

## MEETING OF EXECUTIVE CABINET

19 October 2016

Commenced: 2.00 pm

Terminated: 2.45 pm

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

### 25. DECLARATIONS OF INTEREST

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

### 26. MINUTES

#### (a) Executive Cabinet

Consideration was given to the Minutes of the meeting of Executive Cabinet held on 31 August 2016.

#### **RESOLVED**

**That the Minutes of the meeting of Executive Cabinet held on 31 August 2016 be taken as read and signed by the Chair as a correct record.**

#### (b) Strategic Planning and Capital Monitoring Panel

Consideration was given to the minutes of the meeting of the Strategic Planning and Capital Monitoring Panel held on 5 September 2016 together with the recommendations therein and it was:

#### **RESOLVED**

##### **Asset Management Update**

- (i) That the list of disposals identified in Appendix 1 to the report be approved.
- (ii) That the opportunity to purchase an industrial site on Boodle Street, Ashton, with marriage value to existing Council land for investment / development with a purchase price expected to be less than £130,000 be made from the opportunity purchase fund with any return realised on the investment being used firstly to replace the resource in the fund be approved.
- (iii) That the allocation of £78,624 to undertake building condition replacement / repair projects as detailed in the report be approved.

##### **Engineering Capital Programme**

**That the allocation of Capital Funding and the approval of schemes as detailed in the report be supported.**

##### **Education Capital Programme**

- (i) That the allocation of additional Basic Need grant funding totally £621,053 to the schemes detailed in Section 4 and Table 1 of the report be approved relating to increased cost estimates for the schemes concerned.
- (ii) That amendments to the amount of School Condition / Maintenance grant funding supporting the schemes described in Section 5 and Table 2 of the report be

approved resulting in a net reduction of £95,726 of funding previously approved to support those schemes.

- (iii) That the reduction of £236,326 of funding supporting the schemes described in Section 6 and Table 3 of the report be approved.

**(c) Single Commissioning Board**

Consideration was given to the Minutes of the meetings of the Single Commissioning Board held on 6 September 2016 and 4 October 2016.

**RESOLVED**

**That the Minutes of the meetings of the Single Commissioning Board held on 6 September 2016 and 4 October 2016 be received.**

**(d) Carbon and Waste Reduction Panel**

Consideration was given to the Minutes of the meeting of the Carbon and Waste Reduction Panel held on 8 September 2016.

**RESOLVED**

**That the Minutes of the meeting of the Carbon and Waste Reduction Panel held on 27 July 2016 be received.**

**(e) Association of Greater Manchester Authorities / Greater Manchester Combined Authority**

Consideration was given to a report of the Executive Leader and Chief Executive which informed Members of the issues considered at the Greater Manchester Combined Authority meetings held on 26 August 2016 and 30 September 2016, the Joint Meeting of the Greater Manchester Combined Authority and AGMA Executive Board on 26 August 2016 and the Forward Plan of Strategic Decisions of the Greater Manchester Combined Authority and AGMA Executive.

**RESOLVED**

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

**27. FOUR YEAR EFFICIENCY PLAN**

Consideration was given to a report of the Deputy Executive Leader and the Assistant Executive Director (Finance) setting out an Efficiency Plan for the Council. The preparation and submission to Government of an Efficiency Plan was necessary to access a four year finance settlement for Revenue Support Grant covering the period 2016/17 to 2019/20 and focused on laying the foundations for delivering a balanced and sustainable budget over the four year timeframe.

The Council would keep under review all cost and service demands on a regular basis to ensure all known relevant costs could be afforded throughout the four year period. With a fixed funding settlement in place, such costs would have a direct bearing on the size of the savings programme in each year. The underlying assumption was that all income would be maximised and expenditure would only be incurred where it was necessary for service delivery. Thereafter the approach could be divided into themes briefly commented on in the report as follows:

- Continuous assessment of efficiencies and value for money;
- Innovation and transformation;
- Reducing demand;
- Invest to save opportunities, including growing the resource base;
- Other opportunities in the current low interest rate environment.

