

Minutes of **Executive Cabinet**

Meeting date **Thursday, 16 June 2022**

Members present: Councillor Alistair Bradley (Chair), Councillor Peter Wilson (Vice-Chair) and Councillors Alistair Bradley, Peter Wilson, Beverley Murray, Terry Howarth, Alistair Morwood and Adrian Lowe

Officers: Gary Hall (Chief Executive), Chris Sinnott (Deputy Chief Executive), Asim Khan (Director (Customer and Digital)), Mark Lester (Director (Commercial Services)), Chris Moister (Director (Governance)), Louise Mattinson (Director of Finance), Jonathan Noad (Director of Development and Place), Darren Cranshaw (Shared Services Lead Democratic, Scrutiny and Electoral Services), Nina Neisser (Democratic and Member Services Officer), Laura Barton-Williams, Simon Charnock, Andrew Daniels and Rachel Salter (Strategic Lead for Future Investments)

Other Members: Councillors Aaron Beaver, Julia Berry, Sam Chapman, Mark Clifford, Alan Cullens, Danny Gee, Tom Gray, Michelle Le Marinel, June Molyneaux, Jean Sherwood and John Walker

1 Minutes of meeting Thursday, 24 February 2022 of Executive Cabinet

Decision: That the minutes of the Executive Cabinet meeting held on 24 February 2022 be confirmed as a correct record for signature by the Executive Leader.

2 Declarations of Any Interests

There were no declarations of any interests.

3 Public Questions

There were no public questions.

4 Equality Framework

Councillor Bradley, Executive Member (Economic Development and Public Service Reform) presented the report of the Director of Change and Delivery which presents the Equality Framework to Executive Cabinet for approval.

The purpose of the framework is to set out the methods of embedding equality into the processes and practices of the Council. It firmly sets the foundations for the Council, as a community leader, in proactively spearheading equality, diversity, and inclusion. An equality framework is an essential means of meeting the Council's statutory duties as, under the Equality Act 2010.

The equality policy was last refreshed in 2016. The proposed Equality Framework reflects the council's most up to date approach towards equality and diversity as an organisation as well as best practice for local authorities.

Members discussed the link with the procurement strategy and recognised that this did not directly impact the Framework. An impact assessment will be undertaken as part of the procurement exercise. The council also has a Social Value Policy in place.

Decision: To approve the Equality Framework as a shared policy document.

Reasons for recommendations:

1. To ensure we continue to meet our statutory duties under the Equality Act 2010 as a local authority,
2. To update and set out a clear equality framework that reflects the development of shared services enabling a consistent approach,
3. To continue to strengthen the Council's commitment and advancement of equality

Other options considered and rejected:

The equality policy was last refreshed in June 2016. Continuing with the existing Equality Scheme has been considered. This has been rejected on the basis that, whilst comprehensive, the current policy does not reflect our most up to date approach towards equality and diversity as an organisation as well as best practice for local authorities.

5 Revenue Budget Outturn 2021/22

Peter Wilson, Executive Member (Resources) presented the report of the Director of Finance which sets out the provisional outturn for revenue and reserves for the Council for the year ended 31st March 2022. The accounts are still subject to external audit and adjustments may be required which will be reported in future monitoring reports.

In summary, there is an underspend against the budget for 2021/22 of £0.224m. Subject to the £150k allocation to reserves, there will be an increase in General Reserves, of £74k. The Council's Medium-Term Financial Strategy reported that the minimum level of general fund reserves should be maintained at £4.0m to cushion against any potential, future financial risks that may face the Council. The level of general fund balances as at 31st March 2022, based on the above, will be £4.131m.

Members noted the £42k overspend in relation to Gypsy and Roman Traveller Encampments (GRTs) and recognised the high associated finance and resource costs. It was suggested that the solution to this requires a multifaceted approach which would be discussed further. Members also discussed recovery of the leisure centres following Covid.

Decision:

- 1. To note the 2021/22 provisional outturn for revenue and the level of reserves at 31st March 2022.**
- 2. To note the virements made to and from the revenue budget, which have been previously reported over the course of the year and are as detailed in Appendix 2 of the report.**
- 3. To approve an increase in the Planning Appeals reserve of £150k to fund expenditure such as legal costs in this area.**

Reasons for recommendations:

To ensure the Council's budgetary targets are achieved.

Other options considered and rejected:

None.

