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 202021. 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 a 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