

## EXECUTIVE CABINET

25 November 2020

Commenced: 1.50pm

Terminated: 2.10pm

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

**Apologies for absence:** Councillor Wills

<b>In Attendance:</b>	Dr Ashwin Ramachandra	Co-Chair, Tameside & Glossop CCG
	Dr Asad Ali	Co-Chair, Tameside & Glossop CCG
	Steven Pleasant	Chief Executive & Accountable Officer
	Sandra Stewart	Director of Governance & 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
	Tom Wilkinson	Assistant Director of Finance
	Sarah Threlfall	Assistant Director, Policy, Performance & Communication
	Debbie Watson	Assistant Director, Population Health
	Mathew Chetwynd	Estates Business Manager

### 89. DECLARATIONS OF INTEREST

Member	Subject Matter	Type of Interest	Nature of Interest
Councillor Cooney	Agenda Item 11: Enville House, Richmond Street, Ashton-under-Lyne. OL6 7TX	Prejudicial	Member of the Board of Ashton Pioneer Homes.

### 90. MINUTES OF EXECUTIVE CABINET

#### RESOLVED

That the Minutes of the meeting of the Executive Cabinet meeting held on 2 November 2020 be approved as a correct record.

### 91. MINUTES OF STRATEGIC COMMISSIONING BOARD

#### RESOLVED

That the Minutes of the meeting of the Strategic Commissioning Board held on 28 October 2020 be noted.

### 92. MINUTES OF EXECUTIVE BOARD

#### RESOLVED

That the Minutes of the meetings of Executive Board held on 14 October 2020, 21 October 2020 and 4 November 2020, be noted.

### **93. MINUTES OF THE LIVING WITH COVID BOARD**

#### **RESOLVED**

**That the Minutes of the meeting of the Living with Covid Board held on 14 October 2020 be noted.**

### **94. CONSOLIDATED 2020/21 REVENUE MONITORING STATEMENT AT 30 SEPTEMBER 2020**

Consideration was given to a report of the Executive Member, Finance and Economic Growth / CCG Chair / Director of Finance, which updated Members on the financial position up to 30 September 2020 and forecasts to 31 March 2021. It was explained that in the context of the on-going Covid-19 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 subject to change over the course of the year as more information became available, the full nature of the pandemic unfolded and there was greater certainty over assumptions.

Members were reminded that the CCG continued to operate under a 'Command and Control' regime, directed by NHS England & Improvement (NHSE&I). NHSE had assumed responsibility for elements of commissioning and procurement and CCGs had been advised to assume a break-even financial position in 2020-21.

It was explained that as at Period 6, the Council was forecasting an overspend against budget of £3.678m. Whilst this forecast included some COVID related pressures, £2.830m 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, and in Capital and Financing due to the loss of income from Manchester Airport.

It was reported that Council Tax collection rates had slowly improved since April, but remained 1% below target. If this trend continued then the forecast deficit on Council Tax collection by the end of March 2021 was £1.090m of which the Council's share was £0.912m.

Business Rates collection improved between April and July. This improvement was not sustained in August, with a deterioration in September and overall collection was still significantly below target. If this trend continued then the forecast deficit on Business Rates by the end of March 2021 was £3.299m. There remained a risk that economic conditions, and Tier 3 restrictions, could have a significant negative impact on the sustainability of some businesses, resulting in increased non-payment with minimal opportunity for recovery.

It was highlighted that 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 £3.543m due to the significant increases in the number of pupils requiring support. If the 2020/21 projections materialised, there would be a deficit of £3.638m on the DSG reserve at 31 March 2021.

With regard to the Capital Programme, assuming that the planned disposals proceeded there was a forecast balance of £8.306m of capital receipts to fund future capital schemes not reflected in the fully approved programme.

Earmarked schemes currently included on the capital programme totalled £44.9m, with a forecast £33.2m of corporate funding needed to finance these schemes compared to a forecast balance of £8.306m surplus capital receipts. Many of the earmarked schemes were identified in 2017/18 and therefore, as reported to Members in the Month 3 finance report, should be the subject of a detailed review and reprioritisation.

