Budget (AEB) and the Education Skills Funding Agency (EFSA), would continue to receive payments in line with the agreed schedule up to the end of the contract for the academic year 2019/20 ending on the 31 July 2020. The GMCA had introduced a number of flexibilities to the original AEB funding rules to support residents during the COVID period. This had included supporting unemployed and economically inactive residents seeking to gain skills in key sector areas and furloughed workers who were in receipt of a lower wage due to a reduction in their salary which met the low-wage criteria. In addition, learning programmes could take place on an employer's premises.

Following the Government guidance on the future reopening of education facilities, the Adult Community Education Service was currently reviewing risk assessments and planning for the academic year 2020/21. The Service had received an Indicative GM Devolved AEB Funding Allocation letter for 2020/21 advising that that an allocation of £818,418 had been approved at the GMCA meeting on 29 May 2020. It was explained that the Council would receive a Grant Agreement in July/August 2020 and it was proposed that on receipt the agreement be presented to Executive Cabinet.

AGREED

That the Executive Member (Lifelong Learning, Equalities and Culture) be recommended to agree that:

- (i) That Adult Community Education continues to operate virtual learning in line with Government guidance on adult education.**
- (ii) That Adult Community Education continues to develop plans and risk assessments in preparation to provide a face to face learning offer in line with Government guidance in preparation for September 2020 opening.**
- (iii) That the entering of the Greater Manchester Combined Authority Grant Funding Agreement 2020/21 be considered by a future Cabinet on receipt and be delegated to the Director of Growth.**

54. TAMESIDE DISCRETIONARY GRANT FUND ROUND 3 PROPOSAL

Consideration was given to a report of the Executive Member (Finance and Growth)/Director of Growth which updated Members on progress with the Discretionary Grant Fund, it was explained that rounds 1 and 2 had been delivered. Analysis of successful applications to date provided an

indication of take up for the scheme. It was noted that as set out in the 3 June Key Decision it was not possible to accurately estimate take up due to the factors below and associated limitations:

- Income loss – Tameside Council did not hold data on business income and therefore was not able to accurately identify how many businesses qualified against the 10% minimum loss criteria.
- Property costs – Tameside Council did not hold property costs on businesses outside its estate and therefore was not able to accurately identify how many businesses qualified based on minimum fixed property costs of £1000 per annum.
- Shared spaces – Tameside Council only held data on businesses with Rateable Values and therefore it was not possible to accurately identify how many businesses are in shared spaces within multi occupancy buildings.

The report set out information from Rounds 1 and 2 for background context. Members were informed that businesses in Round 1 had a higher loss of income (33%+) compared to the spread in Round 2. The report showed the split across Round 1 category businesses (Government priorities). The applicants predominantly came from shared office spaces (the total number of shared office space businesses in Tameside was unknown due to the fact they did not have a rateable value). Over a third came from manufacturing and engineering with just under 30% coming from the nursery sector. These categories of business could be estimated for how many existed in the borough based on Rateable Value data but could not accurately be predicted for take up of grant. Round 1 reflects the lower property costs of market traders and shared space businesses (59% below £5,000p.a.). Round 2 reflects the higher property costs of manufacturing, engineering and nursery sites (71% above £5,000 p.a.).

Round 3 would have a minimum spend of £853,250. Should further applications be found ineligible from Round 1 and 2 this may increase. Based on the information contained in the report it was proposed that Round 3 include all business sectors in Tameside with a Rateable Value between £15k and £51k. It is also proposed that Round 3 be reopened to Round 1 and Round 2 eligibility criteria to provide the opportunity for businesses that were unable to apply during the previous application opening windows. It was proposed that now Round 2 had been completed, all sectors were provided the opportunity to apply, this would support the wider Tameside economy with the remaining funding following the prioritisation of core sectors in Round 2. From analysis of Business Rates Data we estimate around 220 are in scope (n.b. this analysis does not take into account loss of income data as this is unavailable to the Council). We are aware of 151 applications started from ineligible businesses due to being from sectors outside the scheme criteria. Section 1.2 sets out how we would manage over subscription to the fund.

AGREED

That the Executive Member (Finance and Economic Growth) be recommended to agree that:

- (i) The eligibility criteria for Round 3 set out in paragraph 4.7 is approved and the scheme updated accordingly.**
- (ii) That Round 3 of the scheme should commence on the 28 July 2020 with an Outcome Report provided to Executive Board on the 19 August 2020 as a Key Decision.**

55. PLANNING EVIDENCE TO BE PUBLISHED

Consideration was given to a report of the Executive Member (Housing, Planning and Employment)/Director of Growth that sought approval to publish several pieces of evidence based work recently presented to Members. This work supported the further development of the Greater Manchester Spatial Framework (GMSF), Development Management planning decisions and future development of the Council's Local Plan.

The Council was currently preparing two planning documents, the GMSF, which sought to designate strategic sites of scale for both housing and employment uses, and the Local Plan, which would play a crucial role in giving certainty as to what and where different land uses were appropriate at a local level within Tameside. The Government had made it clear that local

authorities were expected to have up-to-date plans in place as a legal requirement. The Local Plan and GMSF were important place shaping documents which would reflect the Council's broader ambitions contained within its Corporate Plan and emerging Housing and Inclusive Growth Strategies.

It was explained that the effective progression of the GMSF and Local Plan required the publication of a number of evidence based pieces of work in order to justify policy and to ensure that the Council could deliver a 'sound' plan. Failure to do so expeditiously had the potential to place the Council at risk of preparing a plan which could not be effectively justified and failed to meet statutory timescales. It was advised that the following evidence and supporting work required publication following the conclusion of an all Member briefing session on 27 February 2020:

- Tameside Retail and Leisure Study 2018;
- Tameside Open Space Review 2017/18;
- Housing Delivery Test Action Plan 2019;
- Brownfield Land Register Update 2018;
- Strategic Housing and Economic Land Availability Assessment 2017/18; and
- Sites of Biological Importance and Regionally Important Geomorphological Sites 2017 Update.

Local Planning Authorities are required to review some elements of evidence within prescribed timescales and were legally expected to make any up to date information which had been collected for monitoring purposes available, as soon as possible after the information became available as part of monitoring practice and general good planning practice. In particular there is an expectation that Brownfield Land Registers were reviewed at least once each year. This was the minimum legal requirement, where it would be good practice and more transparent to update the register on a more frequent basis to reflect changes and assess new sites expeditiously.

Additionally where the results of the Housing Delivery Test indicated a need to prepare an Action Plan, government guidance included an expectation for this to be published within 6 months of publication of the Housing Delivery Test measurement. The most recent results of the Housing Delivery Test were published on 13 February 2020.

The evidence had highlighted a number of key points which were summarised for Members. It emphasised that Tameside's town centres would continue to be important to the future economic prosperity of the Borough with an opportunity to re-invent the area's centres with more of a focus on choice and quality.

The Strategic Housing and Economic Land Availability Assessment indicated the potential supply of housing between set dates and sought to make best use of sites within highly accessible locations, principally located around transport hubs and the boroughs town centres. It indicated a supply of 7,936 units over the plan period which was topped up by the allocations proposed through the Greater Manchester Spatial Framework. Approximately 75% of units identified through the assessment were expected to come forward on brownfield sites, indicating a brownfield first approach to the Councils future housing growth. While differing slightly in methodology, the Councils formal Brownfield Land Register identified 117 sites with the potential to deliver 4202 units. Publication of the register helped to provide up to date and consistent information on brownfield sites which the Council considered appropriate for residential development

The results of the Government's Housing Delivery Test Measurement in 2018, published in 2019, indicated a requirement for Tameside to prepare an action plan, as delivery of new homes had fallen below 95 per cent of the target number of units to be completed over the measurement period. The Action Plan, following approval, would seek to support the delivery of housing and the establishment of a new housing target for the Borough.

The importance of the natural environment to the Borough was also highlighted and emphasised that most residents within Tameside had access to some form of functional open space within a

reasonable walking distance from home. However, the need for the provision of play space remained a focus within residential areas.

The evidence highlighted the importance of forward planning and market interest in the borough as an investable location. It also highlighted some of the challenges the Local Plan and GMSF would seek to address. Of utmost importance however was that the Council made any up to date information, which has been collected for monitoring purposes, accessible as soon as possible after that information became available as general good planning practice to support the Councils plan making efforts and issuing sound planning decisions

AGREED

It is recommended that Executive Cabinet:

- (i) Agrees to the publication of the 2017 update to the Councils Sites of Biological Importance (SBI) and Regionally Important Geological and Geomorphological sites (RIGS).**
- (ii) Agrees to the publication of the 2017/18 Open Space Review.**
- (iii) Agrees to the publication of the Tameside Retail and Leisure Study 2018, including its associated appendices.**
- (iv) Agrees to the publication of the 2017/18 Strategic Housing and Economic Land Availability Assessment.**
- (v) Agrees to the publication of the 2018 Brownfield Land Register and provision of data to government.**
- (vi) Agrees to the publication of the 2019 Housing Delivery Test Action Plan.**

To delegate authority to publish to the Director of Growth and Executive Member (Housing, Planning and Employment) matters to publish future revisions:

- (i) to the Councils Strategic Housing and Economic Land Availability Assessment**
- (ii) to the Councils Brownfield Land Register and provision of data to government.**
- (iii) to the Councils Housing Delivery Test Action Plan (where the preparation of one arises).**

56. RELOCATION OF THE MUSIC SERVICE, SEND BEHAVIOUR SUPPORT TEAM AND THE PROVISION OF SPECIAL PUPIL PLACES AND LEASE ARRANGEMENTS

Consideration was given to a report of the Executive Member (Lifelong Learning, Equalities and Culture) / Director of Children's Services / Director of Growth outlining proposals for the Music Service to vacate the Discovery Academy building and for some of the space to be occupied by the Council's Special Education Needs and Disabilities (SEND) team. It was proposed that the SEND team occupied 50 per cent of the space whilst the other 50 per cent was utilised by Thomas Ashton Special School which was in need of additional capacity.

In order to accommodate an increasing need for primary school places in the Borough, Discovery Academy was constructed on behalf of Victorious Academies, who have operated from the school since opening on 1 September 2016. With Discovery Academy initially occupying the building with significant, surplus capacity, following a fire at Cromwell High School in early 2016, the Council's Music Service reached an agreement with Victorious Academy for them to occupy approximately 2,800sq.ft of vacant classroom space on the first floor of the building. The occupation was agreed on the basis that the Authority would pay a pro-rata apportionment of the running costs of the building, together with a contribution towards repair and maintenance.

Due to a reorganisation, the Music Service is looking to vacate the Discovery Academy building in the forthcoming days. The Council's Special Educational Needs and Disabilities (SEND) team, (the behaviour support team) would like to occupy the space being vacated. They will utilise 50% of the space and the other 50% will be utilised by Thomas Ashton Special School and a separate resource agreement will need to be drawn-up to enable this.

The SEND behaviour support services required an appropriate teaching space to support children across Tameside at risk of exclusion. After extensive exploration, no other suitable site could be identified within the existing estate. The space at Discovery was appropriate in both size and suitability and afforded a unique opportunity to offer targeted interventions to vulnerable children, mitigating any risks around exclusion rates. As the SEND behaviour support services was also a Traded Service, the improved facilities afford greater opportunities towards cost recovery.

Thomas Ashton school required additional space to accommodate children with an Education, Health and Welfare Plan (EHWP) for Social Emotional or Mental Health Needs (SEMH). The two large, additional classrooms at Discovery would allow the Council to accommodate up to 16 additional learners, avoiding the considerable expense involved with finding independent placements for these young people out of borough. The average cost of providing a place in a Tameside special school such as Thomas Ashton was £10,732, whereas the cost of an out of borough placement, which could be another LA school, a Non Maintained Special School or an Independent setting ranged between average cost of £10,741 to £52,551 dependent on the availability of places.

The basic terms would follow those which were previously agreed in respect to the Music Service occupation albeit, the rent would be increased to reflect the current running costs of the School. The rent would be subject to annual review in accordance with increases in the RPI throughout the lease term. The rent being requested under the lease will be £32,521 per annum, equating to £11.61/sq.ft. 50% of this £16,260.50

It was stated that there was a significant overspend on the Council's high needs budget expected to be £5m in 2020/21. The signing of the leases would enable the Council to avoid more costly placement for pupils with SEMH needs. There were 12 pupils that had statutory Education Health Care Plans that named Thomas Ashton as the appropriate provision from September 2020, with the capacity to increase to 16 pupils. This would be a cost avoidance of between £108.00 and £501,828.00 rising to between £144.00 and £699,104.00 with the additional 4 places that would be available.

AGREED

Subject to confirmation that the proposal represents value for money that the Executive Member (Lifelong Learning, Equalities and Culture) and the Executive Member for Finance and Growth be recommended to agree that it be DETERMINED that:

- (i) The relocations relating to the Music Service, SEND team and Special school places goes ahead as detailed in section 1 of the decision notice.**
- (ii) The Council acquire a lease in respect to the subject property based on the provisionally agreed heads of terms set out in Appendix 2 of the decision notice.**

57. PFI SCHOOLS

Consideration was given to a report of the Executive Member (Lifelong Learning, Equalities, Culture and Heritage)/Assistant Director (Education)/Assistant Director (Finance), which reminded that the Council's position with regard to the academisation of PFI schools had been that in order to consent to any PFI conversion the Council were held harmless/indemnified for:

- (a) The legal costs of the conversion process and the Council insist that these be met by the converting schools; and**
- (b) All liabilities under the contracts caused by the default of the school by the DfE on the basis that Academies and MATs generally had limited funds to the extent of grant monies provided by the DfE whereas liability under the PFI agreements extended to tens of millions of pounds.**

The key issue causing the Council concern in relation to the academisation of PFI schools was an issue of financial risk. The Council was concerned that the conversion of PFI schools to academies may leave it exposed to certain risks that it did not previously bear and/or was able to control. In discussion with Department for Education officials had provided officers with the assurance that

ultimately the DfE would step in to protect the Council from these risks but have not gone as far as to provide the council with an indemnity. Hence the concern that Members may consider that there is insufficient mitigation of the risk. In order to clarify these issues Elected Members agreed to seek the necessary legal advice on the strength of the DfE's covenants / commitments set out in their standard documentation and the risks that would be retained by the Council, to enable the Cabinet to review its current stance on academisation of PFI.

The contractual obligations between the SPV's and Tameside Council would not change as a result of a school converting to Academy and therefore the financial risks associated with the PFI schemes would remain with the Council post academisation. The PFI schools had raised a number of concerns about the operation of the PFI contracts with all of the schools unhappy about aspects of the performance of the contract. Currently the Council was in a position to charge schools directly for the costs of the contract. Following academisation, the Council would have to invoice the schools prior to receiving the schools element of the contributions. The Council therefore ran the risk that if the converted schools did not consider the contract being delivered satisfactorily that the schools may decide not to pay the Council for the services with the Council and the school getting into a legal dispute about the payments which even if the Council was able to resolve successfully could result in significant cash flow issues for the Council as a result of the delay in payment caused as a result of the dispute.

These PFI schools would be part of that local provision of education places in the borough, and in educating Tameside's children and young people. Tameside MBC continued to receive benefit from the contracts once these schools converted to Academy and beyond the contract end date.

For the PFI Contracts to work effectively for the schools and to minimise the risk to the Council post transfer the relevant parts of the Council Contract with the SPV's should be contained within a back to back agreement with the Academy. The Academy would be required to have a nominated representative to liaise with the Councils Contract Manager. Performance should then be jointly reviewed on a monthly basis and any areas of disagreement should be raised before the invoice is signed off. These issues will then be managed by the Councils Contract Manager. An escalation process should be introduced within the Council/Academy agreement to help resolve any issues that are not able to be resolved via the Councils Contract Manager and Academy Representative. By having robust contract and performance management arrangements in place and effective engagement with the Academy Representative this will reduce the risk to the Council and maintain a good service to the Academy.

It was noted that the financial risks had lessened as more schools had converted nationally and as assurances from the Department for Education had strengthened, this was outlined in the correspondence received from Vicky Beer, Regional Schools' Commissioner. The financial risks had not been removed. Therefore the key issue for consideration was the balance of risk. The potential financial risks of progressing PFI academisations must be balanced against the risk to the implementation of the Council's schools' strategy agreed by Executive Cabinet in August 2018. The strategy asserted that the Council must have a clear voice in determining the future of all Tameside's schools and must be concerned with the long-term sustainability and viability of all its schools.

A number of residual risks remain with the Council in its liability to pay the PFI provider, its reliance on the continued income in the form of PFI credits, the DSG regulations allowing the top slice and collection of the academy's contribution. This has not been a problem with those PFI schools that have converted elsewhere, but some residual risk remains. The likelihood of these materialising are low. However, in light of the Council's position and the residual liability, the Council's external auditor previously raised this as a risk in its annual report dated 28 August 2013 and received by the September 2013 Audit Panel. Consequently, the Council agreed that it would only agree to circumstances where it was provided with a DfE indemnity. The DfE do not agree to provide an indemnity but advise that in the 7 years since the Council's external Auditors made their recommendation, they have given greater comfort to Local Authorities in their standard documentation.

Tameside Council has no objections in principle to schools becoming academies but cannot subsidise any costs for any works associated with any conversions, particularly PFI's where the costs can be substantial.

Where schools wishing to convert are PFI's the Council needs to ensure that once the schools have converted that the authority has no additional liabilities, cost or risks if the school or the Trust fails to make the payments or is in breach of the contract in any way.

It was agreed that in order to enable the Cabinet to review its current stance in light of the external auditors concerns on record, external legal advice will be obtained on the strength of the DfE's covenants/commitments set out in their standard documentation and the risks that would be retained by the Council. Independent external legal advice was obtained, which is set out at **Appendix 3** to this report.

Whilst no decision is risk free the question that members are required to ask themselves is whether the benefits achieved by academisation outweigh those in the event that the Council is required to pick up the financial risks in circumstances where it will not have control.

In considering this matters members were asked to reflect upon whether this is an appropriate risk balance and/or share bearing in mind that on an enforced academy by the DfE because school inadequate DfE bear the risk but where the Local Authority looking to support and intervene before inadequate is an outcome, the Council carry the risk for the remainder of the PFI contract some 15 or more years. Before the Council can consider particular proposed academisation it would be beneficial to first agree the Council's policy in relation to the academisation of PFI schools, which will largely depend on the council's appetite for risk.

It was stated that if Members were minded to agree recommendations then every PFI academy conversion would still be subject to due diligence including finance, legal and any issues in relation to the current delivery of services and payments under the PFI contract.

AGREED:

That Executive Cabinet are recommended, subject to the Academies/DfE agreeing to indemnify the Council's external legal costs incurred for undertaking this process, to:

- (i) Agree that the Council no longer has an in-principle objection to the academisation of PFI schools in relation to the absence of an indemnity from the DfE to hold the Council harmless from any costs incurred by the academy(s) that the Council by default is required to make good under the PFI contracts.**
- (ii) Agree that the potential conversion of PFI schools be considered on a school by school basis adopting the due diligence as set out in this report.**
- (iii) Note that final decisions on each potential Academy conversion will require an Executive Cabinet decision.**
- (iv) Note that the legal costs of dealing with this matter including those of the Council and any Banks/funders are likely to be between £100 and £150K.**

58. REVIEW OF FUTURE OPTIONS FOR SERVICES DELIVERED THROUGH CONTRACTS WITH THE LOCAL EDUCATION PARTNERSHIP (LEP)

Consideration was given to a report of the Executive Member (Finance & Economic Growth) / Director of Growth / Assistant Director (Finance) proposing the next steps required to enable value for money, capital programme management, facilities management and school catering services are delivered over the long term to dovetail with the Strategic Asset Management Plan objectives.

Members were reminded that the Council had created the Local Education Partnership (LEP) in February 2009 as a delivery vehicle through which capital investment from the Government's Building Schools for the Future (BSF) programme could be effectively deployed. The contract with the LEP had subsequently been expanded to include additional services and as time progressed

the LEP was increasingly used to deliver services traditionally delivered by the Council. The establishment of the LEP had allowed the Council to deliver over £400m of school and operational capital works over the past decade, including the rebuilding and modernisation of over 20 schools within the Borough.

Following the collapse of Carillion, it was agreed by Executive Cabinet in July 2018 that the LEP could replace Carillion with Robertson as the main strategic partner to allow for the completion of the Vision Tameside Phase Two programme and the continuity of facilities management, primary schools catering and estates management services. A further Executive decision in June 2019 to insource estates management meant the Council had three main contract functions within the LEP under the Additional Services contract:

- Facilities Management – Providing Facilities Management services to the Council for its operational buildings (excluding schools).
- Capital Projects – the delivery of capital projects, each subject to separate model contracts;
- Primary School Catering – schools have the option to opt out at 6 months' notice.

Members were informed that the ongoing pandemic continued to have a profound impact upon working practices at the Council as more staff worked flexibly from home. This had therefore changed the requirement for Council offices and associated facilities management services. It was advised that this impact, and subsequent opportunity, was being reviewed by officers from across the Council as part of developing the Strategic Asset Management Plan that would help inform the proposed property and facilities management options appraisal and business plan.

The report gave details of the additional services contract review provided through the LEP Strategic Partnering Agreement. It was noted that the post COVID-19 world would require a comprehensive review of the public sector estate, which in turn would also effect the future provision of the services currently provided through the LEP. Although no decisions had been made it was probable that the makeup and use of the operational estate would face a period of rapid change over the next 12 months, greatly effecting the Council's facilities management requirements. The report recommended that a post COVID-19 review of the operational and public sector estates was undertaken, alongside a review of the Council's corporate capital plans. These actions would then inform a next stage review of the facilities management and capital programme services provided by the LEP. A decision was then required in respect of arrangements beyond July 2020.

It was highlighted that property and facilities management services were an enabler service to core Council services and if not properly managed could have an impact across the organisation. A number of key risks associated with poor management and/or performance were highlighted including:

- Non-compliance with statutory and health & safety requirements;
- A negative effect on Council services and customer experience;
- A poor quality and unreliable built environment;
- Increased property running costs; and
- A negative impact on the environment.

It was explained that the LEP was a company limited by guarantee and was currently owned by Amber, International Public Partnerships Limited (INPP) (fund controlled by Amber) and the Council. The LEP itself held 10% of the shares in the two PFI Project Companies which were set up to deliver the BSF schools programme. There were also a number of guarantees and warranties that the LEP or Special Purpose Vehicle were liable for on works delivered by it for the Council. Amber Infrastructure, the main LEP shareholder, was keen to continue to work with the Council through the LEP and was looking at different delivery models and ownership structures through which the Council could deliver projects and services. The LEP would continue in existence until all of its obligations under the BSF funded contract had expired in 2036, to the benefit of the Council and it's educational provision.

AGREED:

That Executive Cabinet be recommended to:

- (i) Agree that the term of the Additional Services Contract with the LEP is extended to 31 July 2022.**
- (ii) Delegate authority to the Director of Growth in consultation with the Director of Governance & Pensions to finalise and amend the contract extension and associated commercial terms of the Additional Services Contract and SPA.**
- (iii) Agree that the Director of Growth and Assistant Director Education notify schools of the extended arrangements for primary school catering and that at the Director of Growth undertakes a detailed options review and presents recommendations on the future provision of primary school catering to Executive Members by March 2021.**
- (iv) Agree that following a post COVID-19 review of the estate and capital programme, the Director of Growth undertakes a detailed review of Capital Projects/Construction delivery and reports to Executive Members by December 2021.**
- (v) Agree that following a post COVID-19 review of the operational estate the Director of Growth undertakes a detailed review of facilities management and reports to Executive Members by December 2021.**
- (vi) Agree that the Agreements with the LEP relating to the provision of facilities management and lifecycle services to the Samuel Laycock and Great Academy schools should be reviewed in consultation with the schools and considered as part of the review of the wider BSF schools estate and contracts.**
- (vii) Agree that the Director of Growth and Director of Children's Services update their respective Executive Members with progress on a monthly basis.**
- (viii) Note that the LEP is contractually obliged to remain in place until 2036 to hold the PFI shares of the PFI schools.**

59. MEASURES FOR RECOVERY – T&G RESPONSE TO SIMON STEVENS' LETTER

Consideration was given to a report of the Executive Member (Adult Social Care and Health)/CCG Chair/Director of Commissioning which provided assurance regarding the Phase 2 response in Tameside and Glossop to safely supporting COVID-19 patients whilst also reintroducing aspects of proactive and preventative healthcare as advised by NHS England. The spread of Covid-19 had meant that the delivery of emergency and urgent care was prioritised with the NHS operating as a command and control system.

On 30 January the first phase of the NHS preparation and response to Covid-19 was triggered with the declaration of a Level 4 National Incident. Earlier this quarter Sir Simon Stevens (NHS England Chief Executive) wrote to partners outlining expectations from NHS England as part of the second phase of the NHS response to covid-19. Phase 2 planning identified how patients could be effectively supported with Covid-19, whilst other proactive and preventative services were safely reintroduced.

National guidance on Phase 3 was expected shortly that would include the financial and delivery context, the regulation and oversight approach and a request for plans to be developed at a Greater Manchester system level.

Full details of the key priorities for Phase 2 were appended to the report. These could be summarised as:

- **Urgent care:** Increase the availability of booked appointments that allowed patients to bypass the emergency department altogether. Reintroduce time-critical procedures and ensure all admitted patients were assessed daily for discharge.
- **Routine surgery and care:** Where additional capacity was available, restart routine elective surgery. In the absence of face-to-face visits, primary and secondary care clinicians should stratify and proactively contact their high risk patients
- **Cancer:** Maintain access to essential surgery. Safely reintroduce referrals, diagnostics and treatment to minimise potential harm and to reduce the scale of the post-pandemic surge in

demand.

- Cardiovascular Disease, Heart Attacks and Stroke: Secondary care to prioritise capacity for urgent arrhythmia services plus management of patients with severe heart failure and severe valve disease. Hospitals to prioritise capacity for stroke services.
- Maternity: Providers to make direct and regular contact with all women receiving antenatal and postnatal care. Ensure obstetric units had appropriate staffing levels including anaesthetic cover. Maintain Antenatal and Newborn Screening Services.
- Primary Care: Ensure patients had clear information on how to access primary care services and were confident about making appointments. Complete work on implementing digital and video consultations. Given the reduction of face-to-face visits, stratify and proactively contact their high-risk patients with ongoing care needs. Support delivery of the Enhanced Care in Care Homes service. Deliver as much routine and preventative work as could be provided safely including vaccinations immunisations, and screening. Maintain good vaccine uptake and coverage of immunisations. Plan for an expanded flu programme.
- Community Services: Sustain the Hospital Discharge Service, working across secondary care and community providers in partnership with social care. Prepare to support the increase in patients who had recovered from Covid and who having been discharged from hospital needed ongoing community health support.
- Mental Health and Learning Disability/ Autism services: Establish all-age open access crisis services and helplines. For existing patients known to mental health services, continue to ensure they were contacted proactively and supported. Prepare for a possible longer-term increase in demand as a consequence of the pandemic. Annual health checks for people with a learning disability should continue to be completed.
- Reduce the risk of cross-infection and support the safe switch-on of services by scaling up the use of technology-enabled care: General Practices and NHS Trusts should continue to triage patient contacts and utilise remote appointments.
- There were fundamental interdependencies between estates, workforce and IT which meant that they could not be considered in isolation and must be developed with key consideration of one other.

The Phase 2 action response document would be reviewed at Out of Hospital Silver monthly with reports by exception to Covid Senior Coordination Group. In moving into Phase 3 there would be further emphasis on returning critical services to agreed standards, beginning to resume other elective activity and putting plans in place to deal with the backlog of activity.

It was stated that providers had demonstrated a great ability to adapt and change when under significant pressure and it was important to take hold of the opportunities presented through these adverse times and not lose momentum with the transformational progress that had come about. Opportunity to 'lock in' beneficial changes that had been introduced in recent months would be taken. This included strong clinical leadership, flexible and remote working, and rapid innovation including introducing new technology-enabled service delivery options such as digital consultations.

60 FORWARD PLAN

Consideration was given to the forward plan of items for future Board meetings.

CHAIR

CARBON AND WASTE REDUCTION PANEL

8 July 2020

Commenced: 4.30 pm

Terminated: 5.45 pm

Present: Councillors Boyle (Chair), Affleck, Cooper, Jones, Lane, Mills, Patrick and Pearce

In Attendance:

Ian Saxon	Director, Operations and Neighbourhoods
Paul Smith	Assistant Director, Strategic Property
Alison Lloyd-Walsh	Head of Environmental Development
Christina Morton	Environmental Development Officer
Garry Parker	Head of Waste Management

Apologies for Absence: Councillor B Holland

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES

The minutes of the meeting of the Carbon and Waste Reduction Panel held on 11 March 2020 were approved as a correct record.

3. COVID-19 AND THE 5 YEAR ENVIRONMENT PLAN

The Panel received a presentation from the Head of Environmental Development outlining the Greater Manchester 5 Year Environment Plan and the effect of COVID-19 pandemic on the Plan. The Plan, launched in 2019, set out five key challenges that needed to be tackled in order to realise the vision of a clean, green and carbon-neutral city region, with a thriving natural environment and zero-waste economy.

Members were informed that the five principle environmental challenges and threats to Greater Manchester were climate change mitigation; climate change resilience and adaptation; air quality; the production and consumption of resources; and the natural environment. In order to meet the challenges and threats faced, Greater Manchester became the first city region in the UK to set a target to be carbon neutral by 2038.

A number of practical measures were outlined that would enable this ambitious target to be met and it was explained that some of the priority actions included in the Plan were inter-connected and could be delivered together. This was particularly true of schemes related to buildings and transport.

A governance structure had been established to oversee this work, including the creation of a new Green City Region Partnership Board. The Board would bring together the relevant portfolio holders from each of the 10 Greater Manchester councils. Challenge Groups had also been established to identify priority tasks and assign people to working groups in order to ascertain how the green agenda could be driven forward. Each challenge group had divided itself into task and finish groups focusing on priority actions, for example, energy innovation.

The Head of Environmental Development explained that the COVID-19 epidemic and Government-enforced lockdown had a profound effect upon transport and energy usage across Greater

Manchester. It was highlighted that during the earlier stages of lockdown in April road traffic across the city region declined by 62 per cent. Similar dramatic falls were also recorded across the public transport network with bus usage declining 45 per cent and rail usage down by approximately 50 per cent. Energy usage also decreased overall with electricity supplied by Electricity North West falling by 18 per cent and gas consumption down 16 per cent compared to pre-lockdown levels.

It was hoped that some of the positive changes in individual and collective behaviour undertaken during the health crisis could be continued as the country moved towards a 'new normal'. Members were informed that the lockdown had led to a significant increase in the number of people cycling and walking across Greater Manchester as well as individuals making greater use of green spaces. Some of the positive changes that it was hoped could be maintained included:

- Reduced private care use to improve air quality;
- Greater use and support of local businesses;
- Greater levels of walking and cycling activity;
- Increased flexible/home working; and
- Greater appreciation of green spaces.

Realising the goals of the Plan would also be supported through the implementation of policy intervention such as clean energy infrastructure investment; clean research and development spending; and investment in education and training. The Head of Environmental Development explained that such measures could be delivered in a relatively short time frame and would have both a high positive climate impact and long term economic multipliers.

A discussion ensued regarding the support available to change behaviour on the scale that was required. It was envisaged that the community would be engaged through volunteering schemes and working with young people in schools. The Environmental Development Officer advised that the iChooser solar scheme was likely to be repeated in the hope of increasing the uptake among members of the public. Members were keen that the pop-up cycle lanes introduced during the lockdown to promote physical distancing could be retained in some format to encourage a further growth in walking and cycling. Nationally, the Government had announced a multi-billion pound package to help homeowners make their houses greener. Under the scheme most homeowners and landlords could apply for vouchers worth up to £5000, whilst those on low incomes could receive up to £10000 for energy saving home improvements.

RESOLVED

- i. That the content of the presentation be noted.**
- ii. That a presentation on cycling and walking in the Borough be presented to Members at the next meeting of the Panel.**

4. ACTIONS TO SUPPORT THE RESPONSE TO THE DECLARATION OF TAMESIDE'S CLIMATE EMERGENCY

The Panel received a presentation from the Head of Environmental Development on the steps being taken to support the response to Tameside Council's declaration of a climate emergency.

Members were informed that the Council was keen to back its declaration at Full Council in February with actions and was forming a cross-Council officer group to better support coordination of activity to tackle climate change. A draft Tameside action plan, with set targets, would be formulated. The Officer's group would be responsible for reviewing the plan and the agreed plan would be taken through the Council's formal governance process. Panel Members would take a leading role in the monitoring and reporting processes of the agreed plan. It was intended that carbon literacy training would be provided to officers and, ultimately Members, to engage them in the process.

RESOLVED

That the content of the presentation be noted.

5. WASTE UPDATE

The Panel received an update on Waste and Recycling from the Head of Operations and Neighbourhoods. The Panel were informed of the work undertaken by the Service to maintain bin collections during lockdown and the effect of the COVID-19 epidemic upon waste and recycling rates.

Members were informed that since the Government-enacted lockdown was introduced in response to the pandemic, Tameside had been able to main 100 per cent of its scheduled bin collections. It was explained that in order to maintain the service a number of operational changes had been introduced and staff from across the organisation had been brought in to assist. Refuse operatives had been provided with a range of personal protective equipment (PPE) including gloves, masks and hand sanitiser and the number of individuals per vehicle had been reduced to ensure safety.

The lockdown enacted on 23 March 2020 had brought about a dramatic change in the shopping habits of individuals and it was explained that this had a profound impact upon the waste being generated as a result. The Head of Operations and Neighbourhoods advised the Panel that the biggest increase was in food and garden waste which had increased by an unprecedented 61 per cent. A surge in panic buying had resulted in large of amounts of food being thrown away and the exceptionally dry weather during lockdown saw a rise in the number of people undertaking garden improvements. It was highlighted that there was a similar significant rise in the recycling of glass, plastic and tin which had risen by 43 per cent. Fewer people at work and more people working from home had led to an increase in the amount of consumption and therefore waste.

Concern was expressed regarding the level of contamination in blue bins intended for cardboard and paper. Whilst the rate of capture had remained broadly similar, contamination rates had risen dramatically during the lockdown. It had been expected that as individuals made more online purchases there would have been an increase in the amount of high quality cardboard but this did not transpire. The Panel were informed that nappies and food waste were frequent contaminants. The blue bins were particularly vulnerable to contamination due to their higher capacity and the ability to disguise waste. Members enquired as to the work being undertaken to reduce contamination and it was explained that the Council had officers working in particularly high-incidence areas as well as initiating targeted campaigns through social media.

The Panel were pleased that, despite some issues around bin contamination, the Borough had achieved its highest monthly recycling rate of 58.7 per cent in April. Members extended their thanks to officers for the incredibly hard work undertaken during the crisis and the measures enacted to allow the Borough's household waste recycling centres to reopen.

RESOLVED

That the content of the presentation be noted.

6. URGENT ITEMS

There were no urgent items.

CHAIR

This page is intentionally left blank

Report to:	EXECUTIVE CABINET
Date:	26 August 2020
Executive Member:	Cllr Oliver Ryan, Executive Member (Finance & Economic Growth)
Reporting Officer:	Jayne Traverse, Director of Growth
Subject:	MINISTRY OF HOUSING, COMMUNITIES & LOCAL GOVERNMENT - RE-OPENING THE HIGH STREET SAFELY ALLOCATION
Report Summary:	The report provides information on the funding to support actions that will aid the safe reopening of the High Street following the relaxation of measures imposed during COVID19.
Recommendations:	<p>That Executive Cabinet be recommended to:</p> <ul style="list-style-type: none">(i) Note the purpose and associated risks of the Government's Reopening Highstreets Safely fund;(ii) Accept in principle, subject to the Grant Funding Agreement terms and conditions, the allocation of £200,741;(iii) Accept the risks of entering into the Grant Funding Agreement and approves that:(iv) Delegate Authority to the Director of Growth to enter into the Grant Fund Agreement on behalf of Tameside MBC;(v) Delegate Authority to the Director of Growth to manage the programme of works associated with the Grant Fund Agreement and to drawdown and incur all expenditure related to delivery on the basis set out in this report. On-going performance and reporting will be provided as required.
Corporate Plan:	<p>The funding purpose aligns with the following Corporate Plan objectives:</p> <ul style="list-style-type: none">1. A sustainable environment that works for all;2. Nurturing our communities;3. Living healthier lives.
Policy Implications:	Whilst measures resulting from this fund will be temporary, they are still in line with the Tameside Unitary Development Plan as identified under <i>(S1) Town Centre Improvement</i> in identifying and implementing improvements where necessary.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>The Council has been allocated £200,741 by the Ministry of Housing, Communities & Local Government from the - Re-opening the High Street Safely Fund.</p> <p>Expenditure on eligible activities from 1st June 2020 can be claimed back from CLGU in arrears once the funding agreement has been signed. All these activities must adhere to strict regulations which are attached to the funding as outlined in section 1.3.</p> <p>The guidance states that "Given the nature of the funding and size of the award it is encouraged that the use of the funding is completed by the end of 2020 to address the immediate needs."</p>

Spend from the allocation will need to be closely monitored in order to ensure that the allocation is able to cope with the likely changes throughout the release from lockdown and changes in government guidelines.

**Legal Implications:
(Authorised by the Borough
Solicitor)**

As set out in the main body of the report the Council has not had sight of the grant funding agreement yet but once received legal services will provide a review of the document to highlight any risks to the council.

It is expected that those risks will primarily be in relation to compliance with the terms of the grant to avoid the danger of the Ministry not repaying the council for the funding it has paid up front.

In addition the council will have to keep any state aid issues under review again to ensure compliance.

Therefore it is essential that there are robust management and reporting mechanisms in place.

Risk Management:

The risks are outlined within section 11.0 of the report.

Background Information:

The background papers relating to this report can be inspected by contacting Anne Heath, Economic Development Officer.



Telephone: 0161 342 3499



e-mail: anne.heath@tameside.gov.uk

1. SCOPE OF THE FUND

- 1.1 The authority will be able to spend its allocation of £200,741 on eligible activities from 1 June 2020 and claim it back from Cities and Local Growth Unit (CLGU) in arrears once the funding agreement has been signed. The default position is that claims will be paid quarterly for eligible expenditure under the guidelines and will be claimed monthly in arrears. The guidance and the latest FAQ's are included with this report.
- 1.2 The funding covers four areas of eligible activity:
- (a) Support to develop an action plan for how the local authority may begin to safely reopen their local economies;
 - (b) Communications and public information activity to ensure that reopening of local economies can be managed successfully and safely;
 - (c) Business-facing awareness raising activities to ensure that reopening of local economies can be managed successfully and safely;
 - (d) Temporary public realm changes to ensure that reopening of local economies can be managed successfully and safely.
- 1.3 All these activities must adhere to strict regulations attached to the funding which include:
- Local authorities will need to ensure that all procurements are awarded in line with the Public Procurement Regulations;
 - Local authorities will need to ensure that funding is managed in accordance with State Aid law;
 - The ERDF branding requirements will need to be followed by all local authorities. The use of the ERDF logo, which includes the emblem and reference to the Fund, and the requirements set on colour use, sizing, visibility and positioning must be followed. The HMG logo must be used alongside the ERDF logo.
- 1.4 There are also three main categories where activities cannot be supported:
- **Activity that provides no additionality** - This funding is intended to be additional funding on top of that existing activity;
 - **Capital expenditure** – This funding is intended to help local authorities address the short-term issue of re-opening their local economies. It can support some temporary changes to the physical environment, but those changes should not be anticipated to last beyond 12 months, or until no longer required for social distancing;
 - **Grants to businesses** – Funding cannot provide direct financial support to businesses to make adaptations to premises, purchase PPE, purchase goods or equipment or offset wages or other operating costs.

2. OUTPUTS ASSOCIATED WITH ACTIVITY

- 2.1 There are several outputs to be achieved which relate to the number of:
- Covid-19 Action Plans produced;
 - Covid-19 Public Information Campaigns;
 - Covid-19 Business Facing Campaigns;
 - Covid-19 Communication Officers;
 - High Streets with Temporary Covid-19 Adaptations;
 - Neighbourhood Shopping Areas with Temporary Covid-19 Adaptations.

3. CLAIMING EXPENDITURE

- 3.1 Local authorities will be able to spend money on eligible activities from 1 June 2020 and claim it back from CLGU in arrears.

- 3.2 The default position is that claims will be paid quarterly. For costs to be eligible, local authorities will need to ensure that they can evidence how these costs are over and above any that they might otherwise incur.
- 3.3 A standard claims template will be provided and all claims are expected to contain the following information:
- A summary of expenditure;
 - Details of every transaction, irrespective of value, that is included in the project expenditure in the claim period;
 - Record of the outputs;
 - Details of procurements included in the claim;
 - A progress report for the claim period – a progress report will be required even if no funding is being claimed.
- 3.4 The guidance states that “*Given the nature of the funding and size of the award it is encouraged that use of the funding is completed by the end of 2020 to address the immediate needs.*” Spend from the allocation will need to be closely monitored in order to ensure that the allocation is able to cope with the likely changes throughout the release from lockdown and changes in government guidelines.

4. RETENTION OF PROJECT RECORDS

- 4.1 Evidence must be retained to demonstrate that any project expenditure is eligible and that costs have been defrayed.
- 4.2 These records will need to be retained through the life of the project and for the relevant retention period. Examples of evidence include:
- Invoices/receipts, purchase orders/contracts, payroll records, bank statements and accounting records;
 - Employment and salary costs must be evidenced by job descriptions; contracts of employment, payroll records and bank statements;
 - Core documents for any procurement carried out;
 - Copies of all publicity materials, including press releases, marketing activity and posters displayed in venues where activity takes place must be retained to demonstrate proactive activity and the correct use of the EU logo and required text.

5. PUBLICITY REGULATORY REQUIREMENTS OF THE FUNDING

- 5.1 The ERDF branding requirements must be adhered to.
- 5.2 The use of the ERDF logo, which includes the emblem and reference to the Fund, and the requirements set on colour use, sizing, visibility and positioning must be followed.
- 5.3 The HMG logo must be used alongside the ERDF logo.
- 5.4 The requirements to be considered and met include:
- Display the ERDF logo on all electronic and print publication materials used for information and communications supported by the Fund including:
 - advertisements, job advertisements, job descriptions and notices
 - leaflets, brochures, flyers and newsletters
 - promotional items
 - project documentation – e.g. reports, papers and letterheads
 - procurement material
 - social media tools

- posters (see below for more details)
- Display the ERDF logo on the relevant website – established specifically for Fund activities or a broader website used by the beneficiary, ensuring:
 - use of the colour ERDF logo
 - logo is visible upon landing, in viewing area and without the need to scroll
 - inclusion of a short description of the activities to be supported with aims and results
- Display of at least one poster of minimum A3 size, readily visible to the public (e.g. the entrance area of a public building) at the location of the activities being implemented and containing information on the work being delivered.
- Ensuring inclusion of a reference to ERDF, the logo and use of ERDF notes to editors in any media and press activities.

6. PROCUREMENT REQUIREMENTS OF THE FUNDING

- 6.1 All procurement should be awarded in line with the Public Contracts Regulations.
- 6.2 Procurement exercises should therefore be carried out in an open and transparent way and an audit trail of the routes followed and the process will need to be retained. Consideration should also be given to the latest CCS guidance notes in direct response to the COVID-19 crisis.

7. STATE AID REGULATORY REQUIREMENTS OF THE FUNDING

- 7.1 Local Authorities will need to ensure that funding is managed in accordance with State Aid law.

8. MONITORING REGULATORY REQUIREMENTS OF THE FUNDING

- 8.1 Monitoring of the Local Authority will take place by CLGU.
- 8.2 This will include as a minimum some or all of the following measures:
 - Checks on Local Authority systems and processes for retaining an audit trail;
 - Spot checks on expenditure items included in claims.

9. ADDITIONAL REPORTING REQUIREMENTS OF THE FUNDING

- 9.1 Given the bespoke nature of this project there will be a need to provide some additional reporting requirements to evidence the outputs and outcomes of the investments being made.
- 9.2 Prior to undertaking any actions, a baseline data set for future measurement should be acquired, in particular relating to the current footfall in the high streets.
- 9.3 The costs of acquiring this baseline data, assuming it is not already available, can be covered as part of the costs associated with developing an action plan.

10 GRANT APPLICATION PLAN

- 10.1 A Grant action plan (GAP) will be required which will enable the CLGU to sense check the work for eligibility and give CLGU an idea of the type of activities, from the draft action plans, that will be undertaken. The CLGU have emphasised that the GAP is not a bid and the allocation is secure. The main aim is to ensure eligibility of the expenditure submitted in subsequent grant claims.
- 10.2 The GAP will be used to form the funding agreement but can change even after it's signed. Assurance from CLGU has been sought and they recognise changes will probably be needed through the course of the programme and are happy to work with us to solve any problems/queries.
- 10.3 A dedicated contract manager will be appointed by the CLGU to work with the project lead throughout the programme.
- 10.4 Before beginning to spend grant, a baseline set for future measurement in particular relating to the current footfall in the high streets.
- 10.5 The costs of incurring these baselines, assuming they are not already available, can be covered as part of the costs associated with developing an action plan.

11. ACTION PLAN

- 11.1 The action plan contains current prioritised works in line with the themes contained in the guidance that is attached to this report (appendix 1) together with costings. The works are centred around a communications plan (appendix 2) and small physical works programme (appendix 3) that will be identified by site surveys that are currently being undertaken. As the allocation is until the end of 2020 and a number of updates and re-issues of information may be required in line with government guidelines a contingency sum will be built into the action plan and be regularly monitored.
- 11.2 The messaging within the communications plan is led by professional advice provided by public health both nationally and locally. New local powers have recently been issued from central government to local authorities which enable local authorities to take decisions which may require any additional measures to be put in place if there is evidence of increasing risk of the spread of Covid-19 across the community. These powers come under the Covid Contain Framework. The emphasis of our local approach is to support local business proactively as much as possible in the first instance to help businesses and settings to understand, interpret and implement relevant national guidance to reduce the risk of Covid-19 transmission. This is part of the wider approach to preventing Covid-19 spread as part of our Local Outbreak Control Plan and involves all the wider support in place for local businesses via a range of council services and officers. Any further measures that would need to be taken within Tameside which may have any impact on local businesses in any part of the borough will be communicated clearly based on advice and information from public health and resourced from the contingency sums held for this type of currently unforeseen occurrence.

12. CONSULTATION

- 12.1 A public consultation will be undertaken to give everyone the opportunity to participate in the project as far the strict criteria around the allocation will allow. The consultation will also provide an opportunity for the community to assist in highlighting 'pinch points' that may require temporary alterations in order to allow social distancing to take place.

- 12.2 The consultation will run from the 3 of August for 6 weeks ending on the 11 September and will be accessed through the authorities website. Everyone will be encouraged to participate and the consultation will have a dedicated communications running alongside to raise awareness.
- 12.3 Consultation has also taken place with local business owners, shopping centre management to inform of the allocation and to ensure that a co-ordinated approach can be undertaken
- 12.4 Members and the chairs of the town teams have also been contacted by the executive member for Finance and Economic Growth to brief them about the allocation, restrictions of the ERDF funding and the public consultation.

13. RISK

- 13.1 The authority does not currently have the funding agreement that will be informed from the information contained in the GAP the authority submitted but the risks and conditions of the agreement will be assessed by Director of Finance in consultation with the Director of Governance & Pensions to accept and enter into the GFA on behalf of TMBC.
- 13.2 Local authorities will be able to spend money on eligible activities from 1 June 2020 and claim it back from Cities and Local Growth Unit (CLGU) in arrears.
- 13.3 The authority will have to incur expenditure and then claim back that expenditure on items in good faith that may be deemed ineligible by CLGU and will therefore have to stand the cost.
- 13.4 The regulatory requirements for eligibility are contained in the sections above and will be strictly adhered to and monitored.
- 13.5 Advice will be sought from CLGU on any items of expenditure where eligibility clarification is needed, therefore minimising the risk to the authority.

14. CONCLUSION

- 14.1 The allocation will aid the authority with costs associated with the opening the high streets in line with current and future guidance on the Covid 19 pandemic and help the build back better economic resilience for the local economy.

15. RECOMMENDATIONS

- 15.1 As set out at the front of the report.

This page is intentionally left blank

RE-OPENING THE HIGH STREET SAFELY

MHCLG FUNDING ALLOCATION

Action Plan 1/6/20 – 31/3/2021

Councils across England are to share £50m of additional funding to support the safe reopening of high streets and other commercial areas. The money will allow local authorities in England to put in place additional measures to establish a safe trading environment for businesses and customers, particularly in high streets, through measures that extend to the end of March 2021. This funding comes on top of the Government's comprehensive package of support for business and workers during the economic emergency.

Grants have been awarded to local authorities on the basis of population and the authority's allocation is £200,741.00.

Expenditure for reimbursement under this grant will be eligible from 1 June. The detail of the requirements of this ERDF grant will be covered in a Funding Agreement which we hope to have agreed with all local authorities by the end of June. Once this agreement is in place then claims for reimbursement for expenditure incurred from 1 June can begin to be made. The grant awards will be available to access up until the end of March 2021. Given the nature of the funding and size of the award we would encourage use of the funding by the end of this year to address immediate needs in 2020.

Guidance detailing the activities that can be supported through the Fund has been used in the preparation of this action plan in order to fulfil the authority's key contractual requirements. The action plan will inform on expenditure required currently and includes contingency sums in order to deal with any occurrences not currently apparent.

The authority will continue to refer to this guidance along with links to any additional information that may be provided. Any queries will be referred to:

Ministry of Housing, Communities and Local Government

Fry Building

2 Marsham Street

London

SW1P 4DF

Telephone: 030 3444 0000

The Fund will support 4 main strands of activity:

- 1. Support to develop an action plan for how the local authority may begin to safely reopen their local economies.**
- 2. Communications and public information activity to ensure that reopening of local economies can be managed successfully and safely.**
- 3. Business-facing awareness raising activities to ensure that reopening of local economies can be managed successfully and safely.**
- 4. Temporary public realm changes to ensure that reopening of local economies can be managed successfully and safely.**

There are also three main categories where activities cannot be supported:

- 1. Activity that provides no additionality** - The Government recognises that local authorities will already be delivering activity to ensure the safe reopening of their economies. This funding is intended to be additional funding on top of that existing activity; it should not be replacing the source for already committed expenditure.
- 2. Capital expenditure** – This funding is intended to help local authorities address the short-term issue of re-opening their local economies. It can support some temporary changes to the physical

environment, but those changes should not be anticipated to last beyond 12 months, or until no longer required for social distancing.

- 3. Grants to businesses** – Funding cannot provide direct financial support to businesses to make adaptations to premises, purchase PPE, purchase goods or equipment or offset wages or other operating costs.

Local authorities will be able to spend money on eligible activities from 1 June 2020 and claim it back from CLGU in arrears. The guidance provided covers the process for making claims, Eligibility criteria and requirements, the retention of Project records in order to validate expenditure and Regulatory requirements around Publicity, Procurement and State Aid

Throughout the programme monitoring of all the local authorities will take place by CLGU. This will include as a minimum some or all of the following measures:

- checks on LA systems and processes for retaining an audit trail; and
- spot checks on expenditure items included in claims.

Given the bespoke nature of this project there will be a need to provide some additional reporting requirements to evidence the outputs and outcomes of the investments being made.

The programme of works listed below is designed to programme a series of interventions to deal with the current situation in order to open and keep open the authorities high streets to benefit the businesses, the public and the local economy. The programme has contingency sums in order to deal with any additional or new situations around the Covid 19 crisis that arise during the life of the programme.

Activity taking place	Where activity is taking place	When activity is taking place	Cost including associated costs such as installation etc.	Strand of Activity the work covers	Associated Outputs the work covers
Full page Advert About Tameside	In About Tameside Magazine - available through borough	4x during campaign	£275 x4 (£1100)	1. Communications and public information activity to ensure that reopening of local economies can be managed successfully and safely. 2. Business-facing awareness raising activities to ensure that reopening of local economies can be managed successfully and safely.	1. Number of CV-19 Public Information Campaigns. 2. Number of CV-19 Business Facing Campaigns
Half Page Advert Tameside Correspondent	In Tameside Correspondent - available through borough	4x during campaign	£245 x4 (£980)	"	"
Full Page Ad Tameside Correspondent	In Tameside Correspondent - available through borough	4x during campaign	£450 x4 (£1800)	"	"

Probash Bangla Online TV Advertising	On Probash Bangla TV - available online and targeted at Asian community	4x during campaign	£480 x4 (£1920)	"	"
Tameside Radio, 4 adverts a day over a 4 week period	Tameside Radio, broadcast across the borough	4x during campaign	£2,200	"	"
60 railing banners (3000mm x 600mm) general call to action to visit website for info	Key town centre sites across Tameside	updated 4x through campaign	£4,000	"	"
Bollard Covers x 300	Key town centre sites across Tameside	4x during campaign	£4,153.50	"	"
Leaflet print and distribution to all businesses	Delivered to businesses across Tameside	2x during campaign (if needed)	Amount pending cost will be accounted for from the contingency sum	"	"
300 A4 posters and 20 A1	Put up at key Tameside locations	4x during campaign	£320	"	"
5000 A5 flyers	Left/given out in key locations	3x during campaign	£500	"	"
2 billboards and 7 adshells	Key locations in Tameside	3x during campaign	£3000x3 (£9000)	"	"
Full page ad Reporter	In Tameside Reporter-available throughout borough	4x during campaign	£575 x4 (£2300)	"	"
Half page ad Reporter	In Tameside Reporter-available throughout borough	4x during campaign	£350 x4 (£1400)	"	"
Boosted Facebook posts	Specifically targeted to Tameside and surrounding areas	4x during campaign	£2,000	"	"
Half page ad MEN Tameside	In MEN Tameside , available across borough	4x during campaign	£600 x4 (£2400)	"	"

Photographer for 1 hour	Photos taken at campaign location or event	Once during campaign	£140	"	"
30 bus backs	On bus backs going through Tameside	3x during campaign	£3500 x3 (£10500)	"	"
Video	Shared across TMBC social media channels and share with partner orgs	4x through campaign	£1000 approx. x4	"	"
Motorway screens/other commercial signage	On motorway locations in Tameside	3x during campaign	£3600 x3 (10800)	"	"
Building height banners	On 6 large buildings in each TMBC town centre	Put up during campaign and remaining throughout	£250 x12 (£3000)	"	"
Advertising on Reporter website (homepage takeover)	On website viewed by residents	4x through campaign	£750 x4 (£3000)	"	"
Advertising on Correspondent website	On website viewed by residents	4x through campaign	£80.00x4 (£320)	"	"
Additional digital advertising	Targeted towards Tameside residents	As needed	£5,000	"	"
400 correx signs	Put up at key Tameside locations, including from carparks	Once but signs to remain through campaign	£1,000	"	"
400 floor stickers	On floor space in town centres	Once during campaign, stickers to remain	£1,560	"	"
Emails to businesses in borough (targeted)	Targeted to local businesses	4x during campaign	Amount pending cost will be accounted for from the contingency sum	"	"
Banners on lampposts	Lamp posts locations across Tameside town centres	4x during campaign	Amount pending cost will be accounted for from the contingency sum	"	"

Banner wrapping for Herras fencing	Ashton x 3: Entrance to Arcades, Ladysmith & opposite former Cinema Stalybridge x 2: Top of Grosvenor Street & Armentieres Square Hyde x 2: Market Ground leading to Mall, other entrance into Mall opposite The Queens	During campaign - present to March 2020	Amount pending cost will be accounted for from the contingency sum	"	"
Contingency sum to cover any unforeseen activity that may be required.			£67,218.00		
Communications sub total			£73,034.00		
Removal of pedestrian guard rails around taxi rank to provide space for pedestrians to walk safely	Ashton town centre bottom of Penny Meadow and side of Market	As required	Estimated cost £1400.00	Temporary public realm changes to ensure that reopening of local economies can be managed successfully and safely.	Temporary CV-19 adaptations made to public spaces adjacent to commercial areas which help Small and Medium Sized Enterprises, including Social Enterprises to build their resilience and adaptability in the context of the economic impact of CV-19 in the area covered by the ERDF support.

