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 they 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 upmost 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 utitlised 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 intevene before inadequate is an outcome, the Council carry the risk for the remainder of the PFI contact 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