## **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 budgets, and the progress with savings delivery, as set out in Appendix 2 to the report, be noted;**
- (iii) That the reserve transfers set out on page 24 of Appendix 2 to the report, be approved;**
- (iv) That the collection rates for Council Tax and Business Rates as set out in Appendix 3 to the report, be noted;**
- (v) That the budget virements as set out in Appendix 4 to the report, be approved;**
- (vi) That the forecast position in respect of Dedicated Schools Grant as set out in Appendix 5 to the report, be noted;**
- (vii) That the write-off of irrecoverable debts for the period 1 July to 30 September 2020 as set out in Appendix 6 to the report, be approved;**
- (viii) That the funding position of the approved Capital Programme as set out in Appendix 7 to the report, be noted; and the removal of all remaining earmarked schemes be approved including 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 further surplus assets for disposal.**

## **95. ADULT SOCIAL CARE WINTER PLAN 2020-21**

The Executive Member, Adult Social Care and Population Health / Director of Adults Services submitted a report, which presented the local economy response to the Adult Social Care Winter Plan 2020-21 that was published by the Department of Health and Social on 18 September 2020.

It was explained that the Winter Plan covered four key themes:

- preventing and controlling the spread of infection in care settings;
- collaboration across health and care services;
- supporting people who receive social care, the workforce, and carers; and
- supporting the system.

The Winter Plan further described key government national interventions and set out the key actions for local authorities, NHS organisations and providers, as detailed in the report.

The local economy response to the Winter Plan 2020-21 was appended to the report. The response set out the key actions and priorities for the local area to ensure resilience and contingency to support individuals and providers through the winter.

The overarching aims of the local Winter Plan were detailed as follows:

- Ensuring everyone who need care and support could get high quality, timely and safe care throughout the autumn and winter period;
- Protecting people who need care, support or safeguards, the social care workforce, and carers from infections including COVID-19; and
- Making sure that people who need care, support or safeguards remain connected to essential services and their loved ones whilst protecting individuals from infections including COVID-19.

Members were informed that a comprehensive review of the current local system position was currently being undertaken to understand the local system's preparedness to meet the needs of local people, with providers and a workforce that were equipped to deliver safe, appropriate services. This assessment would be used to inform key priorities for the local economy to ensure delivery against the Winter Plan 2020-21.

The government had announced various funding streams to support the delivery of the range of programmes required to protect the local population during the pandemic. The allocated budgets to support additional or specific spend to deliver pandemic specific services were being closely

monitored via the Finance Teams. It was unclear at this stage what the additional costs of delivering the Winter Plan would be.

## **RESOLVED**

**That the local response to the Adult Social Care Winter Plan 2020-21 be noted and supported.**

### **96. PROVISION OF GENERALIST SOCIAL WELFARE INFORMATION AND ADVICE AND SPECIALIST EMPLOYMENT ADVICE**

A report was submitted by the Executive Member, Neighbourhoods, Community Safety and Environment / Executive Member Adult Social Care and Population Health / Clinical Lead, Public Health / Director of Operations and Neighbourhoods, which explained that the Council had had a contract with Citizens Advice Tameside for many years to deliver generalist social welfare advice and specialist employment advice. The current contract ended on 31 March 2021 therefore consideration was being given to the provision of this service moving forward.

It was explained that, the contract agreement enabled Citizens Advice Tameside to meet the core costs of delivering the advice service including the salary costs of a small number of managerial, advice and administrative staff. The contract also acted as a conduit for leveraging in external funding and during 2018/19 this amounted to an additional amount of £272,918 that provided additional advice and support services to Tameside residents. Prior to Covid-19 the delivery model was centred predominantly around a daily drop-in advice service from Tameside One, telephone advice through the GM telephone advice line and by face to face appointments. Additionally specifically funded projects to deliver debt advice, Universal Credit Help to Claim, social prescribing and advice appointments at outreach venues. Since March 2020, the service had been delivered remotely by telephone, email and webchat.