There are a number of these planters around Crown Point, some may have to be removed/relocated to achieve recommended social distancing.	Denton Crown point area	As required	Estimated cost £5000.00 (includes cost of remediation)	"	"
Narrow footway, relocate litter bin and possible removal of rails at traffic signals.	Denton Junction Nelson Street (Opposite Morrison's)	As required	Estimated cost £400	"	"
Clear Footway widths at Crown Point Junction. Above, max 2.4m to min 1.7m	Denton Crown Point. Road/Stockport Road/Manchester Road.	As required	Estimated cost of barrier removal/reinstatement on all sides of the junction £5000	"	"
Rail on radius protecting pedestrians from high kerb face, possibly remove four panels from crossing point towards radius.	Droylsden Junction of Manchester Road/Market Street	As required	Estimated cost of barrier removal and reinstatement - £1200	"	"
Barriers and bollards removed to improve social distancing	Droylsden Road outside Church Hotel public house	As required	Estimated cost of barrier/bollard removal - £1000	"	"
removal of barriers to assist with queues at Post Office?	Droylsden Manchester Road	As required	Estimated cost of barrier removal and reinstatement - £2000	"	"
Removal of bollards on very narrow footway to improve social distancing.	Droylsden Market Street	As required	Estimated cost of bollard removal and reinstatement - £1000	"	"

Street furniture restricting footway width – bollards control access to market ground. Cycle rails could be relocated as a covered cycle shelter has been provided on the market ground.	Hyde Market Street/Market Place	As required	Estimated cost of cycle stand relocation £1000	"	"
Remove Bollards along Greenfield Street outside Town Hall Planters and bollards could be removed to increase the space available to pedestrians.	Hyde Market Street /Greenfield Street	As required	Estimated cost of bollard removal and reinstatement £2000.00	"	"
Barrier rails at crossing could be removed to improve space available and assist social distancing	Hyde Market Street /Market Place	As required	Estimated cost of barrier rail removal and reinstatement - £1000	"	"
Possible removal of barrier rails. A review of the safety implications of removal need to be undertaken.	Hyde Union Street junction	As required	Est. costs for removal and reinstatement bollard £1000 sign £100 and barrier £900	"	"
Removal of bollards and guard rail to assist social distancing	Hyde Market Street	As required	Est. costs for removal and reinstatement bollard £1200 and barrier rail £750	"	"
Possible bus shelter removal to assist social distancing. Work with GMPT needed	Hyde Market Street	As required	Costs will be met from contingency if work is required	"	"

NARROW FOOTPATH – Potential to put cones / barriers on the road where the existing car park white lining is which means this measure exceeds the two metre social distancing requirements.	Manchester Road Bottom Mossley	As required	Costs will be met from contingency sum if required	"	"
Bollards and planters removed to increase space for pedestrians and assist social distancing.	Manchester Road bottom Mossley	As required	Estimated cost of bollard removal and reinstatement - £1000 cost needed for planter removal and reinstatement £1000	"	"
Bollards removed to increase space for pedestrians and assist social distancing.	Mossley Stamford Street	As required	Estimated cost of bollard removal and re-instatement -£1000	"	"
Parking bays could be removed to allow temporary widening of footway with cones/barriers. NB will need to check if there is enough retail in the area for it to be eligible	Mossley Stamford Street	As required	Estimated cost £500 for temporary cones/barriers	"	"
Remove/relocate 2 No. posts with No Entry signage. They are in the middle of the footway and reduce the width to approx. 500mm. Further investigation on feed to signs req. Potential footway build out needs assessing	Stalybridge Corporation Street -o/s and opp. David Pluck Bookmakers	As required	Estimated cost for removal and re-instatement of bollards - £1000. Costs will be met from contingency sum if work is required for signs and build out	"	"

Footway here is very wide, would benefit from having the 2m reminders sprayed at the 6 locations identified on the mapping. In addition give way on bridges as not wide enough to pass marking either end of bridge and a sign saying give way for safe passage.	Stalybridge Grosvenor Street/Melbourne Street	As required	Estimated cost say £500 for 10 footway thermoplastic signs	"	"
Close passageway between shops. Is likely to be privately owned (could be worth speaking to adjoining properties?) Social distancing signage could be placed on the footway.	Stalybridge Back Melbourne Street	As required	Estimated cost say £500 for footway thermoplastic signs. Costs needed for boarding up if that option chosen	"	"
Herras fencing	Ashton x 3: Entrance to Arcades, Ladysmith & opposite former Cinema Stalybridge x 2: Top of Grosvenor Street & Armentieres Square Hyde x 2: Market Ground leading to Mall, other entrance into Mall opposite The Queens	During campaign - present to March 2020	7 locations x 3 fence panels = 21 – approx. costs: £840	"	"
Contingency sum to cover any unforeseen activity that may be required.			£21,169.00		
Small Physical works programme sub total			£31,290.00		

The costs associated with administering this grant eligible for reimbursement up to 4% of the total grant value. This 4% would be taken directly from the grant itself.		4% of quarterly grant claim up to a maximum claims amount of £200,741.00	£8,030.00	N/A	N/A
Grant administration sub total			£8,030.00		

Total Allocation	£200,741.00
-------------------------	--------------------

Safely Reopening the High Street Communications Strategy June 2020

Contact: Jordanna.rawlinson@tameside.gov.uk Thomas.evans@tameside.gov.uk
Communications@tameside.gov.uk

1. Introduction

As lockdown restriction ease and more non-essential businesses are able to open, a public information campaign is crucial to ensure employers feel supported, and employees and customers feel confident that it is safe to reopen.

We will utilise campaign materials and messages developed/delivered/supported by GM partners: the Growth Company, GMCA, LEP, LAs, TfGM, business organisations, Marketing Manchester and health bodies. We will adapt these to any specific Tameside messaging

The campaign will focus on three areas: **workplace, travel and public realm** and will work towards the underpinning ethos of building back better.

The campaign will also target different times of year as we recognise there will various times to remind people of the messages and in different ways. This would include a campaign around Christmas time and promotional efforts in autumn when people will be making more regular journeys by car.

2. Campaign Aims

- a. To encourage business owners, staff and customers to follow government guidelines
- b. To have the safe return of staff to work and the general public to safely return to more normal ways of life
- c. To encourage customers to shop safely and responsibly
- d. Build trust and confidence in a 'Safe Tameside'
- e. Promote Safe Tameside over the next 12 months including Christmas

3. Campaign Objectives

- a. Raise public awareness of the importance of the safety measures and guidelines in place for the safe opening of businesses and utilising those businesses
- b. Raise awareness with employers/business owners of the steps they need to take and can take in order to make their premises COVID safe for opening
- c. Raise public awareness of measures in place to support safe access and travel to shops/work
- d. Build back the local economy and livelihoods with an increased number of businesses open and operating safely

4. Target Audiences

- a. Employers
- b. Employees
- c. General public/customers

5. **Overarching Key Messages**

- a. Safely Reopening Tameside
- b. For information advice and support visit www.tameside.gov.uk/safetameside
- c. Supporting employers, employees and customers so they are aware of the information they need to work, travel and shop safely during the continuing pandemic
- d. Working together to build back our economy safely
- e. Play your part
- f. Shop local, shop safely
- g. Welcome back
- h. Let's look after each other

6. **Strand specific key messages**

Workplace messages

- Tameside Council is working closely with its partners in the business community to support safe practices in the workplace
- Businesses are putting safety measures in place and should have advice and information readily available to staff and customers
- Where possible businesses are encourage to offer flexible working patterns for their employees. This includes staggered start times and encouraging working from home where possible
- Employers are urged to provide good hygiene facilities
- A selection of downloaded materials include posters and risk assessments are available for businesses to use through the following link <https://www.tameside.gov.uk/safetameside/toolkit>
- Provide mental and physical health support for employees
- Businesses are encouraged to take all reasonable steps to ensure staff can maintain a social distance in the workplace. In cases where there is not possible everything practical must be done to prevent risk of transmission
- Restaurants, bars and takeaways are encouraged to follow updated guidance on how to [keep workers and customers safe](#).
- For more information on working safely in Tameside please visit www.tameside.gov.uk/safetameside

Commuting messages:

- Stay at home as much as possible.
- Only travel if necessary – work from home and staying local is encouraged where possible
- It's important to protect public transport for those who cannot make the journey another way
- Residents are encouraged to cycle or walk to work if they can
- Due to social distancing there will be limited space on transport services and people may have to wait. Residents are encouraged to please plan ahead, avoid the peaks and be patient when travelling.
- Face coverings are now mandatory when travelling on public transport. It will be the individual's responsibility to provide this, and can be a simple scarf or bandana.
- Please wear a face covering (such as a mask or scarf) if you find yourself in a busy public area and when using public transport.
- Everyone is expected to wear a face covering if they can, but exemptions include children under the age of 11, anyone with a disability or condition which means they are unable to wear one, transport staff and emergency services.
- From 22 June Metrolink services will now run every 10 mins instead of every 12 mins

- Hand sanitiser dispensers are being placed at bus stations and interchanges from mid-June and this could be expanded to other stops
- Travel prices for people working flexibly and traveling less often will be discounted to reflect the changing patterns
- For more information on travelling safely in Tameside please visit <https://www.tameside.gov.uk/safetameside/travelsafely>

Public places messages:

- Shoppers are advised to maintain a social distance of at least 1m between other shoppers and staff, this also includes why queuing to enter a store.
- Shoppers are encouraged to follow any new guidelines or layouts set out by the store they are visiting.
- Customers are encouraged to shop responsibly and leave the area once they have the items they need
- Tameside libraries will begin a phased reopening from [date]
- Restaurants, bars, pubs hair salons and barbers will reopen in Tameside from [date]
- Playgrounds in Tameside's parks will be in public use again from [date]
- Portland Basin Museum and Astley Cheetham Art Gallery will also be open again from [date]
- Cinemas, community centres, social clubs, outdoor gyms and places of worship across the borough will be able to open from 4 July
- Welcome back to [town]. For information on shopping local and shopping safely please visit www.tameside.gov.uk/safetameside
- Residents must not leave the house or head to the shops with any of the following symptoms: a persistent dry cough, a high temperature, shortness of breath or a loss of taste or smell.
- Please wear a face covering like a mask or scarf if you're in a crowded area or using public transport.
- Tameside Council is working with shops and retail locations to where pinch points are developing but shoppers are advised to be responsible when joining queues.
- You can report any concerns of businesses not operating safely or any arising public space issues by emailing publicprotection-es@tameside.gov.uk
- For information on shopping local and shopping safely please visit www.tameside.gov.uk/safetameside.

7. Strategies

- a. Utilise GM branding and assets available and adapt to Tameside specific messaging
- b. Use mostly visual means to put the message out and ensure any wording is jargon free and understandable
- c. Draw on civic pride to add a sense of community which is missing from national messaging.
- d. Use communications channels as below to share messaging ensuring a broad range of online, print and broadcast so that the messaging is accessible
- e. Vary voice/tone/pitch depending on target audience
- f. Use consistent, clear messaging to build confidence in a safe GM and safe Tameside
- g. Use active community members and stakeholders to support getting the message out
- h. Produce a business support pack to send to all businesses within the borough including information leaflets
- i. Run the campaign in a set of tranches for different seasons, which will have different aims. This includes a campaign around Christmas time and a campaign when the roads are busier and we can expect a different set of customers in our town centres
- j. Make the campaign highly visible in and around the 6 shopping town centres

9. Channels

Timing	Channel	Audience	Notes
Ongoing	Website	All	Ongoing Needs 'Travel Safely' button adding and content. Needs content adding to shop safely button
Ongoing	Social Media	All	Messages scheduled and toolkit shared with partners. Pinned post Social media cover pictures Have a focus each week
Monday 8 June	Press release	All	Launch of campaign
w/c 22 June	Tameside Radio	All	News Bulletin advert directing to the webpage before ever hourly news report
18 June Ongoing	Tameside and Glossop reporter	All	Half page Advert (repeat with different ongoing messaging)
July	Tameside Correspondent	All	
As needed through campaign	Purple Wifi E-shots	Residents, workforces and visitors. Over 16,000 signed up. Can filter and target audiences	Once per month or bi-monthly
As needed through campaign	E-News	All (those who are signed up) 417 people as of 18 May 2020.	Issued monthly, could promote bi-monthly
As needed through campaign	Information Ambassador Network E-Newsletter	over 300 local community groups/shopkeepers etc	Issued weekly. Could aim for monthly/bi-monthly
As needed through campaign	Head Teachers E-Newsletter	Teachers, parents, pupils	Quarterly
As needed through campaign	Partnership Engagement E-Newsletter	Key Stakeholders	Issued monthly, could reference bi-monthly
As needed through campaign	Leader's Stakeholder briefing	Key partners	Issued each week but could include reference monthly/bi-monthly
As needed through campaign	Leader's Blog	All. Online and column in the Tameside Reporter	Blog is weekly but could include campaign reference monthly or bi-monthly

As needed through campaign	Ashton Market Video Screen	Residents/customers and traders	Ongoing
As needed through campaign	Steven's brief	All staff	Use for each tranche of campaign
As needed through campaign	CCG Update	GPs, practice managers, practice nurses and Single Commission staff	Could promote bi-monthly from health angle
As needed through campaign	Live Wire	All Staff	Promote in Wire for each tranche of campaign
As needed through campaign	Staff portal/Intranet	All Staff	Promote monthly or bi-monthly depending on
Christmas	The Citizen	All	Next edition at Christmas will feature considerable info on shopping

10. Evaluation

- Media and channel coverage
- Social media analytics
- Web page hits
- Number of businesses/traders safely operating
- Number of reports of concerns

11. Cost Plan

Item	Cost	PO Number/budget	Frequency
Full page Advert About Tameside	£275 x4 (£1100)	High Street	Every quarter
Half Page Advert Tameside Correspondent	£245 x4 (£980)	High Street	Every quarter
Full Page Ad Tameside Correspondent	£450 x4 (£1800)	High Street	Every quarter
Probash Bangla Online TV Advertising	£480 x4 (£1920)	High street	Running every quarter
Tameside Radio 4 adverts a day over a 4 week period	£550 x4 (£2200)	High Street	Every quarter
30 railing banners (3000mm x 600mm) general call to action to visit website for info	£930 per set of 60 Repeat with new messages x 4 TOTAL £3720	High Street	Use for each quarterly tranche of campaign
Bollard Covers x 300	£4153.50	High Street	Summer/Christmas
Leaflet print and distribution to all	Asked Rob Briggs	High Street	As soon as possible

businesses			
300 A4 posters and 20 A1	£320	High Street	New set of posters per quarter
2000 A5 flyers	£420	High Street	Use flyers later in campaign Might not be able to use flyers
2 billboards and 7 adshells	£3000 x3	High Street	Three times through campaign
Full page ad Reporter	£575 x4 (£2300)	High Street	Every quarter
Half page ad Reporter	£350 x4 (£1400)	High Street	Every quarter
Boosted Facebook posts	£2000	High Street	Use £500 ads at 4 times during campaign
Half page ad MEN Tameside	£600 x4 (£2400)	High Street	Every quarter
Photographer for 1 hour	£140	High Street	Book for either Christmas or summer theme
30 bus backs	£3500 x3 (£10500)	High Street	Use for Christmas/Autumn/Spring tranches of campaign
Video	£1000 approx x4	High Street	A new video for each quarter
Motorway screens/other commercial signage	£3600 x3 (10800)	High Street	Autumn, Christmas and Spring usage
Building height banners	£250 x12 (£3000)	High Street	To go up as soon as possible and remain through campaign
Advertising on Reporter website (homepage takeover)	£750 x4 (£3000)	High Street	Every quarter
Advertising on Correspondent website	£80 x 4 (£320)	High Street	Every quarter
Additional digital advertising	£5000	High Street	
400 correx signs (use on lampposts)	£1000	High Street	Running from carparks to town centres
400 floor stickers	£1560	High Street	Through town centres, remaining during campaign
Emails to businesses in borough (targeted)	Get quote	High street	4x through campaign
Banners on lampposts	Get quote (potential cherry picker quote needed too)	High Street	Leave banners up, change 4x through campaign
Total	£73033.5		

Safely Reopening the High Street

Temporary Small Public Realm Programme

June 2020

1. Introduction

As lockdown restriction ease and footfall in the town centres and high streets increase, the safety of our residents and the businesses that operate within those town centres is seen as a priority of the council. In order to restart the local economy it is crucial that businesses, residents and visitors feel confident that it is safe to reopen and visit the town centres within the borough.

Engineers have undertaken a number of site surveys within the town centres and surrounding areas in order to identify problem areas. This may be narrow pavements, street furniture that impede social distancing requirements under current guidelines and pinch points.

These initial surveys have provided the information to put together a programme of temporary eligible works as per the guidance supplied from MHCLG. The list is not exhaustive and as guidelines change, more businesses open and footfall increases other works may present themselves.

There may be additional work required at different times of year as we recognise there will be various times when traditionally footfall increases especially around Christmas time and promotional efforts in autumn when people will be making more regular journeys by car.

2. Programme Aims

- To assist business owners, staff and customers to follow government guidelines whilst moving and queuing around the town centre.
- To will help improve consumer confidence and increase, safely, the number of active consumers.
- To enable the safe movement around the town centres enabling customers to shop safely and responsibly.
- To ensure that public spaces that are next to businesses are as safe as possible, temporary changes will need to be made to the physical environment.
- To ensure consistency of approach across individual and multiple public spaces including high streets.

3. Indicator requirements as defined in guidance

- Temporary CV-19 adaptations made to public spaces adjacent to commercial areas which help Small and Medium Sized Enterprises, including Social Enterprises (see Notes below) to build their resilience and adaptability in the context of the economic impact of CV-19 in the area covered by the ERDF support.
- Adaptations can include but are not limited to signage, street markings, temporary barriers, changes to street furniture or parking arrangements.

4. Minimum requirement for this indicator as defined in the guidance

- Public spaces are defined as those under the control of a public sector organisation.
- A High Street is defined as a cluster of 15 or more retail addresses within 150 metres.
- Temporary is defined as a change to the environment that lasts no more than 12 months.

5. Exclusions as defined in the guidance.

Temporary CV-19 adaptations made to public spaces adjacent to commercial areas are excluded where they do not:

- Meet the count threshold criteria
- Help the public assess commercial areas in a safe way
- Help small and medium sized enterprises including social enterprises build their resilience and adaptability in the context of the economic impact of CV-19 in the area covered by the ERDF support.

6. Cost Plan

Removal of pedestrian guard rails around taxi rank to provide space for pedestrians to walk safely	Ashton town centre bottom of Penny Meadow and side of Market	As required	Estimated cost £1400.00
There are a number of these planters around Crown Point, some may have to be removed/relocated to achieve recommended social distancing.	Denton Crown point area	As required	Estimated cost £5000.00 (includes cost of remediation)
Narrow footway, relocate litter bin and possible removal of rails at traffic signals.	Denton Junction Nelson Street (Opposite Morrison's)	As required	Estimated cost £400
Clear Footway widths at Crown Point Junction. Above, max 2.4m to min 1.7m	Denton Crown Point. Road/Stockport Road/Manchester Road.	As required	Estimated cost of barrier removal/reinstatement on all sides of the junction £5000
Rail on radius protecting pedestrians from high kerb face, possibly remove four panels from crossing point towards radius.	Droylsden Junction of Manchester Road/Market Street	As required	Estimated cost of barrier removal and reinstatement- £1200

Barriers and bollards removed to improve social distancing	Droylsden Road outside Church Hotel public house	As required	Estimated cost of barrier/bollard removal - £1000
removal of barriers to assist with queues at Post Office?	Droylsden Manchester Road	As required	Estimated cost of barrier removal and reinstatement - £2000
Removal of bollards on very narrow footway to improve social distancing.	Droylsden Market Street	As required	Estimated cost of bollard removal and reinstatement - £1000
Street furniture restricting footway width – bollards control access to market ground. Cycle rails could be relocated as a covered cycle shelter has been provided on the market ground.	Hyde Market Street/Market Place	As required	Estimated cost of cycle stand relocation £1000
Remove Bollards along Greenfield Street outside Town Hall Planters and bollards could be removed to increase the space available to pedestrians.	Hyde Market Street /Greenfield Street	As required	Estimated cost of bollard removal and reinstatement £2000.00
Barrier rails at crossing could be removed to improve space available and assist social distancing	Hyde Market Street /Market Place	As required	Estimated cost of barrier rail removal and reinstatement - £1000
Possible removal of barrier rails. A review of the safety implications of removal need to be undertaken.	Hyde Union Street junction	As required	Est. costs for removal and reinstatement bollard £1000 sign £100 and barrier £900
removal of bollards and guard rail to assist social distancing	Hyde Market Street	As required	Est. costs for removal and reinstatement bollard £1200 and barrier rail £750

possible bus shelter removal to assist social distancing. Work with GMPT needed	Hyde Street Market	As required	Costs will be met from contingency if work is required
NORROW FOOTPATH – Potential to put cones / barriers on the road where the existing car park white lining is which means this measure exceeds the two metre social distancing requirements.	Manchester Road Bottom Mossley	As required	Costs will be met from contingency sum if required
Bollards and planters removed to increase space for pedestrians and assist social distancing.	Manchester Road bottom Mossley	As required	Estimated cost of bollard removal and reinstatement - £1000 cost needed for planter removal and reinstatement £1000
Bollards a removed to increase space for pedestrians and assist social distancing.	Mossley Stamford Street	As required	Estimated cost of bollard removal and re-instatement - £1000
Parking bays could be removed to allow temporary widening of footway with cones/barriers. NB will need to check if there is enough retail in the area for it to be eligible	Mossley Stamford Street	As required	Estimated cost £500 for temporary cones/barriers
remove/relocate 2 No. posts with No Entry signage. They are in the middle of the footway and reduce the width to approx. 500mm. Further investigation on feed to signs req. Potential footway build out needs assessing	Stalybridge Corporation Street -o/s and opp David Pluck Bookmakers	As required	Estimated cost for removal and re-instatement of bollards - £1000. Costs will be met from contingency sum if work is required for signs and build out

Footway here is very wide, would benefit from having the 2m reminders sprayed at the 6 locations identified on the mapping. In addition give way on bridges as not wide enough to pass marking either end of bridge and a sign saying give way for safe passage.	Stalybridge Grosvenor Street/Melbourne Street	As required	Estimated cost say £500 for 10 footway thermoplastic signs
Close passageway between shops. Is likely to be privately owned Social distancing signage could be placed on the footway.	Stalybridge Back Melbourne Street	As required	Estimated cost say £500 for footway thermoplastic signs. Costs needed for boarding up if that option chosen
Herras fencing	Ashton x 3: Entrance to Arcades, Ladysmith & opposite former Cinema Stalybridge x 2: Top of Grosvenor Street & Armentieres Square Hyde x 2: Market Ground leading to Mall, other entrance into Mall opposite The Queens	During campaign - present to March 2020	7 locations x 3 fence panels = 21 – approx. costs: £840
Contingency sum to cover any unforeseen activity that may be required.			£21,169.00
Small Physical works programme total			£31,290.00

This page is intentionally left blank

Report to:	EXECUTIVE CABINET
Date:	26 August 2020
Executive Member	Councillor Feeley – Executive Member for Lifelong Learning, Equalities, Culture and Heritage
Reporting Officer:	Jayne Traverse, Director of Growth
Subject:	ADULT COMMUNITY EDUCATION CHANGES TO SERVICES AS A RESULT OF COVID19
Report Summary:	Firstly this reports sets out an update on the re-opening of the Adult Community Education (ACE) Service from Stamford Chambers from September 2020. Secondly the report includes an update on the Grant Agreement for the academic year 2020/21. Finally the report provides proposals to bid for the Greater Manchester Combined Authority (GMCA) Local Authority Grant Programme prior to submission on the 21 September 2020.
Recommendations:	<p>Executive Cabinet is recommended to approve that:</p> <ol style="list-style-type: none">1. the Director of Growth undertake a compliant procurement process and thereafter enter into the necessary contact and any associated documents for a Virtual Learning Environment (section 2.3) if the Council wide proposal for the same will not meet the necessary timescale of 14 September 2020 of Adult Community Education. This procurement to be funded from the existing Adult Community Education funding.2. Grant Agreement 2019/20 variation document (appendix 1) for Adult Community Education is entered into for the period 1 April 2020 until such end date (of COVID19 Pandemic) as determined by GMCA and initially covering Academic year 2020/21.3. the proposals (section 4) for bids to the Local Authority Grant Programme are agreed.4. the Director of Growth will be responsible for the entering into any agreements on relation Local Authority Programme Grant, subject to appropriate due diligence and for the delivery of services pursuant to the Local Authority Grant Programme including managing performance and complying with the terms of the grant agreement.
Policy Implications:	In line with corporate policy
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	All costs of ensuring the service is safe to open will be met by the Economy, employment and skills service. All expenditure incurred that is funded by the Adult Community Education funding agreement will be closely monitored to ensure all spend is eligible and maintained within the agreement. The bid for the Local Authority Grant Programme will be reviewed and checked to ensure it correctly meets the eligibility criteria.
Legal Implications: (Authorised by the Borough Solicitor)	It is critical that in undertaking a procurement exercise and thereafter entering onto the required contractual documentation for the provision of a Virtual Learning Environment that advice is

sought from STAR to ensure that a compliant process is undertaken and that officer should ensure that all of the Council's Standing Orders and internal processes are complied with to avoid successful legal challenge; damage to reputation and to ensure that good value for more is obtained. Given that there is also a council wide procurement being undertaken it will be important for there to be close collaboration, particularly with IT to ensure that whatever system is compatible, supportable and that any costs implications of removing this element from the council wide programme are carefully considered and approved by finance.

With reference to the grant agreement; the variation attached has been drafted to acknowledge the limitations on delivery as a result of the restrictions being imposed as a result of the covid pandemic. Members need to be content that officers will continue to be mindful of the terms of the varied funding agreement to ensure that all of the conditions continue to be met so as to avoid any claw back or other similar provisions.

With regard to the application for and the subsequent entering into of any agreements it will be important for the necessary due diligence to be undertaken by the service supported by finance and legal to ensure particularly in relation to claw back, reporting and monitoring provisions.

Background Information:

The background papers relating to this report can be inspected by contacting Paul Smith (Assistant Director Strategic Property)



Telephone: 0161 342 2246



e-mail: david.berry@tameside.gov.uk

1. INTRODUCTION

- 1.1 An Executive Decision was taken on the 22 July 2020 regarding Adult Community Education (ACE) delivery as a result of COVID19, developing plans to reopen from Stamford Chambers in Ashton-under-Lyne in September 2020 and to consider the Grant Funding Agreement Variation for the service at a future Cabinet. This report provides an update on how the service can reopen and recently received Variation to Grant Funding Agreement for approval prior to the 2020/21 Academic Year.
- 1.2 This report also sets out proposals for the Local Authority Grant Programme prior to submission by 21 September 2020. These proposals are in draft and may evolve as we review with Greater Manchester Combined Authority.

2. REOPENING STAMFORD CHAMBERS

- 2.1 Stamford Chambers is the primary location for delivery of the ACE service to learners aged 19+. The service provides adult education qualifications (e.g. English, maths, retail, childcare, digital) up to Level 2 and community learning (e.g. English for speakers of other languages, confidence building). The service has been virtual since the 18 March 2020 due to the impact of COVID19. On the 16 July 2020 Government Guidance changed to enable adult education providers to reopen for the start of the 2020/21 academic year (September 2020 onwards). The Government guidance states:

'Opening to all learners in September

You should plan on the basis that, from September 2020, all learners will return to a full high-quality education programme. This is possible because we are continuing to make significant progress in tackling the virus. The prevalence of the virus has reduced and the NHS Test and Trace system is up and running. Given the improved position, the balance of risk is now overwhelmingly in favour of young people and adults being able to take part in a full education, including attending on site, with appropriate controls in place to manage the transmission risk. This guidance will be kept under review and will be updated as necessary.'

- 2.2 The planning work for reopening the service has taken into account Government Guidance and learner feedback. The Service intends to reopen with a high quality offer which provides a safe environment and meets our obligations of our commissioners (Education Skills Funding Agency (ESFA) and GMCA). Our project team has included Facilities Management, Health and Safety and IT with plans reviewed and endorsed by the ACE Governing Board on the 29 June 2020. All risk assessments have been completed and are being implemented and reviewed with Health and Safety and Facilities Management.
- 2.3 The key changes to Service delivery are summarised below from risk assessments and planning documentation:
- A. Re-open on the 31 August 2020 to staff to enable planning for the start of the academic year and to learners on the 14 September 2020.
 - B. Provide a full curriculum with the exception of some community (based) learning courses.
 - C. Initially open to learners who are on a break in learning from the 2019-20 academic year who did not complete their qualification due to COVID and those who have completed a course and are able to progress to the next level of learning. New learners would be engaged from September with a target start date in Term 2 from January 2021.
 - D. Operate from Stamford Chambers only in September 2020 and consider community learning venues (following risk assessments) later in the academic year.
 - E. Reduce daily learning capacity from 118 to 53 learners based on Government Guidance for safety. ACE is planning for 182 learners and 225 enrolments in term 1.

- F. Limit classes to 2 hours with learners in bubbles.
- G. Regular cleaning of the building.
- H. Introduce floor markings, protective screens and hand sanitisers and reconfigure rooms.
- I. Signage of safety and hygiene messages and effective communication with learners before they arrive for learning.
- J. Provide toilet facilities based on request only.
- K. No external organisations permitted to use ACE initially to limit activity and people in building.
- L. Introduce a high quality Virtual Learning Environment package to provide blended learning from September 2020 to build on face to face learning and move some course to be fully online by December 2020 (retaining high quality teaching and learning). This will support future service delivery should face to face service need to be suspended due to COVID19.

2.4 The changes set out above would enable the service to meet our Grant Agreement with the ESFA and GMCA and provide a safe and high quality learning environment for Tameside residents. The service would track and change in line with Government Guidance.

2.5 The procurement of a high quality Virtual Learning Environment (VLE) is being led corporately by IT across TMBC. ACE have proactively been part of the corporate project group to procure a VLE and have also twin tracked so that the service could procure separately should this be needed. The ACE Governing Board have provided specific instruction to ensure the VLE is implemented in timely manner for delivery in 2020/21 and meets the needs of ACE. The service requires a VLE that is high quality, meets the needs of our vulnerable learner cohort and will meet the standards of the Inspection Framework. The systems below have been reviewed with quotes received. Should ACE need to procure separately to the wider Council due to different levels of need or different timescales for implementation a data Protection Impact Assessment would be completed and STAR procurement and IT have been engaged already to take forward and implement. The cost of procuring a system separately from the corporate IT project would be met from existing ACE budgets.

System	Annual cost and length of contract	Notes
Its learning (9 million users, biggest LMS provider in Europe)	2 year minimum contract £4,000 yr1, £3,000 yr2 Inclusive of: <i>Admin Training (4 Hours) Staff Training (2 Hours) Cloud integration (Microsoft / Google) Full technical Support</i>	Fully embedded Learning Management (System) LMS (assess / reflect / report / plan). E-ILP available for all courses. Wide variety of assessments tools: multi choice, true/false, fill the gap, missing words, mix & match, rate high to low. Video / audio tutor feedback options fully integrated.
Google G - Suite (80 million users)	£995 per year (free if LA adopts in school education) <i>Plus an additional £450 for 'rocket launch', One-off Start -up cost</i>	Includes Google IT support: 9-5pm, Mon-Fri. Acceptable level of assessment tools. Video / audio tutor feedback is available from apps eg. screencasterfy. E-ILP's are not as standard (in-house development required)

	<i>£750 for 6 hr 1-day CPD for staff (up to 20 staff).</i>	Discounted IT kit available if Gsuite acquired
The Skills Network (500,000 users in UK)	£3,750 per year	<p>Their main USP is providing L1, L2 and L3 online courses for staff to follow as CPD. Some are sold as full cost or are AEB fundable.</p> <p>25 of these CPD courses are included in the annual contract</p> <p>Acceptable level of assessment tools. No video / audio tutor feedback is available. No E-ILP.</p>

3. GRANT AGREEMENT 2020/21

- 3.1 ACE has two commissioners; GMCA £818,418 and ESFA £4,570. The ESFA element of the contract covers residents outside Greater Manchester. We have received the ESFA contract. On the 30 July 2020 we received a GMCA Grant Funding Agreement Variation (appendix A). The GMCA Variation retrospectively covers the period 1 April 2020 until an end date of the COVID19 Pandemic (currently unknown) as determined by GMCA and therefore covers the Academic Year 2020/21. ACE has also received an Indicative Funding Allocation Letter as included in the Executive Decision on the 22 July 2020.
- 3.2 GMCA continue to financially support providers in a challenging environment due to the impact of COVID19 with regular partnership meetings taking place. GMCA have provided assurance that performance management arrangements are suspended and have removed funding clawback conditions. Tameside Council are required to confirm that the Grant will be used to protect the employment of staff covered by the Grant (21 roles, currently 19 employees in employment/16 Full Time Equivalent). The grant fully covers the costs for the delivery of the service with no TMBC funding provided. The Council should expect a Grant Agreement for the 2020/21 Academic Year in the future.
- 3.3 With regards to risk the suspension of performance management and removal of funding clawback conditions enables ACE to deliver a service responsive to the impact of COVID 19. This means that should the service need to be suspended in delivering face to face services the impact on performance (lower learner enrolments and completions) would not result in loss of funding from GMCA. Tameside Council will continue to work with the GMCA partnership arrangements to be pragmatic, flexible and responsive as the impact and short and medium term impacts of COVID are known.

4. LOCAL AUTHORITY GRANT PROPOSALS

- 4.1 In order to increase access to adult education, English for Speakers of Other Languages (ESOL) and digital inclusion GMCA has identified an opportunity to support Greater Manchester Local Authorities (LA) work & skills priorities, with up to £150k available for each LA, split evenly across the following strands:
- a. Alleviating Barriers to Adult Education (up to £50k)
 - b. Digital Inclusion (up to £50k)
 - c. ESOL (up to £50k)
- 4.2 GMCA has also made £50k available for each Local Authority through the Digital Kit and Connectivity Fund which must be linked to the Digital Inclusion strand.

- 4.3 It is anticipated that go live for projects funded by this grant can begin from 1st August 2020, and must be complete by 31st July 2021 (or later on approval by GMCA). Proposals to this fund can be made over 2 rounds with Round 2 applications to be submitted by 21st September 2020 (most GM LAs are submitting in Round 2). Participants receiving support via these programmes must:
- Be aged 19+ on start date
 - Be eligible for AEB funded provision at the point of progression from this programme
- 4.4 This grant will not fund:
- Business as usual activity carried out by the work & skills team
 - Duplicate any offer currently already running within the Local Authority
 - Capital expenditure; unless via the Digital Skills & Connectivity Fund
 - Any regulated or accredited training provision
 - Any projects that undermine the viability of devolved AEB, including the latest published funding and performance management rules
- 4.5 The TMBC Economy, Employment and Skills Services will lead on the proposals, implementation and successful delivery. The proposals will be developed in partnership with GMCA and key local partners and evolve over the coming weeks in preparation for submission by the 21st September 2020 deadline. The grants will support the ongoing provision of adult learning across Tameside. The table below sets out initial proposals for comment and review which will continue to be developed and evolved upto submission on the 21 September 2020.

GMCA Strand	Proposal	Rationale	Expected Outcomes	Costings
Alleviating Barriers to Adult Education (up to £50k)	<p>Part 1 - Commission a Young people (age 19-30) Transition Worker to directly work with residents who are NEET to access and sustain adult education in 2020/21</p> <p>Part 2 - Commission a Marketing Campaign and materials to engage hard to reach groups in adult education</p>	<p>Part 1 – TMBC currently commissions Positive Steps to deliver Transition Worker focused on increasing employment for NEET 16-24 year olds. A post focused specifically on adult education would meet need created by youth unemployment as a result of COVID.</p> <p>Part 2 – Create high quality targeted marketing materials including video, flyers, paid community engagement by cultural groups.</p>	<p>Part 1- Increase 19-30 year olds completing courses.</p> <p>Decrease 19-30 year olds who are not in education, employment or training</p> <p>Part 2 – Increase in engagement in adult education from: BAME communities Men aged 35-49 Long term unemployed Young people aged 19-24</p>	<p>Part 1 - £25,000 to commission transition worker until 31 July 2021. £1,250 TMBC management fee.</p> <p>Part 2 - TBC up to £23,750.</p>
Digital Inclusion (up to £50k)	Part 1 - Commissioning of small £5k targeted	Part 1 – Cultural /VCSE organisations are effective in	Part 1 – Increase learners onto adult education courses who are	Part 1 - £25,000 split into 5 targeted pieces of work. TMBC

	<p>community programmes to increase access to digital inclusion delivered by Tameside Cultural/VCSE organisations</p> <p>Part 2 – Commission a dedicated Digital Inclusion Officer for Adult Education across Tameside until 2020/21 to increase capacity within the provision to support 121 learner needs on digital learning</p>	<p>engaging residents in a peer model to increase digital inclusion to support progression onto adult learning.</p> <p>Part 2 – Adult Education provision is accessed by vulnerable groups who require 121 support to use technology. This role would provide targeted bespoke student support in addition to business as usual teaching.</p>	<p>previously digitally excluded</p> <p>Part 2 – Increase in learners completing digital qualifications.</p>	<p>management fee £1,250</p> <p>Part 2 - £23,250.</p>
ESOL (up to £50k)	Further exploration with GMCA Task and Finish group of Manchester Adult Education Service pan GM model	Increasing co-ordination of ESOL provision will support residents to access and engage learning	Improved co-ordination of ESOL provision and access reducing waiting lists	TBC
Digital Kit and Connectivity Fund	Laptops and tablets provided to digitally excluded adult learners.	Provided to digitally excluded ACE learners based on assessment of need to support blended learning at home.	Increase in digital inclusion and use of Virtual Learning Environments.	£50k

5. RECOMMENDATIONS

5.1 As set out at the front of the report.

This page is intentionally left blank

Report To:	EXECUTIVE CABINET
Date:	26 August 2020
Executive Member/Reporting Officer:	Councillor Allison Gwynne, Executive Member (Neighbourhoods, Community Safety and Environment) Debbie Watson, Assistant Director of Population Health Tom Wilkinson, Assistant Director of Finance
Subject:	THE COUNCIL'S SPORT AND LEISURE FACILITIES – FINANCIAL SUSTAINABILITY DURING THE COVID-19 (CORONAVIRUS) PANDEMIC
Report Summary:	<p>Phase One of the Active Tameside post-lockdown reopening plans commenced on 27 July 2020. The report gives an update on the approach and the facilities that are opening.</p> <p>In order to provide Active Tameside further cash funding to buy time as the trading position, outstanding insurance claim, and development of any government support package, it is proposed that the Council advance the remaining £0.845m due for the remainder of the year for the services commissioned from Active Tameside from the Adult's and Children's Services Directorates.</p> <p>A further report outlining all options will be brought to the October Executive Cabinet to propose a definitive way forward for the Tameside Leisure offer.</p>
Recommendations:	<p>That Executive Cabinet be recommended too:</p> <ol style="list-style-type: none">(i) Note Phase One of the Active Tameside post-lockdown reopening plan commenced on 27 July 2020.(ii) Approve a sum of £0.845m million payable to Active Tameside on 28 August 2020 as an advance payment for services commissioned by the Council covering the period 30 September 2020 to 31 March 2020 to allow the organisation to remain solvent and to ensure a variation of contract entered into to reflect this.
Links to Community Strategy:	Healthy Tameside
Policy Implications:	<p>Local authorities have a central role to play when it comes to the provision of community sport and recreation facilities and are responsible for the health outcomes for their populations – specified in the as specified in the Public Health Outcomes Framework.</p> <p>As part of the health reforms brought in by the Health and Social Care Act 2012, local authorities have a duty to take such steps as they consider appropriate for improving the health of the people in their area. The steps listed in legislation include:</p> <ul style="list-style-type: none">• Providing information and advice• Providing services or facilities designed to promote healthy living• Providing services or facilities for the prevention,

diagnosis or treatment of illness

- Providing assistance to help individuals to minimise any risks to health arising from their accommodation or environment
- Making any other services or facilities available

Financial Implications:
(Authorised by the Section
151 Officer)

In order to reduce the financial impact of the temporary closure Active Tameside has taken up the offer of financial support from central government and furloughed all staff not required to maintain/sustain the company during the period of facility closure. In addition, Active Tameside has business resilience insurance and they are awaiting a ruling from the high Court as to whether the insurance covers the impact of a pandemic. Whilst it is uncertain as to whether this claim will be successful, this could be used to fund the remaining costs that have been incurred over and above direct government financial support. The Council continues to support Active Tameside's cash-flow position through this difficult period and paid the total value of the 2020/21 management fee of £1.077 million on 1 April 2020.

In addition the repayment of the 2019/20 prudential borrowing sum of £0.788 million has been deferred until 2021/22 at the earliest. It is envisaged that the outstanding historical prudential borrowing debt balance (which excludes new borrowing relating to the recently opened Active Denton) that is due for repayment to the Council by the end of the 2023/24 lease term (including the 2019/20 and 2020/21 sums) will be re-profiled. The outstanding level of prudential borrowing owed to the Council as at 31 March 2020 is £3.8m, and was due to be all repaid by the end of the contract concession in March 2024. The borrowing all relates to previous years capital investment in the facilities operated by Active Tameside. In reality the Council currently pays Active Tameside an annual management fee, of which over 70% is returned to the Council to repay the borrowing.

In addition to the support provided at the start of the pandemic, Executive Cabinet considered a report in June which requested that a further sum of £0.600 million be paid to Active Tameside on 1 July 2020 as an advance payment for social services commissioned by the Council up to 30 September 2020. The latest figures from Active Tameside suggest that this advance payment will support their cashflow until the middle of September 2020.

In order to provide Active Tameside further cash funding to buy time as the trading position, outstanding insurance claim, and development of any government support package, it is proposed that the Council advance the remaining £0.845m due for the remainder of the year for the services commissioned from Active Tameside from the Adult's and Children's Services Directorates.

Based on the latest cashflow forecasts this would enable Active Tameside to remain solvent until the end of October 2020. This also provides additional time for the Council with Active Tameside to develop a long term solution to the impact that has been caused by Covid 19. A further report outlining all options will be brought to the October Executive Cabinet to propose a definitive way forward for the Tameside Leisure offer.

A further update report will be presented to Members in October 2020 outlining all potential options.

**Legal Implications:
(Authorised by the Borough
Solicitor)**

This report provides Cabinet with an update on the operational and financial position of Active Tameside as a result of the impact the pandemic on the leisure service.

In recognition of the impact of COVID 19 on businesses, especially in the service sector a number national initiatives have been implemented such as the furloughing of staff to ease financial pressures however this is now tapering which is increasing staffing costs.

In addition the Cabinet Office have issues an number of Procurement Policy Notes specifically addressing additional actions which Contracting Authorities, such as the Council, are encouraged to take in order to ease cash flow difficulties being experienced by suppliers as a direct result of the impact of the Covid 19 pandemic.

Active Tameside meets the criteria of an 'at risk supplier' for the purpose of the Procurement Policy Note. The Council is therefore expected to consider a range of measures, including advance payment for services to assist the supplier.

Such advance payments should be conditional upon the supplier agreeing to open book accounting arrangements to provide the Council with the assurances about the use of the funds and to ensure transparency.

The maximum advanced payment allowed without HMT permission is 25% of the total contract value and is currently permitted until 31 October 2020.

In addition The Temporary Covid Framework issued by The Cabinet Office permits financial assistance to businesses suffering financially as a direct result of the Covid pandemic up to a maximum of 800,000euros which can be used in conjunction with advanced payments for financial support to be provided without breaching State Aid provisions.

Further to the covid related assistance set out above the Council could also seek to provide financial support under the Market Economy Operator Principle which states that actions do not amount to State aid if any other operator in the market would act in the same way. Therefore the financial and risk analysis is critical to establish how other suppliers and commissioners of leisure services are reacting to the impact of the pandemic.

Therefore Members need to be content from the financial analysis in this report that the advanced payment represents value for money for the council and is a benefit to residents of Tameside and that it is a sound economic decision which would be made by other economic operators in the same circumstances.

Both the financial and operational situation regarding Active Tameside must be kept under review as it unlikely to be permissible for the Council to continue to provide short term financial support hence the further report in October to provide Members with more sustainable, longer term options

It is also advisable to formalise the advanced payment

arrangement through a variation to the contract to protect the Council's position. It should be acknowledged that the current facilities are unlikely to all be viable going forward and that Tameside Active will need to make significant changes in order to survive in the current market.

Risk Management:

Active Tameside have risk management and business continuity plans in place. Any additional risks identified as a result of the review will be noted and sets taken to mitigate these.

Access to Information:

For background papers relating to this report can be inspected by contacting Debbie Watson, Assistant Director of Population Health on 0161 342 3358, or at debbie.watson@tameside.gov.uk

1. BACKGROUND

- 1.1 This report is an update to the sport and leisure centre temporary closure report considered by the Executive Board on 8 April 2020, 20 May 2020 and Cabinet on 24 June 2020. In line with national guidance advising the UK public to avoid unnecessary social contact, all sport and leisure facilities owned by the Council and managed by Active Tameside closed at 10.30pm on Friday March 20 until the government announced facilities could re-open, ensuring all settings are COVID safe from 25 July.
- 1.2 This report provides details of a proposed advance payment for services commissioned by the Council from Active Tameside during 2020/21. The advance payment relates to services commissioned from 30 September 2020 to 31 March 2021. The sum would be payable on 30 August and would support the cashflow of Active Tameside until 31 October 2020, by which time it is expected there will be an update on the business interruption insurance issue and any additional government support.
- 1.3 A further report outlining all options will be brought to the October Executive Cabinet to propose a definitive way forward for the Tameside Leisure offer.

2. ONGOING REVIEW / ACTION

- 2.1 Regular weekly updates continue to be held between Active Tameside's management team and the Council in order to react to changing circumstances. These regular updates are used to plan for recovery together with supporting the timely and efficient reopening of the facilities and associated services.
- 2.2 Phase One of the Active Tameside post-lockdown reopening plan commenced on 27 July 2020. The plan was predicated on:
- Optimal Productivity and keeping costs to a minimum
 - Maximising the Commercial Offer
 - Utilising the Coronavirus Job Retention Scheme (Furlough)
 - Deficit Modelling/ scenario planning to March 31 2021 (modelling increased customer anxiety and reduced capacity)
 - Health and Social Considerations
 - Improved physical and mental wellbeing
 - Health needs and equitable access to facilities
 - Supporting community groups/ clubs/volunteers
- 2.3 Active Etherow, Active Longendale, Active Ken Ward and Active Oxford Park remain closed to the public with all other centres running a reduced programme and time table. Active Tameside have been prioritising their programme to retain members. At the time of writing, there were 9073 'live' Health and Fitness members and of these, 5679 memberships incorporated an 'aquatic element' eg gym and swim or gym swim and classes. During the course of lockdown, some 84% of members have been retained via the immediate suspension of direct debit payments and a comprehensive member engagement plan eg online classes. If however only of fifth chose to cancel their membership the monthly loss of revenue would equate to circa £50K or £300K in total assuming 6 months membership duration.
- 2.4 A number of scenarios have been modelled with Active Tameside with current plans illustrating the 'least worst' option in economic terms notwithstanding the benefits to the physical and mental health of those using the pools in particular – over 1600 customers had booked for lane swimming in advance of reopening on 27 July. The opportunity for swimming clubs to return to their existing 'slots' and the benefits for all concerned should also be acknowledged though this is much more difficult to quantify.

- 2.5 It is anticipated that via two further phases which are likely to be completed by the end of September this year, the majority of those products and services which have remained closed during phase one will have been reopened, depending on national guidance and the local transmission rates of COVID-19. Phase 2 plans will be finalised by 4 August with a view to possible implementation by 8 August 2020 based on value for money, income maximisation and adherence to public health advice and COVID safe measures. The plans will strive to balance commerciality/viability with the promotion of health and social outcomes for residents.
- 2.6 Additionally, there is increasing optimism within the sector that support may be forthcoming via the government similar to that made available to the culture sector (£1.57 billion). Andy Burnham as Mayor of GM is promoting the #SaveLeisure campaign alongside GM Active.
- 2.7 Throughout lockdown, Active Tameside has continued to provide commissioned services ranging from adult social care through special educational needs to youth outreach work targeting anti-social behaviour. The Social Return on Investment (SROI) for these services is considerable and for some of the individuals and families involved, incalculable. The SROI for mainstream health and fitness activity is also significant and this return is enhanced in a post lockdown environment with emerging evidence around decreasing levels of activity and increasing levels of social isolation. It is increasingly acknowledged that COVID resilience is intrinsically linked to good health and that excess weight (obesity) can increase the risk of serious illness from the virus.
- 2.8 During the course of lockdown, the Tameside Sport and Physical Activity Network (TSPAN) has continued to work with and support clubs in a number of areas including:
- COVID-19 risk assessments
 - National Governing Body Guidance
 - Sport England grant submissions
 - Volunteer training
- TSPAN is delivered by Active Tameside and this will continue to be the case during the course of the phased reopening given the huge and often unseen role that clubs play within the overall health and wellbeing landscape.

3. FINANCIAL IMPACT

- 3.1 From the outset of lockdown, approximately 84% of Active Tameside employees were furloughed, resulting in a repayment of just over £1M from April – July, with the remainder of staff involved in the ongoing delivery of commissioned services for vulnerable people and the children of key workers.
- 3.2 During the course of phase one reopening, 30% of employees will remain furloughed pending the formulation of plans for subsequent phases as COVID secure guidance and protocols evolve. Active Tameside has been unable to secure a Government Business Interruption Loan on account of its balance sheet pension deficit. However, all opportunities for deficit mitigation have been explored including; Council Tax Rebate, Government Rate Support and in due course Job Retention Scheme ‘bonus’ which has the potential to take the total repayment to £1.6M.
- 3.3 Executive Cabinet have already supported Active Tameside’s cash-flow position through this difficult period through a number of measures:
- 31 March 2020 - repayment of prudential borrowing of £.788m was deferred to at least 2021/22
 - 1 April 2020 - paid the total value of the 2020/21 management fee of £1.077 million.).
 - 1 July 2020 – agreed an advanced payment for Adult’s and Children’s commissioned services of £0.6m.

- 3.4 These payments will support the cashflow of Active Tameside until the middle of September and in the absence of further funding whether through a successful insurance claim, specific government support for Leisure Trusts generally, or from Tameside Council, Active Tameside will be unable to continue trading beyond this.
- 3.5 It is important to note, that should Active Tameside become insolvent the facilities would return to Council control and along with them any on going liabilities associated with their operation.
- 3.6 With Active Tameside starting to reopen some of its facilities following government guidance and the withdrawal of furlough support means that the cashflow dynamic changes again. Reopening under social distancing guidelines reduces the capacity of the facilities and therefore their profitability. Direct debit income is the mainstay of leisure providers and the combination of lockdown and restricted reopening is likely to have an impact on this important income source, although the full extent of this will become clearer as facilities reopen and start to operate under the new regime.
- 3.7 In order to provide Active Tameside further cash funding to buy time as the trading position, outstanding insurance claim, and development of any government support package, it is proposed that the Council advance the remaining £0.845m due for the remainder of the year for the services commissioned from Active Tameside from the Adult's and Children's Services Directorates.
- 3.8 Based on the latest cashflow forecasts this would enable Active Tameside to remain solvent until the end of October 2020. This also provides additional time for the Council with Active Tameside to develop a long term solution to the impact that has been caused by Covid 19. A further report outlining all options will be brought to the October Executive Cabinet to propose a definitive way forward for the Tameside Leisure offer.
- 3.7 Members are reminded that Active Tameside are in regular dialogue with Council finance officers during this period and are operating on a transparent and open book policy in respect of their financial position.

Business Loans

- 3.8 In order to qualify for any of the Government backed business loans, a business had to be solvent and be able to repay any loan. As Active Tameside has a pension deficit, they are (and have always been) technically insolvent. Their balance sheet has a £ 1.4 m deficit (at 31 March 2019 – latest audited accounts). Even if they were solvent, they would be unable to repay any meaningful loan due to affordability compounded by the contract expiring with the Council on 31 March 2024. The pension deficit/balance sheet insolvency is a common position for those leisure trusts that maintained a Local Government Pension Scheme. Having discussed with their bank, they are unable to borrow anything under the Government loans scheme as they do not meet the criteria.

Business Viability - Going Concern

- 3.9 In order to trade legally, any business has to have a reasonable expectation that over a 12 month period its income will exceed its liabilities. If not and it keeps trading, that is classed as “wrongful trading” and trustees become personally liable for company debts. Currently the Government has temporarily suspended that piece of legislation due to Covid but at some point it will need to be addressed. As part of the normal audit process the Trustees/Directors of a Company have to make a legally binding statement that they believe they will be a going concern for a minimum of 12 months from the date at which the accounts are signed.
- 3.10 Active Tameside's financial year end was 31 March 2020 and the Audit is due to take place this summer with the final accounts presented to Board members in December 2020. At that point the Trustees would look to assure their auditors that over the next 12 months they

would have sufficient funds to meet liabilities. This is onerous enough in normal circumstances and is very unlikely that any responsible Governing body (based on what we know) would be able to provide that assurance to December 2021. In the past, the Council has provided a “letter of comfort” to Active Tameside to support this requirement. It is only fair to point out that whereas in the past it was unlikely that this letter would have been activated, under the current circumstances it is highly likely that Active Tameside will need additional financial support to keep trading until “normal” revenues can be re-established.

Solvency

- 3.11 All Companies have a legal duty to cease trading (become insolvent) when they become aware that they can no longer pay their bills and have no prospect of recovering. Under Covid 19, the Government temporarily relaxed that duty. This expired on 1 June and we await an update on the Government’s position. Clearly without either continued Council financial support or Insurance, Active Tameside would cease to trade and become insolvent.

Insurance Update

- 3.12 Active Tameside has submit a claim for business interruption under a special “resilience clause” via their business insurance policy.
- 3.13 At the time of writing, the High Court Test case brought by the Financial Conduct Authority to seek legal clarity with regard to *Business Resilience* clauses such as those incorporated within Active Tameside’s insurance policy with Royal Sun Alliance is being determined - <https://www.fca.org.uk/news/press-releases/fca-seeks-legal-clarity-business-interruption-insurance>.

4. CONCLUSION

- 4.1 It is clear that an empirical review of the relationship between the Council and Active Tameside is necessary in order to ensure that the health and social outcomes prescribed by the Council are not only deliverable but sustainable in revenue terms and realistic in terms of capital investment.
- 4.2 A visioning session has taken place together with a review of profits and losses of each facility, identifying future sustainability, and any opportunities and proposals for redesign. Any future investment will need to align to the Council’s medium term financial plan and Strategic Asset Management Plan as part of the COVID recovery approach.
- 4.3 Going forward there will be significant costs of re-opening services and the Trust is predicting a major loss of income as it implements social distancing and reduces capacities. This immediate shock comes alongside the budget pressures of the Council. Given this combination of financial pressures Tameside Active will need to consider all options, including the possible permanent closure of some facilities. Future options for the financially sustainable delivery of the Council’s sport and leisure offer will be presented in a further report to Cabinet in October.