6 Capital and Balance Sheet Outturn 2021/22

Peter Wilson, Executive Member for Resources presented the report of the Director of Finance which outlines the outturn financial position of the Council in respect of the capital programme at 31 March 2022, highlighting key issues and explaining key variances, and to provide an overview of various elements of the Council's Balance Sheet at 31 March 2022.

The capital budget for 2021/22 was set at £38.1m at Council in February 2021. This was increased following approval of the 2020/21 outturn to £46.2m. The monitoring report as at 31st July 2021 increased the total budget to £46.6m. This was reduced to £42.6m in the quarter two monitoring report and reduced further to £28.6m at quarter three. Members noted that the total cost of the Council's capital investment programme for 2021/22 has decreased since the quarter 3 monitoring report approved by Cabinet, from £28.6m to £23.9m as at 31st March 2022.

Decision:

- 1. To approve the revised capital programme as attached at Appendix A, which includes approved amendments to the programme, detailed at point 11 and 12 of this report, since the last Capital Monitoring report was approved by Cabinet in February 2022. Two items are to be approved within this report:**
 - £46k increase to Health Hub – Whittle Surgery to reflect the final costs of this scheme.**
 - £104k Chorley Adaptation Grant to reflect an increase in the grant funding allocation to the Council.**
- 2. To note the variations to the programme (which are detailed by scheme at Appendix B and referenced within the body of the report);**
- 3. To note the position in the Balance Sheet monitoring section of the report, in respect of cash, investment and loan balances and debtors, at 31st March 2022.**

Reasons for recommendations:

To ensure the Council's Capital Programme is monitored effectively.

Other options considered and rejected:

None.

7 Quarter Four Performance Monitoring Report 2021/22

Councillor Peter Wilson, Executive Member (Resources) presented the report of the Director of Change and Delivery which sets out the performance against the delivery of the Corporate Strategy and key performance indicators during the fourth quarter of 2021/22, covering 1 January 2022 to 31 March 2022.

The overall performance of key projects is good with 71% rated as green, 21% classified as not started, and one 7% rated as amber. Action plans for those projects rated amber are set out within the report.

Performance of the Corporate Strategy indicators and key service delivery measures continues to be closely monitored, with 71% of Corporate Strategy measures and 67% of key service delivery measures performing on or above target or within the 5% threshold.

Members noted the initial scoping sessions with partners to take forward the development of a data and intelligence solution and discussed how data can be used to ascertain how public services are delivered in different urban and rural areas/wards in order to understand where the council is delivering its service and investing money.

Decision: That the report be noted.

Reasons for recommendations:

To ensure the effective performance monitoring of the Corporate Strategy and safeguard its delivery across 2022/23.

Other options considered a rejected:

No other options have been considered or rejected. This is because the report does not present any items for decision.

8 Allocation of CIL - Wigan Lane Playing Field

Councillor Alistair Morwood, Executive Member (Planning and Development) presented the report of the Director of Planning and Development which seeks approval to amend the Infrastructure Funding Statement and approve the allocation of Community Infrastructure Levey monies (CIL) funds to Wigan Lane Playing Field.

A procurement exercise was undertaken between April 22 and May 22 to appoint a contractor to deliver the new pavilion and associated infrastructure at the Wigan Lane Playing Field Sports Facility. The estimated cost of the build was below £500k. Nine bids were received and the lowest was £150,000 over the allocated budget.

Members noted that the budget in place is £628,000 however the required budget following the consultation is £798,000. This leaves a deficit of £170,000. Sport England are proposing to fund an extra £50K towards the project. The overall deficit is proposed to be covered by £120,000 CIL.

Decision:

To approve to amend the Infrastructure Funding Statement and approve the allocation of Community Infrastructure Levy monies for £120,000 for the construction of a sports facility with associated infrastructure at Wigan Lane Playing Fields.

Reasons for recommendations:

To allocate the CIL Infrastructure Fund in the way it is intended and ensure the methodology of how it is allocated is transparent.

Other options considered and rejected:

The project has been tendered and the tenders came in over the anticipated budget. The total budget deficit is £170,000 and funding has also been sought from external funders to make up the total deficit. No other options were considered.

9 Streetscene Strategy 2022-2025

Councillor Adrian Lowe, Executive Member (Customer, Streetscene and Environment) presented the report of the Director of Customer and Digital which presents the new Streetscene Strategy for 2022-2025.