In conclusion, it was stated that the Council had ambitious plans to deliver growth in the Borough and to improve the health and wellbeing of its residents. This was in the context of severely constrained resources available to the Council referred to in the report. In order to have increased certainty of the resources available the Council wished to take up the offer of a fixed four year settlement with the Government. This was on the understanding that the settlement represented the minimum funding level available, i.e. if extra resources were made available to Local Government then the Council was not precluded in benefiting from this injection of funding.

#### **RESOLVED**

- (i) That approval be given to take up the offer of a four year settlement as set out in the Secretary of State's letter of 10 March 2016.**
- (ii) That the submission of this efficiency plan to satisfy the requirements of the four year settlement offer be approved.**

## **28. NEIGHBOURHOOD PLANNING**

Consideration was given to a report of the Deputy Executive Leader and the Assistant Executive Director (Development, Growth and Investment) explaining that the opportunity for neighbourhoods to influence the future of their area was a principle established in the National Planning Policy Framework. Under the Town and Country Planning Act 1990, as amended by the Localism Act 2011, the Council had a statutory duty to assist communities in the preparation of neighbourhood development plans and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3) sets out the Council responsibilities as:

- Designating a forum;
- Designating the area that the forum covers;
- Advising or assisting communities in the preparation of a neighbourhood plan;
- Checking a submitted plan meets the legal requirements;
- Arranging for the independent examination of the plan;
- Determining whether the neighbourhood plan meets the basic conditions and other legal requirements;
- Subject to the results of the referendum in the designated area, bringing the plan into force.

It was recognised that the establishment of neighbourhoods and areas was a positive step in engaging local areas to influence how development growth could be accommodated. Specific reference was made to the proposed operational procedures for dealing with Neighbourhood Forum and Area applications and the service framework as the basis on which the Council would provide support to the development of neighbourhood plans following designation of Neighbourhood Forums and Areas, noting that current resources were very limited.

A neighbourhood plan was a community-led framework for guiding the future development and growth of an area. It could contain a vision, aims, planning policies, proposals for improving the area or providing new facilities or allocation of key sites for specific kinds of development. Neighbourhood Plans were one of a suite of documents forming part of the statutory planning framework for an area but conformed with the planning policies and guidance at local, national and European level. The plan would also need to demonstrate involvement of the local community throughout the plan preparation and decision making and it would be subject to a community referendum upon completion. Once such a plan was made and adopted, it would become a statutory plan and be part of the Local Development Framework and used in making decisions on planning applications.

It was explained that the idea of Neighbourhood Forums and Plans often came about from a community desire to prevent or control development. Advice and guidance was quite clear that whilst the community might have concerns over a particular and potentially imminent development proposal in their area, the Neighbourhood Plan was not the correct mechanism to deal with it. Plans looked forward and would take time to develop and any planning proposals or applications

put forward in advance of a neighbourhood plan would be dealt with through normal planning processes.

In conclusion, it was stated that having received an application to establish a Neighbourhood Area and Forum it was important for the Council to establish appropriate internal policies and procedures in order to ensure that its responsibilities were met and that decision making was transparent.

#### **RESOLVED**

- (i) That the operational procedures for meeting the Council's responsibilities in relation to Neighbourhood Planning as set out in Section 4 be approved.**
- (ii) That Council be RECOMMENDED to approved that the designation of a Forum or Area should be delegated and determined by the Strategic Planning and Capital Monitoring Panel following the publication of applications for Neighbourhood Forums and Areas undertaken by the Executive Director (Place) in consultation with the Borough Solicitor.**
- (iii) That approval be given to the proposed outline Service Framework as the basis on which the Council would provide support to the development of Neighbourhood Plans following designation of Neighbourhood Forums and Areas, noting that current resources were very limited.**

#### **29. PUBLIC HEALTH ANNUAL REPORT**

The Director of Public Health and Performance submitted her Annual Report 2015/16 themed around self-care. The report emphasised that focusing on self-care would help people to increase their confidence to live well, improve their quality of life and improve the patient experience. The report highlighted existing programmes of work and showed where real opportunities existed as a result of the restructure brought about by Care Together and Greater Manchester Devolution.