5. RECOMMENDATIONS

- 5.1 As stated on the report cover.

Report to: EXECUTIVE CABINET

Date: 26 August 2020

Executive Member: Councillor Allison Gwynne – Executive Member (Neighbourhoods, Community Safety and Environment)

Reporting Officer: Ian Saxon, Director (Operations and Neighbourhoods)

Subject: **GREATER MANCHESTER CLEAN AIR PLAN AND COMMON MINIMUM STANDARDS**

Report Summary: To set out the progress that has been made on the development of Greater Manchester's Clean Air Plan following the decision that the GM Local Authorities will move to a statutory public consultation on the GM Clean Air Plan as soon as reasonably practicable in light of COVID-19 restrictions, and the link to taxi and private hire common minimum licensing standards. The report also considers the formal governance mechanisms that will underpin the delivery of a GM Clean Air Zone (CAZ) and the supporting measures.

This report is not seeking a decision on whether to introduce a scheme as that has been mandated by the Secretary of State. It is setting out a position for consultation on the daily charge, discounts and exemptions of a Category C GM Clean Air Zone, and the proposals for the supporting funds that have been developed taking stakeholder engagement and statistical modelling into account. It is seeking agreement to consult and endorsement of the policy for consultation. The policy will be reviewed in line with the findings from the statutory consultation.

Recommendations: That Executive Cabinet:

1. Note the progress of the Greater Manchester Clean Air Plan;
2. Note that TfGM have confirmation that the funding award for Bus Retrofit should be distributed as soon as possible as per arrangements put in place for the Clean Bus Technology Funds;
3. Note the update on the possible impacts of COVID-19 on the GM Clean Air Plan;
4. Agree that Tameside Council along with the other nine GM local Authorities hold an 8-week public consultation on the GM Clean Air Plan and Common Minimum Standards commencing in October 2020;
5. Note that the GM local Authorities intend to consult on GM's proposed Minimum Licensing Standards, alongside the Clean Air Plan consultation;
6. Agree that TfGM act as the Operating Body for the GM CAZ and supporting measures as set out at paragraphs 8.4;
7. Agree that Tameside Council along with the other nine GM Authorities individually be a 'charging authority' for the purposes of the CAZ, pursuant to the Transport Act 2000;
8. Endorse the GM Clean Air Plan Policy for Consultation at

Appendix 3;

9. Note the Equalities Impact Assessment on the Clean Air Plan, as set out at **Appendix 5**;
10. Note that further reports will be brought forward to set out the formal governance mechanisms that will underpin the delivery of a GM Clean Air Zone (CAZ) and the supporting measures, including the full scope of the suite of powers that will be needed to be delegated to the Operating Body;
11. Agree a delegation to Executive Member (Neighbourhoods, Community Safety and Environment) to approve the submission of the cases for measures to the Government's Joint Air Quality Unit to support the GM Clean Air Plan;
12. Agree a delegation to Executive Member (Neighbourhoods, Community Safety and Environment) to approve the GM Clean Air Plan consultation materials, to include the Equalities Impact Assessment on the consultation; and
13. Note that response to DfT's Decarbonising Transport – setting the challenge, as set out at **Appendix 1**, has been submitted to Government.

Corporate Plan:

The introduction of a Clean Air Zone (CAZ) and Common Minimum Standards across Tameside and Greater Manchester is a significant contribution to the Council's 'Infrastructure and Environment' strand of the Corporate Plan. It would help support a sustainable environment by aiding improvements in air quality across the region.

Policy Implications:

None at this stage.

Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)

The initial financial case, set out in the Clean Air Plan Outline Business Case in March 2019, was based on the assumption that all development and delivery costs would be covered by central government. This remains the working assumption and as a result the implementation of the clean air plan is not expected to have direct financial implications for the Council.

It must be noted that there is no local funding for the work associated with the common minimum licensing standards and it is also assumed that this will be funded centrally.

However, the Clean Air Plan, and particularly the Clean Air Zone, may have indirect financial implications for the cost of service delivery by the Council, although it is not possible to assess the likely impact with any degree of accuracy at this stage. Whilst the plan intends to provide financial support for upgrading to compliant vehicles, this will not cover the full cost of upgrade meaning that impacted businesses may face some additional costs either to upgrade vehicles or to cover the cost of the charging regime. These additional costs may be passed on to the end users, including the Council, for example through increased transport costs.

Legal Implications: (Authorised by the Borough Solicitor)

Government has instructed many local authorities across the UK to take quick action to reduce harmful Nitrogen Dioxide (NO₂) levels following the Secretary of State issuing a direction under the Environment Act 1995. In Greater Manchester, the 10 local

authorities, the Greater Manchester Combined Authority (GMCA) and Transport for Greater Manchester (TfGM) are working together to develop a Clean Air Plan to tackle NO₂ Exceedances at the Roadside.

In its Outline Business Case Greater Manchester proposed a package of measures that delivers compliance in the shortest possible time, at the lowest cost, least risk and with the least negative impacts. The OBC was also accompanied by the clear expectation that Government would support the plans through:

This report seeks authority to go to the next stage of consultation on both the GM Clean Air Plan and Taxi Common Minimum Standards commencing in October 2020. It will be necessary that such consultation reflect the current pandemic situation and the EIA is carefully monitored to ensure that any consultation is fully inclusive.

Risk Management:

There is both a legal and public health imperative to achieve agreement on the plan. An agreed and coordinated approach is vital in order to meet the key objective of improving air quality in the city region and specifically achieve a reduction in Nitrogen Dioxide (NO₂), which has a significant and long term effect on the health outcomes of our residents. The risk of non compliance or dilatory action needs to be managed and addressed.

Access to Information:

The background papers relating to this report can be inspected by contacting Sharon Smith, Head of Public Protection and Regulatory Services.



Telephone: 0161 342 2277



e-mail: sharon.smith@tameside.gov.uk

1 EXECUTIVE SUMMARY

- 1.1 The severe and long-lasting health implications of poor air quality as well as the legal obligations placed on Greater Manchester local authorities means that authorities need to act decisively and swiftly to reduce harmful air pollutants, and nitrogen oxides in particular.
- 1.2 Greater Manchester authorities in deciding to work together to respond to this vital issue are demonstrating collective leadership, which is essential to help clean the air for our combined population of nearly three million residents. Greater Manchester authorities have been formally directed by the Secretary of State under section 85 of the Environment Act 1995 to take steps to implement a local plan for compliance with limits for nitrogen dioxide, as analysis revealed that locations of damaging roadside nitrogen dioxide concentrations can be found in every district.
- 1.3 Given that air pollution does not respect boundaries, this coordinated approach is also the most effective way to deal with a problem that affects all parts of Greater Manchester, and cannot be remedied on a site by site or district by district basis.
- 1.4 This report provides an update on recent developments of the GM Clean Air Plan including the Light Goods Vehicles (LGV) and hackney carriage funding position, and interaction with the strategic route network and Highways England. It confirms arrangements for distributing funding received for bus retrofit and highlights separate discussions with DfT about funding for bus replacement.
- 1.5 It also sets out the results of the public conversation that was held last year and the key points from a number of focus groups that were held with key impacted stakeholders.
- 1.6 It then sets out a proposal for consultation, within current Government COVID-19 guidelines, over an eight-week period starting in October 2020. It then sets out the positions for consultation on the daily charge, discounts and exemptions, and the proposals for the supporting funds that have been developed taking stakeholder engagement and statistical modelling into account. Key highlights here include:
- A revision to the proposed daily charges, including a reduction in the charge for HGVs and buses from £100 per day to £60, an increase in the charge levels for LGV and minibuses from £7.50 to £10 as modelling has shown this will have a greater impact in behavioural responses to the charge, and the taxi and private hire charge has been held at £7.50 per day;
 - That the Clean Air Zone (CAZ) will be implemented in Spring 2022;
 - That the Government has accepted an exemption for LGVs and minibuses to 2023;
 - Details of the vehicle finance offer;
 - Details of temporary exemptions, including a temporary exemption to 2023 for wheelchair accessible taxi and private hire vehicles licensed with a Greater Manchester authority, and a temporary exemption to 2023 for coaches registered within Greater Manchester. Additionally, owner-drivers of GM-licensed PHVs (and PHVs leased full-time by 1 person), will be offered a discounted weekly charge of 5/7 of the total from implementation as these vehicles are used for personal use and private cars are not charged under the CAZ.
- 1.7 There are details of a “Try Before You Buy” scheme that will give the opportunity for GM-licensed Hackney drivers to trial an electric hackney vehicle.
- 1.8 The report then sets out the proposed funding offer for each of the supporting funds – the Clean Commercial Vehicle Fund for HGVs, LGVs, Coaches, and Minibuses that are not a licensed private hire vehicle, the Clean Bus Fund, the Clean Taxi fund for GM-licensed taxi and private hire vehicles, and the Vehicle Finance offer.

- 1.9 The report then considers the proposed Governance arrangements for the CAZ and that TfGM will act as an 'operating body' responsible for day to day operation of the CAZ in particular and the implementation of other GM CAP measures.
- 1.10 The report also highlights the link to taxi and private hire vehicle common minimum licensing standards (MLS). In 2018, GM's ten local authorities agreed to collectively develop, approve and implement a common set of minimum licensing standards (MLS) for Taxi and Private Hire services that cover the whole of GM.
- 1.11 At that time, the primary driver for this work was to ensure public safety and protection, but vehicle age and emission standards in the context of the Clean Air and the decarbonisation agendas are now also major considerations. MLS is an important mechanism that permits the systematic improvements to taxi and private hire services across Greater Manchester.
- 1.12 Finally, there are seven appendices to the report, these are:
- Response to DfT Decarbonising Transport Policy Paper – TfGM's response to the Government's proposals for decarbonising the transport system.
 - 2020 Ministerial Direction – the most recent ministerial direction from Government.
 - Policy for Consultation – the detailed policy proposals including the charge levels, discounts and exemptions, and the supporting funds.
 - Vehicle Finance Measure – further detail of the proposed vehicle finance offer.
 - Equalities Impact Assessment – the initial equalities impact assessment of the proposed CAZ and supporting measures.
 - Operating Body & Responsibilities – further details of the proposed arrangements.
 - A copy of the letter from the Greater Manchester Taxi Trade Coalition to the GM Local Authorities Dated 3 August 2020

2 BACKGROUND

- 2.1 In July 2017 the Secretary of State issued a Direction under the Environment Act 1995 requiring seven Greater Manchester local authorities, including Tameside Council, to produce a feasibility study to identify the option which will deliver compliance with the requirement to meet legal limits for nitrogen dioxide *in the shortest possible time*.
- 2.2 In accordance with this Direction Tameside Council has been developing the study collectively with the other 9 Greater Manchester local authorities and the GMCA, coordinated by TfGM in line with Government direction and guidance and an Outline Business Case (OBC) was duly submitted in March 2019.
- 2.3 Tameside Council along with the other 9 Greater Manchester local authorities is now subject to a Ministerial direction dated 16 March 2020 requiring the submission of an Interim Full Business Case (FBC) (along with confirmation that all public consultation activity has been completed) as soon as possible and by no later than 30 October 2020. Under this direction Tameside Council along with the other 9 Greater Manchester local authorities is under a legal duty to ensure that the GM CAP (Charging Clean Air Zone Class C with additional measures) is implemented so that NO₂ compliance is achieved in the shortest possible time and by 2024 at the latest and that human exposure is reduced as quickly as possible.

3 INTRODUCTION

- 3.1 Poor air quality is the largest environmental risk to the public's health. Taking action to improve air quality is crucial to improve population health.

- 3.2 Whilst air quality has been generally improving over time, particular pollutants remain a serious concern in many urban areas. These are oxides of nitrogen (NO_x) and its harmful form nitrogen dioxide (NO₂), and particulate matter (PM).
- 3.3 In Greater Manchester road transport is responsible for approximately 80% of NO₂ concentrations at roadside, of which diesel vehicles are the largest source.
- 3.4 Long-term exposure to elevated levels of particulate matter (PM_{2.5}, PM₁₀) and NO₂ may contribute to the development of cardiovascular or respiratory disease and may reduce life expectancy¹. The youngest, the oldest, those living in areas of deprivation, and those with existing respiratory or cardiovascular disease are most likely to develop symptoms due to exposure to air pollution^{2,3}.
- 3.5 Public Health England estimate the health and social care costs across England due to exposure to air pollution will be £5.3 billion by 2035 for diseases where there is a strong association with air pollution, or £18.6 billion for all diseases with evidence of an association with air pollution⁴.
- 3.6 The Secretary of State has instructed many local authorities across the UK to take quick action to reduce harmful Nitrogen Dioxide (NO₂) levels, issuing a direction under the Environment Act 1995 to undertake feasibility studies to identify measures for reducing NO₂ concentrations to within legal limit values in the “shortest possible time”. In Greater Manchester, the 10 local authorities, the Greater Manchester Combined Authority (GMCA) and Transport for Greater Manchester (TfGM), collectively referred to as “Greater Manchester” or “GM”, have worked together to develop a Clean Air Plan to tackle NO₂ Exceedances at the Roadside, referred to as GM CAP.
- 3.7 The core goal of the GM Clean Air Plan is to address the legal requirement to remove ALL concentrations of NO₂ that have been forecast to exceed the legal Limit Value (40 µg/m³) identified through the target determination process in the “shortest possible time” in line with Government guidance and legal rulings.
- 3.8 Throughout the development of the plan, GM has considered a range of options to deliver compliance, overseen by the GM Steering Group⁵, and to understand the type and scale of intervention needed to reduce NO₂ to within legal Limit Values in the “shortest possible time” across Greater Manchester.
- 3.9 A best performing option was recommended within an Outline Business Case (OBC) for further consideration and discussion with stakeholders and the public to aid the development of the Full Business Case.
- 3.10 In March 2019 the GM Authorities agreed the submission of the OBC that proposed the following package of measures that was considered would deliver compliance in the shortest possible time, at the lowest cost, least risk and with the least negative impacts. They were:
- A charging Clean Air Zone (CAZ) category C which will target the most polluting commercial vehicles including older heavy goods vehicles, buses, coaches, taxis and

¹ Air Quality – A Briefing for Directors of Public Health (2017), <https://www.local.gov.uk/air-quality-briefing-directors-public-health>

² Air Quality – A Briefing for Directors of Public Health (2017), <https://www.local.gov.uk/air-quality-briefing-directors-public-health>

³ RCP and RCPCH London, Every breath we take lifelong impact of air pollution (2016), <https://www.rcplondon.ac.uk/projects/outputs/every-breath-we-take-lifelong-impact-air-pollution>

⁴ <https://www.gov.uk/government/news/new-tool-calculates-nhs-and-social-care-costs-of-air-pollution>

⁵ Members include Directors or Assistant Directors from each GM authority.

private hire vehicles from the summer of 2021, and older polluting light goods vehicles and minibuses from 2023 (i.e. a CAZ C with a van exemption until 2023). It was assumed at OBC stage that the Clean Air Zone Charge would be £7.50 per day for taxis, private hire vehicles and light goods vehicles and £100 per day for heavy goods vehicles, buses and coaches.

- A Clean Freight Fund of c.£59m to provide financial support for the upgrade of light and heavy goods vehicles, minibuses and coaches, which will be targeted to support smaller local businesses, sole traders and the voluntary sector.
- A Clean Taxi Fund of c.£28m, to support the upgrade of non-compliant Greater Manchester Licensed taxi and private hire vehicles.
- A Clean Bus Fund of c.£30m to provide, where possible, the retrofit of older engine standards to the less polluting Euro VI standard for those buses registered to run services across Greater Manchester.
- A package of supporting measures including a proposed Loan Finance scheme, sustainable journeys projects, additional EV charging infrastructure.

3.11 The OBC made clear the expectation that the UK Government would support the plans through:

- Clear arrangements and funding to develop workable, local vehicle scrappage / upgrade measures;
- Short term effective interventions in vehicle and technology manufacturing and distribution, led by national Government with local authorities;
- Replacement of non-compliant buses; and
- A clear instruction to Highways England with regard to air pollution from the Strategic Road Network (SRN) in Greater Manchester.

3.12 The GMCA – Clean Air Update report on 29 May 2020⁶ detailed that the funding asks have been revised as follows:

- A Clean Commercial Vehicle Fund of c.£98m to provide financial support for the upgrade of light and heavy goods vehicles, minibuses and coaches, which will be targeted to support smaller local businesses, sole traders and the voluntary sector, registered in Greater Manchester.
- A Hardship Fund of c.£10m to support individuals, companies and organisations who are assessed to be most vulnerable to socio-economic impacts from the CAZ.

3.13 It also set out the Government's response providing initial funding of £41m for clean vehicle funds to award grants or loans to eligible businesses: £15.4m for bus retrofit, £10.7m for Private Hire Vehicles, £8m for HGVs, £4.6m for coaches and £2.1m for minibuses. [These figures include JAQU estimated delivery costs at 5%].

3.14 In addition, Government has accepted the need for vehicle replacement funds for Hackney Carriages, and Light Goods Vehicles, but requested further development of shared evidence on the needs within that complex sector before responding to the specific ask.

3.15 The Report considered the implications of pandemic management policies for the 10 Greater Manchester (GM) local authorities in relation to the schedule of work and statutory consultation on the Clean Air Plan. The link to taxi and private hire common minimum licensing standards (MLS) was also highlighted.

4 PROGRESS SINCE LAST UPDATE

⁶ Also considered by the GM Authorities through their own constitutional decision-making arrangements.

- 4.1 Hackney Carriages & LGV fleet support – as reported in May 2020, Government has accepted the need for vehicle replacement funds for Hackney Carriages, and Light Goods Vehicles, but requested further development of shared evidence on the needs within this complex sector before responding to the specific ask. GM have submitted this information, however at the time of writing the Government have not made an offer of funding. GM will therefore need to consult on the financial position at the date of consultation. Currently the ask is £80m and for Hackney Carriages it is £10.4m, plus delivery costs.
- 4.2 Strategic Road Network managed by Highways England – In December 2019, TfGM wrote to JAQU to formally set out the concerns of the 10 Greater Manchester (GM) Local Authorities, that Highways England has not been directed to act in relation to tackling NO₂ exceedances in the same way as GM has been and that this will leave some publicly accessible areas of GM which are adjacent to the Strategic Road Network (SRN) managed by Highways England, with NO₂ exceedances that are not being addressed by the Highways England plan and therefore are not being addressed at all. The letter set out GM's observations and concerns regarding the consistency of the directions applied by JAQU to Local Authorities and Highways England.
- 4.3 In April 2020 Tameside's Chief Executive also wrote to JAQU highlighting that the inconsistency in approach is leaving many of their most vulnerable residents unprotected, particularly, around the A628/A57, a strategically important trans Pennine route that passes through the villages of Hollingworth and Mottram as a single carriageway. This route, managed by Highways England, will be left with NO₂ exceedances that are not being addressed, despite the area being declared as part of GM's Air Quality Management Area with annual average nitrogen dioxide concentrations regularly in excess of 55 µg/m³.
- 4.4 This was also echoed in Councillor Western's letter to Rebecca Pow stating that there remain outstanding issues regarding specific locations on the Highways England trunk road network that will be crucial to a coherent consultation proposal.
- 4.5 Officers continue to press to include the route in the GM Clean Air Zone and on 21 July 2020 a meeting was held between Rachel MacLean – Parliamentary Under Secretary of State for Transport, Councillor Brenda Warrington, Councillor Andrew Western, Jonathan Reynolds MP and Robert Lorgan MP. Minister MacLean listened to the concerns of GM politicians and committed to reviewing the options to deal with this issue. Executive Member (Neighbourhoods, Community Safety and Environment) will provide a verbal update at the Cabinet meeting.
- 4.6 Clean Bus Fund – Retrofit – TfGM have confirmation that the funding award for Bus Retrofit should be distributed as soon as possible as per arrangements put in place for the Clean Bus Technology Funds.
- 4.7 Clean Bus Fund – Replacement – it was assumed at OBC stage that an estimated 350 buses could not be retrofitted and that it would be for the market to find a solution. GM is looking to secure funding from the £5 billion of new funding for buses and cycling announced in the March budget. [Budget 2020 suggested c.£2 billion/4,000 zero-carbon buses nationally.] Alongside this, GM is proposing to the Government that it requires circa £9m of funding plus delivery costs to support the replacement of non-compliant vehicles operating on registered bus services in GM that cannot be retrofitted. Separate discussions are underway with DfT to secure funding from the national fund.
- 4.8 Work to assess the possible impacts of COVID-19 – The GM CAP team are working to prepare the assessment of the possible impacts of COVID-19 to inform a technical briefing note for decision makers to consider with the outcome of the consultation. To date GM have developed a broader plan of analysis and sensitivity testing to assess the

possible impacts of COVID-19 on the CAP; this plan has been agreed with JAQU.

- 4.9 JAQU has confirmed its continued commitment to delivering the GM CAP and have asked GM to continue to develop the CAP and refrain from incorporating any possible economic impacts into the analysis prematurely.
- 4.10 Accordingly, GM is continuing to progress interim deliverables as set out in the 2020 Ministerial Direction – delivery plans by 31st July 2020 and interim FBC by 30th October 2020⁷ – towards the production of the Full Business Case (FBC) based on existing modelling and assumptions whilst work to assess the possible impacts of the COVID-19 pandemic is underway. JAQU have set out initial guidance on sensitivity tests that should be carried out by local authorities to assess the potential impact of the COVID-19 pandemic on their plans; these have been incorporated into GM's plans.
- 4.11 GM is also working with other local authorities to share knowledge as it emerges.
- 4.12 The GM CAP has been developed based on a number of reasonable assumptions, derived from data and evidence, about traffic and travel patterns, vehicle ownership, the costs of living and doing business, and economic circumstances. The COVID-19 pandemic has affected many of these in the short term and may lead to longer term changes, for example, the following impacts are possible:
- Revised 'Do Minimum' position – it is considered more likely that this would be worse rather than better by 2023/2024 as the impact of delayed/cancelled vehicle purchases on the age of the fleet may outweigh the emissions benefits from any traffic reductions;
 - A change (likely to be an increase) in the proportion of vehicles therefore in scope for charging;
 - Changes to behavioural responses, reflecting changes in the cost and availability of compliant vehicles / retrofit options and changes in the economic circumstances of those affected (for example, reduced turnover / profitability, loss of equity, greater indebtedness);
 - Increased requirements for support or changes to the number and needs of those in scope for the proposed support packages; and
 - Possible delays to, or revisions of, related policies and strategies that affect GM CAP assumptions and predicted behavioural responses.
- 4.13 The impacts will change over time. In the short term (next 6 months), there may still be considerable uncertainty about the trajectory of the pandemic and economic recovery. GM is therefore carrying out an assessment of what factors are most influential for the CAP.
- 4.14 Response to Government's Decarbonising Transport Document – As reported on 29 May 2020 - In March this year the Government published its "Decarbonising Transport – Setting the Challenge" document. GM's response to this document is set out at Appendix 1 which gives GM's views on the actions required to put the UK's entire transportation system on a plausible pathway to deliver the greenhouse gas reductions urgently needed to achieve carbon neutrality. The summary of the response is:
- Whilst new vehicle technologies are important, delivering carbon neutrality will not be

⁷ The 2020 Ministerial Direction sets out submission dates for consultation, delivery plans and FBC. Notably, the Direction requires conclusion of all public consultation activity and submission of the Interim FBC by the end of October 2020. The direction is dated 16 March, before the enactment of the Coronavirus Act 2020, meaning that the implications of pandemic management policies had not been considered in setting these dates. JAQU have indicated these submission dates maybe reviewed in due course.

possible without a significant change in travel behaviours and a fundamental shift in the way people and goods are moved. The DfT Plan to Decarbonise Transport, whilst a welcome initiative in principle, does not yet set out a set of measures that are realistically capable of achieving the changes in the required timeframe.

- Rapid and urgent action is needed to put the UK on the trajectory necessary to achieving carbon neutrality in 2050 – the next five years are critical to set us on the right path to meet our carbon budgets.
- If active travel and public transport are to be the first, natural choice, then they must also be the most convenient and cost-effective ways to travel.
- A reduction of passenger kilometres travelled is needed and whilst local polices can influence this, it is Government policy that will underpin its delivery. The Transport Decarbonisation Plan needs to set a consistent National Policy aligned with international agreements, that regions and localities can deliver to make rapid, meaningful progress in reducing transport's contribution to the climate emergency.
- Policies to tackle carbon emissions must be integrated into wider policy-development to reduce the possibility of unintended consequences and to ensure a holistic approach is taken. Embodied carbon in infrastructure and vehicles; and the need for low-carbon electricity generation must all be included in the final strategy.
- The next stage in the Government's approach to decarbonising transport, scheduled for autumn 2020, will be crucial. Whilst Government may have fairly assessed the scale of the challenge to date, the final plan will need to set out a clear set of tangible actions and measures of the scale and impact required for implementation in the shortest time possible, so that all stakeholders can play their full role in the challenge to decarbonise transport.

5 THE RESULTS OF THE PUBLIC CONVERSATION AND FOCUS GROUPS

- 5.1 GM held a public engagement exercise known as the 'conversation' between early May and mid-June 2019 to help inform the GM CAP, and this was supplemented by more targeted stakeholder engagement with affected groups and businesses.
- 5.2 In total, around 3,300 responses were received, via an online survey, paper questionnaire, letters and emails. Over 2,400 of the responses were from individuals, with the vast majority of respondents living in Greater Manchester. As well as this a number of representative bodies (such as the Federation of Small Businesses) responded to the conversation, on behalf of the members they represent.
- 5.3 There were over 550 responses from businesses based in Greater Manchester and further afield. 61% of businesses were sole traders, 18% were small businesses, 11% were medium-sized businesses and 10% were large businesses.
- 5.4 When it came to air pollution, individuals were generally concerned about air pollution (75%) and felt it needed to be improved (80%) and businesses were less concerned about air pollution (54%) and were less inclined to feel it needs improving (55%).
- 5.5 When asked about the impact of the proposals individuals were generally quite positive about the proposals and their potential impact on health (79%), air quality (76%) and quality of life (67%). However, businesses thought the proposals would have a negative effect on the economy (54%), and two-thirds felt they would have a negative impact on their business.
- 5.6 The survey asked about the proposed Clean Air Zone, including the boundary and the timescales for introducing the zone. The views on the daily charges for non-compliant vehicles to enter the zone were split, with roughly a third of individuals saying they were about right, a third saying they were too low and a third saying they were too high. Businesses were more likely to say they daily charges were too high (around two thirds

responding with that answer).

- 5.7 Those with non-compliant vehicles were asked about their view on the funding proposed to support businesses to upgrade. Many businesses either didn't know what action they were likely to take or thought they would not take any action. Of those who said they would not take action, the reasons why included; the cost of upgrading their vehicle, constraints around their lease arrangement and that they would prefer to pay the daily charge.
- 5.8 Scrappage schemes, loans and additional support were suggestions made by respondents on how we could support those with non-compliant vehicles to upgrade. There were also comments on who should be prioritised to receive any funding, those comments focused on supporting smaller businesses first.
- 5.9 More than half of all respondents thought it was important to provide support and advice to help people use less-polluting transport. Almost half of respondents thought travel planning and events at schools would encourage the use of sustainable transport.
- 5.10 60% thought installing more electric vehicle charging points across Greater Manchester was important. The top suggested locations were: public car parks, service stations, taxi ranks, Retail centres and workplaces.
- 5.11 Overall, 68% of individuals and 38% of businesses supported the proposal. When asked on a scale of 1 – 10, where 10 was fully supporting the proposals, 41% of individuals gave the proposals a score of 10.
- 5.12 The full report from the conversation can be found online at <https://cleanairm.com/technical-documents>.

6 THE CONSULTATION

- 6.1 In May 2020, the ten GM local authorities and the GMCA set out that they needed to be mindful of moving the Clean Air Plan forward given the direction to act but also the need to balance this against the impact of COVID-19.
- 6.2 It further recognised that any consultation conducted in a time of COVID-19-related restrictions will be different to previous consultations and GM would have to do everything it reasonably can to ensure that the consultation is fair.
- 6.3 Subject to the considerations detailed in paragraph 6.6, is now proposed to move forward to consultation on the Clean Air Plan starting in October 2020 as there is a plan for the easing of restrictions and moving to the next phase of the COVID-19 response through the Government's COVID-19 recovery strategy⁸ published on Monday 11 May 2020. In this document the Government published a staged plan for the reopening of the economy and the gradual easing of restrictions following the introduction of national lockdown measures on 23 March 2020.
- 6.4 In his televised address on Sunday 10 May 2020, the Prime Minister outlined plans for the easing of national lockdown restrictions and the reopening of some businesses. This was organised into three main steps:
- **Step one** was initiated on **Wednesday 13 May 2020** and required all workers who could not work from home to travel to work if their workplace was open. It also eased

8

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/884760/Our_plan_to_rebuild_The_UK_Government_s_COVID-19_recovery_strategy.pdf

restrictions on social contact, allowing people to meet one other person in an outdoor public place. Restrictions on exercise were eased to allow people to exercise as many times as they choose each day and to travel as far as they wish to do so (providing no borders between UK nations are crossed).

- **Step two** began on **Monday 1 June 2020** and allowed some non-essential retail to open including outdoor markets and car showrooms. The Government also clarified that homeware stores were permitted to remain open. This step also included a phased return of early years settings and schools beginning with reception, year one and year six pupils and further relaxing of social restrictions. The second phase of Step Two will begin on **Monday 15 June 2020** and will permit the opening of all other non-essential retail.
- **Step three** began on **Saturday 4 July 2020** and included the opening of many remaining businesses including hospitality, leisure and personal care businesses.

6.5 Each of the steps is contingent on the current risk posed by COVID-19 and the status of the Government's five tests. The Government has indicated that if it sees a sudden and concerning rise in the infection rate then it may have to re-impose some restrictions and that it would seek to do so in as limited and targeted a way as possible, including reacting by re-imposing restrictions in specific geographic areas (local/regional restrictions) or in limited sectors where it is proportionate to do so, possibly at short notice.

6.6 It is noted that as at 31 July 2020, parts of the North of England, including the 10 Greater Manchester local authorities, were placed under additional regional restrictions prohibiting people who do not live together from meeting in a private home or garden (except for limited exceptions)⁹ which are enforceable from 5th August 2020 under The Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) Regulations 2020 (SI 828). Although within Greater Manchester regional social distancing measures are in place from 31st July 2020 (to be initially reviewed by 19th August 2020 at the latest), under these measures the majority of businesses remain open and it is not considered at this time that the situation in terms of ability of consultees to engage in any meaningful consultation activity has materially changed from that which was in place prior to 31st July 2020. Nevertheless, the GM authorities recognise the changing landscape and the situation regarding the consultation (to include any equalities impact considerations) is being kept under constant review. Should the Greater Manchester local authorities consider it necessary to do so, they may make adjustments to the consultation process or consider pausing it. GM will need to conduct a consultation that will adhere to the Government guidance around social distancing and any regulations in place and undertake engagement activity that will enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way, taking into account that Government guidance and stage of recovery both nationally and locally regionally can change very quickly. It is proposed that:

- Consultation will take place within the COVID-19 Secure guidelines in place at the relevant time and run for 8 weeks from early October 2020. A commencement date of early October 2020 will enable the GM Authorities to consider the matters reported here through their own constitutional decision-making arrangements between August 2020 and September 2020.

6.7 It is considered that an 8-week consultation is a reasonable period of time and will provide an opportunity for meaningful feedback on the proposals for the following reasons:

- the GM Authorities will undertake pre-consultation engagement around the proposals explaining why a GM CAP is important for GM;
- since the 7-week public conversation, impacted groups have been regularly informed of

⁹ <https://www.gov.uk/government/collections/local-restrictions-areas-with-an-outbreak-of-coronavirus-covid-19>

- the development of the GM CAP proposals;
- the consultation will be conducted primarily through digital channels with specific arrangements to ensure that there is parity of access for all groups; and
- the full detail of the proposals will have been in the public domain for 10 weeks prior to the consultation launch.

6.8 The GM Authorities engagement activity will use the CleanAirGM visual identity and will be coordinated by TfGM at a Greater Manchester-wide level and each GM authority will be supported to implement their own delivery plans for consultation with their residents and businesses.

6.9 The GM Authorities will use both online and offline channels to promote the consultation, (including social media, digital advertising, out of home advertising, media and PR, working with stakeholders and other routes). It is not thought likely that traditional consultation-style events and drop-in sessions will be able to be hosted due to the restrictions on large gatherings and therefore online events, webinars, and social media will be used in order to answer questions and engage.

6.10 A delegation is sought to give Executive Member (Neighbourhoods, Community Safety and Environment) the necessary authority to approve the GM CAP consultation materials which will include the consultation summary document, survey questions and Equalities Impact Assessment on the consultation activity.

6.11 Alongside this engagement activity, GM Authorities will also undertake qualitative research looking at the impact of the clean air proposals on the most impacted groups – which may include small and micro businesses, taxi and private hire trade, the freight and logistics trade, public transport users, those with respiratory conditions and others. This research will be conducted whilst the consultation is ongoing and will be reported within the consultation findings report.

7 THE CONSULTATION PROPOSALS

7.1 The GM authorities have been directed by Government to introduce a Category C Clean Air Zone across the region. There is a requirement under the Transport Act 2000 to consult 'such a local persons as [the GM authorities] consider appropriate about the charging scheme'. The statutory nature of the consultation affords a large degree of discretion to the consulting authorities about the manner in which such persons are consulted, but it will need to address the contents of the scheme and how it will promote relevant local transport policies and explain the fundamentals of the CAZ, i.e. the proposed boundary, times of operation and vehicle types that would be subject to charges if non-compliant, the charges and discounts and exemptions. It is likely that the charges, discounts and exemptions may be most affected by responses to the consultation, given that some of the other elements of the CAZ, such as the need for a CAZ and the category of CAZ are mandated by the Ministerial Direction – see **Appendix 2**.

7.2 The supporting measures, the detail of proposals of the funds and vehicle finance, should also be set out to enable consultees to respond fully to the GM CAP proposals. The measures are also subject to state aid restrictions.

7.3 The tables set out at paragraphs 7.28 to 7.35 indicate the GM CAP measures that will be the subject of consultation. The main changes to highlight from the public conversation are highlighted in the list below and detailed in paragraphs 7.4 to 7.27. The full Policy for Consultation can be found at **Appendix 3**.

- Clean Air Zone Daily Charges
- Clean Air Zone Implementation Date

- Clean Air Zone Exemption for LGV's and minibuses to 2023
- Vehicle Finance Offer
- Temporary exemption for Wheelchair accessible taxis licensed in GM (hackney carriages and private hire vehicles)
- Temporary exemption for GM registered coaches
- Personal Use Discount for Private Hire Vehicles licensed with one of the ten Greater Manchester Local Authorities
- Try Before You Buy Hackney Scheme
- Licensed Hackney carriage/Private hire vehicle i Electric Vehicle Infrastructure
- Removal of Sustainable Journeys and Electric Vehicle Infrastructure

Clean Air Zone Daily Charges

7.4 Daily charges would apply for each day a non-compliant vehicle is used within the GM CAZ, with one charge imposed per vehicle, per 'Charging Day' (midnight to midnight), however much a vehicle drives within the GM CAZ in that 24-hour period. The aim of the daily clean air zone charges is to:

- reduce NOx emissions sufficiently (and not to target other pollutants, although benefits are likely) by encouraging drivers to upgrade to a cleaner vehicle.
- for as few people as possible to choose to 'stay and pay', accepting that this may remain the best choice for infrequent visitors.
- be as low as possible whilst achieving these objectives.

7.5 Why have the proposed charges been modified since the initial conversation in 2019?

- Better understanding of the vehicle fleets and markets in GM and nationally.
- Better understanding of the likely behavioural response to the charges.
- A range of options have been tested to identify the lowest, most effective charge.

7.6 It is proposed to base the consultation on a revised charge for LGV's and minibuses, set at £10 compared to £7.50 per day in the conversation. The reason for this increase is that since the conversation the data and modelling that underpins the development of the GM CAP has been significantly updated particularly in terms of the behavioural changes GM expects to see. In the analysis used to assess the effectiveness of different charge levels for LGVs, a CAZ charge set at £7.50 delivered upgrades of under 48%, meaning that over half of non-compliant vehicles were choosing to stay and pay the charge or switch to a car, whereas the analysis suggested that increasing the charge to £10 would increase the upgrade to around 70%. At a lower charge level, the risk is that the scheme imposes costs through charges without delivering the necessary benefits of emissions reductions. It is assumed that minibus operators would respond in a similar way, but this could not be modelled because there was not sufficient information available to reliably assess cost sensitivity in the minibus sector.

7.7 It is proposed to base the consultation on a revised charge for HGV's, buses and coaches of £60 compared to £100 per day in the conversation. The reason for this decrease is that since the conversation the data and modelling that underpins the development of the GM CAP has been significantly updated particularly in terms of the behavioural changes GM expects to see. In the analysis used to assess the effectiveness of different charge levels for HGVs, a CAZ charge set at £60 per day was shown to deliver very similar upgrade responses and benefits to compliance as a charge of £100 per day. £60 was assessed to be the lowest possible charge delivering equivalent benefits. It is considered that coach and bus operators would respond in a similar way, but this could not be modelled because there was not sufficient information available to reliably assess cost sensitivity in these sectors. It is therefore recommended that the same charge of £60 per day is applied to all heavy vehicles.

7.8 The proposed daily charge for licensed Hackney carriages and licensed Private Hire Vehicles remains at £7.50 per day.

Clean Air Zone Implementation Date

7.9 In the May GMCA report GM advised that the implementation of a GM-wide CAZ was delayed. It can now be confirmed that the programme is now working to an implementation date of Spring 2022.

7.10 GM anticipates that once implemented the Clean Air Zone will remain in full operation until at least the second half of 2026. If it is demonstrated by the second half of 2026 that two consecutive years' of compliance with legal limit value for NO₂ of an annual mean of 40 µg/m³¹⁰ has been met, and there is confidence that compliance will continue to be maintained then, subject to GM governance processes, GM will notify the Secretary of State of its intention to revoke the Charging Scheme Order and commence the decommissioning of the GM Clean Air Zone.

Clean Air Zone Exemption for LGVs and minibuses until 2023

7.11 The Government have accepted GM's case for exempting LGVs and minibuses to 2023.

Vehicle Finance Offer

7.12 In its Outline Business Case (OBC) Greater Manchester said it would investigate a scheme to offer loans at preferential rates for those taking advantage of the Clean Air funds.

7.13 The Clean Air conversation in 2019 showed that vehicle finance is needed to help owners upgrade their vehicle as introduction of the GM Clean Air Zone is disrupting vehicle renewal cycles and some will need help in getting access to finance.

7.14 In response to this, Greater Manchester (GM) has developed a Vehicle Finance measure to address and reduce the adverse impacts on individuals, companies and organisations of financing an upgrade to a compliant vehicle without reducing the effectiveness of the Clean Air Zone.

7.15 This measure has been designed to facilitate access to vehicle finance to a wider range of applicants than would ordinarily be the case, and, where access to credit isn't normally an issue the cost of the monthly finance will be more affordable.

7.16 Vehicle Finance will utilise the GM CAP Clean Commercial Vehicle Fund and Clean Taxi Fund to offer eligible owners of a non-compliant vehicle the option to seek funding as either a lump sum grant or as a contribution towards vehicle financing, they will be able to choose the option which best suits their individual circumstances.

- Lump sum grant contributes to the cost of replacement – the applicant funds the remaining costs with private purchase or their own financing arrangements.
- Vehicle finance contributes to the cost of financing a replacement vehicle through GM's arrangements either a lease or Hire Purchase – the applicant pays monthly for an agreed finance period.

7.17 The measure will be available to small, micro businesses, sole traders, self-employed, charities & and social enterprises, registered¹¹ in GM and in ownership of a non-compliant vehicle (HGVs, LGVs, Coaches, Minibuses, Hackneys and Private Hire Vehicles). More information on the measure can be found at **Appendix 4**.

Temporary exemption for Wheelchair accessible taxis

¹⁰ as set by the Ambient Air Quality Directive (2008/50/EC)

¹¹ taxi & PHV need to be licensed in GM

7.18 Wheelchair accessible (WAV) Hackney Carriages and Private Hire Vehicles (PHV) offer a vital service for disabled people and are often the only mode of travel available to them. 26% of taxi users, compared to 9% of users of other modes, report that they have a health problem or disability that limits their day-to-day activities, and 26% of over 65s say that they cannot use buses due to a disability – both demonstrating the importance of taxis in providing accessibility for disabled and elderly people¹². To maintain accessibility for disabled people and mitigate a risk of a reduction in the number of WAV Hackney Carriages and PHVs operating in the region, GM licensed Wheelchair Accessible Hackney Carriages & PHVs will be given a temporary exemption until 2023. Other areas have offered exemptions for WAV taxis on this basis and the temporary exemption for WAV Hackney Carriages and PHVs does not affect the year of compliance with NO₂ legal limits.

Temporary exemption for GM registered coaches

7.19 Compliant Euro 6 coaches have been available since 2013, however the majority of the fleet registered and believed to be operating in GM is non-compliant, with Euro 3 the most common age category. This is because coaches have a long running life and upgrade to a compliant vehicle is very expensive, at up to £280k for a new vehicle. Most coach operators are small businesses and have very small fleets of 1-5 vehicles, operating within tight margins. Coaches provide services for vulnerable groups, particularly children, elderly people and those on low incomes. To maintain accessibility for these groups and mitigate a risk of reduced coach operations, coaches registered to a business address within GM will be eligible to apply for a temporary exemption until 2023, subject to legal review including state aid implications. Vehicles that are used on a registered bus service in GM are not eligible for this exemption. A temporary exemption for coaches does not affect the year of compliance with NO₂ legal limits.

Personal Use Discount for Private Hire Vehicles licensed with one of the ten Greater Manchester Local Authorities

7.20 The Clean Air conversation in 2019 showed that a proportion of PHVs are used as a private car when not acting as a PHV. Private cars are not included in GM's Clean Air Zone and therefore owner drivers of GM-licensed PHVs (and PHVs leased full-time by 1 person), will be offered a discounted weekly charge of 5/7 of the total from implementation. This is in line with the position taken in other cities e.g. Leeds and can be facilitated through the Government's Hackney Carriages and PHV Centralised Database which forms part of the wider digital infrastructure that is being developed to support the introduction of charging Clean Air Zones.

Try Before You Buy Hackney Scheme

7.21 The GM CAP will require Hackney Cabs and PHVs to meet stricter emissions standards, which will mean a significant proportion of the trade will need to upgrade their vehicles to meet these emissions standards to avoid a charge. There is also the ambition in the GM Five-Year Environment Plan (5YEP) for GM to be carbon neutral by 2038.

7.22 To invest in Zero Emission Capable¹³ vehicles, taxi proprietors also require long term confidence in the local policy landscape, including future interventions and supporting infrastructure. GM has recently agreed to introduce a position for consultation on when GM Taxi/PHV ZEC should be ZEC. The MLS further proposes that all Hackney Carriages must be London-style wheelchair accessible vehicles. Due to the lack of second-hand ZEC Hackney Carriages on the market, all operators looking to upgrade to electric would likely to have to purchase new vehicles.

7.23 Deliberative research undertaken in October 2019 identified that Hackney and PHV drivers and operators noted the attractiveness of EVs, but showed concern about whether

¹² November 2019 Hatch Regeneris "CAZ Commercial Vehicle Socio-Economic Impacts Research"

¹³ This means having CO₂ emissions of no more than 50g/km and a minimum 30 mile zero emission range.

EV taxis were suitable, and whether there would be sufficient dedicated charging infrastructure available. To be persuaded to upgrade to an EV, it is likely participants would need to be confident that use of the vehicles is demonstrably feasible. Measures will need to target affordability and other barriers to switching to an electric vehicle, as well as the current lack of charging infrastructure.

7.24 GM are proposing a 'Try Before You Buy' initiative for GM-licensed Hackney Carriage drivers to address uncertainties such as operating costs, range anxiety and availability of charging infrastructure. Nottingham City Council have run a trial of 3 EV Hackney's for 1-month periods and since its launch in January 2019 have covered 43 trials and have successfully converted 20 of those drivers to electrified Hackneys. The GM scheme would aim to encourage a 40% increase in drivers moving to EV. Support to drivers will be further enhanced in this transition to EV with the Hackney EV running cost grant.

Taxi Electric Vehicle Infrastructure

7.25 As set out above research has shown taxi drivers are concerned about the ability to charge EVs when out and about on shift. Therefore, electric vehicle infrastructure will be key in supporting the transition to ZEC taxis.

7.26 GM are proposing a network of 40 taxi only rapid electric vehicle charging points, tailored to locations to support ZEC taxis to operate across GM. This measure is complementary with the financial support offered through the Clean Taxi Fund, within which one of the proposed financial support mechanisms is a running-costs grant for those who upgrade from a non-compliant vehicle to a ZEC vehicle.

Removal of Sustainable Journeys and Electric Vehicle Infrastructure

7.27 In the update report on 29 May it was detailed that the Government does not support the Sustainable Journeys measure as it only contributes to a minimal amount of NOx reduction in key locations. It also set out that Electric Vehicle Infrastructure is not needed for compliance and so would not be supported by implementation fund monies but government have committed to work with GM on securing alternative funding. The Office for Low Emission Vehicles (OLEV) were allocated £500m in the 11 March 2020 budget and TfGM on behalf of GM will be developing a business case to make the case to OLEV/Department for Transport.

7.28 **Proposals for the Clean Air Zone** – Government has awarded GM £36m for the preparatory implementation and contract arrangements that need to be undertaken to deliver the CAZ and other GM CAP measures.

Clean Air Zone: Boundary	Primarily aligned with the administrative boundary of Greater Manchester Authorities excludes the Strategic Road Network (SRN) ¹⁴ . https://cleanairgm.com/which-roads-are-affected/
Clean Air Zone: Times of Operation	24 hours a day, 7 days a week
Clean Air Zone: Vehicles Affected	<ul style="list-style-type: none"> • Licensed Hackney Carriage • Licensed Private Hire Vehicle • Bus • Coach • Minibus • LGV • HGV

¹⁴ The SRN consists of roads which are not managed by local and regional GM authorities, namely motorways and trunk roads managed by Highways England. The SRN is illustrated on the Highways England Network Management Map available at: <https://www.gov.uk/government/publications/roads-managed-by-highways-england>

7.29 Proposals for Licensed Hackney Carriages – GM has asked for £10.4m of funding plus delivery costs.

Clean Air Zone: Exemptions	Wheelchair Accessible (WAV) Hackney Carriages which are licensed by one of the 10 Greater Manchester Authorities, as of the [end date of GM CAP consultation] will be eligible for a temporary exemption until 31st December 2022.
Clean Air Zone: Discounts	None
Clean Air Zone: Daily Charge	£7.50 per charging day (midnight to midnight)
Clean Vehicle Funding	<p>A one off grant of £10,000 towards the running costs of a Zero Emissions Capable Vehicle OR access to vehicle finance, offering an average subsidy of £10,000 with the total subsidy capped at £14,000.</p> <p>OR a grant of £5,000 towards the LPG retrofit of a Euro 5 vehicle less than ten years old.</p> <p>Funding ask of £10.4m would provide funding to upgrade around 1,050 vehicles. Total in-scope non-compliant fleet is estimated to be 1,200 vehicles at the point of CAZ implementation.</p>

7.30 Proposals for Licensed Private Hire Vehicles – Government has awarded GM £10.2m as an initial tranche of funding. Further funding is required to support delivery costs.

Clean Air Zone: Exemptions	Wheelchair Accessible (WAV) Private Hire Vehicles which are licensed to one of the 10 Greater Manchester Authorities, as of the [end date of GM CAP consultation] will be eligible for a temporary exemption until 31st December 2022.
Clean Air Zone: Discounts	PHVs (owned or leased full-time by 1 person) licensed to one of the 10 GM Local Authorities and also used as a private car - Registered keepers of non-compliant PHVs which are also used as a private car will be eligible to apply for a discounted charge of 5/7 of the weekly total from 2021.
Clean Air Zone: Daily Charge	£7.50 per charging day (midnight to midnight)
Clean Vehicle Funding	<p>Private Hire WAV or minibus: A grant of £5,000 for a compliant 6+ seater vehicle OR access to vehicle finance, offering an average subsidy of £5,000, with the subsidy per vehicle capped at £7,000.</p> <p>Non-wheelchair accessible Private Hire Vehicles: A grant of £1,000 for replacement with a compliant internal combustion engine vehicle OR access to vehicle finance, offering an average subsidy of £1,000, with the subsidy per vehicle capped at £2,000.</p> <p>OR a grant of £2,000 for replacement with a compliant hybrid or plug-in hybrid OR access to vehicle finance, offering an average subsidy of £2,000, with the subsidy per vehicle capped at £3,000.</p> <p>OR a grant of £2,500 towards the running costs of a Zero Emissions Capable vehicle.</p> <p>Funding ask of £10.2m would provide funding to upgrade around 4,600 vehicles. Total in-scope non-compliant fleet is estimated to be 5,300 at the point of CAZ implementation.</p>

7.31 **Proposals for Buses** – Government has awarded GM £14.7m as an initial tranche of funding. As set out at paragraph 3.7 alongside this, GM is proposing to the Government that it requires circa £9m of funding plus delivery costs to support the replacement of non-compliant vehicles operating on registered bus services in GM that cannot be retrofitted.

Clean Air Zone: Exemptions	None
Clean Air Zone: Discounts	None
Clean Air Zone: Daily Charge	£60 per charging day (midnight to midnight)
Clean Vehicle Funding	<p>Bus retrofit - Up to £16,000 towards retrofit to a compliant standard via a Clean Vehicle Retrofit Accreditation Scheme (CVRAS) certified system</p> <p>Bus replacement - Up to £16,000 for purchase or lease of a compliant vehicle</p> <p>Funding ask would provide funding to retrofit or towards upgrade of all non-compliant buses operating in GM, around 1,500 vehicles in total (noting that a further c350 are being retrofitted under the CBTF).</p>

7.32 **Proposals for Coaches** – Government has awarded GM £4.4m as an initial tranche of funding.

Clean Air Zone: Exemptions	Coaches registered to a business address within GM and not used on a registered bus service within GM will be eligible for a temporary exemption until 31st December 2022.
Clean Air Zone: Discounts	None
Clean Air Zone: Daily Charge	£60 per charging day (midnight to midnight)
Clean Vehicle Funding	<p>A grant of £16,000 per vehicle for replacement OR access to vehicle finance, offering an average subsidy of £16,000, with the subsidy per vehicle capped at £23,000.</p> <p>OR a grant of up to £16,000 towards retrofit to a compliant standard via a Clean Vehicle Retrofit Accreditation Scheme (CVRAS)</p> <p>Funding ask of £4.4m would provide funding to upgrade around 275 vehicles.</p>

7.33 **Proposals for Minibuses** – Government has awarded GM £2m as an initial tranche of funding.

Clean Air Zone: Exemptions	<p>Community Minibuses – Those operating under a permit under section 19 or section 22 of the Transport Act (1985), issued by a body designated by the Secretary of State are eligible for a permanent exemption.</p> <p>Minibuses which are not used as a licensed taxi, PHV or on a registered bus service, will be eligible for a temporary exemption until 31st December 2022.</p>
Clean Air Zone: Discounts	None
Clean Air Zone: Daily Charge	£10 per charging day (midnight to midnight)
Clean Vehicle Funding	A grant of £5,000 per vehicle OR access to vehicle finance, offering an average subsidy of £5,000, with the subsidy per vehicle capped

	at £7,000. Funding ask of £2m would provide funding to upgrade around 400 vehicles.
--	--

7.34 **Proposals for LGV** – GM has asked for £80m of funding plus delivery costs.

Clean Air Zone: Exemptions	Light Goods Vehicles (LGVs) will be eligible for a temporary exemption until 31st December 2022.
Clean Air Zone: Discounts	None
Clean Air Zone: Daily Charge	£10 per charging day (midnight to midnight)
Clean Vehicle Funding	A grant of £3,500 per vehicle OR access to vehicle finance, offering an average subsidy of £3,500, with the subsidy per vehicle capped at £5,000. Funding ask of £80m would provide funding to upgrade around 23,100 vehicles, around 40% of the in-scope non-compliant fleet.

7.35 **Proposals for HGV** – Government has awarded GM £7.6m as an initial tranche of funding.

Clean Air Zone: Exemptions	Specialist Heavy Goods Vehicles – Certain types of heavily specialised HGVs, such as those used in construction or vehicle recovery. Non-road-going vehicles – Certain types of non-road going vehicles which are allowed to drive on the highway such as agricultural machines; digging machines; and mobile cranes (T1, T2 or T3 vehicle types)
Clean Air Zone: Discounts	Registered keepers of privately-owned commercial vehicles (<3.5t)), and registered to an address in GM, will be eligible to apply for a discounted charge of that of an LGV.
Clean Air Zone: Daily Charge	£60 per charging day (midnight to midnight)
Clean Vehicle Funding	A grant of up to £5,500 per vehicle, dependent on vehicle size OR access to vehicle finance, offering an average subsidy of up to £5,500 with the subsidy per vehicle capped at £8,000. OR a grant of up to £16,000 towards retrofit to a compliant standard via a Clean Vehicle Retrofit Accreditation Scheme (CVRAS) Funding ask of £7.6m would provide funding to upgrade around 2,000 vehicles, around half the in scope non-compliant fleet.

7.36 An Equalities Impact Assessment that considers the draft proposals at a GM level, can be found at **Appendix 5**.

8 GOVERNANCE

8.1 TfGM has been leading on the development of the GM CAP on behalf of the ten GM local authorities. However, the duty to secure compliance with the March 2020 ministerial direction falls on the 10 GM local authorities. The latest direction by the Secretary of State under section 85 of the Environment Act 1995 places a duty directly on each of the GM authorities to take steps to implement the relevant local plan for NO₂ compliance.

- 8.2 Once the GM CAZ is operational there will be a number of aspects which will require continued joint working across the GM Authorities, which may be achieved through delegations, agreements, memoranda of understanding or a combination of these. The CAZ will incur operating costs and generate revenues, any net surplus of which must be applied in accordance with restrictive rules in the TA 2000, in facilitating the achievement of local transport policies.
- 8.3 Some aspects of the delivery of the CAZ will require formal arrangements to be put in place. This section of the report considers the formal governance mechanisms to underpin the delivery of a GM Clean Air Zone (CAZ) and the supporting measures, namely;
- the GM 'Operating Body', a public sector body which will be responsible for day to day operation of the CAZ in particular, the implementation of other GM CAP measures.

Operating Body

- 8.4 The 'Operating Body' should be a public sector body which will be responsible for day to day operation of the CAZ in particular, and the implementation of other GM CAP measures. **Appendix 6** sets out further detail on the assumed responsibilities / activities of the 'Operating Body'.
- 8.5 The GM Clean Air Steering Group have reviewed a number of options – see **Appendix 6** – and this options analysis has concluded that TfGM should act as the Operating Body and take on responsibilities for the CAZ integrating GM CAP delivery within their wider strategic GM responsibilities to operate the GM Clean Air Service.
- 8.6 Given that the ten GM local authorities are to cooperate and put in place arrangements with a view to achieving objectives they have in common no particular public procurement implications are anticipated from the proposal to appoint TfGM as the Operating Body.
- 8.7 Further information on the assumed responsibilities of the Operating Body can be found at **Appendix 6**.
- 8.8 A further report will be submitted in due course setting out the details of the proposed delegations to the Operating Body.