The strategy builds on the previous Streetscene Modernisation Strategy from 2017-2020, which focused on improving processes and dealing with specific operational challenges as outlined in the report. The previous strategy has delivered several successful outcomes for the council and has improved performance and productivity. Steady progress was made across the three-year period of the strategy which means that a review of service indicators in July 2021 increased the service targets from 80% to 85%.

The proposed strategy presents the core principles for the Streetscene Strategy alongside a draft action plan which sets out the expected service delivery work over the next three years. This is an evolving strategy and will be reviewed annually in line with the business planning process to ensure that service delivery remains in line with council priorities and aspirations. Ongoing dialogue with local parish councils will also contribute to the delivery of the strategy as it evolves.

Members welcomed the survey and discussed the wildflower planting and biodiversity programme which has reduced the resources required for scheduled maintenance and grass cutting. It was agreed that Members would be provided with specific information on how much the resources required have been reduced and where the savings generated from this have fallen. Members also discussed the consultation extension for Parish Councils and expressed concerns regarding an increase in the number of weeds.

Decision:

- 1. That the report be noted, and the new strategy is approved.**
- 2. That following initial engagement and feedback from parish councils on the Streetscene Strategy, the approval of the strategy is delegated to Executive Member Decision.**

Reasons for recommendations:

To ensure that the Streetscene service is fit for purpose, making best use of resources, and managing and meeting customer expectations.

Other options considered and rejected:

To extend the timeline of the existing strategy and continue its delivery. As the modernisation of the service has delivered significant transformation to the service, and the council's aspirations for Streetscene have now changed, it is considered that a new strategy is required in order to continue to develop and improve the service.

10 Exclusion of the Public and Press

Decision: To exclude the press and public for the following items of business on the grounds they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

11 Levelling up Funding Bid

Councillor Alistair Bradley, Executive Member (Economic Development and Public Service Reform) presented the report of the Chief Executive which seeks approval on the submission of a levelling up funding bid and the proposed levelling up funding scheme.

Decision:

- 1. To approve the submission of a levelling up funding bid.**
- 2. To approve the scheme to be submitted for the levelling up funding bid.**
- 3. To acknowledge that a minimum 10% match funding contribution of £2 million is required for inclusion in the levelling up funding bid and that proposals for future budget requirements, depending on the outcome of the bid, will be provided to Council in a separate report.**
- 4. To acknowledge that costs to develop the funding will be taken from the £125,000 capacity funding which is being provided to the Council by government.**

Reasons for recommendations:

To ensure that the Council fully maximises the funding opportunity as this is the final round of Levelling up Funding being offered by Central Government.

Other options considered and rejected:

1. To not submit a funding bid has been rejected as the funding contribution will support significant town centre regeneration.
2. Deferring the approval would mean the funding bid would not be submitted in time for the application submission date of 6 July 2022 at 12 noon.

12 Accommodation Project Update and Procurement Approval

Peter Wilson, Executive Member (Resources) presented the report of the Deputy Chief Executive which provides an update on the accommodation review project as part of the Workplace Strategy 2021-2024 and seeks approval of the procurement route for architectural and interior design services consultants, delegation of award decision for architects and other design consultants.

Decision:

- 1. To note the report and update on the accommodation review project and links to the Workplace Strategy and estimated costs of the project.**

2. **Approval to proceed with procurement of architectural and interior design services consultants utilising a Framework agreement (Fusion 21) and a further competition for architectural and interior design services consultants to be appointed.**
3. **To approve that the evaluation of tenders to be based on 50% cost and 50% quality in line with the Fusion 21 Framework rules, including 5% quality question in relation to social value.**
4. **To approve the delegation of award decision to the Executive Member (Resources) once proposals received, evaluated and the preferred consultant selected.**

Reasons for recommendations:

1. To enable the progression of the projects to transform the Town Hall and White Hart buildings supporting the aims of the council's Workplace Strategy, architectural and interior design services consultants are required to support the council in its decision making and the project as a whole.
2. A further competition via the Fusion 21 framework is recommended in order to appoint architectural and interior design services consultants to ensure that best value can be obtained.

Other options considered and rejected:

1. Internal resource has been considered. However due to internal staff skills and the nature of the project, an external architectural and interior design consultant to support the project fully and act as lead designer is a more feasible option in this instance.
2. A direct award via the Fusion 21 Framework to AEW Architects has been considered as AEW Architects have worked on the project up to this stage. However, to achieve best value the recommendation is to carry out a further competition and invite bids via the Fusion 21 Framework.