In 2019/20, the service advised 4681 new clients and reported £1,920,564 in additional income gains for Tameside residents which included successful claims for benefit, energy switches, grants and compensation payments. The service assisted 336 clients with employment advice in 2019/20 with 130 clients advised by the employment caseworker. This caseworker was funded through the current contract to provide 18 hours a week of specialist employment advice. Advice included helping people realise their rights, assisting with dispute resolution, raising grievances, challenging dismissals and assisting with employment tribunals. As well as paid staff, the service was supported greatly by volunteers and 23 new volunteers were recruited and trained in 2019/20 along with 3196 volunteer hours worked across the year.

Members were informed that the contract was managed quarterly with performance figures provided on time and included demographic data, numbers of clients helped, outcomes, complaints, customer satisfaction and social policy issues. There had been no areas of concern raised throughout the contract period.

The current contract fulfilled all the requirements to support residents of Tameside seeking information and advice and it was proposed that any new contract specification included the same areas of social welfare law and debt advice. It was also proposed that any new contract included a requirement to deliver 18 hours a week of specialist employment advice to include assistance with tribunals. Due to the limited amount of funding, it was expected that the provider would utilise the core contract funding to develop the service offer and make the organisation sustainable by securing additional external funding.

Members were advised that, previously a direct contract had been awarded to Citizens Advice Tameside by a waiver to standing orders. The current contract ended on 31 March 2021 and advice was sought from STAR as multiple waivers had been agreed with no market testing. STAR provided a report that outlined three options for the re-commissioning of the contract that ensured the Council remained compliant with Contract Procedure Rules (CPR), as follows:

- Join the GM collaborative Citizens Advice contract;

- Direct award of contract to Citizens Advice Tameside; and
- Tender the contract by procurement exercise.

Having considered the options above, as detailed in the report, and the outcome of the soft market test; the Contract Procedure Rules required the authority to demonstrate value for money through a competitive tender exercise. It was proposed therefore, that a tender exercise be undertaken to the amount of £116,000 per annum for a 3 year period, to enter into a contract for the provision of generalist social welfare information and advice and specialist employment advice. Following completion of a successful tender exercise, it was proposed that consideration was given to delegate authority to the Director of Operations and Neighbourhoods to award the tender and enter into all necessary contract arrangements.

#### **RESOLVED**

- (i) **That approval be given to tender the provision of generalist social welfare information and advice and specialist employment advice to commence 1 April 2021; and**
- (ii) **That delegated authority be afforded to the Director of Operations and Neighbourhoods to award the tender and enter into all necessary contract arrangements.**

### **97. PLANNING WHITE PAPER CONSULTATION RESPONSE**

Consideration was given to a report of the Executive Member of Housing, Planning and Employment / Interim Assistant Director, Planning and Transport which stated that the Government's consultation on the White Paper Planning for the Future sought views on each part of a package of proposals. The White Paper sought reform of the planning system in England to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land was available for development where it was needed.

The paper covered plan-making, development management, developer contributions and other related policy proposals. Through a series of focused questions, it gave the opportunity for comments to be provided by 29 October 2020 and the proposed responses from the Council were set out in **Appendix 1** to the report.

#### **RESOLVED**

**That a copy of a consultation to the Government's Planning White Paper consultation set out at Appendix 1 to the report, approved by the Executive Member and submitted on 29 October 2020 to meet the statutory consultation deadline be received.**

### **98. STALYBRIDGE HIGH STREET HERITAGE ACTION ZONE PROGRAMME – CAPITAL PROGRAMME FUNDING**

The Executive Member, Finance and Economic Growth / Director of Growth submitted a report, explaining that on 12 February 2020, Executive Cabinet approved in principle, subject to the grant offer and conditions, the allocation of £1.275m match funding required for the High Street Heritage Action Zone (HSHAZ) Programme. As part of the match-funding requirement, Executive Cabinet also approved funding to be ring fenced from the existing earmarked capital investment pot for the refurbishment of capital assets.