Charging Authorities

- 8.9 The relevant powers for ensuring compliance with the Direction also rest with the 10 GM local authorities as the "local plan for NO₂ compliance" referred to in the Direction involves "a Charging Clean Air Zone Class C," which in legal terms is a charging scheme under the Transport Act 2000 (TA 2000).
- 8.10 Such a charging scheme may be made by an authority (known as a 'charging authority') in respect of roads for which it is the local traffic authority or jointly by a number of them. It can also be made by one or more such authorities with a combined authority.
- 8.11 It is proposed that a further report will be brought forward to set out the formal governance mechanisms that will underpin the deliver a GM Clean Air Zone (CAZ) and the supporting measures.

Political oversight

- 8.12 If the GM local authorities agree that TfGM will act as the Operating Body it is considered prudent and good practice for an 'Authority' to act as an oversight body in respect of the GM CAP, responsible for holding the Operating Body to account and also to exercise functions relating to the oversight of the CAZ including monitoring and policy setting.
- 8.13 It is proposed that a further report will be brought forward to set out the formal governance mechanisms that will underpin the deliver a GM Clean Air Zone (CAZ) and the supporting

measures.

Management Group

- 8.14 To ensure that each participating authority retains Strategic Management of the GM Clean Air Service as it impacts on them, it is proposed that a “Clean Air Management Group” is established to have responsibility for management oversight of the GM Clean Air Service in line with the policies and decisions of the participating authorities. It would comprise senior nominated officers of the participating authorities who would have responsibility for day to day liaison with the service. **Appendix 6** sets out further detail on the assumed responsibilities of the Clean Air Management Group.

9 MINIMUM LICENSING STANDARDS AND THE GM CLEAN AIR PLAN

- 9.1 Taxi/PHV services are a significant part of GM’s transport offer. In 2018, GM’s ten local authorities agreed to collectively develop, approve and implement a common set of minimum licensing standards (MLS) for Taxi and Private Hire services that cover the whole of GM. At that time, the primary driver for this work was to improve public safety, but vehicle age and emission standards in the context of the Clean Air agenda are now also a major consideration.

- 9.2 As licensing is a local authority regulatory function, the work to devise the Standards has been undertaken by the GM Licensing Managers Network, with TfGM supporting the co-ordination of this work, and alignment with other relevant GM policies, at a GM level.

- 9.3 There are four areas of focus for the MLS:

- **Drivers:** Criminal Records Checks; Medical Examinations; Local knowledge test; English language; Driver training; Driving Proficiency; Dress Code.
- **Vehicles:** Vehicle emissions (diesel Euro 6 and above, petrol Euro 4 and above with an ambition for a zero-emission capable fleet); Vehicle ages (under 5 years at first licensing, no older than 10 years); Vehicle colour (Black for Taxi/Hackney, white for Private Hire Vehicles); Vehicle livery (common GM design with Council logo incorporated); Accessibility (all Taxis to be wheelchair accessible); Vehicle testing; CCTV; Executive Hire; Vehicle design and licensing requirements.
- **Operators:** Private Hire Operators/staff will require basic criminal record check; more stringent requirements in relation to booking records; Operators to take more responsibility for the behaviour of their drivers.
- **Local Authorities:** Applications may be submitted up to 8 weeks in advance of license expiry; Once determined, license issued within 5 working days; Agree to develop common enforcement approach and a framework to which licensing fees are set; Councillors to receive training before they hear applications.

- 9.4 Given the decarbonisation challenge, highlighted elsewhere in this report, sectors such as transport need to take very significant action now to reduce carbon emissions. For taxis and PHVs to contribute will require them to switch to zero-emission capable (ZEC) vehicles. To invest in ZEC vehicles, taxi proprietors also require long term confidence in the local policy landscape, including future interventions and supporting infrastructure.

- 9.5 Therefore, the following dates for ZEC adoption are proposed as part of the MLS consultation:

- From 2025 all new to license vehicles would need to be ZEC; and
- From 2028 all vehicles would need to be ZEC, meaning an entirely zero emission Taxi/PHV fleet across GM by 2029.

- 9.6 The trade has asked for certainty, funding, and long lead in times for these changes. This

is extremely challenging within the current and emerging policy environment. Officers have developed policy proposals that can meet these needs as far as possible, which is why parallel consultations will be undertaken for MLS and GM CAP, and that charging, funding, and licensing policy positions are coherent and joined-up.

9.7 On 3 August 2020, the GM local authorities received a letter from the Greater Manchester Taxi Trade Coalition requesting that the GM CAP and MLS consultations be delayed until such time as the full impact of COVID-19 on the taxi trade can be assessed. A copy of this letter is attached at **Appendix 7**. As at the time of the drafting of this report, a response is being prepared, but it is noted that the 10 GM authorities remain under a legal duty to comply with the ministerial direction dated 16th March 2020 which requires them to consult on the GM CAP proposals as soon as reasonably practicable and requires the implementation of a category C clean air zone (with additional measures) so as to achieve NO₂ compliance in the shortest possible time, and by 2024 at the latest. Given the overlap of proposed MLS vehicle age and emission standards with the Clean Air plan agenda, there is a need for parallel consultations to be undertaken for MLS and GM CAP so that charging, funding, and licensing policy positions are coherent and joined-up. The wider points raised by the Coalition, including COVID-19 impacts, will be considered as part of the GM CAP and MLS consultations as set out in section 6 above.

9.8 Ultimately the collaborative approach that the MLS represents will help achieve the vision of a strong, professional and healthy taxi and private hire sector providing safe and high-quality services to residents and visitors across the whole of Greater Manchester. This vision sees taxis and Private Hire as a crucial part of the overall transport mix that can consistently deliver safe and high-quality services for the public. The proposed MLS will help deliver improved safety, customer focus, higher environmental standards and accessibility.

9.9 In addition, GM understands that, like many parts of the economy, and in particular the transport sector, the taxi and private hire trade have been severely impacted by COVID-19, lockdown and the effects of social distancing policies. Therefore, the MLS consultation, which is a matter for the 10 district councils, will include questions designed to elicit a fuller and more informed understanding of the wider effects of COVID-19 on the economic health and sustainability of the taxi and private hire trades.

10 NEXT STEPS

10.1 Officers will:

- Continue dialogue with JAQU to secure a clear response from Government on GM's outstanding clean air funding asks;
- Continue to undertake the preparatory implementation and contract arrangements that need to be undertaken to deliver the CAZ and other GM CAP measures;
- Continue preparations to move to a statutory public consultation on the GM Clean Air Plan;
- Continue work to understand the possible impacts of COVID-19 on the GM CAP; and
- Prepare further reports to set out the formal governance mechanisms that will underpin the deliver a GM Clean Air Zone (CAZ) and the supporting measures.

11 RECOMMENDATIONS

11.1 The recommendations are set out at the front of the report.

This page is intentionally left blank

APPENDIX 1 – GM RESPONSE TO DFT’S DECARBONISING TRANSPORT – SETTING THE CHALLENGE

1. Greater Manchester welcomes the opportunity to feedback on DfT’s Decarbonising Transport – Setting the Challenge [‘the document’] and give our views on the actions required to put the UK’s entire transportation system on a plausible pathway to deliver the greenhouse gas reductions urgently needed to achieve carbon neutrality. GM broadly agrees with the 6 strategic priorities and welcomes the opportunity to participate in the workshops to help develop these further.
2. Greater Manchester agrees with the acknowledgement in the document that the decarbonisation of transportation is not optional and that urgent action is needed to put the UK on a trajectory of becoming carbon neutral by 2050. It is encouraging that Government, in addition to identifying freight and logistics as playing a key role, has recognised within its strategic priorities the need to accelerate modal shift to public transport and active travel and that many of the solutions lie within the localities where unique opportunities and challenges lie. As mentioned throughout the document, delivering carbon neutrality will not be possible without a major change in travel behaviours and a fundamental shift in the way people and goods are moved.
3. Greater Manchester aims to be a carbon neutral city-region by 2038. The pathway to the Greater Manchester 2040 Transport Strategy’s Right Mix vision focuses on changing travel behaviour towards public transport, active travel, more local travel, and more travel to town and city centres in order to reduce car mode share from 61% of trips in 2017 to no more than 50% of trips in 2040. Although the Right Mix takes us some way towards Greater Manchester’s carbon neutral target, more challenging reductions in car travel are likely to be necessary if Greater Manchester is to meet the carbon budgets that underlie the target. Central Government will need to take the lead if Greater Manchester is to achieve those major changes in travel behaviour.
4. It is disappointing to note that Government policies and strategies do not appear at present to be joined up. The document explicitly states that embodied carbon is out of scope, as is that of the power generation and distribution for transport and construction of infrastructure, as these are considered elsewhere by Government. Whilst GM recognises that travel energy carbon costs are often most easily understood and addressed in the near-term, the carbon costs of infrastructure is a necessary component for a coherent decarbonisation strategy. The need for joined-up thinking was identified in HMT Infrastructure Carbon Review¹ which states “the overarching recommendation is that Government and industry clients should work together to make carbon reduction a requirement on all infrastructure projects and ...real value will come from joining up the value chain and unleashing innovation”. PAS 2080² mirror these aspirations and promote carbon reduction in the value chain and it is recommended that a similar PAS be developed for transport.
5. The apparent lack of a joined-up approach may lead to inappropriate technologies and solutions being pursued and implemented; as was the case with the promotion of diesel

1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/260710/infrastructure_carbon_review_251113.pdf

² PAS 2080:2016 Carbon Management in Infrastructure – BSI Group

vehicles over petrol to help reduce carbon emissions where siloed decision-making resulted in much higher traffic-generated emissions of nitrogen dioxide (NO₂) and contributed to the UK Government's failure to meet the 2010 legal limit for roadside NO₂. In addition, an urgent review of the Bus Service Operators' Grant³ (BSOG) is needed, as it is based on annual fuel consumption and therefore is actively encouraging the use of fossil fuels: instead, subsidy ought to be encouraging and stimulating the adoption and use of electric vehicles for bus, the most heavily used public transport mode in GM and throughout the country. Additionally the 2011 Budget saw a freeze on fuel duty which has meant that its real value is currently the lowest since November 1994.⁴

6. Finally, the valuation of carbon in transport appraisal is not raised within the consultation document. The economic value of reducing carbon as contained in the DfT Transport Appraisal Guidance is in need of urgent revision to ensure that it plays a driving role in the economic case for transport interventions and investments. Indeed, it is questionable whether we have sufficient information about the social costs of carbon emissions to justify trading-off those costs against other benefits in a transport appraisal. If that practice is to continue, a precautionary approach should be used to valuing carbon, reflecting uncertainty about its true long-term costs.

Moving People

7. The principle focus of the document in its discussion of carbon neutrality by 2050 is around the shift to the use of electric vehicles. Although it accepts that car travel will need to be reduced, the work undertaken for the GM Environment Plan by the Tyndall Centre has demonstrated that it is not plausible that such a reduction in carbon could be achieved without a substantial reduction in total kilometres travelled, if the UK is to remain within its carbon budgets. The omission of a range of impactful actions that realistically will enable the carbon reductions to be made is a serious shortcoming and must be addressed in the Plan. Changes to mode of transport alone will not be enough; changes to the pattern of trip origins and destinations will also be needed. It is surprising that in fig 6 an EV is identified as zero carbon yet an electric train is not.
8. Greater Manchester has a significant strategic road network comprising approximately 170km of mostly motorway, carrying around 5.5million kilometres of vehicle traffic per annum. There is a greater length of strategic road network in GM than in any other City Region area. It is for this reason that GM needs a joined-up approach to managing local and strategic roads and clear policy alignment around highway capacity enhancements which could lead to more car travel. The cost of travel plays an important role in the choice of transport mode and as a result of freezing fuel duty, this has meant that once a vehicle has been purchased it is relatively cheap to run, making this a challenge for public transport to compete.
9. It is also important to recognise that there is concern over the potential increase in non-exhaust fine particulate matter generated by EVs, when compared to the equivalent conventional vehicle. The Air Quality Expert Group (AQEG) identified that EV's can weigh up to 24% more than a conventional ICE equivalent, resulting in more brake, tyre and road wear⁵. The AQEG have recommended an immediate priority that non-exhaust emissions are recognised as a source of ambient concentrations of airborne particulate matter, even

³ BSOG is a grant paid to operators of eligible bus services and community transport organisations to help them recover some of their fuel costs.

⁴ Petrol and diesel prices – House of Commons Briefing Paper, Number 4712, 16 June 2020

⁵ Air Quality Expert Group – Non-Exhaust Emissions from Road Traffic

for zero exhaust emissions vehicles.⁶ It is these fine particulates that have been linked to the poor health outcomes and loss of life years.

10. The document identifies the fact that most journeys are made for leisure purposes and that for 87% of car users, their current lifestyles mean that they need to own a car. Again, it is not realistic that simply nudging people into “the purchase of a new type of vehicle, moving to greater sharing of transport to increase utilisation, or switching modes” will be sufficient to achieve the behaviour changes that in turn will enable the very challenging carbon reduction targets to be met. In the short term there may be merit in providing more information to the public on the real cost of vehicle ownership and comparing this to other more sustainable modes of transport. Beyond this, the Transport Select Committee and others have identified the need for future policies, as the shift to electromobility will no longer provide even the limited road transport pricing impact that fuel duty currently provides to encourage behaviour change. Any national policy to encourage more journeys by active travel or public transport modes will need to consider how best to shift the relative pricing of transport to more fully take into account the carbon costs in the absence of current motoring duties and taxes. A similar approach is also required in the context of future transport interventions, particularly for large scale transport infrastructure.
11. For Greater Manchester to decarbonise transport to meet its 2038 target, it is estimated that 63% of cars will need to be zero-tailpipe-emission by 2025. Based on current car ownership, that is a shortfall of 800,000 vehicles, out of a current car/van fleet of 1.3 million. With global production of passenger EVs projected to be 8.5m by 2025 (10% of total vehicle sales) and 54m (58% of sales) by 2040⁷, the carbon neutral aspirations of GM and the UK Government cannot rely on only EVs as the solution. Work undertaken by Anthesis⁸ for GM has suggested that by 2030 a reduction of 25% in passenger-kms travelled is needed in addition to decarbonising transportation by 51%. Place-based solutions are fundamental to delivering this, creating attractive walkable residential areas that encourage shorter walk-trips instead of longer car-trips.
12. Rapid and urgent action is needed to put the UK on the trajectory necessary to achieving carbon neutrality in 2050 and meeting its agreed carbon budgets. Early work undertaken by Greater Manchester has shown that delaying action by 5 years would adversely affect the achievement of its cumulative carbon budget to the extent that our target would not be met.
13. The infrastructure needed to support the decarbonisation agenda of both transportation and heat requires the electricity grid to be fit for purpose. The document refers to installing EV charging points in new-build, however there is no reference to retrofitting these to existing property other than by grants applied for by EV owners, nor the ability of the substations to sustain the power needed to charge EVs and the projected electricity needed to heat homes. The document makes no reference to the insight used to determine the best location for EV charging points and the suitable mix of fast/rapid and ultra-rapid chargers. There needs to be joined up thinking to ensure that suitable locations are chosen, particularly given the heavy reliance on on-street parking in many residential areas. Research underpinning our draft Electric Vehicles Charging Infrastructure (EVCI) strategy identifies that whilst the private sector contribution to the network will be valuable, there is limited evidence of it delivering the network needed to meet our clean air and low carbon

⁷ Bloomberg's New Energy Finance – Electric Vehicle Outlook 2019 <https://about.bnef.com/electric-vehicle-outlook/>

⁸ Scatter for GMCA – Technical Annex June 2019

targets and to support the ambitions of the 2040 transport strategy. Government must support a robust and widespread network of alternative fuel infrastructure necessary to accelerate the uptake of zero tailpipe emission vehicles, to facilitate the move away from ICE vehicles.

14. Furthermore, if active travel and public transport are to be the first, natural choice, then it must also be the most convenient and cost-effective method to travel. Insight is needed to determine the appropriate mix of EV charger types and location to ensure the early uptake of EVs but also support the promotion of modal shift to active and sustainable transport. EVs are not carbon neutral, with embodied carbon accounting for 50% less life-time carbon than a typical internal combustion engine car⁹. Therefore, it is important to achieve the right mix of modes of transport early on, to ensure future carbon budgets are not put at risk.
15. It is disappointing that Government does not have a current carbon target for buses and that it has left that to the Confederation for Passenger Transport CPT). The Document misquotes the CPT's strategy, suggesting that all buses are to be ultra-low or zero emission by 2025 (2023 in some urban areas), when in fact the commitment from the CPT is only to purchase next generation ultra-low or zero emission buses from 2025 (but starting from 2023 in some urban areas). With buses operating for at least 15 years from purchase, this risks excessive delay and further carbon costs. Moreover, with buses providing the primary source of NOx emissions in a number of our town centres and contributing an average of 822g/km¹⁰; GM is very concerned about the very slow adoption of zero emission vehicles in the bus industry. At the current rate of progress it will take 300 years before the UK bus fleet is fully composed of zero emission vehicles, according to the Low Carbon Vehicle Partnership¹¹.
16. If a shift to public transport is a strategic priority, then it is concerning to see that Government is waiting for a natural renewal of the fleet; and that is even more the case given the likely impact of the Covid pandemic on fleet replacement plans. Additionally, current policies that support retrofitting buses to Euro VI are also counter-intuitive and although they will help improve the quality of the air locally, they will not improve the efficiency of the vehicles, instead reducing their efficiency by up to 3%¹² in an urban setting and consequently increasing carbon emissions. Carbon emissions need to be considered holistically together with local air quality. Furthermore, the current policy to subsidise bus operators' use of fuel through the Bus Service Operators Grant (BSOG) is counter-intuitive. It is however encouraging that a National Bus strategy is to be launched in 2020 and that the BSOG is to be reviewed by Government to ensure that it supports the environment.
17. The Greater Manchester 2040 Transport Strategy identifies that the bus network plays a vital role in tackling congestion and providing access to work, leisure and other destinations and that there is a need to increase bus patronage. The Strategy proposes Quality Bus

⁹ ICCT – Effects of battery manufacturing on electric vehicles life-cycle greenhouse gas emissions - February 2018

¹⁰ [Carbonindependent.org using DEFRA's carbon calculator](https://www.carbonindependent.org/20.html#:~:text=the%20CO2%20emissions%20relate%20purely,buses%20is%20822%20g%20%2F%20km)
<https://www.carbonindependent.org/20.html#:~:text=the%20CO2%20emissions%20relate%20purely,buses%20is%20822%20g%20%2F%20km>

¹¹ TfGM research

¹² Bus retrofitting with diesel particulate filters: Real world fuel economy and road worthiness.

<https://www.sciencedirect.com/science/article/pii/S1001074217317643>
https://ars.els-cdn.com/content/image/1-s2.0-S1001074217317643-fx1_lrg.jpg

Transit corridors where whole-route upgrades of key bus corridors, with a strong focus on quality and reliability will attract new users.

18. There is also no reference to the role that light rail or long-distance bus/coach travel can play in decarbonising leisure travel, especially (in the latter case) since the majority of long-distance journeys are for leisure purposes.
19. The document does little to progress the decarbonisation agenda for rail and largely reflects a direction of travel set by existing Government policy. Despite a clear manifesto commitment by the Government for “more electrification”, details on the scale, design and location of such programmes remain vague, although there is an industry expectation that more will be known following the publication of the Traction Decarbonisation Strategy, which Network Rail are leading, later this year. The document is right to state that rail is a relatively low-carbon form of transport and efficient in moving high volumes into city centres and for long distance trips. Heavy rail moves the highest volume of people into Greater Manchester’s regional centre during the am peak. Data on carbon dioxide (CO₂) emissions per passenger km in GM estimated that rail produces 60.9g CO₂ per passenger kilometre, bus in comparison was estimated at 102.9g CO₂ per passenger kilometre¹³. However, rail tends to have longer term investment requirements for rolling stock and infrastructure compared to other modes, so there is a risk that technological development in other modes of transport could undermine rail’s comparative advantage in relation to carbon if decisions regarding the decarbonisation of rail are not made soon.
20. The document highlights the need for coordinated investment in both rail infrastructure and rolling stock which will be key to meeting decarbonisation targets. Crucial to this will be the ability to identify the right interventions for the right locations as innovation in hydrogen and battery power cannot be relied upon to deliver the scale and pace of change needed.
21. There is widespread support for electrification both politically and within the rail industry, as it is considered a proven technology and has several benefits, such that electrification¹⁴:
 - means 60% lower carbon emissions than diesel trains;
 - is 35% cheaper than diesels to operate;
 - has 20% lower lease costs;
 - offers better reliability - between 140% and 230% increase in distance travelled between failures;
 - delivers improved passenger comfort;
 - enables faster journey times due to superior braking and acceleration; and
 - ensures quieter operation¹⁵.
22. Government must also consider that the UK finds itself with a shortage of suitable diesel trains and electrics are available for cascade from other franchises. Given the Government’s aspiration to reduce, and ultimately end, the use of diesel trains by 2040, companies will struggle to justify investment in diesel stock even where the lack of infrastructure requires them. Conversely, electrification could allow for a closer alignment between the banning of diesel and petrol cars by 2035 and new diesel trains in a similar timeframe.

¹³ Carbon Footprinting of Policies, Programmes and Projects – AEA Technology 2009

¹⁴ RIA electrification Cost Challenge (2019)

¹⁵ RIA electrification Cost Challenge (2019)

https://www.riagb.org.uk/RIA/Newsroom/Stories/Electrification_Cost_Challenge_Report.aspx

23. Government must reconsider the role of cycling and walking if they are to be a serious contender to replace car journeys. The transport authorities have been implementing the activities discussed within the document to promote these modes of transport for many years and appreciates that much more is needed to support carbon neutrality. Greater Manchester's Bee Network contributes is one such activity with a vision for the city region to become the very first to have a fully joined up cycling and walking network, covering over 1000miles.
24. Government need to actively introduce policies to enable significant and rapid change at levels that we have not seen to date. The light touch approach taken throughout the document may not be enough to ensure that cycling and walking are the preferred option. Policies, strategies and decision-making need to be joined up with comprehensive, interlinked, cross- boundary infrastructure that is suitable to make cycling and walking the easiest option for travel; where people are given priority over cars, rather than the other way around. In this context, regulatory reform that equips local transport and highway authorities with the right powers to plan and deliver safe walking and cycling routes is crucial, for example in terms of innovative road layouts including measures such as implied zebra crossings, and enforced where appropriate, for example in relation to moving traffic offences. Most importantly, holistic land-use and transport planning is needed in order to create the conditions suitable for the shorter journeys for which active travel is relevant and not designed around the car. Will the Government's proposed speeding-up of the planning system in England reflect the need for holistic planning of land-use and transport to achieve rapid reductions in GHG emissions from transport? Or will it accelerate the creation of car-dependent development, undermining alternatives to car travel?

Moving Goods

25. Although freight is identified as a key player in decarbonising transport, there is no clear direction on how this will be achieved. The current approach to voluntary reductions in GHG emission of 15% by 2025 and the introduction of regulations to set binding CO2 emission reductions, are too little too late. As identified earlier, to meet the targets set by Government, urgent action is necessary. Investing in technology that only reduces emissions by 15% risks locking those vehicles into the fleet for 10-15 years to come. Rather, the accelerated advancement in alternative technologies such as hydrogen is necessary or, alternatively, the acceptance that in the short term there is no alternative to diesel power for freight vehicles and that the associated carbon emissions must be offset elsewhere. E-cargo bikes for last mile delivery are a sustainable solution to the increased popularity of vans. Micro-consolidation centres do not appear within the document, nor the recognition that out-of-town consolidation centres give the opportunity of greater efficiency for the distribution of goods to the final customer by low carbon means. This leads to the need for a national freight strategy with enough resilience to make a difference and reduce -tonne-km moved.
26. Freight trains make a significant contribution to the economy and environment of Greater Manchester because each freight train replaces up to 60¹⁶ HGVs that would need to be operated in their place, according to the Rail freight Group (RfG). The RfG also highlights that rail freight reduces CO2 emissions by up to 76% compared to road transport, produces ten times less small particulate matter and as much as fifteen times less nitrogen oxide for the equivalent mass hauled.
27. Rail freight is wholly in the private sector and operated on purely commercial terms (by independent businesses with long term investments and commitments in capital, people,

¹⁶ <http://www.rfg.org.uk/rail-freight/facts-figures/>

terminals and rail network access); therefore, the aspirations of the industry are not always shared in a wider strategy domain. The vast majority of freight trains are currently hauled by diesel locomotives. Only a very few freight trains operated into Greater Manchester are hauled by electric locomotives and the freight terminals and routes are largely not electrified and historically it has made more economic sense for the Freight Operating Companies (FOCs) or Rolling Stock Companies (ROSCOs) to invest in diesel locomotives.

28. If the Government commits to greater electrification, then the sector will be incentivised to invest in new equipment (circa £3 million per loco). Electric locomotives are a tried and tested existing technology. They are able to haul longer aggregates trains, thereby improving the economics for both FOCs and ROSCOs and potentially mitigate the need for some additional paths; there appears to be no reason railways serving quarries might not also be electrified. Government must work closely with the freight industry to provide assurance for the long-term investment in electric locomotives and to ensure the business is viable by guaranteeing freight paths under a mixed-use network.
29. Neither of the alternative technologies of battery or hydrogen have the energy density, range or sustained power capability to match the performance of diesel trains on freight services. This means that it is essential that electrification is extended to include all freight routes if there is any chance of achieving decarbonisation. With the small profit margins of the freight operators and limited network capacity, there is no option to reduce the length or weight of freight services to match other technologies. There is a possibility that battery technology may be suitable for last mile haulage or for shunting in freight terminals, but this will need to support rather than replace the need for electrification.

Aviation & Maritime

30. Greater Manchester recognises the challenges faced by both the aviation and maritime sectors in decarbonising their fleet, from both a weight and range perspective and that further research and development is needed. Regarding aviation, Greater Manchester's five-year Environment Plan recognises the carbon emissions as a national issue, with an assumption that emissions nationally from all flights should hold steady to 2030 and then reduce to zero by 2075 and that such emissions are monitored.

Summary

31. Whilst new vehicle technologies are important, delivering carbon neutrality will not be possible without a significant change in travel behaviours and a fundamental shift in the way people and goods are moved. The DfT Plan to Decarbonise Transport, whilst a welcome initiative in principle, does not yet set out a set of measures that are realistically capable of achieving the changes in the required timeframe.
32. Rapid and urgent action is needed to put the UK on the trajectory necessary to achieving carbon neutrality in 2050 – the next five years are critical to set us on the right path to meet our carbon budgets.
33. If active travel and public transport are to be the first, natural choice, then they must also be the most convenient and cost-effective ways to travel.
34. A reduction of passenger kms travelled is needed and whilst local polices can influence this, it is Government policy that will underpin its delivery. We need the Transport Decarbonisation Plan to set a consistent National Policy aligned with international agreements, that regions and localities can deliver to make rapid, meaningful progress in reducing transport's contribution to the climate emergency.

35. Policies to tackle carbon emissions must be integrated into wider policy-development to reduce the possibility of unintended consequences and to ensure a holistic approach is taken. Embodied carbon in infrastructure and vehicles; and the need for low-carbon electricity generation must all be included in the final strategy.
36. The next stage in the Government's approach to decarbonising transport, scheduled for autumn 2020, will be crucial. Whilst Government may have fairly assessed the scale of the challenge to date, the response outlined in their approach to date is insufficient. The final plan will need to set out a clear set of tangible actions and measures of the scale and impact required for implementation in the shortest time possible, so all stakeholders can play their full role in the challenge to decarbonise transport.

Actions GM recommends are needed to be addressed in the Transport Decarbonisation Plan

Policy

- A clear and binding framework is needed for joined up policy and strategic decisions, where whole life carbon is considered, to include embodied carbon and carbon from power production not just carbon in use, together with a review of the national roads investment strategy to take into account the impact on carbon.
- Planning policy must change to ensure that future developments do not encourage the increased need to travel, particularly by car. (There are worrying signs that proposed changes in planning policy by the Government could have the opposite effect).
- National plans are needed to ensure that investment in cycling and walking infrastructure is joined up and effective.
- Policies that encourage employers to allow employees to work from home.
- Policies that make the cost of travelling by car relatively more expensive than sustainable and public transport modes.
- The economic value of reducing carbon as contained in the DfT Transport Appraisal Guidance is in need of urgent revision to ensure that it plays a driving role in the economic case for transport interventions and investments.

Behavioural

- There needs to be less travel, with active and sustainable transport becoming the first choice because it is easier, cheaper, or faster than non-sustainable modes. This may only be possible by increasing the cost of using non-sustainable modes of transport or reducing the relative cost of sustainable modes.
- Active Travel must be convenient with due regard given to the need for shower facilities at places of work and difficulties of storing bikes at home, when living in high rise buildings. In addition, means of securing valuable e-bikes at transportation hubs need to be available when using mixed-mode travel options.
- E-bikes can play an important role in filling the gap in suburban areas where public transport may not be an option. Carefully planned and robust EV charging infrastructure will help support and encourage the uptake.
- New and emerging modes such as E-scooters are also important in bridging gaps and connecting transport modes.

Rail

- Emerging technologies (battery and hydrogen) might help with the reach of the solutions but will not act as a silver bullet to the problems and will not replace the need for significant additional electrification.
- Evidence from the rail industry suggests that electrification can be delivered at a lower cost if design and funding methods are improved.

- A national rolling programme of electrification is needed to enable the rail industry to deliver schemes at significantly lower cost, through supply chain certainty, while retaining learning and skills and incentivising investment and innovation.
- Replace bi-mode trains with full electric trains where possible and cascade bi-modes to other routes without continuous electrification as a medium-term solution.
- Don't forget the significant commercial incentives required to attract longer term sustainable investment in the freight industry.
- This needs to happen quickly to meet the timescales – lots of network still to be electrified.

Car

- Appreciation that EVs alone are not the solution and that a reduction in miles travelled is also necessary.
- Early and rapid electrification of the car fleet is needed.
- Sustainable infrastructure that allows recharging of vehicles in a way that supports behaviour and transport mode change and the reduction in distance travelled.
- There is a need for standardisation of charging connectors (Universal Plug/socket) for EV charging to simplify charging and make all charging points suitable for any vehicle – at the moment there are several types in use.

Bus

- The consultation paper notes that 5% of journeys were made by bus in the UK but that these journeys only accounted for 3% of GHG emissions. (Paragraph 2.21 of the consultation document). Bus is already comparatively green and Battery Electric Bus technology is now a reality on our streets that can make the industry even greener. Unfortunately, up-front costs of investment are far higher than for diesel buses while the BSOG system reduces the operating cost differential in favour of retaining diesel operation. As a result, at the current rate of conversion, it will take over 300 years before the entire UK fleet is converted.
- Therefore, the investment announced so far (funding for 4,000 zero emission buses) is very welcome, GM would like to see more details on how this money will be made available to the industry and over what time period.

This page is intentionally left blank

D I R E C T I O N

ENVIRONMENT ACT 1995

Environment Act 1995 (Greater Manchester) Air Quality Direction 2020

The Secretary of State, in exercise of the power conferred by section 85(5) of the Environment Act 1995(a), gives the following direction.

In accordance with section 85(6) a copy of this direction will be published in the London Gazette.

The Secretary of State makes this direction having determined that it is necessary in order to meet obligations placed upon the UK under the EU Ambient Air Quality Directive(b).

Citation, commencement and application

1.—(1) This direction may be cited as the Environment Act 1995 (Greater Manchester) Air Quality Direction 2020 and comes into force on the day after it is made.

(2) This direction applies to—

- (a) Bolton Metropolitan Borough Council;
- (b) Bury Metropolitan Borough Council;
- (c) Manchester City Council;
- (d) Oldham Metropolitan Borough Council;
- (e) Rochdale Borough Council;
- (f) Salford City Council;
- (g) Stockport Metropolitan Borough Council;
- (h) Tameside Metropolitan Borough Council;
- (i) Trafford Metropolitan Borough Council;
- (j) Wigan Metropolitan Borough Council.

Interpretation

2. In this direction—

“the 2000 Act” means the Transport Act 2000(c);

“the authorities” means —

- (a) Bolton Metropolitan Borough Council;
- (b) Bury Metropolitan Borough Council;
- (c) Manchester City Council;

(a) 1995 c.25.

(b) 2008/50/EC OJ No. L 152, 11.06.08, p.1.

(c) 2000 c.38.

- (d) Oldham Metropolitan Borough Council;
- (e) Rochdale Borough Council;
- (f) Salford City Council;
- (g) Stockport Metropolitan Borough Council;
- (h) Tameside Metropolitan Borough Council;
- (i) Trafford Metropolitan Borough Council;
- (j) Wigan Metropolitan Borough Council.

“AQP” means the UK plan for tackling roadside nitrogen dioxide concentrations 2017, drawn up by the Secretary of State in accordance with regulation 26(1) of the Air Quality Standards Regulations 2010(a);

“full business case” means a document that sets out the commercial and contractual arrangements, affordability, and management arrangements to ensure successful delivery of the scheme detailed in the local plan for NO₂ compliance;

“interim full business case” means a full business case that has not completed all local level sign-offs by the authorities;

“local plan for NO₂ compliance” means the detailed scheme (excluding any associated mitigation measures) which the authorities identified as part of the AQP to deliver compliance with the legal limit value for nitrogen dioxide in the shortest possible time that was considered by the Secretary of State on 16 March 2020 the approved measures of which are summarised in Schedule 1;

“local transport policies” has the meaning given by section 108(5) of the 2000 Act(b).

Duty to implement the local plan for NO₂ compliance

3.—(1) The authorities must take steps to implement the local plan for NO₂ compliance for the areas for which they are responsible.

(2) The authorities must ensure that the local plan for NO₂ compliance is implemented so that—

- (a) compliance with the legal limit value for nitrogen dioxide is achieved in the shortest possible time, and by 2024 at the latest;
- (b) exposure to levels above the legal limit for nitrogen dioxide are reduced as quickly as possible.

Duty to submit additional documentation

4. The authorities must submit to the Secretary of State a delivery plan that sets out the strategic, economic, commercial, financial and management detail of each individual measure in the local plan for NO₂ compliance as soon as possible and by 31 July 2020 at the latest.

Duty to prepare a full business case and submit an interim full business case

5.—(1) The authorities must continue with the work necessary to prepare a full business case for the areas for which they are responsible.

(2) An interim full business case must be submitted to the Secretary of State as soon as possible and by 30 October 2020 at the latest.

(a) S.I. 2010/1001. A copy of the plan is available at: <https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017>.

(b) Section 108(5) was inserted by section 7(1) and (2) of the Local Transport Act 2008 (c.26).

Inquiry in respect of a full business case or interim full business case

6.—(1) The authorities must only exercise their power to hold a local inquiry, whether under section 170(2)(a) of the 2000 Act or otherwise, in relation to any scheme in their interim full business case or full business case in accordance with this Article.

(2) The authorities may only hold a local inquiry if it is necessary to do so, notwithstanding any other opportunities which the authorities have or could have provided for representations to be made in relation to the scheme.

(3) Before an inquiry is held in accordance with paragraph (2), the authorities must consult the Secretary of State and—

- (a) submit to the Secretary of State reasons why the authorities believe an inquiry is necessary,
- (b) submit a proposed timetable for the completion of the inquiry, and
- (c) inform the Secretary of State whether the inquiry will be in addition to or instead of any other opportunity to make representations about the scheme identified in the full business case.

(4) Where the authorities consult the Secretary of State under paragraph (3), the authorities can only begin the inquiry if it has received consent from the Secretary of State including for the timetable for the completion of the inquiry.

(5) In this direction, a reference to holding a local inquiry includes a reference to causing a local inquiry to be held.

Submission of the interim full business case to the Secretary of State

7. When submitting the interim full business case, the authorities must provide the Secretary of State with the following information—

- (a) the date on which it is proposed that the scheme identified in the interim full business case will come into effect;
- (b) confirmation that all public consultation necessary in respect of the scheme identified in the full business case, has been completed (including where applicable consultation in accordance with section 170(1A), (1C) or (5)(a) of the 2000 Act(a));
- (c) a summary of any responses received in response to any consultation and of the changes (if any) made or proposed to the scheme identified in the interim full business case following that consultation (if this information is not available it can be submitted in a further report by 30 November 2020 at the latest);
- (d) where the interim full business case proposes a scheme in connection with which the authorities intend to exercise powers under the 2000 Act, confirmation that the scheme facilitates the achievement of the local transport policies (where applicable) which apply in the authorities' area;
- (e) confirmation—
 - (i) that no local inquiry has been held or is due to be held, or
 - (ii) that a local inquiry has taken place in accordance with the consent and timetable agreed by the Secretary of State under Article 6 of this Direction.
- (f) the date by which a full business case will be delivered to the Secretary of State.

(a) Section 170(1A) and (1C) were substituted, for subsection (1) as originally enacted, by section 111(2) of the Local Transport Act 2008. Section 170(1A) was amended by paragraph 110(2) of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009. Section 170(5) was amended by paragraph 6(2) of Schedule 5 to the Local Transport Act 2008.

Revocation of previous direction

8. The Environment Act 1995 (Greater Manchester) Air Quality Direction 2019 is hereby revoked.

Variation, revocation or suspension

9. The authorities must not vary, revoke or suspend their implementation of the local plan for NO₂ compliance pursuant to Article 3, without the prior written consent of the Secretary of State.

Guidance

10. The authorities, in taking steps under this direction, must have regard to relevant guidance issued by the Secretary of State.



Parliamentary Under Secretary of State for the Environment
Department for the Environment Food & Rural Affairs

Rebecca Pow MP

16th March 2020

SCHEDULE 1

Article 3

Summary of local plan for NO₂ compliance measures

<i>Measures description</i>	<i>Deadlines</i>
Charging Clean Air Zone Class C with additional measures.	To be implemented as soon as possible and at least in time to bring forward compliance to 2024.

EXPLANATORY NOTE

(This note is not part of the direction)

This direction directs Bolton Metropolitan Borough Council; Bury Metropolitan Borough Council; Manchester City Council; Oldham Metropolitan Borough Council; Rochdale Borough Council; Salford City Council; Stockport Metropolitan Borough Council; Tameside Metropolitan Borough Council; Trafford Metropolitan Borough Council; Wigan Metropolitan Borough Council, for the purposes of this direction are referred to as “the authorities”, to implement their local plan for NO₂ compliance and to prepare and submit to the Secretary of State certain further documentation and an interim full business cases. These steps need to be taken in respect of air quality under Part 4 of the Environment Act 1995 and as part of the UK plan for tackling roadside nitrogen dioxide concentrations 2017. The authorities’ local plan for NO₂ compliance was considered by the Secretary of State on 16 March 2020, and the approved measures must now be implemented to ensure compliance with the legal limit value for nitrogen dioxide is achieved in the authorities’ areas in the shortest possible time. Under section 85(7) of the Environment Act it is the duty of a local authority to comply with a direction given to it. A copy of this direction is available for inspection at Seacole Building, 2 Marsham Street, London, SW1P 4DF.

Greater Manchester's Clean Air Plan to Tackle Nitrogen Dioxide Exceedances at the Roadside

Policy for Consultation



Salford City Council



Warning: Printed copies of this document are uncontrolled

Version Status:	DRAFT FOR APPROVAL	Prepared by:	ARUP
Reviewed by: Date:	MEGAN BLACK JULY 2020		

1 Purpose of this document¹

- 1.1 Government has instructed many local authorities across the UK to take quick action to reduce harmful Nitrogen Dioxide (NO₂) to within legal limit values in the “shortest possible time”. In Greater Manchester, the 10 local authorities, the Greater Manchester Combined Authority (GMCA) and Transport for Greater Manchester (TfGM), collectively referred to as “Greater Manchester” or “GM”, are working together to develop a Clean Air Plan to tackle NO₂ Exceedances at the Roadside, referred to as GM CAP.
- 1.2 This is the GM CAP Policy. This document sets out the proposed policy position at consultation for each of the proposed measures to enable key audience groups who will be most affected by the proposed measures to engage with the consultation and respond in a meaningful way.
- 1.3 It provides the proposed policy positions for each of the measures, which together constitute the GM CAP. This document includes reference to specific technical materials which are published as part of the consultation. In doing so, it is intended to assist consultees in navigating the different materials published as part of the consultation.
- 1.4 This document does not and is not intended to provide detailed information on the processes that underpin the delivery of the Policy for the GM CAP, e.g. how discounts and exemptions will be applied for.
- 1.5 The intention is that GM CAP Policy will be reviewed in line with the findings from the statutory consultation.
- 1.6 The proposals set out within this document reflect analysis undertaken prior to the coronavirus (COVID-19) pandemic. Therefore, in addition to consultation feedback, the future development of this policy will be informed by further assessment of the impacts of COVID-19 on the GM CAP.
- 1.7 The public sector body which will be responsible for day to day operation of the CAZ, the implementation of other GM CAP measures, is assumed to be TfGM. An options appraisal concluded that TfGM should take on responsibilities for the CAZ integrating GM CAP delivery within their wider strategic GM responsibilities to operate the GM Clean Air Service.

2 Background

- 2.1 As a result of elevated NO₂ concentrations in major urban areas, since 2010 the UK has been in breach of the legal Limit Value for annual mean concentrations of nitrogen dioxide (NO₂)², as set by the European Ambient Air Quality Directive (2008/50/EC), which incorporates many World Health Organisation air quality standards into European Law. This legislation is transposed into English law through the Air Quality Standards Regulations 2010.

¹ Yellow highlights indicate where cross references/links to wider consultation documents will need to be added once approved.

² The legal Limit Value for annual mean concentrations of NO₂ is 40µg/m³

- 2.2 The UK Government's Air Quality Plan³ requires local authorities with persistent exceedances of the legal Limit Value, including those within GM, to undertake local action to consider the best option to meet legal NO₂ limits in the shortest possible time.
- 2.3 GM submitted an Outline Business Case (OBC) setting out the GM CAP proposals to the Government at the end of March 2019. In July 2019 a ministerial direction under the Environment Act 1995, the Environment Act 1995 (Greater Manchester) Air Quality Direction 2019 was made, which requires all ten of the Greater Manchester (GM) local authorities to implement a charging Clean Air Zone Class C across the region, hereafter referred to as the Greater Manchester Clean Air Zone (GM CAZ).
- 2.4 The OBC included six measures to support implementation of the GM CAZ and to reduce the adverse impacts identified:
- Clean Bus Fund
 - Clean Commercial Vehicle Fund
 - Clean Taxi Fund
 - Vehicle Finance
 - Electric Vehicle Infrastructure
 - Sustainable Journeys
- 2.5 GM held a public engagement exercise known as the 'conversation' between early May and mid-June 2019 to help inform the GM CAP, and this was supplemented by more targeted stakeholder engagement with affected groups and businesses. In addition, further deliberative research has also taken place. Stakeholder dialogue has also continued throughout development of the GM CAP to support the detailed design of the package of measures.
- 2.6 These forms of engagement and dialogue have all informed the policy positions set out in this document. The full report from the conversation can be found online at <https://cleanairgm.com/technical-documents>.
- 2.7 In March 2020, a further ministerial direction, the Environment Act 1995 (Greater Manchester) Air Quality Direction 2020⁴ was made, requiring all ten of the Greater Manchester (GM) local authorities to implement a charging Clean Air Zone Class C across the region so that:
- (a) Compliance with the legal limit value for nitrogen dioxide is achieved in the shortest possible time and by 2024 at the latest,
 - (b) Exposure to levels above the legal limit value for nitrogen dioxide are reduced as quickly as possible

³ Department for Environment, Food & Rural Affairs. 2017. UK plan for tackling roadside nitrogen dioxide concentrations. Available at: <https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017>

⁴ Environment Act 1995 (Greater Manchester) Air Quality Direction 2020. Available at: [\[Insert link to where the March 2020 Ministerial direction letter is published on the GM Clean Air website\]](#)

The March 2020 ministerial direction supersedes the July 2019 ministerial direction⁵.

- 2.8 In March 2020, GM were advised that the Government does not support the Sustainable Journeys measure as it would only contribute to a minimal reduction in emissions of nitrogen oxides (NO_x) in key locations. Government also provided feedback that Electric Vehicle Infrastructure is not needed for compliance and so would not be supported by implementation fund monies, but that they would commit to working with TfGM on securing alternative funding. The Office for Low Emission Vehicles (OLEV) was allocated £500m in the 11 March 2020 budget. TfGM, on behalf of GM, will be developing the case for funding electric vehicle charging infrastructure within GM for submission to OLEV/Department for Transport.
- 2.9 Since submission of the OBC, GM has done further analysis to understand who is likely to be who economically vulnerable to the impacts of the GM CAZ. It may also be the case that the proposed amount of grant funding set out in this document to help upgrade to a compliant vehicle, may not be enough to adequately mitigate the potential adverse economic impacts for all those most vulnerable by the GM CAZ. GM is addressing this through the introduction of a Hardship Fund.
- 2.10 This document sets out the policy position at consultation for each of the proposed measures, which together constitute the GM CAP, namely:
- Greater Manchester Charging Clean Air Zone (Section 3)
 - Clean Bus Fund (Section 5)
 - Vehicle Finance (Section 6)
 - Clean Commercial Vehicle Fund (Section 7)
 - Clean Taxi Fund (Section 8)
 - Hardship Fund (Section 9)

3 Greater Manchester Charging Clean Air Zone (GM CAZ)

- 3.1 GM has been directed by the Government to introduce a charging Clean Air Zone Class C across the region. This means that owners or registered keepers of the following vehicle types will be required to pay a daily charge for driving within the zone, if the vehicle does not comply with the vehicle emission standards in the Government's Clean Air Zone Framework⁶:
- Licensed Hackney Carriages
 - Licensed Private Hire Vehicles (PHVs)

⁵ Environment Act 1995 (Greater Manchester) Air Quality Direction 2019. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817395/air-quality-direction-greater-manchester.pdf

⁶ Department for Environment, Food & Rural Affairs and Department for Transport. 2020. Clean Air Zone Framework. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863730/clean-air-zone-framework-feb2020.pdf

- Buses
- Coaches
- Minibuses
- Light Goods Vehicles (LGVs)
- Heavy Goods Vehicles (HGVs)

Vehicles which meet the emissions standards will not be subject to charges. The CAZ vehicle categories and minimum emission standards as set out in the Clean Air Zone Framework⁷ are provided in **Appendix 1**.

- 3.2 A central government database (vehicle checker) will determine if a vehicle is in scope for a charge. This vehicle checker is primarily linked to the Driving and Vehicle Licensing Agency (DVLA) database holding information on the classification of vehicles (often found on a V5C document). The vehicle checker can be accessed online at: <https://www.gov.uk/check-clean-air-zone-charge>. Any queries relating to the classification of vehicles is a matter for the registered keeper and the DVLA.
- 3.3 The GM CAZ will be implemented through a Road User Charging Scheme Order⁸ with an estimated start date in Spring 2022.
- 3.4 GM anticipates that once implemented the Clean Air Zone will remain in full operation until at least the second half of 2026. If it is demonstrated by the second half of 2026 that two consecutive years' of compliance with the Legal Limit value for NO₂ of an annual mean of 40 µg/m³ has been met, and there is confidence that compliance will continue to be maintained then, subject to GM governance processes, GM will notify the Secretary of State of its intention to revoke the Charging Scheme Order and commence the decommissioning of the GM CAZ.
- 3.5 **Table 1** provides a summary of the key characteristics of the proposed GM CAZ.

⁷ Department for Environment, Food & Rural Affairs and Department for Transport. 2020. Clean Air Zone Framework, Annex A – Clean Air Zone minimum classes and standards. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863730/clean-air-zone-framework-feb2020.pdf

⁸ Secondary legislation which empowers traffic authorities to charge road users, in accordance with the Transport Act 2000.

Table 1: Key Characteristics of the GM CAZ

Clean Air Zone: Boundary	Primarily aligned with the administrative boundary of Greater Manchester Authorities, excludes the Strategic Road Network (SRN) ⁹ . https://cleanairgm.com/which-roads-are-affected/
Clean Air Zone: Times of Operation	24 hours a day, 7 days a week, 365 days per year
Clean Air Zone: Vehicles Affected	Licensed Hackney Carriages Licensed PHVs Buses Coaches Minibuses LGVs HGVs
Clean Air Zone: Exemptions	Certain vehicle types may be eligible for exemptions as detailed in para 3.8
Clean Air Zone: Discounts	Certain vehicle types may be eligible for discounts as detailed in para 3.8
Clean Air Zone: Daily Charges	<p>Daily charges would apply for each day a non-compliant vehicle is used within the GM CAZ, with one charge imposed per vehicle, per 'Charging Day' (midnight to midnight), however much a vehicle drives within the GM CAZ in that 24-hour period.</p> <ul style="list-style-type: none"> • Licensed Hackney Carriages – £7.50 per 'Charging Day' • Licensed Private Hire Vehicles – £7.50 per 'Charging Day' • Buses – £60 per 'Charging Day' • Coaches – £60 per 'Charging Day' • Minibuses – £10 per 'Charging Day' • LGVs – £10 per 'Charging Day' • HGVs – £60 per 'Charging Day' <p>Owners or registered keepers of non-compliant vehicles used within the GM CAZ will be required to pay the relevant charge via a Central Government Payment Portal. The Government intends that a user can pay 7 days in advance, including the journey date (Charging Day), or 7 days retrospectively including the journey date (Charging Day).</p>
Penalty for non/late payment of CAZ charge	£120 (in addition to the daily charge) will be applied to all relevant vehicles (reduced to £60 plus the daily charge if paid within 14 days of Penalty Charge Notice being issued)

⁹The SRN consists of roads which are not managed by local and regional GM authorities, namely motorways and trunk roads managed by Highways England. The SRN is illustrated on the Highways England Network Management Map available at: <https://www.gov.uk/government/publications/roads-managed-by-highways-england>

- 3.6 **Enforcement** of the GM CAZ will be undertaken in accordance with the prescribed process set out within Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013.
- 3.6.1 The GM CAZ will use a network of automatic number plate recognition (ANPR) cameras to identify vehicles which are non-compliant. Where non-compliant vehicles are identified by the ANPR system to be travelling within the GM CAZ and charges have not been paid, owners or registered keepers will be notified of a penalty charge via a Penalty Charge Notice (PCN). Data collected through the ANPR system will be used for the purposes of managing the GM CAZ and will be handled in accordance with the General Data Protection Regulations (GDPR) and Data Protection Act 2018.
- 3.6.2 If the person or organisation named on the PCN pays the amount specified on the PCN within 14 days, the amount payable is reduced to £60 (in addition to the daily charge).
- 3.6.3 If the person or organisation named on the PCN does not either pay the amount specified on the PCN (known as a 'representation') within 28 days of it being issued, then a Charge Certificate would be issued and the penalty charge would be increased to £120 (in addition to the daily charge).
- 3.6.4 A representation to challenge a PCN cannot be made once the Charge Certificate has been served. However, the person or organisation named on the Charge Certificate can make a Statutory Declaration if they did not receive the PCN or they have not received a response to a representation. Failure to pay the cumulative fine specified on the Court Order may result in enforcement agents being instructed to recover the monies owed.
- 3.7 **Discounts and Exemptions** – whilst there is a general presumption that the requirements for charging CAZs will apply to all vehicles according to the relevant zone class, there will be certain circumstances where discounts or exemptions from a charge will be appropriate.
- 3.7.1 The Government's Clean Air Zone Framework³ sets out the permanent exemptions i.e. those which will be exempt from charges for all CAZs including the GM CAZ. These are in place due to some types of vehicle being particularly difficult or uneconomic to adapt to comply with the framework's requirements. They also cover vehicles that are engaged in particularly unique or novel operations. National, permanent exemptions that apply to all CAZs are set out in **Table 2**.

Table 2: Permanent Exemptions to CAZ Charges, set by the Government

Permanent exemptions	Description	Rationale	Further Information
Historic vehicles	Vehicles with a 'historic' vehicle tax class (vehicles built or first registered more than 40 years ago)	Exempt due to age and unsuitability for compliant retrofitting	A database of these nationally exempt vehicles will be managed via the Central Government Payment Portal, so vehicles will be automatically exempt with no additional action required by the owner or registered keeper.
Military vehicles	Vehicles in use by UK Armed Forces	Exempt from charges by virtue of Section 349 of the Armed Forces Act 2006	
Disabled Passenger Vehicle	Vehicles within the DVLA Disabled Passenger Vehicle tax class, used by organisations providing transport for disabled people.	This group of vehicles may include a range of specialist and/or novel or adapted vehicles, where it may generally not be practical to upgrade to a vehicle compliant with the emission standards of the GM CAZ.	
Specialist Emergency Service Vehicles	Specialist vehicles in use by emergency services, such as aerial ladders and major incident command vehicles.	This group of vehicles may include a range of specialist and/or novel or adapted vehicles where it may generally not be practical to upgrade to a vehicle compliant with the emission standards of the GM CAZ.	

3.8 In addition to stipulating national exemptions, the Government's Clean Air Zone Framework³ makes provision for local authorities to consider allowing additional exemptions or discounts based on particular local circumstances, specifically highlighting the need to liaise with emergency services operating in the area to understand the type of vehicles in their fleets and the activities for which they are used. Further local exemptions and discounts can be proposed on this basis so long as they do not undermine the ability to achieve compliance in the shortest possible time.

3.9 GM is proposing the following local exemptions and discounts for the GM CAZ. These exemptions and discounts fall into three categories:

- Permanent local exemptions (set out in **Table 3**);
- Temporary local exemptions¹⁰ (set out in **Table 4**); and
- Permanent local discounts (set out in **Table 5**).

¹⁰ A temporary local exemption is time limited exemption, applied for a fixed period. Within this temporary local exemption period, eligible vehicles would not pay a charge. Following the expiry of a temporary local exemption, non-compliant vehicles will be charged. Note there may be a requirement to apply for discounts and exemptions.

Table 3: Permanent local exemptions proposed by Greater Manchester

Permanent local exemptions	Description	Rationale	Further Information
Specialist Heavy Goods Vehicles	Certain types of heavily specialised HGVs, such as certain vehicles used in construction or vehicle recovery.	This group of vehicles includes certain novel or adapted road going HGVs of a particularly specialised nature, meaning it may not be practical to upgrade to a vehicle compliant with the emission standards of the GM CAZ.	It is proposed that owners or registered keepers of specialist HGVs will need to apply for this exemption, as there is no national database of these vehicles.
Non-road-going vehicles	Certain types of non-road going vehicles which are allowed to drive on the highway such as agricultural machines; digging machines; and mobile cranes	This group of vehicles includes a range of specialist and/or novel or adapted vehicles, where it may generally not be practical to upgrade to a vehicle compliant with the emission standards of the GM CAZ.	It is proposed that owners or registered keepers of non-road going vehicles not identified through DVLA vehicle classification will need to apply for this exemption.
Vehicles used by emergency services	Certain types of vehicles used by emergency services front line emergency and certain non-emergency vehicles	This group of vehicles includes a range of vehicles, associated with front line emergency response, and where it may generally not be practical to upgrade to a vehicle compliant with the emission standards of the GM CAZ, which are not captured by the national exemption.	It is proposed that a locally managed database of vehicles exempted will be developed in liaison with emergency services.
Community Minibuses	Those operating under a permit under section 19 or section 22 of the Transport Act (1985), issued by a body designated by the Secretary of State	These vehicles provide important access to employment, education and training for people who may otherwise be isolated, including those with mobility issues and located in areas with poor public transport accessibility. They also facilitate inclusion in social and community activities.	It is proposed that owners or registered keepers of community minibuses will need to apply for this exemption, as there is no national database of these vehicles.