Members of Executive Cabinet commented favourably on the Annual Report and accompanying video presentation.

#### **RESOLVED**

**That the recommendations and the proposed approach and actions highlighted in the report be noted and used to inform service development and commissioning of the system wide self-care programme.**

#### **30. REPLACEMENT OF ST ANNE'S ROAD MOTORWAY BRIDGE, DENTON, AND CONSEQUENTIAL TRAFFIC SCHEME**

Consideration was given to a report of the Assistant Executive Director (Environmental Services) seeking approval to put in place the required temporary traffic regulation orders under the Traffic Regulation Act 1984 (as amended), to enable Highways England to carry out necessary works resulting in a scheme to replace the motorway bridge over the M67 in Denton.

The bridge was managed and maintained by Highways England, who had identified that it was in a substandard condition and there was the need for it to be replaced in a planned and managed way for future safety reasons. The proposals put forward by Highways England, upon which they intended to publicly consult in the autumn, had been considered by the Council's engineering and highways service to be the best possible option in the interests of both the Borough and the local community taking into account the following key considerations:

- Safe movement of traffic;
- Pedestrian safety;
- Construction movement;

- Traffic congestion minimisation;
- Maintenance of activities for local business;
- Minimisation of impact on local schools;
- No capacity on other local routes to improve access to accommodate HGV traffic;
- Reduction of speed and flow of traffic through a single lane operation within the proposal;
- During the consultation process the Council would approach Highways England and their agents and request they provide details of any community mitigation plans they would be providing at the end of the project to offset the inconvenience to local residents throughout the works.

It was explained that the traffic regulation function would normally be carried out through the Council's Scheme of Delegation by the Director of Place. However, on this occasion the Executive Member who had oversight of this area on behalf of the Council was prejudicially impacted by the proposals by Highways England because of her home location.

In light of this conflict and to ensure transparency and fairness in the interests of residents of the Borough, it was proposed that the Executive Cabinet consider the officer recommendation that the Council supports the Highway England proposals and embark on the Traffic Regulation Order process as soon as it was in receipt of the final scheme from Highways England, expected to arrive following close of their consultation period.

#### **RESOLVED**

**That approval be given to the advertisement and potential making of any appropriate temporary Traffic Regulation Orders required to support the proposed scheme by Highways England to carry out necessary works to replace the motorway bridge over the M67 in Denton.**

### **31. EXCLUSION OF THE PRESS AND PUBLIC**

#### **RESOLVED**

**That the public be excluded for the following item of business on the grounds that it contains exempt information as defined in paragraph 3 and Rule 10 of Part 1 of of Schedule 12A to the Local Government Act 1972 (as amended). It would not, on balance, be in the public interest to disclose this information to the public because it related to the financial and business affairs of the Council and third parties.**

### **32. INDEMNITIES CONCERNING THE CONTRACT FOR THE PROVISION OF HELPING PEOPLE TO LIVE AT HOME SERVICE AND EXTRA CARE SUPPORT SERVICE**

Consideration was given to a report of the Executive Member (Adult Social Care and Wellbeing) / Interim Assistant Executive Director (Adults Services) outlining recent problems in the preparation to transfer contracts for the home care service to new providers awarded contracts following tender. The issue surrounded the potential cost to new providers of a successful claim by staff for unpaid travel time the responsibility for which, would transfer to new providers under TUPE regulations.

#### **RESOLVED**

**That it be agreed as a matter of last resort that the Council could provide an indemnity to the provider awarded the Contract for the provision of Helping People to live at Home Service and Extra Care Support Service against claims from the incumbent provider's former employees in relation to unpaid travel time, the form of which, to be agreed by the Head of Legal Services in consultation with the Assistant Executive Director of Finance and the necessary arrangements be made to reflect in the Council's accounts.**

**CHAIR**