Members were informed that officers had completed the due diligence required on the Grant Funding Agreement with Historic England and have considered the opportunity and assumptions made about the match funding and details were given in the report. Approval was now required for £963k to be committed within the Council's Capital Programme as part of the match funding and to note the Grant Fund Agreement was engrossed, ready for execution, subject to the approval of the capital programme budget.

## **RESOLVED**

- (i) That the increased commitment requirement of £963k within the Capital Programme required as match funding for the HSHAZ programme, be approved;**
- (ii) That the match funding amount of £963k be financed from the Business Rates 100% retention pilot reserve, be approved; and**
- (iii) That the entering into the Grant Funding Agreement, as set out in this report, be authorised.**

## **99. THE MAYOR'S CHALLENGE FUND - FULL SCHEME DELIVERY APPROVAL**

Consideration was given to a report of the Executive Member, Transport and Connectivity / Assistant Director, Operations and Neighbourhoods providing an update on Tameside's Mayor's Challenge Fund programme and set out details of the first two schemes:

**Hill Street, Ashton-under-Lyne** - The Hill Street Mayor's Challenge Fund scheme would provide an east-west cycle route from the A627 Cavendish Street to the A6017 Stockport Road via Hill St, Victoria St and Trafalgar Sq. The scheme provided links towards the Peak Forest Canal, which runs from Ashton town centre to the Stockport boundary via Hyde. At Portland Basin, access would also be provided to an existing cycle route on the Ashton Canal, linking west towards Manchester City Centre.

**Chadwick Dam, Stalybridge / Ashton-under-Lyne** - The Chadwick Dam Mayor's Challenge Fund scheme would provide improved cycle and walking facilities within Stamford Park, connecting from an existing CCAG2 scheme to the A635 Mossley Road. It would provide additional links to Lake View, Mellor Road and the adjacent Tameside Hospital, as well as connecting across Mossley Road. A parallel cycle and pedestrian crossing would provide access across Mossley Road to reach Rose Hill Road, where a 20mph Zone would be extended to provide access via this quiet route to the residential areas northeast of Ashton.

It was explained that a full business case for the Hill Street and Chadwick Dam schemes was submitted to TfGM on 14 October 2020 for review and approval. This followed a draft submission in August and subsequent review feedback that had now been taken on board.

It was anticipated that the outcome of the review would be known at the Greater Manchester Combined Authority meeting on the 11 December 2020. Subject to approval, this would mean that works could start on site in January 2021

Members were informed that both schemes were presented at a Mayor's Challenge Fund Consultation that ran from 10 February to 8 March 2020. The outcome of the consultation was presented in a Consultation Report, an extract of which was appended to the report, summarising the feedback that was received for the two schemes. The scheme designs had been reviewed in detail to ensure that where possible the feedback had been taken into account.

The total funding amount being sought from Mayor's Challenge Fund was £686,951 (including £75,010 development costs already approved). There was no funding gap identified for the schemes. If any cost increases occurred following Full Approval, the Council's Mayor's Challenge Fund Project Team would manage this through the change control process working jointly with TfGM. Details were also given of complimentary match funding, which would enhance the two Mayor's Challenge Fund schemes.