Permanent local exemptions	Description	Rationale	Further Information
Showmen's Guild vehicles	Fairground/funfair vehicles which are registered with the Showmen's Guild	This group of vehicles includes a range of specialist and/or novel or adapted vehicles, where it may generally not be practical to upgrade to a vehicle compliant with the standards of the GM CAZ.	It is proposed that the Showman's Guild will notify GM of the vehicles registered with the Showman's Guild and that these vehicles will be exempted.
Driving within the zone because of a road diversion	<p>Vehicles driving within the zone because of a road diversion who would otherwise not have entered the GM CAZ.</p> <p>Applies only while the diversion is active and subject to non-compliant vehicles being on the designated diversion route.</p>	<p>This exemption is aimed at protecting road safety and recognises that vehicles may enter the GM CAZ for reasons outside of the driver's control.</p> <p>The exemption will apply to vehicles which enter the GM CAZ as a direct result of a road diversion only.</p>	It is intended that no additional action will be required by the owner or registered keeper of a non-compliant vehicle driving on a diversion route who would otherwise not have entered the GM CAZ.
Disabled Tax Class vehicles	Vehicles used by, or for the purposes of a disabled person which are exempt from vehicle tax.	<p>This exemption is complementary to the vehicle tax exemption for Disabled Tax Class vehicles.</p> <p>An exemption certificate will have been secured for vehicles within this group, following a successful application to the Driver and Vehicle Licensing Authority (DVLA) for exemption from vehicle tax. The vehicle must be used solely for the purposes of the disabled person.</p>	A database of these nationally exempt vehicles will be managed via the Central Government Payment Portal, so vehicles will be automatically exempt with no additional action required by the registered keeper.

Table 4: Temporary local exemptions proposed by Greater Manchester

Temporary local exemptions	Description	Rationale	Further Information
<p>LGVs and minibuses</p> <p>(which are not a licensed taxi or PHV or used to provide a registered bus service)</p>	<p>Light Goods Vehicles (LGVs) and minibuses which are not used as a licensed taxi, PHV or on a registered bus service, will be eligible for a temporary exemption until 31st December 2022.</p> <p>After 31st December 2022, non-compliant vehicles will be charged.</p>	<p>GM evidence indicates that the cost and availability of new, second and third hand compliant LGVs will not provide a viable or an affordable option for many operators (especially for the smallest businesses and sole traders) to upgrade to a compliant vehicle in 2022, given the scale of the GM CAZ.</p> <p>Introducing a charge in 2022 risks many operators having to switch from using an LGV to a pre-Euro 6 diesel car or stop trading.</p> <p>Given the number of LGVs operating in GM, there is also a high risk of there being insufficient time in advance of 2022 to administer the funding required to support affected parties to upgrade to compliant LGVs.</p>	<p>As proposed, this temporary exemption for LGVs and minibuses does not affect the projected year of legal Limit Value compliance with the GM CAZ in place, or the number of exceedances in 2023.</p> <p>It is proposed that this exemption will be managed centrally so eligible vehicles will be automatically exempt with no additional action required by the registered keeper.</p>
<p>GM licensed Wheelchair Accessible Taxi & PHVs</p>	<p>Wheelchair Accessible Taxi and Private Hire Vehicles (PHVs), which are licensed to one of the 10 GM Authorities, as of the [date of the close of the consultation] will be eligible for a temporary exemption until 31st December 2022.</p> <p>After 31st December 2022, non-compliant vehicles will be charged.</p>	<p>Wheelchair accessible Taxis and Private Hire Vehicles offer a vital service for disabled people and are often the only mode of travel available to them.</p> <p>26% of taxi users report that they have a health problem or disability that limits their day-to-day activities, and 26% of taxi users over 65s say that they cannot use buses due to a disability¹¹.</p> <p>The cost of upgrade to a wheelchair accessible vehicle (WAV) is high and</p>	<p>As proposed, a temporary exemption for wheelchair accessible taxis and PHVs does not affect the year of compliance or the number of exceedances in 2023.</p> <p>It is expected that this exemption will be facilitated through the Government's Hackney Cab and PHV Centralised Database, which forms part of the wider digital infrastructure that is being developed to support the introduction of charging Clean Air Zones.</p>

¹¹ November 2019 Hatch Regeneris "CAZ Commercial Vehicle Socio-Economic Impacts Research"

Temporary local exemptions	Description	Rationale	Further Information
		<p>availability of second-hand vehicles is poor (especially for London-style Taxis).¹²</p> <p>The application of GM CAZ charges in 2022 could therefore affect disabled people's access to taxi/PHV services, by reducing the number of wheelchair accessible vehicles operating in the region.</p>	<p>Therefore, no additional action will be required by the registered keeper.</p>
<p>Coaches and buses registered to a business address within GM and not used on a registered bus service within GM.</p>	<p>Coaches and buses registered to a business address within GM and not used on a registered bus service within GM will be eligible for a temporary exemption until 31st December 2022.</p> <p>After 31st December 2022, non-compliant vehicles will be charged.</p>	<p>Although compliant Euro VI coaches have been available since 2013, the majority (67%) of the fleet operating within GM is not compliant with the GM CAZ emission standards¹³.</p> <p>This is because coaches have a long running life and upgrade to a compliant vehicle is very expensive.</p> <p>69% of coach operators are small businesses and have very small fleets of 1-5 vehicles.</p> <p>There is a risk that even with funding support - coach operators cannot reasonably comply with the GM CAZ emission standards by 2022 and that this creates a risk of reduced coach operations.</p> <p>In comparison to buses, retrofit solutions are also relatively immature, affecting availability.</p>	<p>Analysis shows that coaches make up under 0.5% of total traffic¹⁴ and as proposed, a temporary exemption for coaches is not projected to affect the year of compliance or the number of exceedances of the legal Limit Value in 2023.</p> <p>Owners or registered keepers of coaches and buses registered to a business address within GM and not used on a registered bus service within GM will need to apply for this exemption, as there is no database of these vehicles.</p>

¹² Insert source of evidence based upon final suite of consultation deliverables

¹³ Insert source of evidence/analysis based upon final suite of consultation deliverables

¹⁴ Insert source of evidence/analysis based upon final suite of consultation deliverables

Temporary local exemptions	Description	Rationale	Further Information
		<p>This in turn risks affecting accessibility and the provision of services for vulnerable groups, particularly children, elderly people and those on low incomes.</p> <p>We also recognise that there are buses used within GM for private enterprise, such as wedding transport, which if non-compliant may be subject to a GM CAZ charge.</p>	
Outstanding finance or lease on non-compliant vehicles	<p>Non-compliant vehicles subject to finance or lease agreements entered into before [date of the close of the consultation] which will remain outstanding at the time at which the GM CAZ becomes operational, will be eligible for a temporary exemption until the agreement ends or until 31st December 2022, whichever is sooner.</p> <p>After 31st December 2022, non-compliant vehicles will be charged.</p>	<p>A move to a compliant vehicle is not considered feasible due to outstanding finance, which was entered into before information on the GM CAZ had been made publicly available.</p>	<p>Owners or registered keepers of non-compliant vehicles which are subject to outstanding finance or lease agreements at the time at which the GM CAZ becomes operational will need to apply for this exemption, as there is no national database of these vehicles.</p>
Limited supply (awaiting delivery of a compliant vehicle)	<p>Owners or registered keepers of non-compliant vehicles that can demonstrate they have placed an order for a compliant replacement vehicle or retrofit solution, will be eligible for a temporary exemption until such a time as they are in receipt of the compliant replacement vehicle or retrofit solution, or for 12 weeks, whichever is sooner.</p>	<p>Upgrade to a compliant vehicle is not immediately possible due to an issue with the supply of a compliant vehicle or retrofit solution on order, which is considered outside of the control of the applicant.</p>	<p>Registered keepers of non-compliant vehicles who can evidence that they have placed an order for a compliant replacement vehicle or retrofit solution, which is yet to be received, will need to apply for this exemption, as there is no national database of these vehicles.</p>

Table 5 Permanent local discounts proposed by Greater Manchester

Permanent local discounts	Description	Rationale	Further Information
<p>PHVs (owned or exclusively contracted by 1 person) licensed to one of the 10 GM Local Authorities and also used as a private car</p>	<p>Owners or registered keepers of non-compliant PHVs which are also used as a private car will be eligible to apply for a discounted charge of 5/7 of the weekly total (proposed to be £37.50 per week) from 2022.</p>	<p>This responds to previous consultation feedback which highlighted the large proportion of PHVs that are also used as a private car when not in service, and private cars will not be subject to charges under the GM CAZ.</p> <p>The discounted charge is based upon the proportion of the week that vehicles could reasonably be expected to be in service.</p>	<p>Owners or registered keepers of non-compliant PHVs licensed to one of the 10 GM Local Authorities which are also used as a private car will need to apply for this exemption.</p>
<p>Leisure vehicles in private ownership (>3.5t)</p>	<p>Owners or registered keepers of leisure vehicles (>3.5t) in private ownership (e.g. motor caravan (>3.5t), motorised horse box (>3.5t)), and registered to an address in GM for not less than twelve (12) full consecutive calendar months prior to the date of application, will be eligible to apply for a discounted charge.</p> <p>The vehicle would be eligible for consideration for a charge equivalent to the LGV daily charge (proposed to be £10 a day), rather than the HGV daily charge (proposed to be £60 a day).</p> <p>The discount will be subject to providing evidence that the vehicle is not used for commercial purposes.</p>	<p>A small proportion of HGVs will be in private ownership, largely used for leisure purposes, e.g. motor caravans (>3.5t) and motorised horseboxes (>3.5t). This group of vehicles includes a range of specialist and/or adapted vehicles, which are often bought second or third hand where it may generally not be feasible to upgrade to a vehicle compliant with the emission standards of the GM CAZ.</p> <p>This approach recognises feedback received during the "Clean Air Conversation".</p>	<p>Owners or registered keepers of leisure vehicles in private ownership which have a gross weight above 3,500kg will need to apply for this discount.</p>

4 Funding to upgrade to compliant vehicles

4.1 GM proposes the following package of funding support to help owners or registered keepers of non-compliant vehicles with the cost of upgrading their vehicles so they are compliant with the emission standards required by the implementation of a GM CAZ, so as not to be subject to a charge. The aim of the funding is to mitigate the negative socio-economic effects of the GM CAZ. The funding proposals are:

- A Clean Commercial Fund to provide financial support for the upgrade of non-compliant LGVs and HGVs, minibuses and coaches, which will be targeted to support smaller local businesses, sole traders, individuals and the charity/voluntary sector.
- A Clean Taxi Fund to provide financial support for the upgrade of non-compliant GM Licensed Hackney Carriage and private hire vehicles.
- A Clean Bus Fund to provide financial support for the upgrade of non-compliant buses registered to run services across Greater Manchester.
- A Hardship Fund to support individuals, companies and organisations who are considered to be the most vulnerable to the potential economic impacts of the GM CAZ.

4.2 This means that the owners or registered keepers of a non-compliant vehicle that will be subject to the GM CAZ charges may be eligible to apply for financial support towards upgrading to a compliant vehicle, subject to meeting eligibility criteria.

4.3 GM is proposing that financial support is:

- only offered for vehicles that do not comply with the relevant GM CAZ emission standards and are not eligible for a permanent national or local exemption;
- provided for the replacement of a non-compliant vehicle with a compliant vehicle on a 'like-for-like' basis – i.e. financial support will not be available to facilitate upgrade of a non-compliant vehicle to a compliant vehicle of a different vehicle type (e.g. LGV, HGV) or Euro Category (e.g. N1, N2) (see Appendix A, **Table A1** for details of vehicle types and Euro Categories);
- facilitated directly with accredited suppliers of retrofit and replacement upgrade options, to ensure maintenance of a comprehensive audit trail, accountability for public funding and to reduce the risk of fraudulent activity and misappropriation of funds. The exceptions to this are the Clean Bus Fund and running cost grants under the Clean Taxi Fund;
- with the exception of the Clean Bus Fund, limited to a maximum of 10 vehicles per Applicant, with a maximum of 8 vehicles for Hackney Carriages and 5 vehicles for HGV retrofit;
- managed and administered centrally on behalf of the 10 GM authorities; and

- only available insofar as it complies with UK government and European requirements, including but not limited to State Aid Regulations¹⁵.

5 Clean Bus Fund

- 5.1 **Retrofit** – In the OBC, GM set out that the Clean Bus Fund would provide a financial support mechanism to, where possible, retrofit buses with older engine standards to the less polluting Euro VI standard. This funding would apply to buses registered to run services across the region.
- 5.2 In March 2020 the Government awarded £14.7m as an initial tranche of funding to retrofit buses running services in GM that have older engines which are not compliant with the GM CAZ emission standards. The Government's Joint Air Quality Unit¹⁶ (JAQU) has confirmed that this funding can be delivered as a continuation of Clean Bus Technology Funds and is to be distributed as soon as possible.
- 5.3 As such, a grant of up to £16,000 towards retrofit to a compliant standard via a Clean Vehicle Retrofit Accreditation Scheme (CVRAS) certified system will be available and administered through an extension of the existing system in place under the Clean Bus Technology Fund (CBTF). Financial support will be available to vehicles that have operated for a minimum of 6 months on a GM registered bus service and are less than 13 years old. As this funding mechanism is distinct from the wider delivery of the GM CAP, no consultation feedback is requested on this aspect of the policy.
- 5.4 **Replacement** – In the OBC GM estimated 350 buses could not be retrofitted and it would be for the market to find a solution. This estimate has now been revised based on further evidence and it has been established that there are more than 500 non-compliant buses that cannot be retrofitted operating in GM. GM is proposing to the Government that it requires circa £9m of funding to support the replacement of non-compliant vehicles operating on registered bus services in GM.
- 5.5 On the award of government funding GM proposes that a grant of up to £16,000 will be available towards the cost of replacing a non-compliant bus registered to run services across GM with a compliant vehicle which meets GM CAZ emission standards.
- 5.6 Applicants would need to be able to demonstrate that:
- they are the registered operator for a registered bus service operating in GM;
 - they have not been in receipt of, or be subject to a current Application for, public sector clean air funding in GM or elsewhere in the United Kingdom for upgrade (retrofit or replacement) of the same vehicle(s) that is to be upgraded through the GM Clean Bus Fund;

¹⁵ The UK has left the EU and is now in a transition period, while the UK and EU negotiate additional arrangements before new rules come into place from 1 January 2021. The current rules on state aid continue to apply during the transition period. The final GM CAP policy will need to comply with any government state aid rules or subsidy control framework that are in place.

¹⁶ A joint unit of the DfT and the Department for Environment, Food and Rural Affairs, has led the Government's current work to try and ensure the UK is compliant with EU limit values for nitrogen dioxide in the shortest time possible.

- they have been operating on a registered bus service, within GM, for not less than twelve (12) full consecutive calendar months prior to the date of application;
- the vehicle has been registered to the applicant for not less than twelve (12) consecutive calendar months prior to the date of application, evidenced through the V5C Registration Document;
- the vehicle has a valid MOT, road tax and suitable insurance to operate a bus passenger service at the date of application;
- the upgraded vehicle will be compliant with the GM CAZ emission standards as a minimum;
- the upgraded vehicle will continue to operate on a registered bus service within GM for a minimum of 5 years following receipt of funding. If it is replaced or taken out of service in GM it must be replaced by a vehicle which meets the same emissions standard and passenger capacity, or better, e.g. a compliant double decker bus must be replaced with another compliant double decker bus, and must be of the same age or younger.

5.7 **Management of funds** – If the fund is oversubscribed, it is proposed that, in addition to applicants meeting the eligibility criteria, a process could be applied which seeks to maximise air quality benefits, i.e. funding could initially be targeted towards the upgrade of the oldest vehicles first.

6 Vehicle Finance

6.1 In its OBC, GM said it would investigate a scheme to offer loans at preferential rates for those taking advantage of the Clean Air funds.

6.2 Feedback received as part of the Clean Air conversation in 2019 indicated that vehicle finance is needed to help owners upgrade their vehicle as introduction of the GM Clean Air Zone is disrupting vehicle renewal cycles and some will need help in getting access to finance.

6.3 In response to this GM has developed a Vehicle Finance measure to address and reduce the adverse impacts on individuals, companies and organisations of financing an upgrade to a compliant vehicle, without reducing the effectiveness of the GM CAZ.

6.4 The Vehicle Finance measure will provide access to affordable finance for eligible applicants who require assistance in funding the cost of upgrading to a compliant HGV, LGV, Coach, Minibus, GM licensed Hackney Carriage or GM licensed Private Hire Vehicle. It has been designed to address some of the potential reasons that finance might typically be refused, including:

- Affordability – the ability or otherwise of applicants to meet finance repayments.
- Thin credit file – applicants not having enough information in their credit reports to generate a high enough credit score to be approved for credit.

6.5 Vehicle Finance will utilise the GM CAP Clean Commercial Vehicle Fund and Clean Taxi Fund to offer eligible owners of a non-compliant vehicle the option of either a lump sum grant or a finance contribution towards vehicle finance for upgrade to a compliant vehicle. Applicants will therefore be able to choose the option which best suits their individual circumstances. These options are as follows:

- Lump sum grant contributes to the cost of replacement or retrofit – the Applicant funds the remaining costs with their own capital or financing arrangements; or
- Vehicle Finance contributes to the cost of financing a replacement vehicle through the GM scheme, through either a lease or Hire Purchase – the Applicant pays monthly for an agreed finance period.

6.6 All financial support set out in the following sections includes a proposed amount of grant funding and the alternative figure, available as a contribution towards vehicle finance. Eligibility criteria for both of these options is detailed in Sections 7 – Clean Commercial Vehicle Fund and 8 – Clean Taxi Fund.

6.7 In addition to meeting the eligibility criteria set out in Sections 7 and 8, those seeking vehicle finance will need to:

- hold a UK bank account in the name of the applicant or business;
- consent to the Lending Body carrying out credit reference searches on their credit history;
- require a 10% deposit contribution (cash or vehicle trade-in value);
- note that lending decisions will rest with finance provider; and
- recognise that whilst they may be eligible for a non-repayable grant through Clean Air Funds, they may not be able to secure a vehicle finance agreement due to their individual circumstances.

7 Clean Commercial Vehicle Fund

7.1 GM has set out to the Government an ask of £98m for the Clean Commercial Vehicle Fund (CCVF), to provide a financial support mechanism for the upgrade of LGVs and HGVs, minibuses and coaches, which will be targeted to support smaller local businesses, sole traders and the voluntary sector.

7.2 **HGVs** – In March 2020, the Government awarded GM £7.6m as an initial tranche of funding towards the upgrade of HGVs, by either retrofitting vehicles currently in use, so that they subsequently meet the GM CAZ emission standards, or replacing non-compliant vehicles with compliant vehicles. Funding will be available to both commercial and private owners or registered keepers of non-compliant HGVs.

- 7.3 GM is proposing that a grant of up to £16,000 towards retrofit to a compliant standard via a Clean Vehicle Retrofit Accreditation Scheme (CVRAS) certified system will be available, OR a replacement grant of up to £5,500 per vehicle, dependent on vehicle size. Alternatively, access to vehicle finance will be available for replacement of non-compliant vehicles, offering an average finance contribution of up to £5,500 with the finance contribution per vehicle capped at £8,000.
- 7.4 Replacement grants for upgrade of non-compliant HGVs are proposed to be tiered as follows:
- 44t articulated up to £4,500 per vehicle
 - 32t rigid up to £5,500 per vehicle
 - 26t up to £4,500 per vehicle
 - 18t up to £3,500 per vehicle
 - <7.5t up to £2,500 per vehicle
- 7.5 **LGV** – GM is proposing to the Government that it requires £80m of funding towards replacing non-compliant vehicles with those that meet the GM CAZ emission standards.
- 7.6 Subject to the award of government funding to GM, it is proposed that a replacement grant of up to £3,500 per vehicle will be available, OR access to vehicle finance, offering an average finance contribution of £3,500, with the finance contribution per vehicle capped at £5,000.
- 7.7 **Minibuses** (which are not a GM licensed taxi or PHV or used on a GM registered bus service) – In March 2020 the Government awarded £2m as an initial tranche of funding towards replacing non-compliant vehicles with those that meet the GM CAZ emission standards.
- 7.8 GM is proposing that a replacement grant of up to £5,000 per vehicle will be available, OR access to vehicle finance, offering an average finance contribution of £5,000, with the finance contribution per vehicle capped at £7,000.
- 7.9 **Coaches and Buses** (which are not used on a GM registered bus service) – In March 2020 the Government awarded £4.4m as an initial tranche of funding towards the upgrade of coaches, by either retrofitting vehicles currently in use, so that they subsequently meet the GM CAZ emission standards, or replacing non-compliant vehicles with compliant vehicles.
- 7.10 GM is proposing that a grant of up to £16,000 towards retrofit to a compliant standard via a Clean Vehicle Retrofit Accreditation Scheme (CVRAS) certified system will be available, OR a replacement grant of up to £16,000 per vehicle. Alternatively, access to vehicle finance will be available for replacement of non-compliant vehicles, offering an average finance contribution of £16,000, with the finance contribution per vehicle capped at £23,000.

7.11 Applicants for the CCVF would need to be able to demonstrate that:

- they are either:
 - a small business¹⁷,
 - a micro business/entity¹⁸;
 - Self-employed / sole trader¹⁹;
 - an entity regulated by the Charity Commission (including registered, active charities and active charities exempted from registration);
 - a social enterprise²⁰ (including non-profit organisations); or
 - a private owner (owner or registered keeper) of non-compliant vehicles²¹ which are not used for commercial purposes.
- they have had a registered address within GM for not less than twelve (12) full consecutive calendar months prior to the date of Application.
- they have not already been in receipt of government clean air funding for the purpose of upgrade of the same non-compliant vehicle that is the subject of the application, in GM or elsewhere in the United Kingdom;
- they are not in receipt of, or have made a successful application for, an Office of Low Emission Vehicle (OLEV) grant for the acquisition of the same compliant vehicle that is the subject of the GM CCVF application;
- they have not received and do not expect to receive more than 200,000 Euros (or equivalent) of state aid from any source over a period of three fiscal years, if seeking funding support for the upgrade of a non-Road Freight Transport vehicle²². This figure is inclusive of any discounts, exemptions, grants or Vehicle Finance secured through the GM CAP or any other funding source, including the grant applied for.

¹⁷ A business/company will be considered 'small' if it has any 2 of the following:

- a turnover of £10.2 million or less;
- £5.1 million or less on its balance sheet;
- 50 employees or less;

As defined by Companies House, August 2019

¹⁸ A company will be considered a micro-entity if it has any 2 of the following:

- a turnover of £632,000 or less;
- £316,000 or less on its balance sheet;
- 10 employees or less;

As defined by Companies House, August 2019

¹⁹ Applicants are probably self-employed / a sole trader if any of the following apply:

- you are paid for goods and services you provide;
- you need to prove you're self-employed, for example to claim Tax-Free Childcare or you make voluntary Class 2 National Insurance payments to help you qualify for benefits;
- you submit tax returns (last financial year) for your income;
- you have business insurance or employer's liability insurance;
- you are considered self-employed by HMRC;
- you have a business bank account.

²⁰ A business is a social enterprise if it is able to demonstrate it:

- operates as a business with primarily social/environmental objectives, whose surpluses are principally reinvested for that purpose in the business or community rather than mainly being paid to shareholders and owners;
- does not pay more than 50 per cent of profit or surplus to owners or shareholders, as a social enterprise principally reinvests profit or surplus into the enterprise instead of paying it to owners or shareholders
- is registered with Companies House as an active company in the UK (or the Financial Conduct Authority if a cooperative); AND
- According to the legal structure may be beneficiary of government funds.

²¹ LGVs, HGVs, minibuses, or buses and coaches which are not used to operate a registered bus services within GM.

²² This category includes all HGVs and LGVs which are used for the purposes of performing road freight transport for hire or reward.

- the non-compliant vehicle must be registered to the Applicant, or an authorised employee, director or trustee of the Applicant/organisation, for not less than twelve (12) consecutive calendar months prior to the date of Application, evidenced through the V5C Registration Document provided with the Application;
- the non-compliant vehicle must have been registered to an address in GM for not less than twelve (12) consecutive calendar months prior to the date of Application, evidenced through the V5C Registration Document provided with the Application;
- the non-compliant vehicle has a valid MOT (or annual test)²³, road tax and insurance, as appropriate for the vehicle use/organisation, at the date of Application;
- the non-compliant vehicle will be replaced by a compliant vehicle, or upgraded via a Clean Vehicle Retrofit Accreditation Scheme (CVRAS) certified emission reduction system, to meet GM CAZ emission standards;
- where in private ownership, the vehicle must not be used for commercial purposes;
- the business / organisation / trader / private owner will continue to have a base location in GM for not less than twelve (12) full consecutive calendar months following receipt of funding.

7.12 **Management of Funds** – It is proposed that financial support will be available through sequential funding rounds. These would target funding towards individuals and the smallest businesses within GM, and initially directed towards those who are likely to be most economically vulnerable to the impacts of the GM CAZ. GM is particularly interested in views on the management of the Clean Commercial Vehicle Fund through the consultation [[hyperlink to Consultation questions](#)]. The proposed funding rounds are set out below:

- an initial round of funding will be open to eligible owners or registered keepers of a non-compliant vehicle of Euro Emission standard 4 (Euro 4) or older, with the exception of small businesses;
- a second round of funding would be open to eligible owners or registered keepers of a non-compliant vehicle, with the exception of small businesses; and
- subject to available funds, a third round of funding would be open to eligible owners or registered keepers of a non-compliant vehicle, inclusive of small businesses.

²³ An annual test (MOT) applies for a lorry, bus or trailer. Further information is available at: <https://www.gov.uk/getting-an-mot/vehicles-exempt-from-mot>

8 Clean Taxi Fund

- 8.1 The Clean Taxi Fund (CTF) will provide a financial support mechanism to support the upgrade of non-compliant Hackney Carriages²⁴ and private hire vehicles (PHVs).
- 8.2 The GM CAP Policy assumes that the Minimum Licensing Standards proposed by GM²⁵ for Hackney Carriages and PHVs, which complement the GM CAP, are implemented in parallel with the GM CAZ.
- 8.3 **Hackney Carriages** – GM is proposing to the Government that it requires £10.4m of funding towards replacing or retrofitting (Liquid Petroleum Gas (LPG) conversion) non-compliant vehicles to meet the GM CAZ emission standards.
- 8.4 Subject to the award of government funding to GM, it is proposed that the following grants will be available:
- A grant of up to £10,000 will be available towards the running costs of purpose-built wheelchair accessible ZEC vehicles; OR,
 - Access to vehicle finance towards the cost of upgrade to a purpose-built wheelchair accessible ZEC vehicle, offering an average finance contribution of £10,000, with the total finance contribution capped at £14,000; OR,
 - A grant of £5,000 towards the LPG retrofit of a Euro 5 vehicle less than ten years old will also be available.
- 8.5 **PHVs** – In March 2020, the Government awarded £10.2m as an initial tranche of funding towards replacing non-compliant vehicles with compliant alternatives to meet the GM CAZ emission standards.
- 8.6 The following grants will be available for:
- Private Hire WAV or minibus – a grant of £5,000 towards the cost of a compliant 6+ seater vehicle, OR access to vehicle finance, offering an average finance contribution of £5,000, with the finance contribution per vehicle capped at £7,000.
 - Non-wheelchair accessible Private Hire Vehicles:
 - a grant of £1,000 towards the cost of a compliant internal combustion engine vehicle OR access to vehicle finance, offering an average finance contribution of £1,000, with the finance contribution per vehicle capped at £2,000.
 - OR a grant of £2,000 towards the cost of a compliant hybrid or plug-in hybrid²⁶ OR access to vehicle finance, offering an average finance contribution of £2,000, with the finance contribution per vehicle capped at £3,000.

²⁴ i.e. those vehicles with a Hackney Carriage License.

²⁵ [Link to MLS Consultation Pages]

²⁶ Which is not eligible/supported by an Office for Low Emission Vehicles (OLEV) Plug-In Grant. <https://www.gov.uk/plug-in-car-van-grants>

- OR a grant of £2,500 will be available towards the running costs of a ZEC vehicle²⁷.

8.7 Applicants for the CTF would need to be able to demonstrate that:

- they have been trading and operating as a licensed Hackney Carriage or private hire driver or operator with one of the 10 Local Authorities in GM for not less than twelve (12) uninterrupted consecutive calendar months prior to the date of Application;
- they are the owner or registered keeper of a non-compliant vehicle which is and has been licensed for the purposes of Hackney Carriage or a private hire services with one of the 10 Local Authorities in GM for not less than twelve (12) uninterrupted consecutive calendar months prior to the date of Application;
- the non-compliant vehicle to be upgraded has been registered to the Applicant for not less than twelve (12) uninterrupted consecutive calendar months prior to the date of Application, evidenced through the V5C Registration Document provided with the Application;
- the non-compliant vehicle will be replaced by a compliant vehicle, or upgraded via a Clean Vehicle Retrofit Accreditation Scheme (CVRAS) approved emission reduction system, to meet GM CAZ emission standards.
- the non-compliant vehicle has current road tax and business insurance at the date of Application, with evidence of such provided with the Application;
- they will declare that they will remain licensed with one of the 10 GM Local Authorities for the purpose of performing Hackney Carriage or private hire duties within GM for two (2) years following the receipt of funding; and
- they have not received and do not expect to receive more than 200,000 Euros (or equivalent) of state aid from any source over a period of three fiscal years, if seeking funding support for the upgrade of a non-Road Freight Transport vehicle. This figure is inclusive of any discounts, exemptions, grants or Vehicle Finance secured through the GM CAP or any other funding source, including the grant applied for.

8.8 **Management of Funds** – It is proposed that funding will be offered on a first-come-first-served basis, once an applicant has evidenced that the eligibility criteria are met.

8.9 **Try Before You Buy Hackney Scheme** – the GM CAP and the proposed GM MLS will require Hackney Carriages to meet stricter emissions standards, which will mean a significant proportion of the trade will need to upgrade their vehicles to meet these emissions standards to avoid a charge. There is also the ambition in the GM Five-Year Environment Plan (5YEP)²⁸ for GM to be carbon neutral by 2038, which will be supported by the uptake of ZEC vehicles.

²⁷ Which is eligible/supported by an Office for Low Emission Vehicles (OLEV) plug-in grant. <https://www.gov.uk/plug-in-car-van-grants>

²⁸ Greater Manchester Five Year Plan. Available at: https://www.greatermanchester-ca.gov.uk/media/1986/5-year-plan-branded_3.pdf

- 8.10 To invest in ZEC vehicles, taxi proprietors also require long term confidence in the local policy landscape, including future interventions and supporting infrastructure. GM has recently agreed to introduce common Minimum Licensing Standards (MLS) - including a position for consultation on when GM Taxi/PHV ZEC should be ZEC. The MLS further proposes that all Hackney Carriages must be 'London-style Black Cab' wheelchair accessible vehicles. Due to the lack of second-hand ZEC Hackney Carriages on the market, all operators looking to upgrade to electric would likely to have to purchase new vehicles.
- 8.11 Deliberative research undertaken in October 2019 identified that some Hackney Carriage and PHV drivers and operators noted the attractiveness of EVs, but would not consider upgrading to one, even with the suggested investment in charging infrastructure. To be persuaded to upgrade to an EV, it is likely participants would need to be confident that use of the vehicles is demonstrably feasible.
- 8.12 Research undertaken in October 2019 has shown taxi drivers are concerned about the cost and suitability of electric vehicle upgrades and the ability to charge EVs when out and about on shift. Measures will therefore be needed to target affordability and other barriers to switching to an EV, as well as the current perceived lack of charging infrastructure.
- 8.13 To tackle the barriers to making the switch to an EV, GM is proposing a 'Try Before You Buy' initiative for GM-licensed Hackney Carriage drivers. The opportunity to hire the vehicle prior to making an investment should help to address identified uncertainties around operating costs, range anxiety and availability of charging infrastructure. Nottingham City Council have run a trial of 3 EV Hackneys for 1-month periods and since its launch in January 2019 have covered 43 trials and have successfully converted 20 of those drivers to electrified Hackneys. The GM scheme would aim to encourage a 40% conversion rate of those taking up the trial. Support to drivers will be further enhanced in any onward transition to EV with the Hackney EV running cost grant (see paragraph 8.4).
- 8.14 **Taxi Electric Vehicle Infrastructure** – As set out above research has shown taxi drivers are concerned about the ability to charge EVs when out and about on shift. Therefore, dedicated electric vehicle infrastructure will be key in supporting the transition to ZEC taxis.
- 8.15 GM is proposing a network of 40 taxi-only rapid electric vehicle charging points, tailored to locations to support ZEC taxis to operate across GM. This measure is complementary with the financial support offered through the Clean Taxi Fund, within which one of the proposed financial support mechanisms is a running-costs grant for those who upgrade from a non-compliant vehicle to a ZEC vehicle.

9 Hardship Fund

- 9.1 Since submission of the OBC and following the feedback received as part of the Clean Air conversation in 2019, GM considers that it is individuals and the smallest businesses who will be most economically vulnerable to the GM CAZ charge and that the proposed amount of grant funding to help upgrade to a compliant vehicle may not be enough to adequately mitigate the potential adverse economic impacts.
- 9.2 GM is proposing a Hardship Fund of at least £10m to support individuals, companies and organisations who are assessed to be most economically vulnerable to the CAZ charge.
- 9.3 GM is currently considering the scope and scale of support required. This assessment is also being considered in light of the impact of the COVID-19 pandemic. It is possible that the groups affected by the GM CAP may require different levels of financial assistance than had been assessed at the time of the submission of the OBC to the Government.
- 9.4 GM knows that the transport sector has already been impacted by the pandemic, and government policies to stem its spread. The sector's ability to recover from revenue loss, whilst also being expected to respond to pre-pandemic clean air policy priorities by upgrading to a cleaner fleet, will clearly require further assessment and consideration. Therefore, the consultation [\[hyperlink to Consultation questions\]](#) is asking questions about the impact of COVID-19 to inform a technical briefing note for decision makers and the amount of hardship funding to be made available.

10 Fraudulent Activity and Misappropriation

- 10.1 GM is proposing that if an applicant is found to have abused the application process for the funds, vehicle finance, discounts or exemptions (e.g. falsified information), such that there is a risk of misappropriation, the right is reserved to terminate applications for funding or take enforcement action to recover awarded grants where information provided is not truthful or accurate.
- 10.2 Furthermore, any applicants found to have abused the application process or made a fraudulent application will not be eligible for any existing GM CAZ exemptions, discounts or financial support and GM will refer the matter to the relevant authorities where applicable.

Appendix A – Clean Air Zone vehicle categories and minimum emission standards as set out in the UK Government’s Clean Air Zone Framework

Table A1 – CAZ vehicle categories and minimum emission standards as set out in the Clean Air Zone Framework²⁹

Vehicle Type	Euro Category	Minimum ³⁰ CAZ Compliant Euro Emission Standard	Example vehicles ³¹
Bus	M3 (Gross Vehicle Weight over 5000kg and more than 8 seats in addition to the driver)	Euro VI	Public Buses (single decker, double decker and midi), Coaches (single and double decker).
Coach		Euro VI	
HGV	N2 (Gross Vehicle Weight ³² over 3500 kg and ref. mass over 2610 kg) N3 (Gross Vehicle Weight over 5000 kg)	Euro VI	Articulated vehicles, rigid HGVs, flatbed lorries, concrete mixers, 2-axle lorry, some motorised caravans (>3.5t) and motorised horseboxes (>3.5t).
Minibus	M2 (Gross Vehicle Weight not exceeding 5000 kg, reference. mass not exceeding 2840 kg and more than 8 seats in addition to the driver)	Euro 6 and VI (diesel) Euro 4 and IV (petrol)	Minibuses (excluding those which are licensed as a Taxi or Private Hire Vehicle – see Taxi and Private Hire Vehicles below).
LGV	N1 (Gross Vehicle Weight not exceeding 3500 kg and reference. mass not exceeding 1305 kg)	Euro 6 (diesel) Euro 4 (petrol)	Vans (short and long wheelbase), some car derived vans, some light 4x4 utility vehicles and pickups.
Hackney Carriage and Private Hire Vehicles	Minibus – M2 (Gross Vehicle Weight not exceeding 5000 kg, reference. mass not exceeding 2840 kg and more than 8 seats in addition to the driver) M1 Passenger vehicle with up to 8 seats in addition to the driver	Euro 6 (diesel) Euro 4 (petrol)	Vehicles licensed as Hackney Carriages and/or Private Hire Vehicles.

²⁹ Defra and DfT. 2020. Clean Air Zone Framework, Annex A. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863730/clean-air-zone-framework-feb2020.pdf

³⁰ Note the minimum compliant standard is specified in Table 3.1.2. Vehicles which meet Euro 5 (V) and 6 (VI) petrol standards will also be compliant.

³¹ As set out by Greater Manchester. These example vehicles do not feature in the Government Guidance and are provided for guidance only.

³² The weight of a vehicle or trailer, including the maximum load, that can be safely carried when it is being used on the road. This will be listed in the owner’s manual. Also known as the maximum authorised mass (MAM) or permissible maximum weight.

APPENDIX 4 – VEHICLE FINANCE OFFER

1 VEHICLE FINANCE OFFER

- 1.1 In its Outline Business Case (OBC) Greater Manchester said it would investigate a scheme to offer loans at preferential rates for those taking advantage of the Clean Air funds.
- 1.2 The Clean Air conversation in 2019 showed that vehicle finance is needed to help owners upgrade their vehicle as introduction of the GM Clean Air Zone is disrupting vehicle renewal cycles and some will need help in getting access to finance.
- 1.3 In response to this Greater Manchester (GM) has developed a Vehicle Finance measure to address and reduce the adverse impacts on individuals, companies and organisations of financing an upgrade to a compliant vehicle without reducing the effectiveness of the Clean Air Zone.
- 1.4 The Vehicle Finance measure will provide access to affordable finance amongst eligible applicants who require assistance in funding the cost of a compliant vehicle upgrade. It has been designed to address some of the potential reasons that finance might typically be refused:
- Affordability – the ability or otherwise of applicants to meet finance repayments.
 - Thin credit file – applicants not having enough information in their credit reports to generate a high enough credit score to be approved for credit.
- 1.5 Vehicle Finance will utilise the GM CAP Clean Commercial Vehicle Fund and Clean Taxi Fund to offer eligible owners of a non-compliant vehicle the option to seek funding as either a lump sum grant or as a contribution towards vehicle financing, they will be able to choose the option which best suits their individual circumstances.
- Lump sum grant contributes to the cost of replacement – the applicant funds the remaining costs with private purchase or their own financing arrangements.
 - Vehicle finance contributes to the cost of financing a replacement vehicle through GM's arrangements either a lease or Hire Purchase – the applicant pays monthly for an agreed finance period.
- 1.6 The measure will be available to small, micro businesses, sole traders, self-employed, charities & and social enterprises, registered¹ in GM and in ownership of a non-compliant vehicle (HGVs, LGVs, Coaches, Minibuses, GM Licensed Hackneys and Private Hire Vehicles).
- 1.7 Access to the clean air vehicle funds will be via a dedicated website which will guide applicants through a series of steps to:
- Quickly understand if they are eligible for the scheme against set criteria;
 - Create of a user account to facilitate their application for funding and to supply information about their business to evidence that they are eligible;

¹ taxi & PHV need to be licensed in GM

- Detail the non-compliant vehicle they wish to replace; and
- Access a panel of lenders, if they wish to apply for finance.

1.8 Those seeking the vehicle finance will need to:

- Hold a UK bank account in the name of the applicant or business; and
- Consent to the Lending Body carrying out credit reference searches on their credit history.

1.9 Those seeking the vehicle finance will benefit in the following way:

- More affordable vehicle prices from lenders due to the anticipated volume of vehicles to be replaced.
- Monthly repayments made more affordable through the assistance of Clean Air funding.
- Payments spread out over a period of time to minimise the impact on business budgets.

1.10 It should be noted that:

- Applicants for vehicle funding will require a 10% deposit contribution (cash or vehicle trade-in value).
- Lending decisions will rest with finance provider.
- Some applicants eligible for Clean Air Funds may not be able to secure finance due to their circumstances however they will still be eligible for a lump sum grant.
- Funds will NOT be paid directly to Applicants, they will be issued with an electronic voucher and advised of the options available to them.

1.11 Why is the GM Vehicle Finance offer more affordable? The key objectives of the measure serve to:

- i. Facilitate access to vehicle finance to a wider range of applicants than would ordinarily be the case
- ii. Where access to credit isn't normally an issue the cost of the monthly finance will be more affordable.

1.12 Through the procurement of a vehicle finance supplier, GM will gain for all prospective applicants:

- Savings through the negotiation power of a larger buying population (versus a single applicant) and procurement to enable more applicants to meet the prospective affordability criteria set by vehicle funders.
- Access to more affordable finance by allowing the clean air vehicle funding to subsidise the cost of lending (dependent on the status of the applicant and the amount of credit they are seeking to obtain).
- Transparency over the cost of vehicles through the procurement process to ensure value for money for public funds.

Greater Manchester's Clean Air Plan to Tackle Nitrogen Dioxide Exceedances at the Roadside

Equality Impact Assessment at Consultation



Warning: Printed copies of this document are uncontrolled

Version Status:	DRAFT FOR APPROVAL	Prepared by:	ARUP
Reviewed by:	MEGAN BLACK		
Date:	JULY 2020		

1 Introduction

- 1.1 This is the Equality Impact Assessment (EqIA) to support the consultation process for the GM Clean Air Plan (GM CAP).
- 1.2 The assessment considers the potential for the GM CAP to result in disproportionate or differential equality effects on people with protected characteristics. The assessment is made at the scale of Greater Manchester and builds on the EqIA that was published at the Outline Business Case stage in March 2019.

2 Scope of an Equality Impact Assessment

- 2.1 An EqIA is a recognised, specific process, used to inform the development of policies in order to facilitate maximum positive outcomes and to avoid or minimise adverse impacts on equality groups.
- 2.2 An EqIA considers the impact on nine protected characteristics:
 - 1. age;
 - 2. disability;
 - 3. gender reassignment;
 - 4. marriage and civil partnership;
 - 5. pregnancy and maternity;
 - 6. race;
 - 7. religion or belief;
 - 8. sex; and
 - 9. sexual orientation.
- 2.3 An EqIA does not directly consider the impact on those communities that are economically disadvantaged or that have high level of social deprivation, unless there is a clear correlation with a protected characteristic. A separate socio- economic assessment is being undertaken for the GM CAP that will consider these factors.

3 Requirement of public bodies

3.1 Under Section 149 of the Equality Act (2010), public bodies are subject to the Public Sector Equality Duty, which requires that, they have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.2 The aim of the EqIA is to identify whether people with protected characteristics could be affected by the GM CAP disproportionately or differentially:

- **Disproportionate effects** arise when an impact has a proportionately greater effect on people with protected characteristics than the rest of the population.
- **Differential effects** arise where people with protected characteristics could be affected differently from the rest of the population, due to a particular need or sensitivity.

4 Future development of the Equality Impact Assessment for the GM Clean Air Plan

4.1 The EqIA will be reviewed in line with the findings from the statutory consultation to reflect any changes in the final projects' policies. This will inform a final EqIA for the FBC. Simultaneously, each of the Greater Manchester Local Authorities will develop a specific report for their particular districts, highlighting significant differences in comparison to the GM-wide findings. The ten local reports will act as appendices to the final EqIA for the Full Business Case.

Equality Impact Analysis

Section one: Initial Screening

Analysis Reference	210720
Department	Transport Strategy
Team or Service Area	Clean Air Project
Officer completing the analysis	ARUP
Phone	
Email	
Type of activity	Project
Title of activity	GM Clean Air Plan to tackle Nitrogen Dioxide Exceedances at the Roadside

Under current equality legislation, TfGM is required in the exercise of our functions to have due regard for the need to:

*eliminate unlawful discrimination, harassment and victimisation;
advance equality of opportunity between persons who share a relevant characteristic, and persons who do not share it; and
foster good relations between those who have a protected characteristic and those who don't.*

Equality Analysis (formally referred to as Equality Impact Analysis (EQIA)) is a tool that will help you to consider equalities issues when drawing up or reviewing a strategy, project, policy, process or procedure which affects the delivery of services and the employment practice of Transport for Greater Manchester (TfGM). Equality Analysis will improve the work of TfGM by making sure it does not unlawfully discriminate against people and that it fulfils its duties under current equality legislation and where possible, it promotes equality.

You will need to demonstrate where appropriate that there has been engagement with beneficiary groups and at the end of this analysis you will need to provide documentary evidence of all the information you have taken into account during this process.

Question 1

Is this a new or existing activity?

Existing

Question 2

What is the main aim and purpose of the activity?

The main aim of this activity is to undertake a feasibility study and produce a region wide plan - the Greater Manchester Clean Air Plan (GM CAP) to address exceedances of nitrogen dioxide. Greater Manchester is taking a collaborative and collective approach to meet the Government requirement to produce a feasibility study in accordance with the HM Treasury's Green Book, identifying the measures that will deliver compliance within the shortest possible time.

The feasibility study has completed the Outline Business Case stage and GM is now ready to consult on the package of measures proposed to tackle nitrogen dioxide exceedances.

These include:

- A chargeable Class C Clean Air Zone across GM
 - o Phase 1: (assumed from 2022) daily penalty for non-compliant buses, taxis/PHV and HGVs
 - o Phase 2: (assumed from 2023) expanding to non-compliant LGVs
- Vehicle Renewal Schemes (financial incentives to upgrade non-compliant vehicles) for Commercial vehicles, Taxis and Private Hire Vehicles and Buses.
- Vehicle Finance – access to affordable finance amongst eligible applicants who require assistance in funding the cost of a

compliant vehicle upgrade.

The proposal DOES NOT IMPACT THE USE OF PRIVATE CARS.

The proposal is being made now to comply with a government requirement. It is being coordinated centrally to ensure consistency across the region and compliance with government guidance.

Question 3

List the main elements of the activity. (for strategies list the main policy areas):

The statutory consultation on the detailed proposals, including the proposed charging Clean Air Zone, will need to be conducted in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.

Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.

In light of the restrictions much of this activity will have to be conducted in a virtual way, using digital tools such as webinars, attendance at virtual meetings and social media. GM will also include opportunity for telephone and postal correspondence for those who may not have digital access.

GM is confident that given the connections made to an extensive number of stakeholders through the Clean Air Conversation in 2019, this will engage with the key audience groups who will be most affected by the proposed measures.

Question 4

If this is a new/proposed activity or a change to an existing activity please explain why the proposal being made for what reason?

This assessment builds on the document that was published at the Outline Business Case (OBC) stage in March 2019, assessing equality impacts in more detail, which has been prepared ahead of the statutory consultation process.

This is an overarching high level impact assessment for the consultation and the local authorities will carry out their own impact assessments at full business case (FBC) stage.

Question 5

What outcomes does the activity aim to achieve?

A feasibility study that sets out the measures proposed to address nitrogen dioxide exceedances in Greater Manchester which has been developed collectively by all Greater Manchester local authorities, and co-ordinated by TfGM, in line with Government direction and guidance.

Question 6

Who are, or will be, the main beneficiaries of the activity?

Please tick one or more of the following

Travelling public	No
TfGM staff	No
Partners including Operators	No
Suppliers	No
Others - please specify	Yes
	People living, working and travelling in Greater Manchester.

Question 7

Do you need to consult with people who might be affected by it directly or indirectly? Please justify your response

Plan to consult - Who do you plan to consult and when?

A programme of research, analysis, public and stakeholder engagement took place throughout 2019 and has continued since submission of the OBC. This has given us more information to identify the potential impact of the proposals on low income workers; key business sectors such as retail and leisure, transport and distribution; and on small local businesses.

A public ‘conversation’ on the outline proposals ran from 13 May 2019 to 30 June 2019, seeking wide-ranging feedback from the general public, businesses and stakeholders on the proposed measures for achieving compliant NO2 levels in Greater Manchester. Around 3,300 responses were received over the seven-week period, including responses from umbrella groups representing more than 50,000 members. Around 70% of the responses were residents of Greater Manchester and 16% were businesses in Greater Manchester. These results, along with outputs from wider stakeholder engagement with a range of groups, have been used to inform the development of the more detailed proposals.

As required by the Transport Act 2000, a statutory consultation on the more detailed proposals, including the proposed charging CAZ, will be undertaken in 2020. Stakeholder dialogue and other awareness-raising activity around the proposals and the wider issue of air pollution will continue leading up to the consultation on the detailed plan.

The key audience groups for the public conversation are those who will be most affected by the proposed measures.

This engagement will all inform the further development and detailed design of the measures and will help to refine the that will comprise the Full Business Case.

Question 8

Having due regard for equality duty involves:

Removing or minimising disadvantages suffered by people due to their protected characteristics; Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low. Please complete the table below and give reasons, evidence and comment, where appropriate, to support your judgement(s).

Use the table below to record where you think that the activity could have a positive impact on any of the target groups or contribute to promoting equality, equal opportunities or improving relations within equality target groups. Use the table below to record where you think that the activity could have an adverse impact on any of the equality target groups i.e. it could disadvantage them and impact is high. Use the last column in the table below to give reason/comments/evidence where appropriate to support your judgement

Equality Impact Analysis

Age			
Target Group	Positive	Adverse	Comment/Evidence
Children and Young People (aged 19 and under)	High	Low	<p>Young people are more sensitive to changes in air quality and will therefore benefit more quickly from improvements in air quality. Young people would therefore benefit differentially.</p> <p>Young people are more reliant on public transport, taxi and PHVs and may also be more likely to use minibuses and community transport. Any changes in provision would have a disproportionate impact on this group in relation to access.</p> <p>Younger people are generally more fit, are more reliant on public transport and generally do not drive. They are therefore more likely to respond to initiatives of behavioural change towards more active forms of travelling.</p> <p>Young people are more reliant on public transport, taxis and PHVs to transport them to places of work, education, and social/leisure activities. Increased travel costs incurred would disproportionately impact this group in terms of affordability.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>

Equality Impact Analysis

Older People (aged 60 and over)	High	Low	<p>Older people are more sensitive to changes in air quality and will benefit more quickly from improvements in air quality therefore having a differential effect.</p> <p>Older people are more reliant on public transport, taxi and PHVs and may also be more likely to use minibuses and community transport. Any changes in provision or fare increases would have a disproportionate impact on this group in terms of access and affordability.</p> <p>Older people are more reliant on public transport, taxis and PHVs to transport them to places of health services and social/leisure activities. Increased travel costs incurred would disproportionately impact this group in terms of affordability.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
---------------------------------	------	-----	---

DRAFT

Equality Impact Analysis

Disability			
Target Group	Positive	Adverse	Comment/Evidence
People with physical impairments (Includes mobility, co-ordination, lifting and carrying, manual dexterity, wheelchair user)	Medium	Low	<p>People with certain disabilities (particularly if these relate to respiratory problems) are likely to be more sensitive to changes in air quality and will benefit more quickly from improvements in air quality. This would be a differential effect.</p> <p>People with physical impairments are more reliant on public transport, taxi and PHVs because they are more likely to not drive. They are also more likely to use community transport. Any changes in provision would have a disproportionate impact on this group in terms of accessibility to services, work and social activities.</p> <p>Disabled people are more reliant on public transport, taxis and PHVs to transport them to places of work, education, and social/leisure activities. Increased travel costs incurred would disproportionately impact this group in terms of personal affordability.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>

Equality Impact Analysis

<p>People with communication or sensory impairments (Includes blind/partially sighted, deaf/hard or hearing, difficulty speaking)</p>	<p>Medium</p>	<p>Low</p>	<p>People with certain disabilities (particularly if these relate to respiratory problems) are likely to be more sensitive to changes in air quality and will benefit more quickly from improvements in air quality. This would be a differential effect.</p> <p>People with physical impairments are more reliant on public transport, taxi and PHVs because they are more likely to not drive. They are also more likely to use community transport. Any changes in provision would have a disproportionate impact on this group in terms of accessibility to services, work and social activities.</p> <p>Disabled people are more reliant on public transport, taxis and PHVs to transport them to places of work, education, and social/leisure activities. Increased travel costs incurred would disproportionately impact this group in terms of personal affordability.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
---	---------------	------------	--

DRAFT

Equality Impact Analysis

<p>People with a learning disability or cognitive impairment (Includes conditions which affect ability to learn, understand, read, remember, and concentrate eg. Downs Syndrome, autism, ADA)</p>	<p>Medium</p>	<p>Low</p>	<p>People with certain disabilities (particularly if these relate to respiratory problems) are likely to be more sensitive to changes in air quality and will benefit more quickly from improvements in air quality. This would be a differential effect.</p> <p>People with physical impairments are more reliant on public transport, taxi and PHVs because they are more likely to not drive. They are also more likely to use community transport. Any changes in provision would have a disproportionate impact on this group in terms of accessibility to services, work and social activities.</p> <p>Disabled people are more reliant on public transport, taxis and PHVs to transport them to places of work, education, and social/leisure activities. Increased travel costs incurred would disproportionately impact this group in terms of personal affordability.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
---	---------------	------------	--

DRAFT

Equality Impact Analysis

<p>People with mental health problems (Includes depression, schizophrenia)</p>	<p>Medium</p>	<p>Low</p>	<p>People with certain disabilities (particularly if these relate to respiratory problems) are likely to be more sensitive to changes in air quality and will benefit more quickly from improvements in air quality. This would be a differential effect.</p> <p>People with physical impairments are more reliant on public transport, taxi and PHVs because they are more likely to not drive. They are also more likely to use community transport. Any changes in provision would have a disproportionate impact on this group in terms of accessibility to services, work and social activities.</p> <p>Disabled people are more reliant on public transport, taxis and PHVs to transport them to places of work, education, and social/leisure activities. Increased travel costs incurred would disproportionately impact this group in terms of personal affordability.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
--	---------------	------------	--

DRAFT

Equality Impact Analysis

<p>People with long standing illness/health condition (Includes cancer, HIV, MS, diabetes, heart disease, epilepsy, continence)</p>	<p>Medium</p>	<p>Low</p>	<p>People with certain disabilities (particularly if these relate to respiratory problems) are likely to be more sensitive to changes in air quality and will benefit more quickly from improvements in air quality. This would be a differential effect.</p> <p>People with physical impairments are more reliant on public transport, taxi and PHVs because they are more likely to not drive. They are also more likely to use community transport. Any changes in provision would have a disproportionate impact on this group in terms of accessibility to services, work and social activities.</p> <p>Disabled people are more reliant on public transport, taxis and PHVs to transport them to places of work, education, and social/leisure activities. Increased travel costs incurred would disproportionately impact this group in terms of personal affordability.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
---	---------------	------------	--

DRAFT

Equality Impact Analysis

<p>Other disability/impairment not covered by any of the above</p>	<p>Medium</p>	<p>---</p>	<p>People with certain disabilities (particularly if these relate to respiratory problems) are likely to be more sensitive to changes in air quality and will benefit more quickly from improvements in air quality. This would be a differential effect.</p> <p>People with physical impairments are more reliant on public transport, taxi and PHVs because they are more likely to not drive. They are also more likely to use community transport. Any changes in provision would have a disproportionate impact on this group in terms of accessibility to services, work and social activities.</p> <p>Disabled people are more reliant on public transport, taxis and PHVs to transport them to places of work, education, and social/leisure activities. Increased travel costs incurred would disproportionately impact this group in terms of personal affordability.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
--	---------------	------------	--

DRAFT

Equality Impact Analysis

Gender			
Target Group	Positive	Adverse	Comment/Evidence
Men	Medium	Medium	Taxi drivers and bus drivers are over 90% more likely to be male than female. Any increased business costs are therefore likely to be disproportionately experienced by men.
Women	Medium	---	There is no evidence that this group would experience disproportionate or differential effects as a result of the GM CAP.
Transgender People	Medium	---	There is no evidence that this group would experience disproportionate or differential effects as a result of the GM CAP.