13 Lease Approval for Strawberry Meadows

Peter Wilson, Executive Member (Resources) presented the report of the Director of Commercial Services which seeks approval to delegate approval of Heads of Terms to the Executive Member (Resources) and Director (Commercial Services) which will allow the legal process to flow more quickly upon officers agreeing draft terms with tenants.

Decision:

1. **To delegate approval for leases under £100k to the Director (Commercial Services) in consultation with the Executive Member (Resources) where the rents achieved are within the parameters of the approved revenue model**
2. **To delegate approval for leases over £100k to the Executive Member (Resources) through an EMD where the rents achieved are within the parameters of the approved revenue model**
3. **To approve the draft terms agreed with KA Distribution and delegate minor changes to the lease for KA Distribution to the Director (Commercial Services) in consultation with the Executive Member (Resources)**
4. **To set the initial management revenue budget at £80,000 per annum for Strawberry Meadows. This will be recovered from tenants through a Management Fee.**

5. To approve the method of applying increases to the Management Fee as September CPI +1%

Reasons for recommendations:

To expedite the occupancy of the 33 newly constructed light industrial units approval is sought to delegate approval of Heads of Terms to the Executive Member (Resources) and the Director (Commercial Services) which will allow the legal process to flow more quickly upon officers agreeing draft terms with tenants

Other options considered and rejected:

1. If all leases with a value exceeding £100k over the term were to come to Executive Cabinet for approval it will impact upon the speed at which tenancies can be signed up and essentially may go elsewhere if their business decision is time dependent.
2. There are a significant number of leases for the new development to consider all at once with some terms changing as tenant requirements change and delegated approvals allows officers to be more responsive.

14 West Way Play Area Contract Award Procedure

Councillor Alistair Morwood, Executive Member (Planning and Development) presented the report of the Director of Planning and Development which seeks approval for the procurement approach and evaluation criteria for the appointment of a contractor to deliver a new play area at West Way Sports Hub. Such approval is required under the High Value Procurement Procedures for contracts over £100,000. Approval is also sought to delegate the contract award to Executive Member Decision.

Decision:

- 1. To approve the proposed procurement methodologies and evaluation criteria for the building contract comprising a single stage open tender with suitability questionnaire / 100% quality evaluation and the use of the JCT design and build form of building contract.**
- 2. To approve the omission of the social value element of evaluation.**
- 3. To approve the delegation of the contract award to Executive Member Decision.**

Reasons for recommendations:

1. The use of an open tender process, with a quality element and design and build contract is the most effective way of delivering best value for the project within the constraints of the budget.
2. The nature of the procurement is unlikely realise sufficient social value to justify the standard minimum evaluation weighting in respect of Social Value.
3. Delegation of the contract award to Executive Member Decision will limit the amount of time required between tender submission and contract award and subsequently reduce the risk of materials/labour prices increasing due to inflation and a volatile market.

Other options considered and rejected:

1. Due to the need to procure a design and construction of the play area a design and build contract with a fixed budget and open tender creates maximum competition but also gives as much price certainty as is possible in the current market.

2. The inclusion of social value evaluation criteria was considered, however, due to the nature of design and build play contracts of a similar value (further details provided below), the omission of the standard social value minimum weighting is considered to be the preferred approach.

15 Approval for the Contract Award Procedure and Evaluation Criteria to Procure Mechanical Sweepers

Councillor Adrian Lowe, Executive Member (Customer, Streetscene and Environment) presented the report of the Director of Customer and Digital which seeks approval for the procurement of four replacement mechanical sweepers and for the award of contract to be delegated to the Executive Member for Resources.

Decision:

To approve the contract award procedure to procure four mechanical sweepers. Tenders will be evaluated to establish the most economically advantageous tender based on 80% cost and 20% quality.

Reasons for recommendations:

1. Four mechanical sweepers are required to ensure service delivery for street cleansing teams and support delivery of the corporate strategy project.
2. Executive Cabinet approval is required for tenders over £100,000 in line with Council procurement rules.
3. Joint procurement with South Ribble Council is sought to benefit from economies of scale.

Other options considered and rejected:

The option to further extend the existing lease agreements on these has been rejected to avoid increased maintenance and downtime impacting on performance.

Chair

Date