## **RESOLVED**

**That the following be agreed to support the delivery of the Hill Street, Ashton-under-Lyne and Chadwick Dam, Stalybridge and Ashton-under-Lyne schemes:**

- (i) The delivery of the two schemes outlined in Section 3 of the report be approved subject to receiving Full Approval from TfGM based on the funding package set out in Section 3.9 of the report;**

- (ii) **Authorise entering into a Delivery Agreement with TfGM, upon TfGM's approval of the full business case;**
- (iii) **Authorise entering into Delivery Agreements with TfGM for the delivery of future Mayor's Challenge Fund schemes which have received Programme Entry status;**
- (iv) **Approval of the GMCA development costs for the Mayor's Challenge Fund, A57 Denton to Hyde scheme, as set out in Section 2.5 of this report and add the £358,160 grant funding to the Capital Programme; and**
- (v) **It be noted that all future schemes that need match funding will require advance approval of Cabinet.**

## **100. TRANSITION SUPPORT - ALTERNATIVE LEASE**

A report was submitted by the Deputy Executive Leader / Director of Children's Services, seeking continued authority to acquire tenancies for the Transition Support Scheme under the existing governance for a management agreement and to enter into lease arrangements.

It was explained that, in Tameside there were currently 357 Care leavers aged 18- 25 –this did not include 128 who were not currently open to the service following the change in legislation increasing support to age 25. There were currently 111 Care Leavers aged 18+ who required suitable and appropriate accommodation. Limited access to suitable move on accommodation that would adequately support young people to leave care created significant cost pressures whilst they remained in high cost external provision.

Members were informed that, the February 2019 Cabinet report agreed the expansion of the pilot bedsit program with Jigsaw Housing Trust that was created in 2016, offering seven people at any one time an opportunity to move into independent living. The support was high quality, initial results had been excellent, and the annual cost was dramatically reduced. In February 2019 it was agreed that the Service was to expand by an additional 10 properties. Details of current provision was provided in the report.

Progress had been made with Registered Providers to identify appropriate accommodation from existing housing stock available for re-let in the Borough and this was twin tracked with identifying potential new provision through conversion of empty property both owned by the Registered Provider's and available on the open market.

From February 2020 there were offers from the Registered Providers to identify properties for the scheme, however, delivery had been very slow. Of late, Coronavirus had had a further impact with a halt on evictions leading to a reduction in available properties. The Registered Providers had reduced their repairs services, impacting on any re-let work on voids.

The quickest route to access provision should be through the Registered Provider's re-let stock however this had been slow due to low turnover. New provision (unless bought off the shelf) would have a time lag whilst suitable property was identified, feasibility work undertaken, funding put in place, technical issues resolved (i.e. Planning for conversions) and works undertaken. In addition, direct lets by the Council via the Private Sector and their Agents were being investigated in the absence of available Registered Providers stock being available.

Whilst some Registered Providers were comfortable with a Management Agreement and Licence arrangement as set out in the February 2019 Cabinet report, some Registered Providers currently did not want to enter these arrangements and had been advised to request a Lease arrangement rather than a Management Agreement / Licence. There were advantages to Lease arrangements in that they allowed the Council to have a legal interest and more formal arrangement in the property, ability to be flexible to meet the circumstances for each property and landlord, manage risks and be clear / limit liabilities such as repairing obligations. The lease could be structured to suit the requirements of the Council and the Registered Provider/Private Sector partners required this arrangement. The same arrangement could be achieved in a Management Agreement.

It was recommended that authority be given to enter into Lease arrangements for those Registered Providers and Private Sector partners who required this form of Agreement to proceed when making property available for the Council's requirements. Prior to entering into a lease with a Registered Provider and Private Sector partners, early involvement with Estates would ensure that Heads of Terms were agreed, which for example would include ensuring the rent could not be increased substantially, from which TMBC Legal would ensure that the proposed lease with partners met with the Council's requirements.

The current position on registered provider's and private providers approached to identify remaining properties was outlined in the report.

## **RESOLVED**

**That it be agreed to amend the approval given by Executive Cabinet in February 2019 to allow for 17 tenancies for the Transition Support Service under a Management Agreement, to be obtained by entering into lease arrangements with RPs and Private Providers where required, subject to the Head of Legal being satisfied with the terms, and the Director of Growth confirming in each case that the tenancy represents value for money whether under a Management agreement or lease.**

*At this juncture, Councillor Cooney left the meeting during consideration of the following item of business, having declared a prejudicial interest as a member of the Board of Ashton Pioneer Homes, and took no part in the discussion nor decision thereon.*

### **101. ENVILLE HOUSE, RICHMOND STREET, ASHTON**

Consideration was given to a report of the Executive Member, Finance and Economic Growth / Director of Growth, which explained that the Council entered into a lease agreement for nil consideration with Northern Counties Housing Association Limited (now The Guinness Partnership) on 15 February 1999 in respect to the subject property, Enville House.