Race			
Target Group	Positive	Adverse	Comment/Evidence
Asian or Asian British Backgrounds (This includes Pakistani, Indians and Bangladeshi, Chinese or any other Asian background)	High	Low	<p>People from black and minority ethnic community backgrounds are more likely to live in areas of GM where air quality is currently poorest. They will therefore disproportionately benefit from improvements in air quality.</p> <p>People from black and minority ethnic community backgrounds are more reliant on public transport therefore increased costs would affect them disproportionately.</p> <p>A high proportion of taxi drivers are from black and minority ethnic community backgrounds. Any increases in business costs are therefore likely to be experienced disproportionately by this group.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>

Equality Impact Analysis

<p>Black or Black British Backgrounds (This includes Caribbean, African or any other black background)</p>	<p>High</p>	<p>Low</p>	<p>People from black and minority ethnic community backgrounds are more likely to live in areas of GM where air quality is currently poorest. They will therefore disproportionately benefit from improvements in air quality.</p> <p>People from black and minority ethnic community backgrounds are more reliant on public transport therefore increased costs would affect them disproportionately.</p> <p>A high proportion of taxi drivers are from black and minority ethnic community backgrounds. Any increases in business costs are therefore likely to be experienced disproportionately by this group.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
--	-------------	------------	---

DRAFT

Equality Impact Analysis

<p>Mixed /Multiple Ethnic Groups (This includes White and Black Caribbean, White and Black African, White and Asian or any other mixed background)</p>	<p>High</p>	<p>Low</p>	<p>People from black and minority ethnic community backgrounds are more likely to live in areas of GM where air quality is currently poorest. They will therefore disproportionately benefit from improvements in air quality.</p> <p>People from black and minority ethnic community backgrounds are more reliant on public transport therefore increased costs would affect them disproportionately.</p> <p>A high proportion of taxi drivers are from black and minority ethnic community backgrounds. Any increases in business costs are therefore likely to be experienced disproportionately by this group.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
--	-------------	------------	---

DRAFT

Equality Impact Analysis

<p>White British Background (This includes English, Scottish & Welsh, Irish and Gypsy or Irish Travellers)</p>	<p>Medium</p>	<p>---</p>	<p>People from a traveller background could potentially be differentially affected by the CAZ charges from an affordability perspective.</p> <p>More insight into this is required at a local authority level when LA specific reports are produced to support the GM EqIA for the FBC.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
<p>Non-British White Backgrounds (This includes Irish, Polish, Spanish, Romanians and other White backgrounds)</p>	<p>Medium</p>	<p>---</p>	<p>More insight into this is required at a local authority level when LA specific reports are produced to support the GM EqIA for the FBC.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>

Equality Impact Analysis

Arabs	High	Low	<p>People from black and minority ethnic community backgrounds are more likely to live in areas of GM where air quality is currently poorest. They will therefore disproportionately benefit from improvements in air quality.</p> <p>People from black and minority ethnic community backgrounds are more reliant on public transport therefore increased costs would affect them disproportionately.</p> <p>A high proportion of taxi drivers are from black and minority ethnic community backgrounds. Any increases in business costs are therefore likely to be experienced disproportionately by this group.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
Any other background not covered by any of the above	---	---	

DRAFT

Equality Impact Analysis

Religion/Belief			
Target Group	Positive	Adverse	Comment/Evidence
Buddhists	Medium	---	<p>In some Greater Manchester Local Authority areas there is a higher percentage of drivers of taxis and private hire vehicles from black and minority ethnic communities (Asian) backgrounds. Any increases in business costs are therefore likely to be experienced disproportionately by this group. There could be a correlation between race and religion, suggesting a potential equality impact for this group.</p> <p>No quantitative evidence has been found to support this.</p> <p>No evidence has been found in this study to suggest a correlation between religion and a differential / disproportionate health impact from improved air quality.</p> <p>More analysis into this is required at a local authority level when LA specific reports are produced to support the GM EqIA for the FBC.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>

Equality Impact Analysis

Christians	Medium	---	<p>No evidence has been found in this study to suggest a correlation between religion and a differential / disproportionate health impact from improved air quality.</p> <p>More analysis into this is required at a local authority level when LA specific reports are produced to support the GM EqlA for the FBC.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
------------	--------	-----	---

DRAFT FOR APPROVAL

Equality Impact Analysis

Hindus	Medium	---	<p>In some Greater Manchester Local Authority areas there is a higher percentage of drivers of taxis and private hire vehicles from black and minority ethnic communities (Asian) backgrounds. Any increases in business costs are therefore likely to be experienced disproportionately by this group. There could be a correlation between race and religion, suggesting a potential equality impact for this group.</p> <p>No quantitative evidence has been found to support this.</p> <p>No evidence has been found in this study to suggest a correlation between religion and a differential / disproportionate health impact from improved air quality.</p> <p>More analysis into this is required at a local authority level when LA specific reports are produced to support the GM EqIA for the FBC.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
--------	--------	-----	--

Equality Impact Analysis

Jews	Medium	---	<p>No evidence has been found in this study to suggest a correlation between religion and a differential / disproportionate health impact from improved air quality.</p> <p>More analysis into this is required at a local authority level when LA specific reports are produced to support the GM EqlA for the FBC.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
------	--------	-----	---

DRAFT FOR APPROVAL

Equality Impact Analysis

<p>Muslims</p>	<p>Medium</p>	<p>---</p>	<p>In some Greater Manchester Local Authority areas there is a higher percentage of drivers of taxis and private hire vehicles from black and minority ethnic communities (Asian) backgrounds. Any increases in business costs are therefore likely to be experienced disproportionately by this group. There could be a correlation between race and religion, suggesting a potential equality impact for this group.</p> <p>No quantitative evidence has been found to support this.</p> <p>No evidence has been found in this study to suggest a correlation between religion and a differential / disproportionate health impact from improved air quality.</p> <p>More analysis into this is required at a local authority level when LA specific reports are produced to support the GM EqIA for the FBC.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
----------------	---------------	------------	--

Equality Impact Analysis

Sikhs	Medium	---	<p>In some Greater Manchester Local Authority areas there is a higher percentage of drivers of taxis and private hire vehicles from black and minority ethnic communities (Asian) backgrounds. Any increases in business costs are therefore likely to be experienced disproportionately by this group. There could be a correlation between race and religion, suggesting a potential equality impact for this group.</p> <p>No quantitative evidence has been found to support this.</p> <p>No evidence has been found in this study to suggest a correlation between religion and a differential / disproportionate health impact from improved air quality.</p> <p>More analysis into this is required at a local authority level when LA specific reports are produced to support the GM EqIA for the FBC.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
-------	--------	-----	--

Equality Impact Analysis

Others	Medium	---	<p>No evidence has been found in this study to suggest a correlation between religion and a differential / disproportionate health impact from improved air quality.</p> <p>More analysis into this is required at a local authority level when LA specific reports are produced to support the GM EqIA for the FBC.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
--------	--------	-----	---

Sexual orientation			
Target Group	Positive	Adverse	Comment/Evidence
Gay men	Medium	---	<p>There is no evidence that this group would experience disproportionate or differential effects as a result of GM CAP.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>

Equality Impact Analysis

Lesbians	Medium	---	<p>There is no evidence that this group would experience disproportionate or differential effects as a result of GM CAP.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>
Bisexual	Medium	---	<p>There is no evidence that this group would experience disproportionate or differential effects as a result of GM CAP.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>

Other			
Target Group	Positive	Adverse	Comment/Evidence
Other	High	Low	<p>Extremely low-dose exposures to pollutants during windows of vulnerability in utero and in early infancy may result in health effects throughout their lifespan.</p> <p>Pregnant women will benefit from improvements in air quality. This would be a differential effect.</p> <p>As set out at Q3, during the consultation GM will engage with the key audience groups who will be most affected by the proposed measures. in a way that adheres to guidance around social distancing contained in the Government's COVID-19 recovery strategy.</p> <p>Every reasonable effort will be made to enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way to make it as inclusive as possible, in the circumstances.</p> <p>For further information on health impacts: see Q19.</p>

Question 9

If this activity involves new build or alteration to existing building, has any consideration been given to provision of a multi-faith room?

Not applicable

Question 10

Have you identified two or more high adverse impacts in the table above?

No

Question 11

If you have identified one high adverse impact or any medium/low adverse impacts, what improvements to the activity would/could you make to mitigate high/medium/ low adverse impact? Please give details of the improvements you plan to make.

Question 12

Have you set up equality monitoring systems to carry out regular checks on the effects your activity has on:

Equality Group		Details
Age	No	Not applicable at this stage - monitoring activity will be developed at the Full Business Case.
Disability	No	Not applicable at this stage - monitoring activity will be developed at the Full Business Case.
Gender	No	Not applicable at this stage - monitoring activity will be developed at the Full Business Case.
Race	No	Not applicable at this stage - monitoring activity will be developed at the Full Business Case.
Religion/Belief	No	Not applicable at this stage - monitoring activity will be developed at the Full Business Case.
Sexual orientation	No	Not applicable at this stage - monitoring activity will be developed at the Full Business Case.
Other	No	Not applicable at this stage - monitoring activity will be developed at the Full Business Case.

Question 13

How will you measure the success of this activity? (Including any corporate performance measures)

The success of the GM CAP will be measured through a programme of outcome and output measurement, which is contained in the draft Monitoring and Evaluation Plan which is an appendix to the Management Case of the Outline Business Case.

The key measure of success will be through air quality monitoring, specifically NO2 compliance.

Question 14

In question 10 above you may have outlined improvements to the activity which will mitigate a high, medium and/or low adverse impact/s. How will you ensure that everyone involved in the activity knows and understands what improvements you intend make and is able to put the activity into practice with those improvements?

Current mitigation measures are set out in the comment boxes. Engagement activity - described in Q7 - will all help to refine the proposals that will be set out in the Full Business Case.

Question 15

Are there any elements within this activity that require a separate Equality Impact Analysis?

No

Equality Impact Analysis

Question 16

Please confirm that during the implementation of this activity, where appropriate, TfGM's corporate strategies and procedures will be followed. If your answer to any of these questions is "no", explain why you will not be following the strategy or procedure.

Strategy/Policy	Yes	Details
Communication with members of the public - TfGM's Corporate Communications Strategy will be followed	Yes	
Procurement - TfGM's Procurement Strategy will be followed	Yes	
Consultation and Engagement - TfGM's Consultation and Engagement Strategy will be followed	Yes	
Projects - Project Management Procedures will be followed	Yes	

Question 17

Is a Full Impact Analysis needed? If in question 8 you identified two or more adverse impacts then you should either abort the activity, or carry out a full analysis

No (not required)

Question 18

List all of the information that you have taken into account in carrying out this Equality Analysis

1. Greater Manchester' Outline Business Case to tackle Nitrogen dioxide exceedances at roadside. Equality impact assessment, February 2019. www.CleanAirGM.com
2. Defra – Clean Air Strategy 2018
3. The Clean Air Zone Framework (May 2017), Dept of Transport and DEFRA classifies Clean Air Zones as being either Class A, Class B or Class C. Class C includes buses, coaches, taxis, PHVs, HGVs and light goods vehicles (LGVs).
4. Clean air zone framework. Principles for setting up clean air zones in England. May 2017. Department for Transport, Department for Food and Rural Affairs.
5. Landrigan, P.J., et al (2018), The Lancet Commission on pollution and health. The Lancet 391:462-512
6. Greater Manchester's Outline Business Case to tackle Nitrogen Dioxide Exceedances at the roadside – Analysis of distributional impacts, Aecom, February 2019.
7. NHS, Healthy Urban Development Unit (2013), HUDU Planning for Health- Rapid Health Impact Assessment Tool, <http://www.healthyurbandevlopment.nhs.uk/wp-content/uploads/2013/12/HUDU-Rapid-HIA-Tool-Jan-2013-Final.pdf>
8. Titheridge et al (2014) Transport and Poverty – A Review of Evidence, University College London NatGen (2019). Transport and inequality: an evidence review for the Department of Transport
9. Department of Health and Social Care. UK Physical Activity Guidelines. London: Chief Medical Office; 2011.
10. Janssen I, LeBlanc AG. Systematic review of the health benefits of physical activity and fitness in school aged children and youth. Int J Behav Nutr Phys Act. 2010;7:40
11. World Health Organization (WHO) (2010). Global Recommendations on Physical Activity for Health. Geneva: WHO; 2010.
12. National Health Service, (2019). Statistics on Obesity, Physical Activity and Diet, England, 2019.
13. Caldwell, L.L. (2005) Leisure and Health: Why Is Leisure Therapeutic? British Journal of Guidance and Counselling, 33, 7-2.
14. Public Health England, (2016). Working together to Promote Active Travel. A briefing for local authorities. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/523460/Working_Together_to_Promote_Active_Travel_A_briefing_for_local_authorities.pdf [Accessed on 21/10/19]
15. Sustrans, Cavill, N. & Davis, A. (2019). Active Travel and Physical Activity Evidence Review. Available at: <https://www.sportengland.org/media/13943/active-travel-full-report-evidence-review.pdf> [Accessed on 21/10/19].
16. Kroesen, M. (2019). Is active travel part of a healthy lifestyle? Results from a latent class analysis. Journal of Transport and Health. Vol.12, 42-49.
17. CAZ Commercial vehicle Socio-Economic Impacts Research, 2019. Hatch Regenesi
18. The Hatch Regenesi report found limited data related to this group of minibus service providers
19. Nomis (2019). Population estimates – local authority based by five year age band. Available at: <https://www.nomisweb.co.uk/reports/lmp/gor/2013265922/report.aspx>
20. ONS (2018) Life expectancy at birth and at age 65 by Local Areas, UK, 2015-2017. Available at <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/datasets/lifeexpectancyatbirthandage65bylocalareasuk>
21. ONS Area profiles, 2018. Available at: <https://www.nomisweb.co.uk/home/profiles.asp>
22. ONS (2018) Population Estimates for England and Wales Mid-2018. Available at:
23. <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>
24. ONS (2018) Live births in England and Wales down to local authority local area. Available at: <https://www.nomisweb.co.uk/query>
25. ONS (2011) Census data by local authority: ethnic groups UK. Available at: <http://infuse2011.mimas.ac.uk/>
26. ONS (2011) Census data by local authority: religion or belief. Available at: <http://infuse2011.mimas.ac.uk/>
27. ONS (2017) Sexual orientation, UK:2017. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2017>
28. Department for Transport (2019) Annual bus Statistics: England 2017/2018
29. Technical Note 18 – GM CAP Minibus Vehicle Research
30. SYSTRA (2019) Deliberative Research with Taxi and PHV Drivers/Operators
31. Greater Manchester Transport Topic Paper, 2019. Available at: <https://www.greatermanchester-ca.gov.uk/media/1742/transport-topic-paper-w-cover-web.pdf>
32. Rind, E., et al. International Journal of behavioural nutrition and physical activity. June 2015. Are income-related differences in active travel associated with physical environmental characteristics? A multi-level ecological approach.
33. Department for Transport (2018) Walking and Cycling Statistics: England 2017
34. Technical Note 4 – GM CAP Coach Market Analysis
35. Technical Note 3 – GM CAP Freight Market Analysis
36. Technical Note 19 – GM CAP Taxi and PHV Fleet Research
37. Nomis (2019). Population estimates – local authority based by five year age band. Available at: <https://www.nomisweb.co.uk/reports/lmp/gor/2013265922/report.aspx>
38. ONS (2019) Subnational Population Projections, 2016-based projections. Available at: <https://www.nomisweb.co.uk/query/construct/submit.asp?menuopt=201&subcomp=>
39. ONS Area profiles, 2018. Available at: <https://www.nomisweb.co.uk/home/profiles.asp>
40. DCLG (2016) Live tables on household projections 2014. Available at: <https://www.gov.uk/government/statistical-data-sets/live-tables-on-household-projections>

41. ONS (2018) Population Estimates for England and Wales Mid-2018. Available at:
42.
<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>
43. ONS (2018) Life expectancy at birth and at age 65 by Local Areas, UK, 2015-2017. Available at
<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/datasets/lifeexpectancyatbirthandage65bylocalareasuk>
44. English indices of deprivation 2019, File 11: Upper-tier local authority summaries. Available at:
<https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019>
45. ONS, 2018. Benefit Claimants – disability living allowance. Available at:
<https://www.nomisweb.co.uk/query/construct/submit.asp?menuopt=201&subcomp=>
46. Department for Transport, 2018. Blue badge scheme statistics:2018. Available at:
<https://www.gov.uk/government/statistics/blue-badge-scheme-statistics-2018>
47. Equalities & Human Rights Commission, 'Trans Inequalities Reviewed'. Available at:
<https://www.equalityhumanrights.com/en/trans-inequalities-reviewed/introduction-review>
48. ONS Census 2011. KS103EW- Marital and Civil Partnership Status, 2011. Available at:
<https://www.nomisweb.co.uk/query/construct/submit.asp?menuopt=201&subcomp=>
49. ONS (2018) Live births in England and Wales down to local authority local area. Available at:
<https://www.nomisweb.co.uk/query>
50. ONS (2011) Census data by local authority: ethnic groups UK. Available at: <http://infuse2011.mimas.ac.uk/>
51. ONS (2011) Census data by local authority: religion or belief. Available at: <http://infuse2011.mimas.ac.uk/>
52. ONS (2019) English indices of deprivation 2019 - local authority district summaries. Available at:
<https://www.gov.uk/government/statistics/english-indices-of-deprivation-2019>
53. Air Quality England. <http://www.airqualityengland.co.uk/air-pollution>
54. WHO Topic Sheet. (2018) Ambient (outdoor) air quality and health.
[https://www.who.int/news-room/fact-sheets/detail/ambient-\(outdoor\)-air-quality-and-health](https://www.who.int/news-room/fact-sheets/detail/ambient-(outdoor)-air-quality-and-health)
55. Public Health England, Public Health Outcomes, <http://www.phoutcomes.info/>
56. UK Health Alliance on Climate Change, (2018). Moving Beyond the Air Quality Crisis. Realising the health benefits of acting on air pollution.
http://www.ukhealthalliance.org/wp-content/uploads/2018/10/Moving-beyond-the-Air-Quality-Crisis-4WEB-29_10-2018-final-1.pdf
57. DEFRA and Public Health England (2017) Air Quality. A briefing for Directors of Public Health.
<https://laqm.defra.gov.uk/assets/63091defraairqualityguide9web.pdf>
58. Review of evidence on Health Aspects of Air Pollution – REVIHAAP: final Technical Report, World Health Organization Office for Europe, 2013
<http://www.euro.who.int/en/health-topics/environment-and-health/air-quality/publications/2013/review-of-evidence-on-health-aspects-of-air-pollution-revihaap-project-final-technical-report>
59. Wang et al (2016) Air Quality Strategies on Public Health and Health Equity in Europe – A systematic Review. International Journal of Environmental Research and Public Health
60. Public Health England 2018. Guidance: Health Matters: air pollution.
<https://www.gov.uk/government/publications/health-matters-air-pollution/health-matters-air-pollution>
61. IOM Working for a Healthier Future. Scotland's Environment (2015) Air Quality, Health, Wellbeing and Behaviour,
<https://www.environment.gov.scot/media/1133/iom-seweb-aq-health-behaviour-review.pdf>

Question 19

Additional comments

This is an Equality Impact Assessment (EQIA) for the statutory consultation. A further and fuller assessment of economic and equalities impacts will be required at Full Business Case stage.

A programme of research, analysis, public and stakeholder engagement will continued throughout the consultation period. This will give us more information and identify potential impact of the proposal on low income workers; key business sectors such as retail and leisure, transport and distribution; and on small local businesses. Research information and the feedback from the engagement activity will influence the detailed design of the package of measures.

The EqIA will be reviewed in line with the findings from the statutory consultation to reflect any changes in the final projects' policies. This will inform a final EqIA for the FBC.

Simultaneously, each of the Greater Manchester Local Authorities develop a specific report for their particular districts, highlighting significant differences in comparison to the GM-wide findings. The ten local reports will act as appendices to the final EqIA for FBC.

Health Impacts

There is evidence showing the association of NO2 on poor health outcomes. Epidemiological studies have shown that long-term exposure to air pollution (over years or a lifetime) reduces life expectancy, due to cardiovascular and respiratory diseases and lung cancer. Short-term exposure (over hours or days) to increased levels of air pollution can also have a range of health effects, including effects on lung function, asthma, as well as increases in respiratory and cardiovascular hospital admissions, and mortality. Additionally, outdoor air pollution can influence productivity and contribute to social costs such as increasing days off work and school due to restricted health.

Health impacts – Medium positive impact:

An improvement in air quality as a result of the Clean Air Zone will have a positive impact on the health of the whole population in GM. A result, it is concluded that all protected characteristics will experience at least a medium positive impact in relation to health from the GM CAZ. A further review of health evidence is in progress, to support the final EqIA for the Full Business case.

Health impacts – HIGH positive impact:

Some groups are particularly vulnerable to poor air quality including older people, children (particularly young children), pregnant women and people living with long-term health conditions or disability. Any improvements in air quality are therefore likely to differentially benefit these groups, and they have been assessed as benefitting from a HIGH positive impact from the GM CAZ. Areas of existing high pollution often correlate with low income communities and therefore any improvements in air quality would benefit these communities disproportionately. Economically disadvantaged groups are more likely to include the following protected characteristics: young people, unemployed, long term sick and people from black and minority ethnic community backgrounds. A further review of health evidence is in progress, to support the final EqIA for the Full Business case.

Supporting documents

None

Process signed off by	Megan Black
Date completed	20th July, 2020
Validator's Comments	
Validated by	Diversity and Inclusion Manager
Date validated	2020-07-21
Next Review Date	

This page is intentionally left blank

APPENDIX 6 – OPERATING BODY OPTIONS & RESPONSIBILITIES

1 OPERATING BODY OPTIONS & RESPONSIBILITIES

- 1.1 The 'Operating Body' will be a public sector body which will be responsible for day to day operation of the CAZ in particular, and the operation of other GM CAP measures. Paragraph 16.7 sets out further detail on the responsibilities / activities of the 'Operating Body'.
- 1.2 The Clean Air Steering Group assessed seven options for the potential bodies that could discharge the role of the Operating Body. They were:
1. TfGM;
 2. GMCA;
 3. One (or more) of the ten Greater Manchester local authorities on behalf of remaining nine (or less);
 4. An arms-length body of a Greater Manchester family organisation – established through the setup of a Teckal company;
 5. A Local Authority Trading Company (LATC) to offer services to other Local authorities with similar requirements;
 6. External local authority to Greater Manchester to deliver on behalf of Local authorities (e.g. Leeds / Birmingham etc.); and
 7. Partnership with other local authority(ies) external to Greater Manchester (e.g. Pan Northern Clean Air Plan Delivery Body / Partnership).
- 1.3 Based on an initial high-level assessment, the group determined that Options 1 to 4 should be shortlisted for further assessment. That assessment subsequently led to it being agreed that TfGM were best placed to become the Operating Body and there were two options (Option 1 – TfGM and Option 4 – Teckal company established by TfGM) to be taken forward by TfGM for consideration in further detail.
- 1.4 TfGM is willing accept the Operating Body function and take on responsibilities for the CAZ integrating GM CAP delivery with wider strategic GM responsibilities which would be known as the "GM Clean Air Service" (Option 1).
- 1.5 There are a number of tax implications with TfGM becoming the Operating Body, the principles of which are yet to be agreed by HMRC, primarily around the corporation tax liability and VAT.
- 1.6 The corporation tax liability might arise if the charging scheme creates a surplus, at which point the surplus would be taxed at TfGM's standard rate. If the scheme operates at a deficit no corporation tax will be payable. TfGM are in dialogue with HMRC about including this activity within TfGM's 'Simplification Agreement' which would take the activity outside the scope of taxation.
- 1.7 The status of the VAT treatment is yet to be agreed between TfGM and HMRC. The expectation, and the current working assumption, is that all input VAT incurred will be recoverable on the implementation and operation of the scheme, although the mechanism for this needs to be agreed.
- 1.8 Operating Body – assumed responsibilities: Activities that may not be contracted out by the Operating Body:

- Issuing PCNs on behalf of the charging authorities to individuals who have failed to pay and managing refunds as appropriate (within agreed policy).
- Consideration of representations against PCN notices (internal appeals).
- Making of representations on behalf of the charging authorities' on any appeal to an external adjudicator.
- The making of any arrangements under section 192 of the 2000 Act.
- Authorising those to act as "authorised persons" for the purpose of exercising powers under Part 6 of The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013
- Management of the suppliers contracted to deliver the three discrete elements of the Charging Zone, namely Signage, CAZ Service and Debt Recovery.
- Keeping policy under review particularly in relation of discounts and exemptions.
- Financial Management of received funds and application of net proceeds.
- Deciding whether to Issue Charge Certificates where a penalty charge notice is not paid before the end of a relevant period (within agreed policy framework).
- Any decision to recover non-payments through Debt Management.
- Determining whether the circumstances are ones in which a PCN is not to be issued within the agreed policy e.g. when a HE Emergency Diversion Route (EDR) is activated.
- Provision of a set of accounts for the scheme.
- The monitoring and evaluation of the measures.
- Reporting performance of the CAZ and supporting measures to the Clean Air Committee.
- Proposing changes to the Clean Air Policy Framework.
- Complying with any direction given by the SoS in respect of traffic signs or the provision of specified information (assuming the necessary delegations have been provided by the charging authorities to the Operating Body) in relation to the CAZ.

1.9 Activities that may be contracted out by the Operating Body to approved suppliers:

- Capturing imagery from ANPR Cameras.
- Manage relationship, and interface, with JAQU Portal. Ensure data is transferred between local and central system securely, expeditiously and in the correct format.
- Manage relationship with other data utilising bodies as directed by the Operating Authority (as directed by Home Office guidance).
- Reconciling Payments from JAQU Portal.
- Identifying captured ANPR data with the reconciled payment data.
- Answering customer complaints & queries.
- Recovery of non-payments through Debt Management.
- Installing and maintaining the ANPR and signage network.
- Manage mobile ANPR camera deployment.
- Process applications for exemptions (and discounts) on behalf of the charging authorities within the agreed scheme rules as contained in the charging scheme order'.
- Maintain and ensure accuracy of GM Whitelist (vehicles exempt from charges).
- Identifying and working with repeat payment avoiders within the agreed policy Framework.
- The monitoring of the GM Diffusion tubes network.
- Undertake and align CAZ communications / Marketing campaigns with wider GM campaign activity.
- When instructed by the Operating Body, decommission the CAZ.

- Operational Administration of the Clean Commercial Vehicle Fund within the agreed policy.
- Operational Administration of the Clean Taxi Fund within the agreed policy.
- Operational Administration of Vehicle Finance Scheme within the agreed policy.

1.10 Clean Air Management Group – assumed responsibilities.

1.11 Responsible for management oversight of the GM Clean Air Service in line with the policies and decisions of the participating authorities.

- To have day to day oversight of the performance of the GM Clean Air Service and supporting measures and holding the operating body to account;
- To oversee Clean Air Zone communications / Marketing campaigns and interfaces with wider GM campaign activity;
- To ensure the GM Clean Air Service is adequately resourced to achieve its objectives;
- To brief the Authorities Leadership Teams on progress, development of solutions and any risks/issues associated with the service;
- To provide appropriate steer for the direction of the GM Clean Air Service and development of measures/solutions;
- To receive and appropriately challenge information presented on the GM Clean Air Service;
- To provide input to general GM Clean Air Service-related decisions; and
- To brief senior officers and elected members within their organisations on the information presented and agreed at the Management Group in particular prior to consideration of matters by the Clean Air Committee.

This page is intentionally left blank



03 August 2020

Dear Sir/Madam

Re: **Consulting on Greater Manchester Clean Air Zone & Minimum Licensing Standards during Covid-19**

The Coronavirus has had and is still having a massive and devastating impact on the taxi trade up and down the country, including across Greater Manchester.

The repercussions for everyone have been unprecedented and with the whole UK on lockdown for over 10 weeks, the self-employed have suffered financial implications like never before with taxi passenger numbers almost vanishing.

With all shops, hair and beauty salons and most work places forced to close with staff furloughed or working from home, transport hubs closed and services massively reduced, and people advised not to go out; daytime work for the taxi trade was almost non-existent.

The closure of all nurseries, schools, colleges, universities, adult education, and day care centres severely affected those drivers who rely on contract work.

Sports events forced to cancel and bars, clubs, pubs and restaurants all having to shut meant no night or weekend work for the drivers.

Holidays and flights were all cancelled with an increasing number of travel restrictions causing airlines to ground planes, meant that drivers working the airport and those who rely on the tourist trade had no income.

Footfall in the shops and on the highstreets disappeared as shops closed and people stayed at home or self-isolated, following the government's social distancing advise.

By far the biggest users of taxis are the elderly, disabled, vulnerable and those with children; all the groups told to self-isolate and stay at home.

As more and more people had to work from home or self-isolate, as education institutions and public buildings closed, as shops, bars, pubs, clubs and restaurants closed, as sporting and social gatherings were cancelled – people stopped using taxis.

With taxi drivers coming into close and regular contact with the public, placing drivers at high risk of infection meaning; many made the decision not to work to protect themselves and their families.

Garages and MOT stations closed meaning cab owners were unable to get their vehicles repaired, and fleet owners had their cabs returned meaning many cabs were left parked up as driver were unable to make a living.

No passengers mean no fares, no fares mean no money, and no money meant taxi drivers and small businesses struggled or failed to survive. Passenger numbers are still down and nowhere near pre-Covid levels, with drivers struggling to make £40 working a 12-hour shift.

Many drivers have mortgages or rent to pay as well as already expensive taxi finance and insurance payments to make on top of that, and whilst mortgage and finance companies were sympathetic in

offering payment holidays, other bills still had to be paid and the payment holidays will still have to be paid back, with interest.

No business or financial institution in the world could have predicted what has happened and this crisis, unfortunately, has been the nail in the coffin for some drivers, with most of those who have survived now living day to day, with massive debts as a result.

Five months since the pandemic started, and with a local lockdown reinstated and Covid-19 still relentless in its devastating impact on our city region, the GM taxi industry is in a fight for survival.

The added pressures and financial impact of moving forward with CAZ and MLS at this moment in time will be devastating for taxi drivers, some of whom have had no income for months. To go ahead with these plans now would force thousands of hard-working, self-employed individuals out of work, with the costs involved simply unaffordable under current circumstances.

Families will be forced into financial hardship; homes will be lost, unemployment and mental health issues will increase, putting further pressure on our already overstretched benefits and social care systems.

The consequences will be disastrous for all self-employed and small taxi businesses across Greater Manchester, unless the right decision is made now; to delay the consultation on CAZ and MLS until a time when the full impact of Covid-19 on the trade can be assessed.

Yours faithfully,

Greater Manchester Taxi Trade Coalition

- Unite the Union Manchester
- Unite the Union Salford
- GMB Manchester
- Manchester TODA
- Manchester Hackney Association
- Tameside TODA
- Stockport TODA
- Oldham TODA
- Association of Trafford Taxi Drivers
- Rochdale Taxi Trade Group
- Airport Taxi Association
- The Hackney Drivers Association of Wigan
- The Hackney Drivers Association of Bolton
- The Hackney Drivers Association of Bury
- RMT Union Wigan

Report to: EXECUTIVE CABINET

Date: 26 August 2020

Executive Member: Councillor Eleanor Wills – Executive Member, Health, Social Care and Population Health

Clinical Lead: Asad Ali (Living Well)

Reporting Officer: Stephanie Butterworth – Director of Adult Services

Subject: **NEW SUPPORTED LIVING SCHEMES – ADULT SERVICES**

Report Summary: The demand for supported living schemes in Tameside is now outstripping supply – there are currently 36 people on the waiting list held in Adult Services by its Accommodation Options Group (AOG), and there are 8 people identified for transition in the next two years from Children’s Services requiring 24 hour support who need to be planned for. In addition, the number of people with a learning disability living in costly out of borough places has increased recently, primarily due to the lack of supported accommodation capacity locally to meet need – there is a real concern that without increasing capacity such costly placements will very quickly become long term and the opportunity to return people to supported living in the borough will be lost.

This report outlines a recently developed accommodation by Irwell Valley Housing Group comprising 24 self-contained flats which will be ready for occupation in the coming weeks, and 28 flats to be built at Edge Lane/Fairfield Road Droylsden, subject to approval from Strategic Commissioning Board to progress this scheme.

Neither the Contract Procedure Rules, nor the Public Contract Regulations 2015 apply to this arrangement as it is considered a tenancy arrangement. This also means that STAR doesn’t need to add this to the Contracts Register.

Recommendations: **That the Strategic Commissioning Board APPROVE:**

- i) the use of the new build accommodation schemes at Mount Street, Hyde and Edge Lane/Fairfield Road, Droylsden – to increase capacity in the borough for the provision of supported living for adults with a learning disability and/or physical disability, and/or mental health needs to live in their own homes.
- ii) That authority is given to the Director of Adult Services to agree terms to enter an agreement to use this property to deliver 24 hour supported accommodation for people with a learning disability and/or physical disability, and/or mental health needs subject to STAR advising on application of the Public Contracts Regulations 2015 before any further work undertaken.
- iii) That approval is given to provide the support in the accommodation at both locations by the in-house Long Term Support Service.

That the Executive Cabinet APPROVE :

- i) That £50K of the £230k adaptations works required at Mount Street will be funded via the Disabled Facilities Grant

Financial Implications:

(Authorised by the statutory Section 151 Officer & Chief Finance Officer)

Integrated Commissioning Fund Section	Section 75
Decision Required by	Strategic Commissioning Board
Organisation & Directorate	Tameside MBC – Adult Services
Revenue Savings	£0.379 million (£ 0.125 million for 2019/20 with a further sum of £ 0.254 million for 2020/21)
Integrated Commissioning Fund Section	Aligned
Decision Required by	Executive Cabinet
Organisation & Directorate	Tameside MBC - Growth
Investment Required	£ 0.050 million – Disabled Facilities Grant

Additional Comments

It is essential that the recommended accommodation schemes are progressed urgently should approval to do so be granted. As explained in the report the accommodation will support the delivery of Adult Services savings relating to the resettlement of service users currently supported in higher cost out of borough placements and young adults that will transition from Children’s Services requiring intensive support.

The cumulative level of savings to be delivered in 2020/21 and on a recurrent basis thereafter associated with out of borough resettlement is £ 0.379 million (£ 0.125 million for 2019/20 with a further sum of £ 0.254 million for 2020/21) as a minimum. Alternative proposals to deliver these savings will need to be identified if the provision of the related accommodation is delayed.

The related savings that will be realised for the first scheme that will be completed (Mount Street, Hyde), will be confirmed within the period 6 revenue monitoring report at the latest once related service users, transition dates and support costs are confirmed. Details will include the part year (2020/21) and whole year savings (from 1 April 2021) that will be realised.

Sections 4.9 and 4.10 of the report explains that there will be additional costs associated with these two scheme proposals together with potential remedial works to the three properties being released back to housing providers, and any capital costs associated with adapting properties to meet people’s needs.

The additional cost of adaptations to Mount St (£ 0.050

million) will be financed via the Council's Disabled Facilities grant allocation. This investment will require approval via the Executive Cabinet as the funding is a Council capital grant.

The funding arrangements of any related remedial works to the three properties being released back to housing providers will be subject to a separate decision report at a later date once the related additional costs are confirmed.

It is expected that the rent and service charges levied by landlords within tenancy agreements with service users will be a revenue cost to the Adult Services budget wholly financed via housing benefit. However, any related void periods will need to be stringently managed and monitored as these will be a cost liability to the Adult services revenue budget and will not be financed via housing benefit.

Legal Implications:

(Authorised by the Borough Solicitor)

The service has been engaging with STAR in relation to procurement related matters and it is understood that the advice is that this scheme is likely to fall within Regulation 10(1)(a) PCR 15 as an acquisition or rental, by whatever financial means, of land, existing buildings or other immovable and therefore falls outside of the procurement requirements .

However it is advisable to keep procurement aspect of this scheme under review with STAR as this approach is currently untested in the courts and if the Registered Providers are required to provide other services then the scheme could become subject to a compliant procurement exercise.

The service has also confirmed that it has taken advice from STAR in relation to the funding of adaptations by the Council and it is understood that STAR has confirmed that there are no legal and procurement issues arising from the funding of the adaptations.

It is possible for these arrangements to operate under a lease arrangement which can be simpler than the Management Agreement approach but the reasons why the service prefers the Management Agreement approach is set out in the main body of the report for Members to consider.

Legal services will support the service providing advice on the terms of the Management Agreement should that be the approach adopted.

It is also expected that the accommodation referred to in this report will become subject to the Council's overarching accommodation strategy and policy which is currently being developed by the Growth Directorate.

How do proposals align with Health & Wellbeing Strategy?

The proposal aligns with the Living Well and Ageing Well programmes

How do proposals align with Locality Plan?

The service links into the Council's priorities:

- Help people to live independent lifestyles supported by responsible communities.
- Improve Health and wellbeing of residents

How do proposals align with the Commissioning Strategy?	<ul style="list-style-type: none"> • Protect the most vulnerable <p>This supports the 'Care Together Commissioning for Reform Strategy 2016-2020' commissioning priorities for improving population health particularly: - Creating the right care model so that people with long term support needs have the opportunity to build independence skills and reduce dependency on the health and social care system</p>
Recommendations / views of the Health and Care Advisory Group:	This report has not been presented at HCAG
Public and Patient Implications:	Those accessing the service have been identified as having eligible needs under the Care Act 2014
Quality Implications:	The accommodation will support quality outcomes for people to be able to live in their own home
How do the proposals help to reduce health inequalities?	The service delivers whole life support to vulnerable adults including ensuring individuals have access to a healthy lifestyle and routine medical checks
What are the Equality and Diversity implications?	There are no negative equality and diversity implications associated with this report, see the Equality Impact Assessment at Appendix A .
What are the safeguarding implications?	There are no safeguarding implications associated with this report. Where safeguarding concerns arise as a result of the actions or inactions of the provider and their staff, or concerns are raised by staff members or other professionals or members of the public, the Safeguarding Policy will be followed.
What are the Information Governance implications? Has a privacy impact assessment been conducted?	Personal data relating to the occupants of the properties, as well as in relation to officers of the Council, will be held by the housing provider. The Council will potentially hold personal data relating to the employees or contractors of the housing provider. The housing provider and the Council must comply with the provisions of the General Data Protection Regulation and the Data Protection Act 1998 in relation to their handling of this data and this will be further underpinned by relevant and appropriate provisions governing the handling of data in the management agreements.
Risk Management:	It is essential that, with the challenges of tighter budgets in the future and the personalisation of adult social care and with it the exercising of increased individual choice and control, a diverse market across the social care sector is stimulated to meet need. Adopting a strategic approach that works closely with existing and future providers of social care support is essential in supporting delivery within tighter budget controls whilst implementing this exciting policy direction. A change to larger supported living schemes at a time of ongoing financial pressure has the potential to generate significant savings whilst managing growing demand. While there are risks with the schemes in entering

into long term arrangements and in relation to poor service delivery, these will be managed by working closely with the provider and operation of management agreements. These risks also need to be balanced against the risk of not fulfilling statutory and legal duties to provide support services if the quantity of supported accommodation is not increased.

Risks will be identified and managed by the implementation team.

Access to Information:

The background papers relating to this report can be inspected by contacting the report writer, Trevor Tench, Head of Commissioning



Telephone: 0161 342 3649



e-mail: trevor.tench@tameside.gov.uk

1. INTRODUCTION

- 1.1 The Council has a proud record of supporting people with a learning disability who have complex needs requiring 24 hours per day support in ordinary housing – in both group homes and in larger schemes of self-contained flats. This started in the early 1990s supporting people to move out of institutional care - both from long stay hospitals and local authority hostels - into ordinary housing in the community with the support required to meet assessed needs.
- 1.2 The demand for supported living schemes in Tameside is now outstripping supply and there is therefore a need to expand the amount of supported accommodation schemes to meet this.
- 1.3 The Council continues to face significant budgetary challenges and has therefore been reviewing its models of service delivery, looking at new and innovative approaches to deliver services whilst reducing the cost of provision significantly. One significant area of service delivery, and therefore adult social care budget, is the delivery of 24 hour supported living for people with a learning disability.
- 1.4 In particular, the provision of support in shared houses in groups of two, three or four people has been subject to a slow revolution with the move to larger schemes of self-contained flats offering 24 hour support to people with complex needs. This has seen the successful introduction of a number of schemes including Beaumont Place, Town Lane, Carlton Springs and Saint Anne’s House – all these schemes have successfully challenged the need for group living for a number of people who have complex needs delivering some fantastic outcomes and thereby significantly improving the quality of lives of people living for the first time in their own flats.
- 1.5 The growth of larger schemes has in some part been due to some of the issues associated with group living where significant resource is required to support people to live together, particularly where living so closely can lead to disagreements and flash points that require careful and timely responses to managing arguments and personal behaviours. To mitigate this risk it is often the case that double cover is put in place to ensure safety for all concerned, i.e. co-tenants and staff. Larger supported accommodation schemes allow the delivery of support to meet assessed needs appropriately, and deliver savings over group living schemes as economies of scale allow lower unit costs.
- 1.6 Based on the success of larger supported living schemes comprising individual flats developed initially across adult social care groupings Adult Services have been looking at opportunities to apply this approach further, delivering the benefits of self-contained accommodation for people, increasing the capacity of accommodation in the Borough to meet needs locally, and exploring the potential to make significant savings. In addition, where it is clear that service users benefit from being supported in group living situations, options are being explored to replace housing stock that is no longer fit for purpose with new properties that will support people’s needs in the longer term.
- 1.7 In consultation with STAR Procurement on this proposal it has been confirmed that neither the Contract Procedure Rules, nor the Public Contract Regulations 2015 apply to this arrangement. More specifically Public Contract Regulation 10.-(1) confirms that this part does not apply to public service contracts – *“(a) for the acquisition or rental, by whatever financial means, of land, existing buildings or other immovable property, or which concern interests in or rights over any of them”*. In relation to the Contract Procedure Rules Section 4 states contracts to which the Rules do not apply namely 4.2(B) *“Contracts for the acquisition of an interest in land and property”*.

2. GENERAL DEMAND FOR ACCOMMODATION

- 2.1 The demand for expanding and improving the accommodation provided by the Council requires on-going management. The North West Sustainability Review highlighted a region at 'tipping point' in the requirements for older peoples housing and social care needs, where incremental measures will no longer be enough. This has led the Council to move away from failure demand towards long term investment and early intervention.
- 2.2 Research by the Housing LIN, commissioned by the Association of Directors of Adult Services (ADASS), included a housing census that has identified a broad client group living in over 2,400 units of supported accommodation across 150 schemes in Tameside. More importantly the research predicts that without growth in the current stock, there will be a shortfall of 866 units of accommodation with support by 2035.
- 2.3 There are is high current demand for accommodation with support that will continue to grow if new accommodation schemes are not developed. There are currently:
- 56 service users who are being accommodated out of borough due to the lack of specialist accommodation within the borough at the time of placement. There has been on-going work as part of the Living Well at Home project to facilitate returns to borough for those who are able. There is a real concern that without increasing capacity such costly placements will very quickly become long term and the opportunity to return people to supported living in the borough will be lost
 - 98 people currently on the Disability Housing Register who may fall into services if the care provided by family in their home breaks down.
 - 36 people awaiting accommodation on the Accommodation Options Group (AOG) waiting list. The majority of these are awaiting an extra care provision which the identified schemes will provide.
- 2.4 The growth in the number of people waiting for suitable supported accommodation would be set to continue if no further action was taken and so the expansion of stock is pivotal. Information from the Tameside Housing Needs Assessment (December 2017) highlights that:
- By 2031 there will be a need for an additional 83 units of specialist accommodation for people with learning disabilities, and also
 - There is a need for an additional 281 units of supported accommodation for people with mental health needs by 2031
 - By 2035 we need an extra 720 wheelchair friendly homes, including 187 fully wheelchair adapted properties.
- 2.5 In addition to the growing demand from people requiring accommodation there is a need to expand housing stock to meet the needs of existing service users who, whilst already accommodated, are living in accommodation that either no longer meets their needs comfortably or is no longer fit for purpose. Initial consultation with Adult Services AOG, its Property Management function and Long Term Support, 10 existing properties have been identified that no longer meet the needs of the individuals, provide some compromise in maximising outcomes for individuals, and require replacement in the next 2 years. These properties cannot be adapted to meet the needs of the individuals who reside there and would not be suitable to repurpose in the future.
- 2.6 A further pressure in relation to accommodation will come through young people transitioning from Childrens into Adult Services. More local young people who are also care leavers are now in need of support to make the transition from care to living independently. The support available for children and young people in care is intended to bridge the gap between leaving care and living in the adult world. The focus is to support the young person throughout their transition to independence. Addressing the number of

looked after children needing housing and support services is a priority for the Council. For looked-after children moving towards independence, crisis management is more expensive in the short term and less effective in the long-term. There are now significant budget pressures appearing in relation to young people who have recently turned 18 and have delayed transition due to the lack of appropriate supported accommodation. The latest review of placements at the Care Leavers Multi Agency Accommodation Panel meeting from June 2020 saw 38 young people being supported in private care arrangements, post 18, that are deemed to not have adult social care needs and ready to transition into independence at a high cost to the Council

3. PROPOSAL

3.1 Approval has been granted by SCB to 4 potential accommodation schemes over the past 12 months based on the need to increase capacity to meet existing and future need as outlined in Section 2 of this report. The 4 schemes approved were:

- Melbourne Street, Stalybridge (SCB July 2019)
- Hart Street, Droylsden (SCB July 2019)
- Park House, Stalybridge (SCB March, 2020)
- Flowery Fields, Hyde (SCB March 2020)

All schemes approved were done so on the basis of increasing the accommodation capacity to meet the needs of the existing and future learning disability population in Tameside.

3.2 Of the 4 schemes the accommodation on offer at Melbourne Street and Park House, both in Stalybridge, have not progressed and have therefore been discounted from plans to expand the supply of self-contained flats for vulnerable people supported by Adult Services.

3.3 Following detailed discussions the project at Hart Street Droylsden has progressed and formally agreed and though there has been a delay during the Covid lockdown the developer is now on site and it is expected that the building will be ready mid-April 2021. Plans are in place and 5 people have been identified to move into this scheme with support being provided by the Council's in-house Long Term Support Service.

3.4 The site identified at Flowery Field to develop further self-contained flats continues to be discussed but agreement and firm plans have still some way to go before reaching a conclusion.

3.5 As previously reported the ambition of Adult Services is to seek modern accommodation, ideally new-build property designed with vulnerable adults in mind, or existing property built within the last 10 years that meet existing and future needs. No longer should the service compromise its ambition for the people it supports by accepting properties that are simply just "good enough" to provide a short-term solution to prevailing pressures rather than developing long term answers that provide "homes for life".

3.6 Work has progressed significantly in relation to defining the current and future housing requirement across the Adult Services user group over the coming years. In line with this work has progressed more recently with colleagues in the Growth Directorate using their excellent links with Registered Housing Providers locally to progress the immediate accommodation needs for Adult Services. Given the potential savings the larger schemes of self-contained flats can offer the Council the loss of the 2 schemes in Stalybridge have challenged our ability to planned savings.

Irwell Valley Housing Association – Proposal

- 3.7 Discussions have, however, continued with a number of providers in relation to meeting the present and future accommodation needs of all adult groups, and an opportunity has very recently been presented itself with Irwell Valley Housing Association (IVHA) in relation to new build self-contained flats in Hyde. This high quality accommodation comprises of 24 flats over 3 floors that it is planned will be utilised to provide supported accommodation, and certainly meets the ambition of Adult Services in relation to delivering its ambition to seek modern ideally new-build property for its adult user group.
- 3.8 As discussions have progressed with Irwell Valley the opportunity has been taken to discuss flats they are currently building in Droylsden which from plans look ideal for our needs in expanding the available accommodation for the Adults User Group.
- 3.9 The Council has worked in partnership with Irwell Valley primarily in relation to general needs housing in the borough. Irwell Valley provide affordable homes and services across Greater Manchester to 16,000 people in over 7500 homes, in a range of tenures to help people into a home that's right for them. This includes homes for affordable rent, social rent, market rent and shared ownership.
- 3.10 As an organisation they are clear that behaviours play a key part in managing their performance and that all their employees must demonstrate how they are delivering against them in their performance appraisals. In maintaining positive behaviour it helps their organisation realise their values which are:
- Treat others as they would like to be treated - with honesty, dignity, respect and trust.
 - Learn from mistakes.
 - Take responsibility for our actions
 - Work with passion and fun.
 - Believe in tough rights and tough responsibilities.
 - Be pioneering and free thinking.
- 3.11 In addition, Irwell Valley provide homes for older people to help them live well in their community along with specialist support for people with dementia, mental health issues, learning and physical disabilities, and those who have been made homeless or have experienced domestic violence. Given their experience it is clear that they would prove to be a very suitable partner for Adult Services to work with to deliver accommodation for the developing needs of its user groups.
- 3.12 Discussions as indicated have progressed in relation to 2 new build schemes of self-contained flats:
- *Mount Street Hyde* - the proposal is to use 24 self-contained flats in one building which due for completion in the coming weeks. The flats are spread over 3 floors and are of a very high standard but will be offered at affordable rent levels. The plan is that Adult Services will use the building to provide supported accommodation primarily for people with a learning disability with the support being provided by the Council's in-house Long Term Support Service. The location of the property provides easy access to Hyde town centre and the many amenities on offer there, all of which offer the opportunity for the support team to maximise the independence of all individuals who would potentially live there
 - *Edge Lane/Fairfield Road, Droylsden* – This accommodation is on site now and at the level of foundations being in place and the steel structure of the building being put in place. The block Adult Services is interested in comprises 28 self-contained flats over 3 floors – each floor will be serviced by an internal lift, and the first 3 floors will include wider door openings and central corridor in each flat, and would therefore open up use of these flats for people who have mobility difficulties and may use wheelchairs. Irwell

Valley has confirmed that the quality of the accommodation will be equal to that already seen at Mount Street in Hyde. Again the plan would be that the support in the building would be delivered by the Council's in-house Long Term Support Service. In terms of location this property is virtually next to Lime Square Retail Park which has a variety of retail outlets including Morrison's supermarket, GP Surgery, pharmacy, post office, and gym. Droylsden Town Centre is within walking distance and alternatively only a 5 minute journey by public transport.

- 3.13 It is proposed that the Council would be allocated the whole building and this arrangement will be covered by a 100% Nominations Agreement and Management Agreement – this will be developed and agreed with support from the Council's Estates Service. The individual flats will be covered by direct tenancies between Irwell Valley as the landlord and the individuals living in each flat (who will be supported by the Council).
- 3.14 The key reason for entering in to a Management Agreement is that the Council will not have (possibly except for the staff base and potential emergency bed provision in one of the flats) an occupational right in the property where individual service users have their own tenancy and are responsible for their own rent and items such as utility costs, housing benefit claims and Council Tax etc. The Council is not in a position to deliver the tenancy management, rent and repairs functions that Irwell Valley as the Registered Provider in these circumstances provides.
- 3.15 A further reason is that in certain circumstances, if the Council is the Landlord and the provider of the support/care services there could be a requirement for the property to become registered under QCC rules. This would undermine the Council's aims to develop supported living in ordinary settings developing individual independence and citizenship as the facility would in effect become a defacto residential home.
- 3.16 In addition, having service users responsible for the tenancy removes risk from the Council and allows residents (and their families) to take personal control of their occupational needs and encourages where possible the ability for Adult Services to vary (increase and decrease) the levels of service required at any one time. This naturally leads to the development of independence and firmly meets with the aims and objectives of the Council's Corporate Plan.
- 3.17 The potential would be there for the Council to take a lease on the property and utilise Irwell Valley to deliver the management and maintenance service (meaning the Council would not have to set up its own system systems for delivery). However, there would be lease management issues here whereas the Management Agreement approach preferred will allow the Council to focus attention on their clear area of skill, i.e. supporting the people who will live in the flats.
- 3.18 It is also important to note that Irwell Valley, in line with many many RPs, wish to retain control of the property from an asset management point of view and security of their investment.
- 3.19 Irwell Valley have confirmed in discussions that their preference is to enter a Management Agreement should be for an as yet to be agreed period but no longer than 20 years. The agreement would include a termination clause of 1 year notice either way– this term, given the investment in the property as a whole, would show intent and commitment on the part of both parties. Whilst up to 20 years would be a long period it is in line with some agreements already in place, and the one year termination clause will reduce the financial risk to the Council and allow planning time to support people to move into alternative accommodation should this be required.

3.20 Using previous knowledge on similar schemes at Beaumont House and Carlton Springs which are operated by the LTS Service these projects would not fall into the “care home” category as each service user has a tenancy for their own individual flat. A fire risk assessment will be devised with the landlord for each flat and normal fire evacuation procedures will be adopted to get people out of their flats in the case of a fire in the building.

4. VALUE FOR MONEY

4.1 These two schemes have been identified as part of wider plans to build supported living capacity to support people to live in their own homes in the borough.

4.2 The schemes will house people identified to return from costly out of borough placements, increase capacity to deal with those people on the AOG waiting list, and support the closure of a number of existing group homes that have been assessed as no longer being suitable to meet people’s needs and are not of the quality the Council would want for local service users.

4.3 These 2 schemes will, in addition, contribute savings to the Adult Services revenue budget in terms of reduced costs of expensive placements out of borough, along with the economies of scale associated with supporting larger numbers of people on one site. The scale of these savings is yet to be determined as the needs and therefore support requirements of the individuals identified to move back to borough into the schemes is being evaluated. The estimated value of related savings to be realised will be reported within the 2020/21 period 6 revenue monitoring report at the latest. Members should note that the directorate has a minimum cumulative savings target of £ 0.379 million for the resettlement of out of borough service users by 31 March 2021 (£ 0.125 million for 2019/20 with a further sum of £ 0.254 million for 2020/21)

4.4 Supporting people in larger schemes of self-contained flats not only offers better quality independent living for individuals, it allows the delivery of 24 hour support in a far more cost-efficient way, and is certainly far more cost effective than being placed in high cost residential placements out of borough. Whilst the economies of scale argument relates to larger numbers of people living on one site, the quality of accommodation and the opportunity for people to have tenancies of their own self-contained flats will increase their independence, self-value and well-being.

4.5 The property will be offered to individuals currently being supported by the Council’s Long term Support Service (and thereby the closure of three of the ten properties identified in paragraph 2.5 of this report), the resettlement of a number of people currently in expensive out of borough placements, a number of people in expensive independent placements in Borough, an a small number of people on the waiting list at AOG.

4.6 The additional capacity supporting more people in the borough will require more staff – new jobs will therefore also be created locally, and the people being supported will be spending their income in the local areas of Hyde and Droylsden.

4.7 The rent for the flats has currently been calculated at a market rent of £815 pcm. The rent for the flats are currently being appraised by IVHA for an affordable rent levels and for Mount Street the indication has not yet been received. A service charge will also be charged in addition to the rent covering essential property management costs. In consultation with the Council’s Property Management Team the levels of rent and service charge will be comfortably met by Housing Benefit.

4.8 As the Council will be providing some housing management functions along with the provision of white goods and a basic furniture kit at the proposed schemes – some cost

elements covering this will be included in the service charges which will be added to the rent schedule to cover the delivery of these tasks. These costs will be in line with those currently levied by the Council's Property Management Team on similar schemes they operate – Irwell Valley will collect all service charges and the Council will invoice them for their elements.

- 4.9 It is important to note that there will be some additional costs associated with these two scheme proposals together with potential remedial works to the three properties being released back to housing providers, and any capital costs associated with adapting properties to meet people's needs. Details of any additional investment required will be subject to a separate decision report once the related costs are confirmed.
- 4.10 Specifically in relation to Mount Street the cost of adaptations to the building to meet the specific needs have been identified at a total of £230k. Irwell Valley have committed to funding £180k of this total and the Council is looking to fund the £50k through the Disabled Facilities Grant where the Council is able to provide grants to people with a disability who need to make changes to their home.

5. ALTERNATIVES CONSIDERED

- 5.1 There are three main options moving forward:
- Close the service
 - The "do nothing" approach
 - Expand the portfolio of accommodation to meet existing and future needs of the learning disabled population in Tameside.

5.2 Service Closure

The service user group is primarily people with a learning disability, but may include people with a physical disability and/or potentially with mental health issues, who have complex needs and who will need intensive support for the remainder of their lives. The number of people who need this service is increasing as a result of young people moving through from Children's Services, a lack of accommodation capacity forcing an increased number of people being placed in costly accommodation residential placements out of borough, and increased life expectancy as a result of advances in health care and other technology. Any cessation of this service would be likely to result in support having to be provided in individual properties or via institutional accommodation. In both cases this is likely to be more expensive. As a result it is concluded that closure of the service is not desirable, is unlikely to be popular, and probably not viable.

5.3 'Do Nothing' Approach

This would mean that Adult Services would continue to deliver support to people in the existing accommodation stock. However, this means that service users who are in need of accommodation will be reliant on tenancies becoming available in that stock. Vacancies in group homes can take some considerable time to fill given the detailed compatibility work required between the existing tenants and the person being referred – filling individual flats can be done very quickly – hence the preference to develop larger schemes of self-contained flats rather than group homes.

- 5.4 Given the existing demand being experienced from children going through transition to Adult Services, increasing demand from people coming into the service where long-term family support has broken down, and people living longer the "do nothing" approach means that the Council will become increasingly reliant on costly out of borough residential places. Not only would this be a poor response for those users who find themselves in the position that the only option is for them to move to a residential placement outside of the area that

they have been brought up in, it would be financially very difficult for the Council given the excessive cost of out of borough placements.

- 5.5 With the increasing demand for accommodation, legislation directing people to be supported to live in their own homes for as long as possible, and the financial efficiency of supporting people to live in the borough rather than in expensive residential placements away from the locality it is judged that any option to do nothing is not a viable one.

Expansion of Available Accommodation

- 5.6 There is a clear need to increase the amount of supported accommodation to meet the pressure of demand currently which will grow in the coming years, particularly with the young people transitioning to adult services.
- 5.7 In addition to meeting current and increasing demand, ten properties currently being used in Adult Services are not fit for purpose and need replacing.
- 5.8 The two schemes will enable the resettlement of a number of people from out of borough placements and put much needed additional capacity into the borough.

6. EQUALITIES

- 6.1 It is not anticipated that there are any negative equality and diversity issues with this proposal, see EIA available at **Appendix A** to the report.

7. RISK MANAGEMENT

- 7.1 Any risks of poor service delivery will be mitigated by close monitoring of the service by close working relationships between officers representing the Council and the accommodation provider to ensure that the agreements are being fully met and that subsequently people accessing the accommodation enjoy the agreed quality of accommodation.
- 7.2 There is a significant risk that not expanding the quantity of supported accommodation available for people with a learning disability to meet growing demand will mean that the Council would not fulfill its statutory and legal duty to provide support services in appropriate settings in a homely environment whilst meeting eligible needs.
- 7.3 There would be a risk in the Council entering long term arrangements for the 2 schemes identified in this report. However discussions with Irwell Valley have indicated an initial agreement term of 5 years which would significantly reduce the risk to the Council. Schemes such as these two offer opportunities to deliver significant savings and going forward operate at the optimum level of financial efficiency in supporting people with complex needs requiring 24 hour support in their own homes. The Council is clear that this very vulnerable group of people, who are increasing in numbers, will require support for the rest of their lives - the modern high quality accommodation proposed will allow people to live in their own self-contained living space rather than shared arrangements that in the majority of cases wouldn't be their chosen living arrangement.
- 7.4 There is a financial risk to the Council in relation to covering any voids, however, this risk is mitigated by the demand for the accommodation as set out above. These types of agreement also tend to give rise to a financial liability for the Council upon the happening of certain events e.g. damage to the property by an occupant where the cost of repair is not recoverable from the occupant. Such risks should be managed through close working with the Irwell Valley and through support from Long Term Support.

8. CONCLUSION

- 8.1 This report seeks approval to progress the 2 accommodation proposals in Hyde and Droylsden – both schemes will delivering high quality self-contained living environments offering the opportunity to deliver cost effective services for people requiring long term 24 hour support.
- 8.2 The 2 schemes will support the delivery of savings to the Adult Services budget – the scale of savings is to be determined in the future as tenants for the schemes are identified (though as indicated previously it expected that for Mount Street these will be complete and reported within the 2020/21 period 6 revenue monitoring report at the latest).
- 8.3 In supporting progression of these 2 schemes the Council is making a strong commitment to meeting the needs of adults with complex needs by prioritising the continuation of the provision of 24 hour supported living service.

9. RECOMMENDATIONS

- 9.1 As set out on the report cover.

APPENDIX A

Equality Impact Assessment

Subject / Title	NEW SUPPORTED LIVING SCHEMES – ACCOMMODATION FOR PEOPLE WITH A LEARNING DISABILITY	
Team	Department	Directorate
Joint Commissioning and Performance Management	Adults	Adults
Start Date	Completion Date	
22 June 2020	29 June 2020	
Project Lead Officer	Trevor Tench	
Contract / Commissioning Manager	Denise Buckley, Giovanna Surico-Hassall	
Assistant Director/ Director	Stephanie Butterworth	
EIA Group (lead contact first)	Job title	Service
Trevor Tench	Head of Commissioning	Adult Services – Commissioning and Performance
Sue Hogan	Service Unit Manager	Adults Transformation
Alison White	Service Unit Manager	Operations – Adult Services
Denise Buckley	Team Manager	Adult Services – Commissioning and Performance
Kerry Woolley	Commissioning and Contracts Officer	Adult Services – Commissioning and Performance
Giovanna Surico-Hassall	Team Manager	Operations – Adult Services
Adam Lomas	Team Manager	Supported Living Project – Adult Services
Patrick Nolan	Head of Major Programmes	Development and Housing Growth

PART 1 – INITIAL SCREENING

An Equality Impact Assessment (EIA) is required for all formal decisions that involve changes to service delivery and/or provision. Note: all other changes – whether a formal decision or not – require consideration for an EIA.

The Initial screening is a quick and easy process which aims to identify:

- *those projects, proposals and service or contract changes which require a full EIA by looking at the potential impact on, or relevance to, any of the equality groups*
- *prioritise if and when a full EIA should be completed*
- *explain and record the reasons why it is deemed a full EIA is not required*

A full EIA should always be undertaken if the project, proposal and service / contract change is likely to have an impact upon, or relevance to, people with a protected characteristic. This should

be undertaken irrespective of whether the impact or relevancy is major or minor, or on a large or small group of people. If the initial screening concludes a full EIA is not required, please fully explain the reasons for this at 1e and ensure this form is signed off by the relevant Contract / Commissioning Manager and the Assistant Director / Director.

1a.	What is the project, proposal or service / contract change?	The proposal is enter into agreements for two new supported living schemes in Hyde and Droylsden, to meet the current demand for accommodation for people with a learning disability
1b.	What are the main aims of the project, proposal or service / contract change?	<p>This would be essential action in increasing the amount of available supported accommodation for people with a learning disability to live in their own homes in the community.</p> <p>There is a need to increase capacity to meet current and future demand, and address some immediate issues around existing properties no longer being fit for purpose in relation to meeting people's presenting needs.</p> <p>The two schemes will support the delivery of savings for the Adult Services budget – the actual amount will depend on the final mix of people moving into the two schemes.</p>

1c. Will the project, proposal or service / contract change have either a direct or indirect impact on, or relevance to, any groups of people with protected equality characteristics?

Where there is a direct or indirect impact on, or relevance to, a group of people with protected equality characteristics as a result of the project, proposal or service / contract change please explain why and how that group of people will be affected.

Protected Characteristic	Direct Impact/Relevance	Indirect Impact/Relevance	Little / No Impact/Relevance	Explanation
Age	✓			The service is for adults 18+. Those under 18 will have access to care and support via children's services
Disability	✓			The service is for adults with a learning disability. Adults who do not have a learning disability will access adult services if they

				have an eligible need as per the Care Act 2014
Ethnicity			✓	
Sex			✓	
Religion or Belief			✓	
Sexual Orientation			✓	
Gender Reassignment			✓	
Pregnancy & Maternity			✓	
Marriage & Civil Partnership			✓	
Other protected groups determined locally by Tameside and Glossop Strategic Commission?				
Group (please state)	Direct Impact/Relevance	Indirect Impact/Relevance	Little / No Impact/Relevance	Explanation
Mental Health	✓			Service users may have a secondary mental health support need in addition to their learning disability. Individuals whose primary need is mental health, will access other appropriate services
Carers	✓			The service supports carers to plan the long term needs of the person they support along with crisis support
Military Veterans			✓	
Breast Feeding			✓	
Are there any other groups who you feel may be impacted by the project, proposal or				

service/contract change or which it may have relevance to? <i>(e.g. vulnerable residents, isolated residents, low income households, those who are homeless)</i>				
Group (please state)	Direct Impact/Relevance	Indirect Impact/Relevance	Little / No Impact/Relevance	Explanation
N/A				

Wherever a direct or indirect impact or relevance has been identified you should consider undertaking a full EIA or be able to adequately explain your reasoning for not doing so. Where little / no impact or relevance is anticipated, this can be explored in more detail when undertaking a full EIA.

1d.	Does the project, proposal or service / contract change require a full EIA?	Yes	No
			✓
1e.	What are your reasons for the decision made at 1d?	The increased provision of accommodation will allow access to appropriate provision, offer more choice and control over the support individuals need to improve and better manage their wellbeing, contributing to improved experiences and outcomes. The service is open to anyone who meets the criteria.	

Report to:	EXECUTIVE CABINET
Date:	26 August 2020
Executive Member:	Councillor Oliver Ryan - Executive Member (Finance and Economic Growth).
Reporting Officer:	Jayne Traverse, Director of Growth
Subject:	PYRAMID SCHOOLS PFI CONTRACT PARENT COMPANY GUARANTEE & COLLATERAL WARRANTIES
Report Summary:	To seek approval to replace the Parent Company Guarantee (Parent Company Guarantee) and associated Collateral Warranties (Collateral Warranty) on the Pyramid Schools PFI contract following the collapse of Interserve PLC, provider of the original Parent Company Guarantee's & Collateral Warranty's
Recommendations:	<p>That the EXECUTIVE CABINET are RECOMMENDED to authorise the Assistant Director of Strategic Property and Head of Legal Services to introduce a suitable replacement Parent Company Guarantee and Collateral Warranties for the Pyramid Schools PFI contract on behalf on the Council.</p> <p>(i) This variation to include the Council providing its consent under Clause 21.2 of the Project Agreement to:</p> <ul style="list-style-type: none">• a deed of variation of the Facilities Management Subcontract (FM Subcontract) with the FM Subcontractor (Interserve Facilities Management Limited);• a deed of variation of the Fabric Replacement Subcontract (FR Subcontract) with the FR Contractor (Interserve Construction Limited);• a FM Subcontract Direct Agreement with the FM Subcontractor, Interserve Group Limited (the Replacement Guarantor) and Bank of Scotland PLC;• a FR Subcontract Direct Agreement with the FR Contractor, the Replacement Guarantor and the Bank of Scotland PLC;• a parent company guarantee with the Replacement Guarantor in respect of the FM Subcontract; and• a parent company guarantee with the Replacement Guarantor in respect of the FR Subcontract. <p>(ii) That the Council enters into:</p> <ul style="list-style-type: none">• the replacement Collateral Warranties with the Special Purpose Vehicle, the Replacement Guarantor and the Bank of Scotland PLC for the FM Sub-contract• the replacement Collateral Warranties with the Special Purpose Vehicle, the Replacement Guarantor and the Bank of Scotland PLC for the FR Sub-contract
Corporate Plan:	The change maintains and supports a number of themes contained in the Corporate Plan with a particular emphasis on Theme 2 – Aspirations and Hope

Policy Implications:

In line with corporate policy

**Financial Implications:
(Authorised by the statutory
Section 151 Officer & Chief
Finance Officer)**

The Council is responsible for the payment of the unitary charge to Pyramid Schools (Tameside) Ltd, the special purpose vehicle (Special Purpose Vehicle) that was established to design, build, finance and operate three schools in Hattersley.

The annual costs amount to £3.328m and are funded from PFI credits (in the form of an annual grant from the government) and contributions from the schools paid for from their annual delegated budgets.

Whilst the majority of the risk for delivery of the PFI services rests with the Special Purpose Vehicle, the Council gains additional assurance that the company is under written by its parent company if the Special Purpose Vehicle, or any of its subcontractors, is unable to deliver the services under the terms of the contract. Currently the parent company guarantees have lapsed due to the insolvency of the original parent company. This removes the additional level of assurance to the Council. The entering into a new parent company guarantee with Interserve Group Limited, will provide some additional assurance to the Council if the Special Purpose Vehicle were to enter any financial difficulties or were unable to deliver its services.

The new arrangements are a replacement of the previous arrangements are there are no direct financial costs to the schools or the Council in entering into these arrangements, although they do act to reduce the total level of residual risk to the Council.

**Legal Implications:
(Authorised by the Borough
Solicitor)**

Put simply this report is intended to replace a guarantor who has gone into liquidation and put a marker in the ground around risks to ensure firstly that necessary due diligence undertaken and to ensure contract being closely monitored.

The insolvency of the original guarantor is an event which would entitle the Council to terminate the contract. By signing the amended documentation and confirming that the Council will not treat the insolvency as a breach of the contract, the Council has to be comfortable that the revised position is satisfactory; whether that means that the replacement guarantor is as strong as the original guarantor, or less, but better than no guarantor, is a matter which the Council must consider and accept.

The information available suggests that the replacement guarantor is not as strong as the original guarantor and this report suggests that "a guarantor" is better than "no guarantor". Whilst that might on the face of it appear to be acceptable, the Council must ensure that it does not become complacent in believing that there is a reliable guarantor in place in the event of default, or breach by the main contracting party and ensure that it rigorously monitors the contractual arrangements.

Risk Management:

The risks associated with this report are set out in section 6.

Background Information:

The background papers relating to this report can be inspected by contacting Paul Smith (Assistant Director Strategic Property)



Telephone: 0161 342 2018



e-mail: paul.smith@tameside.gov.uk

1. INTRODUCTION

1.1 As part of the procurement process for the Hattersley Schools PFI Project, that concluded in 2002, the financial standing of bidders had to be demonstrated. Pyramid Schools (Tameside) Limited (the Special Purpose Vehicle), the special purpose vehicle set up to deliver the Project by the winning consortium, was a new legal entity and as such was required by the Council to support its obligations and commitments for the Project by the provision of a variety of Parent Company Guarantees and Collateral Warranties. The Collateral Warranties were Conditions Precedent under the Project Agreement for the Project.

1.2 Additionally, it was a requirement (Condition Precedent) within the Credit Agreement with the Bank of Scotland plc, the senior debt provider for the Project that the Parent Company Guarantees and Collateral Warranties were entered into. The Parent Company Guarantees and Collateral Warranties had to be executed before the Special Purpose Vehicle could drawdown any of the senior debt funding from Bank of Scotland.

The required Parent Company Guarantees were:

- Build Contract Parent Company Guarantee
- FM Sub-contract Parent Company Guarantee
- FR Sub-contract Parent Company Guarantee

The required Collateral Warranties were:

- Build Contract Collateral Warranty
- FM Sub-contract Collateral Warranty
- FR Sub-contract Collateral Warranty

1.3 The above Parent Company Guarantee & Collateral Warranty requirements were satisfactorily provided enabling the 3 Pyramid PFI schools to be constructed and operated. The schools within this contract are: Alder Community High School, Arundale Primary and Nursery School and Pinfold Primary and Nursery.

1.4 On 15 March 2019 Interserve plc, the original Guarantor and parent company of Interserve (Facilities Management) Limited and Interserve Construction Limited went into administration and these two companies were sold to Interserve Group Limited (Company No 11830440), a newly incorporated private company controlled by its lenders.

1.5 As the original Parent Company Guarantees and Collateral Warranties are no longer effective due to the demise of Interserve plc, a replacement guarantor is now required.

2. PURPOSE OF PARENT COMPANY GURANTEES AND COLLATERAL WARRANTIES

2.1 The purpose of Parent Company Guarantees and Collateral Warranties are to provide assurance, to both the Council and Funder (Bank of Scotland), that behind the two principle sub-contractors was a strong Group of established and sustainable businesses with good financial standing and to provide for guarantees that there was an entity that would be ultimately responsible for the Project.

2.2 If the relevant sub-contractor failed to perform any of the terms, conditions, obligations and agreements under its sub-contract, then the Guarantor (Interserve plc) agreed to perform and fulfil, in place of the relevant sub-contractor, each and every obligation or warranty given in the sub-contract. The Guarantor was liable to the Special Purpose Vehicle, under the Parent Company Guarantees, for any and all losses, damages, expenses, liabilities, claims, costs or proceedings which the Special Purpose Vehicle suffered or incurred by

reason of any such failure or breach, and likewise under the Collateral Warranties to the Council.

3. OVERVIEW OF ORIGINAL PARENT COMPANY GUARANTEES AND COLATERAL WARRANTIES

Parent Company Guarantees

- 3.1 In all cases the Parent Company Guarantees were given by Interserve plc (Company No 88456) in favour of the Special Purpose Vehicle. Pursuant to the Parent Company Guarantees, Interserve plc respectively agreed to guarantee all of the obligations of:
- the Build Contractor (Interserve Project Services Limited (Company No 303359)) under the Build Contract;
 - FM Sub-Contractor (Interserve (Facilities Management) Limited (Company No 3253304)) under the FM Sub-Contract; and
 - FR Sub-contractor (Interserve Project Services Limited (Company No 303359)).

The Guarantor's liability under the relevant Parent Company Guarantee was limited to the respective liability of the relevant sub-contractor under its sub-contract, together with any costs reasonably and properly incurred (including legal fees) of the Special Purpose Vehicle in enforcing the Parent Company Guarantee.

Collateral Warranties

- 3.2 In addition to the Parent Company Guarantees, Collateral Warranties were entered into, directly with the Council, providing it with a direct guarantee of performance and delivery. The Collateral Warranties were entered into between:
- The Council, the Build Contractor (Interserve Project Services Limited now called Interserve Construction Limited), Interserve plc and the Special Purpose Vehicle providing a warranty granting certain direct contractual rights to the Council in respect of the Build Contract;
 - The Council, the FR Sub-Contractor (Interserve Project Services Limited now called Interserve Construction Limited), Interserve plc and the Special Purpose Vehicle providing a warranty granting certain direct contractual rights to the Council in respect of the FR Sub-Contract;
 - The Council, the FM Sub-Contractor (Interserve (Facilities Management) Limited, Interserve plc and the Special Purpose Vehicle providing a warranty granting certain direct contractual rights to the Council in respect of the FM Sub-contract.

4. PROPOSED REPLACEMENT PARENT COMPANY GURANTEES AND COLLATERAL WARRANTIES

- 4.1 Interserve Group Limited, the parent company of both the FM Subcontractor and the FR Subcontractor, has agreed to:
- guarantee all of the obligations of the FM Sub-contractor under the FM Sub-Contract; and
 - guarantee all of the obligations of the FR Sub-contractor under the FR Sub-Contract.

Accordingly, Interserve Group Limited (the Replacement Guarantor) will provide both the guarantees under the Parent Company Guarantees to the Special Purpose Vehicle and to the Council under the Collateral Warranties, in respect of the FM and FR Sub-contracts, the obligations under the Build Contract having been completed. Interserve Group Limited a newly incorporated private company (February 2019) and controlled by its lenders. As such this new company has not yet published an annual set of accounts.

Required Consent

4.2 The Special Purpose Vehicle has requested that the Council provides its consent under Clause 21.2 (b) of the Project Agreement to:

- a deed of variation of the FM Subcontract with the FM Subcontractor for the purposes of varying the FM Subcontract in order to make certain amendments to reflect arrangements relating to the acceptance of the Replacement Guarantor and certain related information and other requirements;
- a deed of variation of the FR Subcontract with the FR Contractor for the purposes of varying the FR Subcontract in order to make certain amendments to reflect arrangements relating to the acceptance of the Replacement Guarantor and certain related information and other requirements;
- a FM Subcontract Direct Agreement with the FM Subcontractor, the Replacement Guarantor and Bank of Scotland PLC;
- a FR Subcontract Direct Agreement with the FR Contractor, the Replacement Guarantor and the Bank of Scotland PLC;
- a parent company guarantee with the Replacement Guarantor in respect of the FM Subcontract; and
- a parent company guarantee with the Replacement Guarantor in respect of the FR Subcontract.

For execution

4.3 The Special Purpose Vehicle has requested that the Council enters into:

- the replacement Collateral Warranties with the Special Purpose Vehicle, the Replacement Guarantor and the Bank of Scotland PLC for the FM Sub-contract
- the replacement Collateral Warranties with the Special Purpose Vehicle, the Replacement Guarantor and the Bank of Scotland PLC for the FR Sub-contract

Note: That the Council notes the entering into of the Novation Agreement in respect of the Interface Agreement to include the Replacement Guarantor.

5. COST

5.1 There should be no additional cost other than using available internal resources.

6. RISK

6.1 Currently there is no entity guaranteeing the obligations and performance of the relevant FM and FR Sub-contractors to the Council. Therefore, by consenting to, or as the case maybe, entering into the replacement Collateral Warranties, the Council's position will be improved.

6.2 The only notable risk is the financial standing of the Replacement Guarantor, Interserve Group Limited, but as noted in the paragraph above their guarantee may be considered better than the current position which is no guarantee. This will continue to be regularly monitored and reviewed as part of the ongoing contract management arrangements.

7. OPTIONS

7.1 No other options are being considered

8. RECOMMENDATIONS

8.1 As set out at the front of the report

Report to:	EXECUTIVE CABINET
Date:	26 August 2020
Executive Member:	Councillor Fairfoull – Executive Member, Children’s Services Councillor Feeley – Executive Member (Lifelong Learning, Equalities, Culture and Heritage)
Reporting Officer:	Tim Bowman, Assistant Director, Education.
Subject:	PERSONAL BUDGETS
Report Summary:	This report consolidates current good practice in relation to Personal budgets into an accessible Personal Budget Policy for children (0-25) with Special Educational Needs and Disabilities (SEND). It is a requirement of the Children and Families Act 2014 for the Local Area to have a Personal Budget Policy and to publish this policy on their Local Offer website.
Recommendations:	(i) That the personal budget policy attached at Appendix 1 be approved. (ii) That the Education Transport Policy at Appendix 2 be approved to reflect the proposed Personal Budgets Policy
Corporate Plan:	The report closely aligns with and delivers the priorities contained within Starting Well and Living Well aspects of the Corporate Plan.
Policy Implications:	The Personal budgets Policy and related amendments to the Education Transport policy ensure compliance with Statutory Duties.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>There should be no direct financial impact to an Education Health Care Plan as a result of this policy; the funds would simply be paid to the family as opposed to the provider of the services where it is appropriate to do so.</p> <p>In terms of the School Transport personal budgets, the policy confirms that personal budgets would not exceed the cost of transport delivery by the council. Again this policy would not create additional cost pressure this would be a change of where the funds are paid to.</p> <p>The Education Service do not currently have a system, that would allow them to make direct payments if there was a wider take-up of personal budgets. A system would be needed to achieve this, which may present an additional financial pressure to the council which cannot be quantified at this stage. There are other areas of the council that make payments for personal budgets, a review of these systems should be carried out to see if these can be utilised to see if they could meet Education team’s needs.</p>
Legal Implications: (Authorised by the Borough Solicitor)	<p>These policies bring together the council’s practice in relation to personal budget and education transport policies to enhance the offer to children and young people with Special Educational Needs and Disabilities.</p> <p>These policies are drafted so as to comply with the relevant legislative requirements as set out in the Children and Families Act</p>

2014.

As such it is important that these policies are regularly reviewed to ensure that they remain compliant with legislation and government guidance.

Risk Management:

There is a risk to compliance with our statutory duties if we do not have a Tameside Personal Budgets Policy.

Background Information:

The background papers relating to this report can be inspected by contacting Louise Rule, Programme Lead, Education



Telephone: 0161 342 2371



e-mail: louise.rule@tameside.gov.uk

1. INTRODUCTION

- 1.1 The Children and Families Act 2014 requires local authorities to offer families Personal Budgets where an Education Health and Care (EHC) plan is in place for children and young people with disabilities.
- 1.2 The SEND Code of Practice is the statutory guidance for organisations that work with and support children and young people who have special educational needs or disabilities. It clarifies in more detail the requirements under Part 3 of the Children and Families Act 2014 and the associated Special Educational Needs (Personal Budgets) Regulations 2014.
- 1.3 The Children and Families Act 2014 also requires Local Authorities to publish a Local Offer. The Local Offer gives children and young people with special educational needs or disabilities and their families information about what support services the local authority think will be available in the local area. Every local authority is responsible for writing a Local Offer and making sure it's available for everyone to see.
- 1.4 Local Authorities must provide information on Personal Budgets as part of the Local Offer. This should include a policy on Personal Budgets that sets out a description of the services across education, health and social care that currently lend themselves to the use of Personal Budgets, how that funding will be made available, and clear and simple statements of eligibility criteria and the decision-making processes.'
- 1.5 A Personal Budget is an amount of money identified by the local authority that can be used to deliver some of the provision set out in an Education, Health and Care (EHC) plan.
- 1.6 A Personal Budget is an indicative amount that is likely to be required to make the provision specified, or proposed to be specified in the EHC plan. The 'cashable' amount is that which can be used flexibly, as a direct payment, by the family or young person to support the additional needs of the child or young person.
- 1.7 Personal Budgets are designed to help families of eligible children and young people with Special Education Needs and Disabilities (SEND) to have more control over their lives. Through person centred planning approaches it is viewed that the child's and family's needs are central to identifying the outcomes that will most effectively support the family.
- 1.8 The overall purpose of the Personal budget/direct payment is to increase:
 - i. **Choice and control:** Increased choice and control is achieved by supporting families as far as they are able to manage their own budgets and income streams (e.g. Disability Living Allowance).
 - ii. **Flexibility:** The intention is that families can vary their support arrangements to suit their children's individual requirements.
 - iii. **Social inclusion:** Easier for individuals to identify support which enables them to use a wider range of activities in the community and better meet their eligible needs and support plan.
- 1.9 The SEND Code of Practice clarified how local authorities must consider each request for a personal budget on its individual merits and prepare a Personal Budget in each case unless the sum is part of a larger amount and disaggregation of the funds for the Personal Budget would have an adverse impact on services provided or arranged by the local authority for other EHC plan holders or where it would not be an efficient use of the local authority's resources

- 1.10 The local authority can determine which services currently lend themselves to the application of Personal Budgets at this time, but with the understanding that this should inform future commissioning decisions in order to give greater flexibility and choice for families.

2. PROPOSAL

- 2.1 The proposed Personal Budgets policy is attached at Appendix 1. This policy consolidates existing good practice in Tameside and draws Personal budgets and Education Personal Transport Budgets together under one policy.
- 2.2 In addition to Education, Health & Social Care Personal budgets, the proposed policy covers Education Personal Transport Budgets. Statutory, statutory duties placed under the Education Act 1996 and Education & Inspections Act 2006 require that local authorities must promote the use of sustainable travel and transport and make transport arrangements for all eligible children. Local authorities must publish general arrangements and policies in respect of home to school travel and transport for children of compulsory school age in their Local Offer.
- 2.3 In order to comply with the statutory duties outlined above and in order to consolidate good practice in relation to personal budgets, it is necessary to amend the Education Transport Policy to reflect this. The proposed changes to the Education Transport Policy are attached at Appendix 2

3. NEXT STEPS

- 3.1 It is proposed that further work with related groups in relation to engagement with children, families and practitioners will be carried out moving forward.

4. CONCLUSION

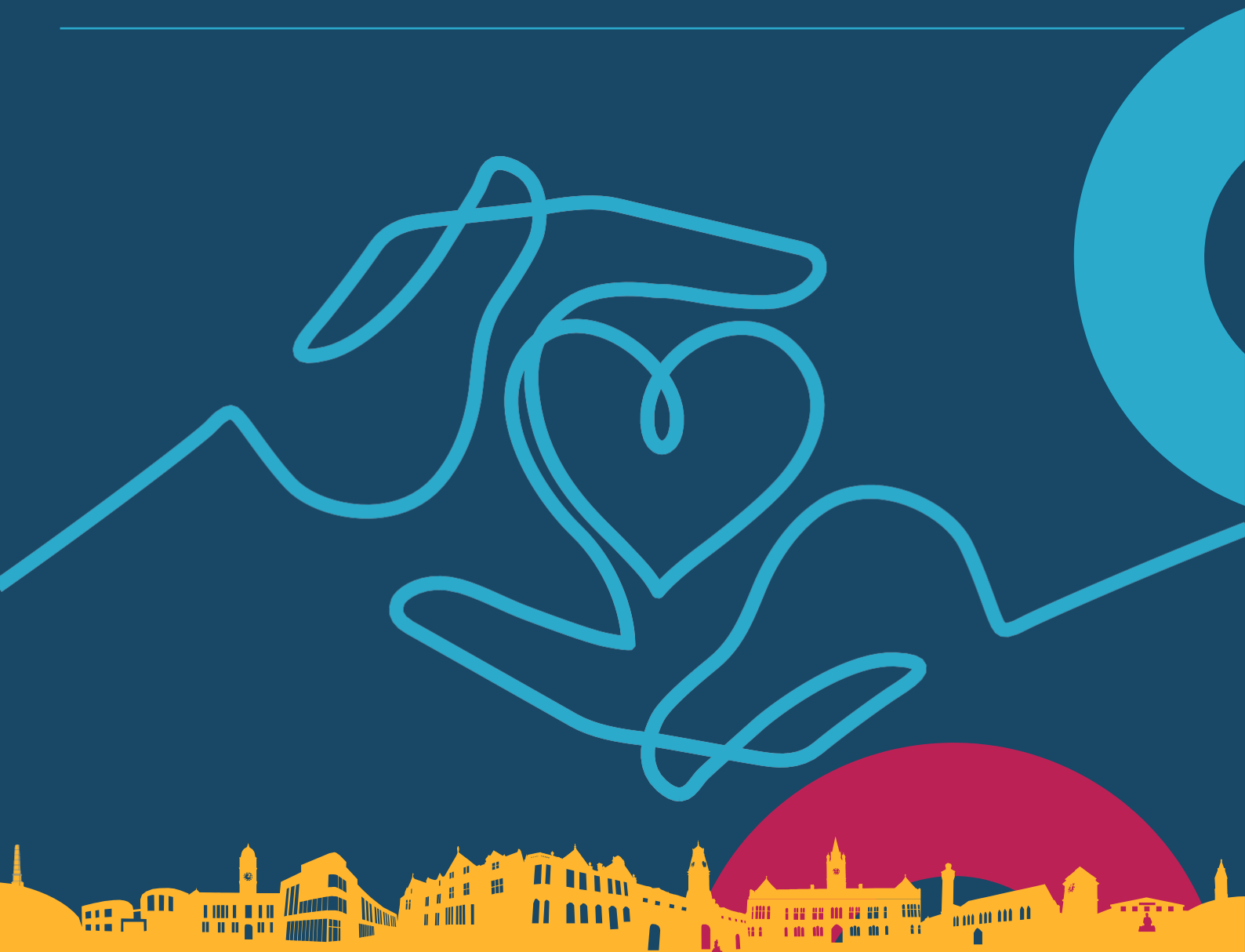
- 4.1 To adopt the recommended personal budgets policy and proposed amendments to the Education Transport Policy to ensure compliance with statutory duties placed under the Children & Families Act 2014, the Education Act 1996 and Education & Inspections Act 2006.

5. RECOMMENDATIONS

- 5.1 As set out at the front of the report.

LISTENING

Personal Budget Policy for children and young people with an Education, Health and Care Plan



PERSONAL BUDGET POLICY FOR CHILDREN AND YOUNG PEOPLE WITH AN EDUCATION, HEALTH & CARE PLAN

INTRODUCTION

Legislation

The Children and Families Act (2014) gives parents and carers of children with Education, Health and Care Plans (EHCPs), and young people over the age of 16 greater choice and control over support arrangements. If a child or young person receives an Education, Health and Care Plan (EHCP) you will be able to ask for a personal budget, part of which might be available through a direct payment.

What is a personal budget?

A Personal Budget is an amount of money identified by the local authority to deliver provision set out in an EHC plan where the parent or young person is involved in securing that provision.

Who can have one?

The child's parent or the young person has a right to request a Personal Budget, when the local authority has completed an EHC needs assessment and confirmed that it will prepare an EHC plan. They may also request a Personal Budget during a statutory review of an existing EHC plan.

There are many children and young people who have a special educational need or disability (SEND) but who do not need additional support as their needs are met by existing services.

How much is it?

Local authorities must identify those areas of spending which are deemed "personal budgets" and the parents of children or young people themselves must be given the opportunity to influence how this funding is used or, in some cases, actually control the receipt and spending of cash.

Provision

Special schools or other specialist settings will, in the majority of cases, be designed, organised and resourced to meet fully all the educational needs of their pupils. All education providers, including Early Years settings, schools, academies, colleges and other learning providers, are focused on supporting all the children or young people to achieve quality learning outcomes. The teacher or practitioner will be focused on helping every child or young person to succeed and details of additional support provided must be included in local offer statements.

Some children and young people will need additional support to achieve their learning outcomes. This is targeted support and providers (Early Years settings, schools, academies and colleges) receive funding from the Local Authority (LA) for this. The targeted support might include, for example, focused literacy support or a behaviour management programme.

EHC Personal Budget and Procedure

A small number of children and young people will require additional and individual support over and above the targeted support so that they can participate in learning activities, enjoy the learning experience and achieve well. At the moment most of these children and young people would have an EHCP which may be supported by a personal budget.

Examples of additional support

Some families may need to access additional support for their child for example:

- Additional support from Education to ensure that a child's learning needs are met. This could include home to school transport, specialist equipment or types of therapy, and would make up a personal SEND budget with a focus on learning outcomes.
- Additional support from the National Health Service (NHS) where a child has a complex long-term and/or life-limiting condition. This would make up a personal health budget focused on health outcomes;
- Additional support from Social Care where a child needs additional support at home or where a family needs a short break from caring. This would make up a personal care budget focused on outcomes around family and home life, being safe when out and about in the local community and being able to take part in life outside of school.

All the above are examples of items that are over and above those that a provider (e.g. school) is expected to provide as part of their local offer and together would form the child or young person's overall personal budget. Instead of services being by the LA, school or NHS, a single budget is identified and work takes place to plan how this can best be used to meet the child or family's needs and to improve learning outcomes.

Scope

This policy covers the services across education, health and social care that currently lend themselves to the use of a Personal Budget, how the funding will be made available, the eligibility criteria and decision making process.

What is a Personal Budget?

A personal budget is one part of a personalised approach to supporting children and young people with SEND. A personal budget is an amount of money identified by the Local Authority to deliver all or some of the provision set out in an EHCP. By having a say in the way this budget is used, a parent or young person can play an active role in how support is provided to ensure the outcomes detailed in the Plan are achieved.

It should not be seen in isolation but as an integral part of the EHCP assessment process and with a clear focus on improving outcomes for children and young people with SEND.

Personal budgets can also be used for transport costs that are not necessarily linked to an EHCP assessment. Please see Personal Transport Budgets section for further information.

How will a personal budget be managed?

A personal budget can be managed in the following ways:

- Direct payments – where individuals receive the cash to contract, purchase and manage services themselves
- An arrangement – whereby the local authority, school or college holds the funds and commissions the support specified in the plan (these are sometimes called notional budgets)
- Third party arrangements – where funds (direct payments) are paid to and managed by an individual or organisation on behalf of the child's parent or the young person
- A combination of the above

Young people between the ages of 16 and 25 and parents of children have a right to ask the Local Authority to prepare a personal budget once the authority has completed the EHCP assessment and confirmed that it will prepare an EHCP.

Parents and young people may also request a personal budget once they already have an EHCP, during a statutory review of an existing EHCP

SOCIAL CARE PERSONAL BUDGETS

Personal budgets and direct payments have been available to adults and parents of disabled children in Tameside for a number of years and, as a result, the management and monitoring arrangements are already in place.

The scope of direct payments in social care currently extends to:

- Older people and disabled people over the age of 16:
- People with physical and/or sensory disabilities, people with learning disabilities, people with mental health issues, and people who do not have the mental capacity to consent to Direct Payments can have an appointed person to manage Direct Payments on their behalf.
- A person with parental responsibility for a disabled child aged under 16.
- Parents and people with legal parental responsibility and who are not necessarily the child's parents.

Access to a Social Care personal budget would be through the assigned Social Worker or a Service Coordinator (this is called an Early Help Assessment). Who undertakes the assessment will be determined by the initial referral request and any other presenting factors. Should the assessment determine that it is appropriate to make a Direct Payment to you, this is usually achieved through S17 Child in Need funding. The Direct payment could pay for additional care within the home to support the care of your child or in the wider community, if a service or resource is not already available.

PERSONAL TRANSPORT BUDGETS

A Personal Transport Budget (PTB) is a payment designed to help you make arrangements which will enable you to facilitate your child accessing school.

You can use the budget in any way you wish, to ensure your child attends school every day, is picked up and dropped off on time and in a fit state to learn. For example, it can help towards covering the costs of running a family car or arranging with another member of the family or friends to assist with childcare, enabling you to make the journey.

The payment can also be put to use by arranging childcare for a younger sibling whilst the older sibling is taken to school in the family car.

The payment is a fixed amount based on proximity and bears no relationship to the cost of a hired vehicle or the specific journey you may use when taking your child to school.

Where parents use a PTB to make their own arrangements to get their child to school, they often find that it results in their child being more relaxed and ready to learn compared to when they use transport organised by Tameside Council. It also provides parents with a regular link to their child's school and allows for more frequent opportunities to discuss their child's progress.

Who can be considered for a PTB?

A PTB is available to children with an Education Health and Care Plan (EHCP) and who have been assessed as eligible to receive home to school transport. The PTB is granted at the discretion of the Local Authority and is not automatically given upon request.

Parent/carers seeking to access the PTB must be found to be eligible for transport assistance before being considered for a PTB. Information on how to apply for Home to School Transport is available from the Integrated Transport Unit. They can be contacted by email at itu@tameside.gov.uk

Before granting a PTB, the Local Authority will investigate whether there is any transport currently in place that your child could be placed onto at a lower cost than providing you with a PTB.

While your child's specific needs will be considered when they are assessed for free school transport eligibility and when identifying their most appropriate form of transport, PTB assessments are based solely on whether or not they are cost effective for the Local Authority.

If it is not cost effective for the Local Authority to provide you with a PTB, it will not be granted even if it is your preferred method of receiving transport assistance.

Students that are eligible for free school transport but for whom a PTB is not cost effective will be allocated to the most appropriate alternative form of transport assistance instead.

PERSONAL HEALTH BUDGETS (PHB)

A personal health budget is an amount of money to support a person's identified health and wellbeing needs, the application of which is planned and agreed between the person, their representative or, in the case of children, their families and the CCG. It is not new money but it is money that would normally have been spent by the NHS on the person's care, used more flexibly to meet their identified needs.

Having a personal health budget

Radically changes the relationship between the health professional and patient to a much more equal one

Delivers integration at individual level and higher quality care

Works well for people with complex needs – eg those at high risk of hospital admission

Enables a wider range of possible solutions than traditionally commissioned services

Promotes self-management and reduces reliance on NHS services

Personal Health Budgets in NHS Continuing Healthcare

Adults who are eligible for NHS Continuing Healthcare (CHC) funding, and children in receipt of Continuing Care have a legal right to have a personal health budget.

<https://www.gov.uk/government/publications/children-and-young-peoples-continuing-care-national-framework>

As part of the Education, Health and Care Plan process a family may request a personal/health budget at the point they are informed that an EHC Plan will be prepared or during a statutory review of an existing EHCP and this request would be made to the CCG via the SEND Team.

Personal Health Budgets for other people using health and hospital services frequently

Tameside and Glossop CCG local personal health care budget offer is for people who frequently use health services, enabling them to have greater choice, flexibility and control over the health care and support they receive.

People who frequently use hospital and community health services such as those in the following groups may be eligible

- Children with an Education Health and Care Plan
- People needing long-term rehab
- People with long-term health conditions who use hospital services a lot
- People with long term mental health needs
- People with Learning Disability or Autism and MH needs or at risk of hospital admission/are in hospital.

To find out more please visit the CCG website
<https://www.tamesideandglossopccg.org/your-health/personal-health-budgets>.

Personal Wheelchair Budgets

Personal wheelchair budgets aim to increase choice and control for people who access wheelchair services through:

- Providing holistic assessments that take into account people's wider needs and how good wheelchair provision can increase independence and improve people's health and wellbeing outcomes
- Supporting people to identify their own health and wellbeing goals
- Better integration of services around individuals by bringing together care and support agencies.
- Increasing the availability of information about the choices available to people locally.

To find out more please visit <https://www.rosscare.co.uk/personal-wheelchair-budgets>

EDUCATION PERSONAL BUDGETS

Personal budgets for educational provision will be considered on merit. We will not issue a personal budget if:

- The request is not linked to achieving outcomes in the Education, Health and Care Plan;
- The service has already been commissioned and is accessible;
- It falls outside the scope of this policy on eligible spend;
- It does not meet the child or young person's needs, aspirations or outcomes;
- It does not achieve better value for money;

The cost of the specified special educational provision is part of a larger sum that cannot be disaggregated without having an adverse impact on other services, or where it would not be an efficient use of services

What provision could be included in a personal budget for a child with an EHC Plan?

An EHCP personal budget can include funding from education, health and social care. However the level of the budget will vary according to the need of the child or young person. Personal budgets are based on the clear, agreed outcomes set out in the EHC Plan. The decision making process to establish and agree a budget should be clear and must be open to challenge with parents able to request a review of decisions in relation to this.

The provision to be delivered through a personal budget will be set out as part of the provision specified in the EHC Plan. Where a personal budget has been agreed, the Plan must also set out the details of the needs and outcomes to be met by the budget and the arrangements for any use of direct payments including the services that they will be used for, the amount and frequency of the payments and arrangements for review. Direct payments must be set at a level that will deliver the provision specified in the plan.

Where the Local Authority is unable to meet a request to include particular education or social care provision in a personal budget or a direct payment the reasons will be provided in writing. The parent or young person will also be given the opportunity to request a formal review of the decision if a direct payment is not available. Decisions in relation to the health element (personal health budget) remain the responsibility of Tameside's Clinical Commissioning Group and where they decline a request for a direct payment, they must set out the reasons in writing and provide the opportunity for a formal review. Where more than one body is unable to meet a request, the local authority and partners will send a single letter setting out the reasons for the decisions.

The personal budget can include funding from education, health and social care. However, the scope of that budget will vary depending on the needs of the individual as well as the eligibility criteria for the different components and the mechanism for delivery. It will reflect local circumstances and commissioning arrangements and the type of school parents (or the young person) request.

Many children and young people with special educational needs or a disability attend school or Post 16 provision and are supported by their funding and do not need any additional support. Schools have, what is called, a notional SEN budget to support children and young

people with special educational needs. The school or Post 16 provider should make it clear what support they provide at SEN support and via a graduated approach. The information of all educational providers is available on the “Local Offer” via each individual school link.

For young people where it is necessary, following an assessment of their education health and care needs, for special educational provision to be made in accordance with an education health care plan the local authority must prepare a plan. In order for the educational provider to meet the specialist provision outlined in the education health care plan additional funding will be awarded.

The money used to pay for this is referred to as “High Needs Block” funding and is usually paid by the LA to the school or Post 16 provider. It might be used to increase the level of individual support or to provide specific resources for the child.

The additional funding might be used instead to provide a budget to a parent or carer so that the parent or carer might organise this support themselves.

What is funded through the High Needs Block?

Tameside Council uses the High Needs Block funding to:

- **Provide places at Special Schools**

This money is used to fund places in special schools including non-maintained special schools. Special schools are those schools that provide an education for children with a special educational need or disability where their needs can not be met in a mainstream school. Although the cost of support could be included in a personal budget, it will not be available as a Direct Payment.

- **Provide extra top up funding to Schools, Academies and Further Education Providers**

This money is used to meet the agreed educational outcomes in an Education, Health and Care Plan. This top up funding could be included in a personal budget but if it is used to support a child in school it could not be paid as a Direct Payment unless it is agreed by the Head Teacher.

Top up funding is also paid to our special schools. Although the cost of support could be included in a personal budget, it will not be available as a Direct Payment. This is because the schools already provide specialist provision.

- **Top up funding – independent providers**

This money is paid to non-maintained and independent special schools to meet the needs of children and young people with Education, Health and Care Plans. We would only consider placing a child in one of these schools if we were confident that their needs could not be met in local provision.

This funding could be shown in a personal budget but will not be available as a Direct Payment. This is because the schools already provide specialist provision.

- **Other alternative provision**

Sometimes, children and young people need to access other types of provision e.g. a Pupil Referral Unit. A Pupil Referral Unit cannot be named in an Education, Health and Care Plan, and therefore the cost cannot be considered for a personal budget.

- **SEN Commissioned Outreach Service**

SEN Commissioned Outreach Services provide advice and support to schools.

This resource is not available as a Direct Payment. This is because they provide a specialised service to school.

- **Social Emotional Mental Health Support Service**

Schools in Tameside have the option to buy into the service through a yearly Service level agreement or on an adhoc basis.

This resource is not available as a Direct Payment. This is because they provide a specialised service to school.

- **CLASS - Communication Language and Autistic Spectrum Support Service**

The outreach team is available to support mainstream settings with children within the ages of 2 and 16 who have social communication difficulties.

This resource is not available as a Direct Payment. This is because they provide a specialised service to school

- **The Specific Learning Difficulties Service – Cognition and Learning**

The role of the Specific Learning Difficulties (SpLD) service is to support schools to meet the needs of pupils with SpLD where the needs of the pupil is greater than can be met with quality first teaching.

This resource is not available as a Direct Payment. This is because they provide a specialised service to school.

- **Hearing Impaired Service**

The Hearing Impaired Team comprises of qualified Teachers of the Deaf, Teaching Assistants and a Deaf Role Model. The team provide direct teaching, advice, support and training to all key stages and early year's settings in Tameside.

This resource is not available as a Direct Payment. This is because they provide a specialised service to school.

- **Ill health provision**

Tameside MBC is committed to providing a good education to all pupils regardless of circumstances or settings. Where a pupil is unable to attend school for medical reasons the local authority will work alongside schools, health professionals and parents to provide an alternative provision which will meet a pupil's individual needs,

including social and emotional needs and enable them to thrive and prosper in the education system.

Wherever possible the local authority would look at education provision being provided by school to ensure continuity for pupils. However, it is recognised that in some circumstances that is not possible and provision for such cases will be considered by a case management panel on an individual basis.

The detail of the EHCP will determine the availability of provision and that in turn the ability to take a direct payment

Please refer to the current Local Authority Protocol for supporting Pupils at School with Medical Conditions for further information.

- **Specialist equipment**

If a child with a special educational need requires some specialist equipment so that they can access the school curriculum, the facilities or information, we can consider these costs as part of a personal budget and direct payment. We would still need to be satisfied that any alternative equipment meets the needs of the child or young person, is linked to the agreed outcomes in the Plan and achieves good value for money.

A SEN personal budget **does not** include funding for the school place.

However, it could:

- Add to existing learning support;
- Fund time to bring all key parties together to bridge the gap between home and school / other learning provision and to build a team of dedicated support;
- Fund some specialist input;
- Fund work experience or work based learning opportunities;
- Add to the technology available to help a student learn.

What will be included?

In principle, the cost of any provision that is identified within a child's EHC Plan could form part of the personal budget but not all of it would be given to families as a direct payment.

The Personal Budget could cover the special education, health and care services detailed in an Education, Health and Care Plan. It must be based on the clear, agreed outcomes that are set out in the EHC Plan.

All cases will be considered on individual merit.

The type of educational provision that would be considered for a personal budget is shown below:

Service / provision	Can this be included in a personal budget?	Could this be given to parents as a direct payment?
The cost of the support in school that is funded from the school budget such as teaching assistant support, specialist resources. etc.	Yes, but only if the Head Teacher or Principal agrees	Yes, if the Head Teacher or Principal agrees
Support or provision from top up funding.	Yes	Yes
Specialist equipment for the child.	Yes, if it is being considered by the LA Yes, if considered by the school and the Head Teacher or Principal gives consent.	Yes
Home to school transport	Yes, if the child is eligible to access travel support	Yes
Central services	No	No
Specialist provision	No	No

HOW WILL DECISIONS BE TAKEN IN TAMESIDE?

The responsibilities for the key services are as follows:

SEN services

The SEN caseworker will discuss the option of a personal budget with the family during the statutory assessment process or as part of the statutory annual review meeting.

Joint outcomes and specialist provision determined, following assessment or the review process, will involve the young person, parents, carers and professionals working with the young person. Additional funding and resource will be made available to support the educational provider to deliver the provision outlined in the education health care plan; this is identified in Section I.

If a parent or young person requests a personal budget, the SEN Caseworker will calculate the costs of provision within an EHC Plan and draft the budget, based on the joint outcomes that were agreed during the statutory process. The SEN Caseworker would determine which aspects of the support costs would be included in a personal budget (in consultation with finance) and as a direct payment and then prepare the case to be discussed at a statutory panel for agreement across education, health and care.

Direct Payments *Please see Appendices 1 & 2 for further information on Direct Payments*

Once your support plan and personal budget has been agreed with you, you will be offered the opportunity to take the budget as a cash payment known as a Direct Payment. This is a sum of money paid direct to you either as a one off payment or regular payment that has been identified as sufficient to buy the help and support required to meet your assessed needs and outcomes.

Young people between the ages of 16 and 25 and parents of children have a right to ask the Local Authority to prepare a personal budget once the authority has completed the EHCP assessment and confirmed that it will prepare an EHCP.

Parents and young people may also request a personal budget once they already have an EHCP, during a statutory review of an existing EHCP

You can choose to spend your Direct Payments as you like, however, there are some rules and conditions that you will be expected to follow which will be explained to you when you are considering your options

You may not want to consider taking a Direct Payment at the start of your support being planned and delivered, however, you can decide at any time to take a Direct Payment for some or all of your assessed personal budget

People who decide to take a Direct Payment can choose to employ their own care worker(s) known as Personal Assistants (PA) or contract with a care agency

Some people may not be able to take the responsibility of managing their own personal budget and if you would require on-going support there are ways that this can be arranged. This will be explained to you by your Social Worker or Assessor if you are considering a Direct Payment

APPENDIX 1

Who cannot receive a direct payment?

The regulations about personal budgets state the following:

- a) a person who is subject to a drug rehabilitation requirement, as defined by section 209 of the Criminal Justice Act 2003(a), imposed by a community order within the meaning of section 177 of that Act or by a suspended sentence order within the meaning of section 189 of that Act;
- b) a person who is subject to an alcohol treatment requirement, as defined by section 212 of the Criminal Justice Act 2003, imposed by a community order within the meaning of section 177 of that Act or by a suspended sentence order within the meaning of section 189 of that Act;
- c) a person who is released on licence under Part 2 of the Criminal Justice Act 1991(a), Chapter 6 of Part 12 of the Criminal Justice Act 2003 or Chapter 2 of Part 2 of the Crime (Sentences) Act;
- d) 1997 (b) subject to a non-standard licence condition requiring the offender to undertake offending behaviour work to address drug-related or alcohol related behaviour;
- e) a person who is required to submit to treatment for their drug or alcohol dependency by virtue of a community rehabilitation order within the meaning of section 41 of the Powers of Criminal Courts (Sentencing) Act 2000 or a community punishment and rehabilitation order within the meaning of section 51 of that Act (c);
- f) a person who is subject to a drug treatment and testing order imposed under section 52 of the Powers of Criminal Courts (Sentencing) Act 2000;
- g) Subject to a youth rehabilitation order imposed in accordance with paragraph 22 (drug treatment requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008 which requires the person to submit to treatment pursuant to a drug treatment requirement;
- h) Subject to a youth rehabilitation order imposed in accordance with paragraph 23 (drug testing requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008 which includes a drug testing requirement;
- i) Subject to a youth rehabilitation order imposed in accordance with paragraph 24 (intoxicating substance treatment requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008 which requires the person to submit to treatment pursuant to an intoxicating substance treatment requirement;

APPENDIX 2

Use of direct payments

Direct payments are cash payments made directly to the child's parent, the young person or their nominee, allowing them to arrange provision themselves. They must be set at a level that will secure the provision specified in the EHC plan. If a direct payment is not set at a suitable level, it must be reviewed and adjusted. Local authorities must not make direct payments for the purpose of funding a school place or post-16 institution.

Local authority and health commissioning body duties to secure or arrange the provision specified in EHC plans are discharged through a direct payment only when the provision has been acquired for, or on behalf of, the child's parent or the young person and this has been done in keeping with regulations. Funding must be set at a level to secure the agreed provision in the EHC plan and meet health needs agreed in the Personal Health Budget Care Plan.

Direct payments for special educational provision, health care and social care provision are subject to separate regulations. These are:

- The Care Act 2014
- NHS (Direct Payments) Regulations 2013
- The Special Educational Needs (Personal Budgets) Regulations 2014

The regulations have many common requirements including those covering consent, use of nominees, conditions for receipt, monitoring and review of direct payments and persons to whom direct payments must not be made (such as those subject to certain rehabilitation orders). Detailed arrangements for direct payments should be set out in the EHC Plan.

Local Authorities must offer direct payments for social care services. For both education and social care the local authority must be satisfied that the person who receives the direct payments will use them in an appropriate way and that they will act in the best interests of the child or young person. Regulations governing the use of direct payments for special educational provision place a number of additional requirements on both local authorities and parents before a direct payment can be agreed. These include requirements to consider the impact on other service users and value for money and to seek agreement from educational establishments where a service funded by a direct payment is delivered on their premises.