Members were informed that the property was initially used as a 'Single Men's' Hostel and the Council limited the user clause as per the lease agreement. The Guinness Partnership discontinued use of the property in 2017 and it had been vacant since with areas falling into disrepair.

The lease was for a term of 99 years from the date of the agreement and expired on 14 February 2098 with 78 years remaining. The Guinness Partnership secured funding (via the Housing Corporation at the time) and used this together with their own capital monies to convert and refurbish the property to ensure that it was fit for purpose in accordance with the terms of the lease.

In accordance with the lease, the Guinness Partnership agreed a number of user clauses summarised in the report, which have been in breach since the property has been vacant.

The Council were contacted by Ashton Pioneer Homes ('APH') in 2017 to advise that the property was vacant and that they were seeking to take an assignment of the lease from the Guinness Partnership with a view to convert the property into 8 self-contained flats that would be available for affordable rent. Ashton Pioneer Homes advised that they had agreed to acquire the leasehold interest held by the Guinness Partnership for the equivalent of £335,000.

This sum was understood to consist of:

- £200,000 Homes England grant liability relating to the initial refurbishment; and
- A direct payment of £135,000 from APH to The Guinness Partnership representing a proportion of their outstanding book value after the Homes England grant liability.



In addition, Ashton Pioneer Homes had advised that they would intend to invest a further £483,839 in converting and refurbishing the property. The conversion costs would be funded using APH's own resources as the Homes England subsidy would not be available for the project.

In order to support the transaction in addition to providing consent to the assignment, the Council had been asked to accept a surrender of the remaining 78 year lease term and grant a new lease term of 125 years. Furthermore, as the current lease restricted the use of the property to a 'Temporary Housing Hostel for homeless single men', it would be necessary for the Council to widen the user clause to permit the property to be used for affordable rent.

Ashton Pioneer Homes had suggested that in January 2018, they engaged with the Council and that they believed that the Council would consent to the assignment and similarly allow a surrender and renewal to take place subject to legal and financial due diligence. Whilst any positive feedback provided by the Council was without prejudice, and required Council Governance it had become apparent that Ashton Pioneer Homes had spent a considerable amount of time and resource in progressing the transaction at their own risk.

Following review of the proposed transaction, the Estates Service agreed that whilst the principles of the proposed transaction were practical in respect of restoring use of a vacant property, there were several complex matters that were not considered or had been discussed between the parties, details of which were provided in the report.

Ashton Pioneer Homes had constructed a proposed transaction to which the Council had agreed in principle, however the following options also needed to be considered and agreed in order to ensure that the options were properly considered and a decision was made in the best interests of the Council, considering the implications extending beyond the property transaction. On the assumption that The Guinness Partnership would comply with a surrender of their lease under terms other than that proposed by Ashton Pioneer Homes, the Council would likely consider the following options:

- Transfer the freehold interest in the property to APH at market value;
- Advertise the Freehold property on the open market;
- Retain the property for operational use; and
- Proceed with APH's proposal and grant consent to the assignment of the lease from The Guinness Partnership to APH with an extension to 125 years and widen the user clause with a premium payable to the Council.

#### **RESOLVED**

- (i) That consent be provided to an assignment of the leasehold interest between The Guinness Partnership and Ashton Pioneer Homes; and**
- (ii) That the lease be re-gearred upon assignment to reflect the current market value, to extend the term and to widen the user clause for a total premium of £47,500 payable to the Council.**

#### **102. URGENT ITEMS**

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

**CHAIR**