Direct payments for health require the agreement of a Care Plan between the CCG and the recipient. This requirement can be fulfilled in the EHC plan as long as it includes the following information:

- the health needs to be met and the outcomes to be achieved through the provision in the plan
- the things that the direct payment will be used to purchase, the size of the direct payment, and how often it will be paid
- the name of the care co-ordinator responsible for managing the Care Plan
- who will be responsible for monitoring the health condition of the person receiving care

- the anticipated date of the first review, and how it is to be carried out
- the period of notice that will apply if the CCG decides to reduce the amount of the direct payment
- where necessary, an agreed procedure for discussing and managing any significant risk, and
- where people lack capacity or are more vulnerable, the plan should consider safeguarding, promoting liberty and where appropriate set out any restraint procedures

8. HELP WITH TRAVEL AND TRANSPORT

8.1 In some cases the costs of transport for children will be met by the Council. Sometimes it will be met by TfGM. This section explains the assistance that the Council will provide and the circumstances in which assistance will be provided.

8.2 Where the Council arranges transport, this will usually be between the child's home address and school or family contact (for children who are looked after by The Council), though it may not be door-to-door. Transport may be provided to an alternative address, for example that of a childminder, if this does not incur additional budgetary cost.

8.3 Where the Council agrees to arrange transport, the transport arranged will usually be by public transport and the assistance will take the form of a bus or rail pass, but it may also be:

- A personal transport budget paid to the parents/carers;
- Provision of an escort to accompany the child or young person;
- A place in a taxi or minibus.

Personal Transport Budgets.

8.4 A Personal Transport Budget (PTB) is a payment designed to help you make arrangements which will enable you to facilitate your child accessing school. You can use the budget in any way you wish, to ensure your child attends school every day, is picked up and dropped off on time and in a fit state to learn. For example, it can help towards covering the costs of running a family car or arranging with another member of the family or friends to assist with childcare, enabling you to make the journey. The payment can also be put to use by arranging childcare for a younger sibling whilst the older sibling is taken to school in the family car. The payment is a fixed amount based on proximity and bears no relationship to the cost of a hired vehicle or the specific journey you may use when taking your child to school.

8.5 A PTB is available to children with an Education Health and Care Plan (EHCP) and who have been assessed as eligible to receive home to school transport. The PTB is granted at the discretion of the Local Authority and is not automatically given upon request. Parent/carers seeking to access the PTB must be found to be eligible for transport assistance before being considered for a PTB. Information on how to apply for Home to School Transport is available from the Integrated Transport Unit. They can be contacted by email at itu@tameside.gov.uk

8.6 Before granting a PTB, the Local Authority will investigate whether there is any transport currently in place that your child could be placed onto at a lower cost than providing you with a PTB. While your child's specific needs will be considered when they are assessed for free school transport eligibility and when identifying their most appropriate form of transport, PTB assessments are based solely on whether or not they are cost effective for the Local Authority.

8.7 If it is not cost effective for the Local Authority to provide you with a PTB, it will not be granted even if it is your preferred method of receiving transport assistance. Students that are eligible for free school transport but for whom a PTB is not cost effective will be allocated to the most appropriate alternative form of transport assistance instead.

Cycle Allowance

8.8 An annual allowance will normally only be paid⁵ where this is agreed between the parents and the child when a child who is eligible for help under this policy chooses to use a bicycle to travel between home and school and claims cycle allowance instead of another form of assistance.

8.9 Cycle allowance can only be claimed at the start of the school year. Once the cycle allowance has been paid the Council will generally not make any further provision for school transport for that child during that year.

Place in a taxi or minibus

8.10 Where assistance takes the form of a place in a taxi or minibus, parents/carers may be required to take their child to a local pick-up point.

Independent Travel

8.11 Many parents/carers of children, whatever their level of need, have understandable worries about the safety of their children if they travel independently. Parents/carers of children with learning difficulties or disabilities are often concerned about their ability to stay safe, or cope with unexpected changes.

8.12 The Council will work in partnership with parents/carers, schools and colleges to promote independence for all children, including those with additional needs or disabilities, as part of the broad, balanced and relevant curriculum offer. Wherever possible, this will mean helping children and young people to learn walking or cycling routes, and how to use public transport, with or without support.

8.13 Parents/carers have a vital role in this. They can help with reinforcing the learning which happens at school. Parents know their children better than anyone else and so they will know how to prepare them for the unexpected. If parents are confident about their child's ability to be independent, their children will benefit from this and grow in confidence themselves.

8.14 For some young people with the most severe physical disabilities, accessing walking, cycling or public transport will not be a realistic long-term aim. Independence for them may come, for example, from being able to arrange their own 'Dial-a-ride' journey. Similarly, there are some young people whose parents/carers will have provided their transport throughout their time at school and college, and for whom it will be a step to independence for them to be able to travel in a taxi on their own. It will be important for these young people that their transition plan should include learning these steps towards independence as part of their general curriculum entitlement.

Report to:	EXECUTIVE CABINET
Date:	26 August 2020
Executive Member:	Cllr Oliver Ryan, Executive Member (Finance & Economic Growth)
Reporting Officer:	Jayne Traverse, Director of Growth
Subject:	GREATER MANCHESTER COMBINED AUTHORITY EVERGREEN SURPLUS FUNDING ROUND II – ST PETERSFIELD AND ASHTON MOSS
Report Summary:	This report updates on the position with regard to external funding for these projects and seeks approval for officers to accept and spend the funding under the terms of the Grant Funding Agreements.
Recommendations:	<p>That Executive Cabinet accept the risks of entering into the Grant Fund Agreements, and approves that:</p> <ul style="list-style-type: none">(i) Delegated Authority is provided to the Director of Growth to accept and enter into two Grant Fund Agreement's on behalf of Tameside MBC;(ii) Delegated Authority is provided to the Director of Growth to manage the programme of works associated with the Grant Fund Agreement's and to drawdown and incur all expenditure related to delivery. On-going performance and reporting will be provided as required;(iii) Match funding from the approved Growth Development budget for £275K for Ashton Moss, and £127K for St Petersfield projects.
Corporate Plan:	<p>The projects align with the following Corporate Plan objectives:</p> <ul style="list-style-type: none">1. Opportunities for people to fulfil their potential;2. Modern infrastructure and a sustainable environment that works for all;3. Nurturing our communities.
Policy Implications:	In line with Tameside Unitary Development Plan as identified under <i>(E2) Development Opportunity Areas</i> .
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>To comply with the conditions of the grant, match funding is required which has been identified within the Growth directorates budget provision as identified in section 3.</p> <p>Close monitoring and recording of expenditure will be required to ensure that submissions are completed in a timely and accurate manner and comply with eligible expenditure to enable the funds to be received.</p> <p>It should be noted that all expenditure needs to have been incurred by December 2021.</p>
Legal Implications: (Authorised by the Borough Solicitor)	The successful bids provide additional funding for the St Petersfield and Ashton Moss projects, although that funding needs to be matched by the Council as set out in this report. As with all such funding there will be conditions which the Council will have to

comply with. It is usual for failure to comply with certain conditions to trigger the Council having to pay back the funding. Therefore it is recommended that the advice is sought from legal services before the funding agreement is entered into to ensure that there is clarity in relation to the conditions the Council must comply with which should also assist with the management of the risks as set out in section 4.

Risk Management:

Risks associated with the project are set out at section 4.

Access to Information:

Information relating to this report can be inspected by contacting the report author, Julie Burke, Head of Major Programmes.

Background Information:

The background papers relating to this report can be inspected by contacting Julie Burke



Telephone: 0161 342 5321



e-mail: Julie.Burke@tameside.gov.uk

1. INTRODUCTION

- 1.1 GMCA Evergreen Surplus bidding round II has recently been established under England's 2014-20 Operational Programme and is solely a Greater Manchester fund.
- 1.2 Priority 1a of the Evergreen Surplus round II seeks to Enhance research and innovation infrastructure and capacities to develop research and innovation excellence, and promoting centres of competence.
- 1.3 Under priority 1a, Evergreen II funds will develop, retain and exploit excellence in GM's Science/ technology/ Innovation assets, through investment in the appropriate volume, specification and flexibility of commercial floor-space. This will include investment in the development of new sites, the remediation and redevelopment of brownfield and the development/ refurbishment of commercial floorspace. Projects needed to satisfy a number of eligibility criteria including:
- Creating a high employment region;
 - Investing in science, research and innovation;
 - Building on the region's strengths in culture and media;
 - Supporting strong and diverse town centres;
 - Promoting a wider, stronger and more sustainable industrial base;
 - Ensuring sustainable sites are ready for development.
- 1.4 An expression of interest was submitted to the bidding round on 28th February 2020 for Ashton Moss, St Petersfield, Stalybridge, and Droylsden. Tameside Council's proposals for Ashton Moss and St Petersfield were successful with grant funding of £275,000 and £127,000 being awarded respectively.

2. PROPOSAL UPDATE

Ashton Moss

- 2.1 Ashton Moss is a strategic site provisionally allocated in the draft Greater Manchester Spatial Framework (GMSF). It is Tameside's largest employment opportunity site and ideally will produce higher value and quality employment for Tameside residents. The site is well located on the road, tram and bus networks and is adjacent to the Ashton Moss retail, leisure, commercial and industrial area. Work-streams have been identified to progress development and the funding allocation from GMCA will assist this process enormously.
- 2.2 The proposal for funding is to assist towards the commission of work as already identified:
- High level masterplan supported by an evidence base including;
 - Remediation and groundwork strategy;
 - Transport and access study;
 - Employment land review;
 - Environmental impact assessment;
 - Development prospectus compiling the results of the above.

St Petersfield

- 2.3 The St. Petersfield development so far has delivered modern, high quality office space to the west of Ashton Town Centre and Ashton Old Baths is targeted as a hub for digital and creative businesses. Established as Tameside's urban business quarter, the development area has further plots available, capable of delivering additional office accommodation; including the potential for grow on space.
- 2.4 St. Petersfield is seeing small business creation in the digital industries, leading naturally to this area being the focus for an emerging digital area in Ashton town centre. The presence

of health services, data centre functions, and high capacity broadband provision, gives St. Petersfield the potential for innovation in the DMCT sector. Similar to Ashton Moss, next steps have been identified, and the funding allocation from GMCA will allow progress to be made.

- 2.5 The proposal for funding is to assist towards the commission of work as already identified:
- Production of a St Petersfield site wide development prospectus;
 - Production of a cost plan and development prospectus for Plot 1;
 - Production of full planning submission, associated cost plan, and development prospectus for Plot 3.

3. FUNDING

- 3.1 A signed Grant Funding Agreement is required for each project.
- 3.2 Funds will not be released to the Council in advance, but rather it is intended that an application for reclaiming funds that have been spent will be made with supporting evidence and the budgets will be managed/ monitored accordingly.
- 3.3 The funding longstop date was originally March 2021; however in response to COVID-19, this has been extended to December 2021.
- 3.4 Match funding is required under the terms and conditions of the funding agreement. The budget for Growth Development has been agreed at Full Council and it is proposed that match funding be used from this budget:

	Ashton Moss (£'s)	St Petersfield (£'s)
Match Funding Required from Growth Development Budget	275,000	127,000
GM Evergreen II Funding	275,000	127,000
Total	550,000	254,000

- 3.5 Where land is not in the Council's ownership, the Council will be looking to landowners and potential inward investors for private sector funding to support the development of the proposals. Any external funding that is received could contribute to the match funding requirements and therefore relieve pressure on the Growth department's budget.

4. RISKS

- 4.1 Project risks have been identified and outlined in the table below.

Risk Area	Detail	RAG Rating	Mitigation	RAG Rating
Financial	The deadline for spend of the grants is not met - given the extensive nature of the projects, there is a risk that grant will be to not spent in good time.		Apply adequate resource to the project to ensure programme adherence. Resource subject to budget and recruitment processes.	
Financial	Conditions attached to funding agreement may not be acceptable.		T&Cs are as those outlined in the Evergreen round I Funding Agreement.	

			TMBC legal department to sense check to ensure nothing has changed. If any amendments are found, Officers to liaise with GMCA to agree T&C's.	
Programme	Lack of resource capacity to undertake workstreams in line with expectations.		Apply adequate resource to the project to ensure programme adherence. Seek additional support from GMCA partners.	
Programme	Land not in Council ownership/ control, but rests with multiple landowners. May impact on ability to undertake survey work (for example, landowner may not grant access).		Develop a stakeholder management strategy and liaise with all land owners to agree a way forward for the site.	
Programme	COVID-19 – negative impact on access to the site to undertake further survey work.		Whilst adhering to Government guidelines, work with consultants to ensure safe working protocols (social distancing) are adopted in order to proceed with site based fieldwork.	
Programme/ Strategic Definition	COVID-19 – negative impact on ability and capacity of officers and landowners to meet to discuss progression of development of the site.		Adopt alternative methods to communicate (virtual meetings) in line with the stakeholder strategy.	

5. CONCLUSION

- 5.1 Ashton Moss and St Petersfield are both strategic sites which form a major part of the Economic Growth agenda. GM Evergreen Surplus funds provide a significant financial contribution to these projects and provide a proactive and positive response to the impact of the recent COVID-19 pandemic in terms of economic recovery.

6. RECOMMENDATIONS

- 6.1 As set out at the front of the report.

This page is intentionally left blank

GRANT AGREEMENT

Relating to Evergreen Surpluses Grant Funding for Tameside Ashton Moss

**NW EVERGREEN HOLDINGS (GP) LIMITED
(AS THE GENERAL PARTNER OF
NW EVERGREEN HOLDINGS
LIMITED PARTNERSHIP)**

And

TAMESIDE METROPOLITAN BOROUGH COUNCIL

This Grant Agreement is made the day of 2020

Between

- (1) NW Evergreen Holdings (GP) Limited (incorporated and registered in England with company number 10372741) whose registered office is at 1st Floor Churchgate House, 56 Oxford Street, Manchester M1 6EU in its capacity as the general partner of NW Evergreen Holdings Limited Partnership (registered in England with company number LP017585) whose registered office is at 1st Floor Churchgate House, 56 Oxford Street, Manchester, M1 6EU (“the Funder”)
- (2) Tameside Metropolitan Borough Council (TMBC) whose principal address is at Tameside One, Market Place, Aston-under-Lyne, Tameside, OL6 6BH (“the Recipient”).

WHEREAS

- (A) Grant funding is being provided from the Funder to support strategic priority projects in Greater Manchester.
- (B) The Funder has agreed to make available to the Recipient the Grant to carry out the Purpose. This Agreement sets out the terms and conditions on which the Grant is made by the Funder to the Recipient.

IT IS AGREED AS FOLLOWS:

1. Introduction and definitions

- 1.1 This grant agreement (the “Grant Agreement”) consists of these terms and conditions and the Schedules hereto
- 1.2 In this Grant Agreement:
- (i) **“EU Procurement Requirements”** includes but is not limited to the Public Contracts Regulations 2015 (SI No.102/2015) the EU Commission Interpretative Communication (2006/C 179/02) and the principle of transparency, non-discrimination, equality of treatment proportionality and mutual recognition in the Treaty of the European Union
 - (ii) **“Environmental Information Regulations”** means the Environmental Information Regulations 2004
 - (iii) **“FOIA”** means the Freedom of Information Act 2000 and any subordinate legislation made under this Act from time to time together with any guidance and/or codes of practice issued by the Information Commissioner or relevant government department in relation to such legislation.
 - (iv) **“Grant Period”** means the period specified in Schedule 1 or ending on earlier termination of this Grant Agreement.
 - (v) **“Grant”** means the grant payable by the Funder to the Recipient under the terms of this Grant Agreement, the maximum amount of which (the **“Grant Amount”**) is specified in Schedule 1.
 - (vi) **“Information”** has the meaning given under s84 of the FOIA
 - (vii) **“Law”** means any applicable Act of Parliament, subordinate legislation within the meaning of Section 21(1) of the Interpretation Act 1978, exercise of the royal prerogative, enforceable community right within the meaning of Section 2 of the European Communities Act 1972, regulatory policy, guidance or industry code, or judgment of a relevant court of law.
 - (viii) **“Match Funding”** means the monetary contribution to the Purpose from the Recipient, which is an amount equivalent or greater than the Grant Amount provided by the Funder.
 - (ix) **“Purpose”** means the purpose set out in Schedule 1.

- (x) **“Request for Information”** means a request for Information relating to this Grant Agreement under the FOIA or Environmental Information Regulations

1.3 References to any statute or sub-ordinate legislation in this Grant Agreement include references to any amendments or replacements to the statute or sub-ordinate legislation that may be enacted from time to time.

2. Grant Offer and Capacity

2.1 Subject to the Recipient complying with the terms and conditions set out in this Grant Agreement, the Funder shall pay the Grant to the Recipient as a contribution towards eligible expenditure for the Purpose.

2.2 The Recipient acknowledges that the Funder agrees to fund it only for the Grant Amount and for the Purpose specified in this Grant Agreement.

2.3 The Recipient warrants and represents as follows:

- (i) the execution of and the observance of the Recipient’s obligations under this Grant Agreement does not and will not contravene any of the provisions of its constitution, and
- (ii) on the date of this Grant Agreement it has taken all necessary action and has the power and authority to execute, deliver and perform its obligations under this Grant Agreement and the transactions contemplated by it and that all such authorisations are in full force and effect, and
- (iii) no litigation, arbitration or administrative proceedings are taking place, pending or, to the Recipient’s knowledge, threatened against it, any of its directors or assets which, if adversely determined, might reasonably be expected to have a material adverse effect on its business, assets or condition, or its ability to perform its obligations under this Grant Agreement.

3. Purpose and extent of the Grant

3.1 The Recipient shall use the Grant for the Purpose for the Grant Period as set out in and in accordance with this Grant Agreement or as approved in writing by the Funder and the Recipient shall not use the Grant for any other purpose.

4. Amount of the Grant and VAT

4.1 The Funder has agreed funding of up to the Grant Amount, subject to compliance by the Recipient with the terms of this Grant Agreement.

4.2 The payment of Grant is believed to be outside the scope of Value Added Tax but if any Value Added Tax shall become chargeable all payments shall be deemed to be inclusive of all Value Added Tax and the Funder shall not be obliged to pay any additional amount by way of Value Added Tax.

4.3 The payment of Grant is conditional upon the Match Funding of £275,000 being committed to the Purpose.

5. Payment of the Grant

5.1 Subject to compliance with this Grant Agreement payments of the Grant Amount will be made as detailed in Schedule 2 and Schedule 3.

5.2 In order for any payment to be released, the Recipient is required to:

5.2.1 have signed and returned a copy of this Grant Agreement to the Funder, and

5.2.2 have provided the appropriate bank details and any other information, as appropriate, in accordance with Schedule 3, and

5.2.3 have submitted a valid invoice and other information, as appropriate, in accordance with Schedule 2, and

5.2.4 be in compliance with the terms and conditions of this Grant Agreement.

5.3 The Funder reserves the right to withhold all or any payments of the Grant if the Funder has reasonably requested information/documentation from the Recipient and this has not been received by the Funder in the timescales reasonably required.

6. Eligible expenditure

6.1 Eligible expenditure consists of payments by the Recipient for the Purpose.

7 Managing the Grant

7.1 Each party must notify the other of:

(a) the nominated person who will act as the party's authorised representative; and

(b) the contact details of the authorised representative and any deputies.

7.2 The Funder may, in addition, ask the Recipient to clarify information provided to it. If so, the Recipient shall comply with any reasonable request.

7.3 The Funder may, in addition, ask the Recipient to provide it with forecast information for the financial year end. If so, the Recipient shall comply with any reasonable request.

7.4 The Recipient must notify the Funder as soon as reasonably practicable that an underspend is forecast. Any underspend of Grant funds must be returned

to the Funder. In light of the Match Funding, any forecast underspend in respect of the Purpose will be split equally between the Funder and Recipient.

- 7.5 If an overpayment of the Grant has been made, the Recipient shall return such overspend to the Funder promptly.
- 7.6 The Recipient may not vire funds between this Grant and other grants made to it.
- 7.7 The Recipient's Treasurer, Finance Officer, or equivalent will ensure that appropriate professional arrangements are put in place for the management of the Grant and the reporting of expenditure. The Treasurer, Finance Officer, or equivalent should take all necessary steps to ensure that the Grant is accounted for and monitored separately from the Recipient's other funding streams.

8. Records to be kept

- 8.1 The Recipient must:
 - (a) maintain and operate effective monitoring and financial management systems; and
 - (b) keep a record of expenditure funded partly or wholly by the Grant, and retain all accounting and other records relating to this for a period of at least six years after the end of the Grant Period. Accounting records include: original invoices, receipts, minutes from meetings, accounts, deeds, and any other relevant documentation, whether in writing or electronic form.
- 8.2 Where the Recipient is working in partnership and its partner(s) wish to retain such documentation, the Recipient should obtain from the partner(s):
 - (a) an annual, written statement, signed by the partner's treasurer, of how the money was spent; and
 - (b) a signed undertaking that the partner will retain such documents for the period prescribed above.

9. Audit and inspection

- 9.1 The Recipient, without charge, will permit any officer or officers of the Funder, external funding and/or auditing bodies (including but not limited to Ministry of Housing, Communities & Local Government, National Audit Office or Audit Commission) or their nominees, to visit its premises and/or inspect any of its activities and/or to examine and take copies of the Recipient's books of account and such other documents or records as in such officers' view may relate to the use of Grant. In addition, examinations may be carried out into the economy, efficiency and effectiveness with which the Grant has been

used. The Funder shall endeavour, but is not obliged, to provide notice of its intent to conduct an audit.

9.2 The Recipient shall provide the Funder with such documentation and information as the Funder may require in connection with the Purpose and this Grant Agreement.

10. Lawful conduct, equal opportunities and activities funded by the Grant

10.1 The Recipient must ensure that it and anyone acting on its behalf complies with any applicable Law for the time being in force relating to the Purpose and this Grant Agreement.

10.2. No aspect of the activity funded by the Funder may be party-political in intention, use, or presentation.

10.3 The Grant may not be used to support or promote religious activity.

11. Value for Money

11.1 The Recipient must maximise value for money and shall act in a fair, open and non-discriminatory manner in all purchases of goods and services and shall comply with its internal procurement and contracting rules where applicable.

11.2. Without prejudice to clause 11.1 the Recipient shall comply with current EU Procurement Requirements at all times in relation to the Purpose and the Grant Funding

11.3 The Recipient shall provide such information as the Funder requests to verify that there has been compliance with EU Procurement Requirements.

12. Breach of Grant Terms

12.1 If the Recipient fails to comply with any of the terms set out in this Grant Agreement, or if any of the events referred to in clauses 12.2 occur, then without prejudice to any other rights or remedies of the Funder under this Grant Agreement, the Funder may reduce, suspend, or withhold Grant payments, or require all or any part of the Grant to be repaid (with interest if required). The Recipient must repay any amount required to be repaid under this clause within 30 days of receiving the demand for repayment.

12.2 The events referred to in Clause 12.1 are as follows:

- a) the Recipient purports to transfer or assign any rights, interests or obligations arising under this Grant Agreement without the prior written agreement in advance of the Funder; or
- b) Any information provided in the application for the Grant (or in a claim for payment) or in any subsequent supporting correspondence is found

to be incorrect or incomplete to an extent which the Funder considers to be material; or

- c) The Recipient takes inadequate measures to investigate and resolve any reported irregularity; or
- d) The Recipient changes the nature of its operations to an extent which the Funder considers to be significant or prejudicial; or
- e) there is a finding of state aid non-compliance relating to the Grant by the EU Commission

12.3 The Recipient must act within 28 days (or earlier, depending on the severity of the problem) to address the Funder's concern or rectify the breach, and may consult the Funder or agree with it an action plan for resolving the problem. If the Funder is not satisfied with steps taken by the Recipient to address its concern or rectify the breach, it may take steps to withhold or suspend the further payment of Grant, or to recover Grant funds already paid.

12.4 On termination of this Grant Agreement for any reason, the Recipient as soon as reasonably practicable shall return to the Funder any assets or property or any unused Grant funds (unless the Funder gives its written consent to their retention) then in its possession in connection with this Grant Agreement.

13. Insurance

13.1 The Recipient shall ensure that it has adequate insurance coverage (including but not limited to public liability insurance) in place, and shall provide evidence of such insurance to the Funder on request.

14. Indemnity

14.1 The Funder accepts no liability to the Recipient or to any third party for any costs, claims, damage or losses, however they are incurred, except to the extent that they arise from personal injury or death which is caused by the Funder's negligence.

14.2 The Recipient shall indemnify the Funder against any liabilities, costs, claims, damages or losses which arise as a result of negligence by the Recipient or out of any breach by the Recipient of any terms of this Grant Agreement.

15. Intellectual Property Rights

15.1 The Recipient shall grant to the Funder at no cost an irrevocable, royalty-free perpetual license to use and to sub-license the use of any material created by the Recipient pursuant to this Grant Agreement for such purposes as the Funder shall deem appropriate.

15.2 Publicity and written material relating to the work funded by the Grant shall acknowledge this either in the body of the copy or with 'Funded by:' written alongside the Funder

16. Grant Period and Termination

16.1. The Funder does not commit to renew or continue financial support to the Recipient beyond the Grant Period.

16.2 The Funder may terminate this Grant Agreement forthwith by serving a written notice on the Recipient if:

- a) the Grant or any part of it is being used for any purpose other than the Purpose set out in this Grant Agreement; or
- b) the Recipient has made any false, incorrect or misleading statement in order to obtain this Grant or has been involved in any illegal activity or improper act in its administration; or
- c) the Recipient has failed to comply with any of the obligations of this Grant Agreement and fails to remedy the same within 28 days (or such other period as the Funder specifies in writing) of being served with a notice pointing out the breach requiring its rectification; or
- d) any meeting of creditors of the Recipient is held or any arrangement or composition with or for the benefit of its creditors (including any voluntary arrangement as defined in the Insolvency Act 1986) is proposed or entered into by or in relation to the Recipient; or
- e) if a supervisor, receiver, administrator, administrative receiver or other encumbrancer takes possession of or is appointed over or any distress, execution or other process is levied or enforced (and is not discharged within seven days) upon the whole or any substantial part of the assets of the Recipient; or
- f) the Recipient ceases to carry on business or is or becomes unable to pay its debts with the meaning of Section 123 Insolvency Act 1986; or
- g) if a petition is presented, or a meeting is convened for the purpose of considering a resolution, for the making of an administration order, the winding up, bankruptcy, or dissolution of the Recipient; or
- h) any competent authority directs the repayment of the Grant.

16.3 Where termination of this Grant Agreement is pursuant to clause 16.2 above the Funder shall cease to be under any obligation to make payments of any Grant and may require the Recipient to repay all or any part of the Grant (with interest if required). The Recipient must repay any amount required to be repaid under this clause within 30 days of receiving the demand for repayment. Any termination of this Grant Agreement will be without prejudice to any other rights or remedies of the parties under this Grant Agreement or at

law and will not affect any accrued rights or liabilities of the parties at the date of termination

- 16.4 Nothing in this Grant Agreement shall effect the coming into force or the continuance in force of any provision of this Grant Agreement which is expressly or by implication to come into force or continue in force upon termination or expiry of this Grant Agreement

17. Entire Agreement and Amendments to the Grant Agreement

- 17.1 This Grant Agreement sets out the entire agreement between the parties and replaces all previous negotiations, agreements, understandings and representations between the parties, whether oral or in writing.
- 17.2 Any amendments to this Grant Agreement shall only be valid if they are in writing and signed by an authorised representative of both parties.

18. Freedom of Information

- 18.1 Both parties acknowledge that the other may be subject to the requirements of the FOIA and the Environmental Information Regulations and each party shall assist and cooperate with the other party to enable the other party to comply with these Information disclosure requirements.
- 18.2 Each party shall itself and shall procure that its subcontractors shall:
- (a) transfer any Request for Information relating to the other party as soon as practicable after receipt and in any event within two working days of receiving a Request for Information;
 - (b) provide the other party with a copy of all Information relating to a Request for Information in its possession or power in the form that the other party requires within five working days (or such other period as the other party may specify) of the other party requesting that Information; and
 - (c) provide all necessary assistance as reasonably requested by the other party to enable the other party to respond to a request for Information within the time for compliance set out in section 10 of the FOIA or regulation 5 of the Environmental Information Regulations.
- 18.3 The party receiving the Request for Information and to whom it relates shall be responsible for determining at its absolute discretion whether Information:
- (a) is exempt from disclosure in accordance with the provisions of the FOIA or the Environmental Information Regulations;
 - (b) is to be disclosed in response to a request for Information.

- 18.4 Each party acknowledges that either party may, acting in accordance with the Code of Practice on the discharge of public authorities' functions under Part 1 of FOIA (issued under section 45 of the FOIA, July 2018), be obliged under the FOIA or the Environmental Information Regulations to disclose Information:
- (a) without consulting with the Recipient, or
 - (b) following consultation with the Recipient and having taken its views into account.
- 18.5 Each party shall ensure that all Information produced in the course of this Grant Agreement is retained for disclosure and shall permit the other party to inspect such records as requested from time to time.
- 18.6 Each party acknowledges that any lists or schedules provided by it outlining confidential information are of indicative value only and that the other party may nevertheless be obliged to disclose confidential information in accordance with clause 18.4

19. Notices

- 19.1 All notices, invoices and other communications relating to this Grant Agreement shall be in writing and in English and shall be served by a party on the other party at its address shown at the head of this Grant Agreement.
- 19.2 Notices delivered hereunder shall be delivered by hand or sent by 1st class recorded or special delivery post and shall be deemed to be delivered:
- 19.2.1 if delivered by hand, upon receipt;
 - 19.2.2 if sent by first class recorded or special delivery post (providing it is not returned as undelivered to the sender), two (2) working days after posting;

20 Contract (Rights of Third Parties) Act 1999

- 20.1 No person who is not a party to this Grant Agreement shall have the right to enforce any its terms.

21. Governing Law

- 21.1 This Grant Agreement shall be subject to and construed in accordance with English Law and subject to the exclusive jurisdiction of the courts of England and Wales.

22 Electronic Completion and Signature

- 22.1 This Grant Agreement may be executed in any number of counterparts and by the different parties in different counterparts each of which when executed and delivered shall be deemed to constitute one and the same instrument. Each

party agrees that the delivery of this Grant Agreement by electronic transmission, including copies of the executed signature pages via pdf, shall have the same force and effect as delivery of original signatures and that each party may use such copies of the executed signature pages as evidence of the execution and delivery of this Grant Agreement by all parties.

22.2 This Grant Agreement may be signed by any party by electronic signature (whatever form the electronic signature takes) and this method of signature is as conclusive of such party's intention to be bound by this Grant Agreement as if signed by each party's manuscript signature.

This Agreement is executed by the parties hereto as a deed the day and year first before written.

Schedule 1

Grant Amount, Purpose and Grant Period

Grant Amount: £275,000

Purpose:

In line with the grant application submitted to GMCA in February 2020, the purpose of the Grant is to part fund the preparation of a masterplan and support studies to facilitate development of the Ashton Moss strategic site identified within the draft GMSF. The Grant is agreed towards the delivery of the following tasks:

Task 1 High Level masterplan

To procure a multidisciplinary team to prepare a high level masterplan to cover the Ashton Moss site area. To include but not limited to agreed strategies for utilities, access, drainage, landscape, public realm, pedestrian, cycle and transport strategies.

Task 2 Remediation and Groundwork Strategy

To build upon the investigations undertaken to date, but deliver a site wide comprehensive strategy for remediation and ground work in line with the high level masterplan.

Task 3 Transport and Access Study

To undertake transport and access study in line with the high level masterplan and by extension its impact on and by the wider surrounding area.

Task 4 Environmental Impact Assessment

To undertake an Environmental Impact Assessment (EIA) to evaluate the likely environmental impacts of the proposed masterplan.

The feasibility work supported by the Grant (described above) will support the delivery of the following scheme outputs:

Commercial Floor space (sq.):	160,000 sqm employment floor space
--------------------------------------	------------------------------------

Grant Period: 31st December 2021

Schedule 2
Grant Payments
Requirements

The Recipient can claim the Grant against costs incurred for the Purpose. In order to claim the grant the Recipient should provide copies of the following to the Funder:

- Completed Grant claim form (see Schedule 3)
- Evidence of costs being incurred and paid
- Evidence supplied of competitive tendering or agreed fee
- Confirmation of Match Funding

Schedule 3 Grant Claim Form

To: Evergreen Holding Board
From: Tameside Metropolitan Borough Council

Date: []

Evergreen Surpluses Grant Funding

1. I refer to the Grant Agreement. This is a claim form for the Purpose as referenced in the Grant Agreement.
2. I wish to claim the following amount of Grant funding:
 - 2.1 Grant amount to be claimed: []
 - 2.2 Date requested for payment of Grant: []
3. Payment Instructions
 - 3.1 Bank name: []
 - 3.2 Bank branch/address: []
 - 3.3 Bank sort code: []
 - 3.4 Bank account number: []
 - 3.5 Bank account number: []
4. Additional Information
 - 4.1 Total Grant amount approved **£275,000**
 - 4.2 Total Grant amount claimed, approved and paid to date to date (excluding this claim): []
5. The claim form and request for Grant funding is made in accordance with the Grant Agreement.
6. I confirm that:
 - 6.1 each condition specified in the Grant Agreement is satisfied;
 - 6.2 the Grant to be provided pursuant to this claim form is in respect of Purpose and will be used to meet the Grant Purpose and that no other claim form has been submitted or payment of Grant made in respect of such costs;

- 6.3 supporting evidence (to the Funder's satisfaction) submitted with this claim form provides accurate and complete evidence of the costs incurred by us to date in relation to the Purpose;
- 6.4 we have not received and will not receive any other grants, financial support or contributions towards the Purpose for which payment is now being sought; and
- 6.5 the information in this form is true and correct.

By:
Section 151 Officer
for and on behalf of
Tameside Metropolitan Borough Council

Name (Printed):

Position:

Dated:

By:

ACCEPTANCE OF GRANT

We accept the offer of Grant contained in this Grant Agreement and agree to comply with the terms and conditions of this Grant Agreement.

EXECUTED AS A DEED)
BY AFFIXING THE COMMON SEAL OF)
TAMESIDE METROPOLITAN BOROUGH)
COUNCIL)

in the presence of:

Authorised Signatory

Name:

Title:

EXECUTED AS DEED BY
NW EVERGREEN HOLDINGS (GP)
LIMITED IN ITS CAPACITY AS
THE GENERAL PARTNER OF
NW EVERGREEN HOLDINGS
LIMITED PARTNERSHIP,
acting by

Director

Director

GRANT AGREEMENT

Relating to Evergreen Surpluses Grant Funding for Tameside St Petersfield

**NW EVERGREEN HOLDINGS (GP) LIMITED
(AS THE GENERAL PARTNER OF
NW EVERGREEN HOLDINGS
LIMITED PARTNERSHIP)**

And

TAMESIDE METROPOLITAN BOROUGH COUNCIL

This Grant Agreement is made the day of 2020

Between

- (1) NW Evergreen Holdings (GP) Limited (incorporated and registered in England with company number 10372741) whose registered office is at 1st Floor Churchgate House, 56 Oxford Street, Manchester M1 6EU in its capacity as the general partner of NW Evergreen Holdings Limited Partnership (registered in England with company number LP017585) whose registered office is at 1st Floor Churchgate House, 56 Oxford Street, Manchester, M1 6EU (“the Funder”)
- (2) Tameside Metropolitan Borough Council (TMBC) whose principal address is at Tameside One, Market Place, Aston-under-Lyne, Tameside, OL6 6BH (“the Recipient”).

WHEREAS

- (A) Grant funding is being provided from the Funder to support strategic priority projects in Greater Manchester.
- (B) The Funder has agreed to make available to the Recipient the Grant to carry out the Purpose. This Agreement sets out the terms and conditions on which the Grant is made by the Funder to the Recipient.

IT IS AGREED AS FOLLOWS:

1. Introduction and definitions

1.1 This grant agreement (the “Grant Agreement”) consists of these terms and conditions and the Schedules hereto

1.2 In this Grant Agreement:

- (i) **“EU Procurement Requirements”** includes but is not limited to the Public Contracts Regulations 2015 (SI No.102/2015) the EU Commission Interpretative Communication (2006/C 179/02) and the principle of transparency, non-discrimination, equality of treatment proportionality and mutual recognition in the Treaty of the European Union
- (ii) **“Environmental Information Regulations”** means the Environmental Information Regulations 2004
- (iii) **“FOIA”** means the Freedom of Information Act 2000 and any subordinate legislation made under this Act from time to time together with any guidance and/or codes of practice issued by the Information Commissioner or relevant government department in relation to such legislation.
- (iv) **“Grant Period”** means the period specified in Schedule 1 or ending on earlier termination of this Grant Agreement.
- (v) **“Grant”** means the grant payable by the Funder to the Recipient under the terms of this Grant Agreement, the maximum amount of which (the **“Grant Amount”**) is specified in Schedule 1.
- (vi) **“Information”** has the meaning given under s84 of the FOIA
- (vii) **“Law”** means any applicable Act of Parliament, subordinate legislation within the meaning of Section 21(1) of the Interpretation Act 1978, exercise of the royal prerogative, enforceable community right within the meaning of Section 2 of the European Communities Act 1972, regulatory policy, guidance or industry code, or judgment of a relevant court of law.
- (viii) **“Match Funding”** means the monetary contribution to the Purpose from the Recipient, which is an amount equivalent or greater than the Grant Amount provided by the Funder.
- (ix) **“Purpose”** means the purpose set out in Schedule 1.
- (x) **“Request for Information”** means a request for Information relating to this Grant Agreement under the FOIA or Environmental Information Regulations

1.3 References to any statute or sub-ordinate legislation in this Grant Agreement include references to any amendments or replacements to the statute or sub-ordinate legislation that may be enacted from time to time.

2. Grant Offer and Capacity

2.1 Subject to the Recipient complying with the terms and conditions set out in this Grant Agreement, the Funder shall pay the Grant to the Recipient as a contribution towards eligible expenditure for the Purpose.

2.2 The Recipient acknowledges that the Funder agrees to fund it only for the Grant Amount and for the Purpose specified in this Grant Agreement.

2.3 The Recipient warrants and represents as follows:

- (i) the execution of and the observance of the Recipient's obligations under this Grant Agreement does not and will not contravene any of the provisions of its constitution, and
- (ii) on the date of this Grant Agreement it has taken all necessary action and has the power and authority to execute, deliver and perform its obligations under this Grant Agreement and the transactions contemplated by it and that all such authorisations are in full force and effect, and
- (iii) no litigation, arbitration or administrative proceedings are taking place, pending or, to the Recipient's knowledge, threatened against it, any of its directors or assets which, if adversely determined, might reasonably be expected to have a material adverse effect on its business, assets or condition, or its ability to perform its obligations under this Grant Agreement.

3. Purpose and extent of the Grant

3.1 The Recipient shall use the Grant for the Purpose for the Grant Period as set out in and in accordance with this Grant Agreement or as approved in writing by the Funder and the Recipient shall not use the Grant for any other purpose.

4. Amount of the Grant and VAT

4.1 The Funder has agreed funding of up to the Grant Amount, subject to compliance by the Recipient with the terms of this Grant Agreement.

4.2 The payment of Grant is believed to be outside the scope of Value Added Tax but if any Value Added Tax shall become chargeable all payments shall be deemed to be inclusive of all Value Added Tax and the Funder shall not be obliged to pay any additional amount by way of Value Added Tax.

4.3 The payment of Grant is conditional upon the Match Funding of £127,000 being committed to the Purpose.

5. Payment of the Grant

- 5.1 Subject to compliance with this Grant Agreement payments of the Grant Amount will be made as detailed in Schedule 2 and Schedule 3.
- 5.2 In order for any payment to be released, the Recipient is required to:
- 5.2.1 have signed and returned a copy of this Grant Agreement to the Funder, and
 - 5.2.2 have provided the appropriate bank details and any other information, as appropriate, in accordance with Schedule 3, and
 - 5.2.3 have submitted a valid invoice and other information, as appropriate, in accordance with Schedule 2, and
 - 5.2.4 be in compliance with the terms and conditions of this Grant Agreement.
- 5.3 The Funder reserves the right to withhold all or any payments of the Grant if the Funder has reasonably requested information/documentation from the Recipient and this has not been received by the Funder in the timescales reasonably required.

6. Eligible expenditure

- 6.1 Eligible expenditure consists of payments by the Recipient for the Purpose.

7 Managing the Grant

- 7.1 Each party must notify the other of:
- (a) the nominated person who will act as the party's authorised representative; and
 - (b) the contact details of the authorised representative and any deputies.
- 7.2 The Funder may, in addition, ask the Recipient to clarify information provided to it. If so, the Recipient shall comply with any reasonable request.
- 7.3 The Funder may, in addition, ask the Recipient to provide it with forecast information for the financial year end. If so, the Recipient shall comply with any reasonable request.
- 7.4 The Recipient must notify the Funder as soon as reasonably practicable that an underspend is forecast. Any underspend of Grant funds must be returned to the Funder. In light of the Match Funding, any forecast underspend in respect of the Purpose will be split equally between the Funder and Recipient.

- 7.5 If an overpayment of the Grant has been made, the Recipient shall return such overspend to the Funder promptly.
- 7.6 The Recipient may not vire funds between this Grant and other grants made to it.
- 7.7 The Recipient's Treasurer, Finance Officer, or equivalent will ensure that appropriate professional arrangements are put in place for the management of the Grant and the reporting of expenditure. The Treasurer, Finance Officer, or equivalent should take all necessary steps to ensure that the Grant is accounted for and monitored separately from the Recipient's other funding streams.

8. Records to be kept

- 8.1 The Recipient must:
- (a) maintain and operate effective monitoring and financial management systems; and
 - (b) keep a record of expenditure funded partly or wholly by the Grant, and retain all accounting and other records relating to this for a period of at least six years after the end of the Grant Period. Accounting records include: original invoices, receipts, minutes from meetings, accounts, deeds, and any other relevant documentation, whether in writing or electronic form.
- 8.2 Where the Recipient is working in partnership and its partner(s) wish to retain such documentation, the Recipient should obtain from the partner(s):
- (a) an annual, written statement, signed by the partner's treasurer, of how the money was spent; and
 - (b) a signed undertaking that the partner will retain such documents for the period prescribed above.

9. Audit and inspection

- 9.1 The Recipient, without charge, will permit any officer or officers of the Funder, external funding and/or auditing bodies (including but not limited to Ministry of Housing, Communities & Local Government, National Audit Office or Audit Commission) or their nominees, to visit its premises and/or inspect any of its activities and/or to examine and take copies of the Recipient's books of account and such other documents or records as in such officers' view may relate to the use of Grant. In addition, examinations may be carried out into the economy, efficiency and effectiveness with which the Grant has been used. The Funder shall endeavour, but is not obliged, to provide notice of its intent to conduct an audit.

9.2 The Recipient shall provide the Funder with such documentation and information as the Funder may require in connection with the Purpose and this Grant Agreement.

10. Lawful conduct, equal opportunities and activities funded by the Grant

10.1 The Recipient must ensure that it and anyone acting on its behalf complies with any applicable Law for the time being in force relating to the Purpose and this Grant Agreement.

10.2. No aspect of the activity funded by the Funder may be party-political in intention, use, or presentation.

10.3 The Grant may not be used to support or promote religious activity.

11. Value for Money

11.1 The Recipient must maximise value for money and shall act in a fair, open and non-discriminatory manner in all purchases of goods and services and shall comply with its internal procurement and contracting rules where applicable.

11.2. Without prejudice to clause 11.1 the Recipient shall comply with current EU Procurement Requirements at all times in relation to the Purpose and the Grant Funding

11.3 The Recipient shall provide such information as the Funder requests to verify that there has been compliance with EU Procurement Requirements.

12. Breach of Grant Terms

12.1 If the Recipient fails to comply with any of the terms set out in this Grant Agreement, or if any of the events referred to in clauses 12.2 occur, then without prejudice to any other rights or remedies of the Funder under this Grant Agreement, the Funder may reduce, suspend, or withhold Grant payments, or require all or any part of the Grant to be repaid (with interest if required). The Recipient must repay any amount required to be repaid under this clause within 30 days of receiving the demand for repayment.

12.2 The events referred to in Clause 12.1 are as follows:

- a) the Recipient purports to transfer or assign any rights, interests or obligations arising under this Grant Agreement without the prior written agreement in advance of the Funder; or
- b) Any information provided in the application for the Grant (or in a claim for payment) or in any subsequent supporting correspondence is found to be incorrect or incomplete to an extent which the Funder considers to be material; or

- c) The Recipient takes inadequate measures to investigate and resolve any reported irregularity; or
 - d) The Recipient changes the nature of its operations to an extent which the Funder considers to be significant or prejudicial; or
 - e) there is a finding of state aid non-compliance relating to the Grant by the EU Commission
- 12.3 The Recipient must act within 28 days (or earlier, depending on the severity of the problem) to address the Funder's concern or rectify the breach, and may consult the Funder or agree with it an action plan for resolving the problem. If the Funder is not satisfied with steps taken by the Recipient to address its concern or rectify the breach, it may take steps to withhold or suspend the further payment of Grant, or to recover Grant funds already paid.
- 12.4 On termination of this Grant Agreement for any reason, the Recipient as soon as reasonably practicable shall return to the Funder any assets or property or any unused Grant funds (unless the Funder gives its written consent to their retention) then in its possession in connection with this Grant Agreement.

13. Insurance

- 13.1 The Recipient shall ensure that it has adequate insurance coverage (including but not limited to public liability insurance) in place, and shall provide evidence of such insurance to the Funder on request.

14. Indemnity

- 14.1 The Funder accepts no liability to the Recipient or to any third party for any costs, claims, damage or losses, however they are incurred, except to the extent that they arise from personal injury or death which is caused by the Funder's negligence.
- 14.2 The Recipient shall indemnify the Funder against any liabilities, costs, claims, damages or losses which arise as a result of negligence by the Recipient or out of any breach by the Recipient of any terms of this Grant Agreement.

15. Intellectual Property Rights

- 15.1 The Recipient shall grant to the Funder at no cost an irrevocable, royalty-free perpetual license to use and to sub-license the use of any material created by the Recipient pursuant to this Grant Agreement for such purposes as the Funder shall deem appropriate.
- 15.2 Publicity and written material relating to the work funded by the Grant shall acknowledge this either in the body of the copy or with 'Funded by:' written alongside the Funder

16. Grant Period and Termination

16.1. The Funder does not commit to renew or continue financial support to the Recipient beyond the Grant Period.

16.2 The Funder may terminate this Grant Agreement forthwith by serving a written notice on the Recipient if:

- a) the Grant or any part of it is being used for any purpose other than the Purpose set out in this Grant Agreement; or
- b) the Recipient has made any false, incorrect or misleading statement in order to obtain this Grant or has been involved in any illegal activity or improper act in its administration; or
- c) the Recipient has failed to comply with any of the obligations of this Grant Agreement and fails to remedy the same within 28 days (or such other period as the Funder specifies in writing) of being served with a notice pointing out the breach requiring its rectification; or
- d) any meeting of creditors of the Recipient is held or any arrangement or composition with or for the benefit of its creditors (including any voluntary arrangement as defined in the Insolvency Act 1986) is proposed or entered into by or in relation to the Recipient; or
- e) if a supervisor, receiver, administrator, administrative receiver or other encumbrancer takes possession of or is appointed over or any distress, execution or other process is levied or enforced (and is not discharged within seven days) upon the whole or any substantial part of the assets of the Recipient; or
- f) the Recipient ceases to carry on business or is or becomes unable to pay its debts with the meaning of Section 123 Insolvency Act 1986; or
- g) if a petition is presented, or a meeting is convened for the purpose of considering a resolution, for the making of an administration order, the winding up, bankruptcy, or dissolution of the Recipient; or
- h) any competent authority directs the repayment of the Grant.

16.3 Where termination of this Grant Agreement is pursuant to clause 16.2 above the Funder shall cease to be under any obligation to make payments of any Grant and may require the Recipient to repay all or any part of the Grant (with interest if required). The Recipient must repay any amount required to be repaid under this clause within 30 days of receiving the demand for repayment. Any termination of this Grant Agreement will be without prejudice to any other rights or remedies of the parties under this Grant Agreement or at law and will not affect any accrued rights or liabilities of the parties at the date of termination

16.4 Nothing in this Grant Agreement shall effect the coming into force or the continuance in force of any provision of this Grant Agreement which is

expressly or by implication to come into force or continue in force upon termination or expiry of this Grant Agreement

17. Entire Agreement and Amendments to the Grant Agreement

- 17.1 This Grant Agreement sets out the entire agreement between the parties and replaces all previous negotiations, agreements, understandings and representations between the parties, whether oral or in writing.
- 17.2 Any amendments to this Grant Agreement shall only be valid if they are in writing and signed by an authorised representative of both parties.

18. Freedom of Information

- 18.1 Both parties acknowledge that the other may be subject to the requirements of the FOIA and the Environmental Information Regulations and each party shall assist and cooperate with the other party to enable the other party to comply with these Information disclosure requirements.
- 18.2 Each party shall itself and shall procure that its subcontractors shall:
- (a) transfer any Request for Information relating to the other party as soon as practicable after receipt and in any event within two working days of receiving a Request for Information;
 - (b) provide the other party with a copy of all Information relating to a Request for Information in its possession or power in the form that the other party requires within five working days (or such other period as the other party may specify) of the other party requesting that Information; and
 - (c) provide all necessary assistance as reasonably requested by the other party to enable the other party to respond to a request for Information within the time for compliance set out in section 10 of the FOIA or regulation 5 of the Environmental Information Regulations.
- 18.3 The party receiving the Request for Information and to whom it relates shall be responsible for determining at its absolute discretion whether Information:
- (a) is exempt from disclosure in accordance with the provisions of the FOIA or the Environmental Information Regulations;
 - (b) is to be disclosed in response to a request for Information.
- 18.4 Each party acknowledges that either party may, acting in accordance with the Code of Practice on the discharge of public authorities' functions under Part 1 of FOIA (issued under section 45 of the FOIA, July 2018), be obliged under the FOIA or the Environmental Information Regulations to disclose Information:

- (a) without consulting with the other party, or
- (b) following consultation with the other party and having taken its views into account.

18.5 Each party shall ensure that all Information produced in the course of this Grant Agreement is retained for disclosure and shall permit the other party to inspect such records as requested from time to time.

18.6 Each party acknowledges that any lists or schedules provided by it outlining confidential information are of indicative value only and that the other party may nevertheless be obliged to disclose confidential information in accordance with clause 18.4

19. Notices

19.1 All notices, invoices and other communications relating to this Grant Agreement shall be in writing and in English and shall be served by a party on the other party at its address shown at the head of this Grant Agreement.

19.2 Notices delivered hereunder shall be delivered by hand or sent by 1st class recorded or special delivery post and shall be deemed to be delivered:

19.2.1 if delivered by hand, upon receipt;

19.2.2 if sent by first class recorded or special delivery post (providing it is not returned as undelivered to the sender), two (2) working days after posting;

20 Contract (Rights of Third Parties) Act 1999

20.1 No person who is not a party to this Grant Agreement shall have the right to enforce any its terms.

21. Governing Law

21.1 This Grant Agreement shall be subject to and construed in accordance with English Law and subject to the exclusive jurisdiction of the courts of England and Wales.

22 Completion and Electronic Signature

22.1 This Grant Agreement may be executed in any number of counterparts and by the different parties in different counterparts each of which when executed and delivered shall be deemed to constitute one and the same instrument. Each party agrees that the delivery of this Grant Agreement by electronic transmission, including copies of the executed signature pages via pdf, shall have the same force and effect as delivery of original signatures and that each party may use such copies of the executed signature pages as evidence of the execution and delivery of this Grant Agreement by all parties.

22.2 This Grant Agreement may be signed by any party by electronic signature (whatever form the electronic signature takes) and this method of signature is as conclusive of such party's intention to be bound by this Grant Agreement as if signed by each party's manuscript signature.

This Agreement is executed by the parties hereto as a deed the day and year first before written.

Schedule 1

Grant Amount, Purpose and Grant Period

Grant Amount: £127,000

Purpose:

In line with the grant application submitted to GMCA in February 2020, the purpose of the Grant is to part fund a development prospectus and feasibility works to bring the St Petersfield, Ashton development to market including delivery of Plots 1 and 3. The Grant is agreed towards the delivery of the following tasks:

Site Wide Development Prospectus

To procure a multidisciplinary team to prepare a Development Prospectus to cover the St Petersfield masterplan area. To include agreed strategies for utilities, access, drainage, landscape, public realm, wayfinding, pedestrian, cycle and parking/loading strategies.

Task 2 RIBA Stage 2 Development for Office Building 03

Design development of office building 03 up to end of RIBA Stage 2 with associated cost plan and risk assessments, sufficient for the submission of a detailed planning application.

Task 3 Cost Plan Update for Office Building 01

Preparation of an RIBA Stage 2 cost plan for office building 01.

Task 4 Development/ Marketing Prospectus for office buildings 01 and 03

The preparation of a development prospectus/marketing brochure for both office buildings 01 and 03. The document is to be an A4/A3 graphic design quality brochure to include marketing plan, visuals and outline specification for promotional purposes.

The feasibility work supported by the Grant (described above) will support the delivery of the following scheme outputs:

Commercial Floor space (sq.):	250,000 sqft
Number of New Jobs Created:	1900
Brownfield Land Regenerated (ha):	4.77 hectares

Grant Period: 31st December 2021

Schedule 2
Grant Payments
Monitoring Requirements

The Recipient can claim the Grant against costs incurred for the Purpose. In order to claim the grant the Recipient should provide copies of the following to the Funder:

- Completed Grant claim form (see Schedule 3)
- Evidence of costs being incurred and paid
- Evidence supplied of competitive tendering or agreed fee
- Confirmation of Match Funding

Schedule 3 Grant Claim Form

To: Evergreen Holding Board
From: Tameside Metropolitan Borough Council

Date: []

Evergreen Surpluses Grant Funding

1. I refer to the Grant Agreement. This is a claim form for the Purpose as referenced in the Grant Agreement.
2. I wish to claim the following amount of Grant funding:
 - 2.1 Grant amount to be claimed: []
 - 2.2 Date requested for payment of Grant: []
3. Payment Instructions
 - 3.1 Bank name: []
 - 3.2 Bank branch/address: []
 - 3.3 Bank sort code: []
 - 3.4 Bank account number: []
 - 3.5 Bank account number: []
4. Additional Information
 - 4.1 Total Grant amount approved **£127,000**
 - 4.2 Total Grant amount claimed, approved and paid to date to date (excluding this claim): []
5. The claim form and request for Grant funding is made in accordance with the Grant Agreement.
6. I confirm that:
 - 6.1 each condition specified in the Grant Agreement is satisfied;
 - 6.2 the Grant to be provided pursuant to this claim form is in respect of Purpose and will be used to meet the Grant Purpose and that no other claim form has been submitted or payment of Grant made in respect of such costs;

- 6.3 supporting evidence (to the Funder's satisfaction) submitted with this claim form provides accurate and complete evidence of the costs incurred by us to date in relation to the Purpose;
- 6.4 we have not received and will not receive any other grants, financial support or contributions towards the Purpose for which payment is now being sought; and
- 6.5 the information in this form is true and correct.

By:
Section 151 Officer
for and on behalf of
Tameside Metropolitan Borough Council

Name (Printed):

Position:

Dated:

By:

ACCEPTANCE OF GRANT

We accept the offer of Grant contained in this Grant Agreement and agree to comply with the terms and conditions of this Grant Agreement.

EXECUTED AS A DEED)
BY AFFIXING THE COMMON SEAL OF)
TAMESIDE METROPOLITAN BOROUGH)
COUNCIL)

in the presence of:

Authorised Signatory

Name:

Title:

EXECUTED AS DEED BY
NW EVERGREEN HOLDINGS (GP)
LIMITED IN ITS CAPACITY AS
THE GENERAL PARTNER OF
NW EVERGREEN HOLDINGS
LIMITED PARTNERSHIP,
acting by

Director

Director