

Executive

Minutes of the meeting held on Wednesday, 15 January 2020

Present: Councillor Leese (Chair)

Councillors: Akbar, Bridges, Craig, N Murphy, Ollerhead, Rahman, Stogia, and Richards

Also present as Members of the Standing Consultative Panel:

Councillors: Karney, Leech, M Sharif Mahamed, Sheikh, Midgley, Ilyas and Taylor

Apologies: Councillor S Murphy and S Judge

Also present: Councillors: Rawlins

Exe/20/1 Minutes

To approve as a correct record the minutes of the meeting on 19 December 2019.

Exe/20/2 Martyn's Law - Improving Venue Security

Martyn Hett was one of the people murdered in the Manchester Arena terrorist bombing attack on 22 May 2017. Martyn's mother, Figen Murray, has been campaigning since then to improve the security at event venues. She has campaigned for the introduction of "Martyn's Law", legislation to create a coherent and proportionate approach to protective security for venues. The law would apply to any place or space to which the public had access. For small venues this might simply require an addition to their already mandated fire plan, for bigger more complex venues it would require a more holistic approach. It consisted of five core requirements:

- that spaces and places to which the public have access engage with freely available counter-terrorism advice and training;
- that those places conduct vulnerability assessments of their operating places and spaces;
- that those places mitigate the risks created by the vulnerabilities;
- that those places have a counter-terrorism plan; and
- a requirement for local authorities to plan for the threat of terrorism.

A report from the Strategic Director Neighbourhoods explained that the government has undertaken a review of opportunities to use existing legislation to achieve these requirements and had accepted that there was no single piece of legislation that would encompass all of the proposals contained in Martyn's Law. It would require new primary legislation to be passed and enacted.

Whilst primary legislation would take some time and was beyond the Council's control, the report explained that within the Council there had been an assessment of

the existing powers available to the Council that would present the opportunity to strengthen or amend to support the proposal.

In the absence of any specific legislation the Council was not able to require licensed venues to put in place all measures advocated in Martyn's Law. However, the Council could implement a degree of control through the Licensing Policy with the potential to introduce policies that sought to place specific counter-terrorism conditions when new licences were granted by the Council, or when license variations were approved. All licensing applications would still need to be considered on their individual merits and such conditions could only be implemented where a relevant representation had been made or the applicant volunteered them as part of their application. Premises operators could also voluntarily seek to incorporate new conditions and there would be merit in engaging with the license trade to encourage that. To progress this the existing suite of 'model' licensing conditions was being revised to incorporate specific counter terrorism measures, including a requirement for a counter-terrorism plan to be in place with associated staff training.

Figen Murray addressed the meeting. She said that the law, if enacted, would not be burdensome for venues to comply with, contrary to some media reports about it. She expressed her thanks and gratitude for the way the Council was striving to implement the provisions of Martyn's Law within the existing powers.

The report explained that whilst the process for new 'model' conditions was relatively informal there would need to be a short public consultation before they were presented to committee for approval. As this work was already underway it could be concluded within the next few months. The suggested model conditions were to be put to a meeting of the Licensing Committee in the next week, on Monday 20 January 2020.

To incorporate counter terrorism related measures into the Licensing Policy would require a full statutory review, involving a protracted and lengthy process. Therefore, any changes through a review were unlikely to come into effect until 2021.

Officers would now explore how the principles of Martyn's Law could also be voluntarily implemented locally through participating licensed premises. There was also a desire to seek to coordinate similar actions across Greater Manchester, and work on that would continue.

There were no direct implications set out in the report on how the proposals would contribute to the Council's response to the declared climate emergency.

Decisions

1. To endorse the work to date to support the work progressing to improve public safety and security.
2. To endorse the proposed changes to licensing conditions and to require that these are presented to Licensing Committee at the earliest opportunity.

Exe/20/3 Statement by the Chief Executive on the publication of Greater Manchester Mayor, Independent Assurance review of the effectiveness of multi agency responses to child exploitation in Greater Manchester

Following a number of public statements in respect of Child Sexual Exploitation (CSE) across Greater Manchester in September 2017 the Greater Manchester Mayor commissioned an independent assurance exercise to explore the current and future delivery models across the conurbation in response to CSE. The Council had supported the commissioning of that review. Within the scope of the assurance exercise had been the decision making and practice in respect of Operation Augusta, a CSE investigation which had run between 2003 and 2005. The findings of the Mayor's review had been published on 14 January 2020. The Chief Executive told the meeting that the published report made for painful reading. It had concluded that many young people who had been in care had been exploited and abused. The police investigation into the abuse had been halted before prosecutions had been brought.

The review report concerned a period some 15 years ago when in many other towns and cities across the country child sexual exploitation was an emerging issue. Senior Council officers had fully engaged with the review and had worked proactively both within the Council and also with Greater Manchester Police from early in the review period. A new live investigation into the alleged offences had opened last year designated as 'Operation Green Jacket'. The Council had welcomed the reopening of the investigation.

The Council had carefully reviewed the records of the children identified in the assurance review report and, where social work practice has fallen short of what was expected, had taken action and referred individuals to the Health and Care Professions Council (HCPC) to consider their 'fitness to practice'. Four former staff members had been so referred. The sharing with the independent review of the sensitive personal data in the Council's case files had not been straightforward, and facilitating that in a lawful way had taken some time.

The Leader of the Council apologised to the young people who he said had been let down by the Council in that period. The Executive Member for Children's Services explained how the Council's now worked in multi-agency partnerships to safeguard young people. The Executive Member for Adult Health & Wellbeing explained the support arrangements that were in place to help the victims and survivors of that abuse and exploitation, all of who were now adults. It was also anticipated that the publication of the review report would see other people coming forward who were not in the cases considered by the review but who had also been abused at that time and who were now seeking support.

The meeting thanked all those who had been involved in supporting the review, and who were now helping with the new 'Operation Green Jacket'. The Director of Children's Services gave details of the progress the Council has made in this area and the outcomes of independent reviews, Ofsted inspections and a positive recent focus visit undertaken on 10th and 11th December 2019.

Exe/20/4 Statement on the proposed closure of Newall Green High School, Wythenshawe

It was announced that the multi-academy Trust that runs Newall Green High School in Wythenshawe had agreed with the Department for Education that the school would commence consultation on a proposal that the school should close. It would close to all but the current Year 10 in 2020/21, and finally close when that Year 10 had left school in the summer of 2021/22. All learners who were at present in Year 7 to Year 9 would need to transfer to another school in September 2020, with no new Year 7 admissions to Newall Green in September 2020. The "Listening Period" of the consultation was to run until 11 February, with it anticipated that the Secretary of State would take a decision on the closure on 24 February.

The Executive Member spoke of the harm the closure would do to the school's current pupils as well as its impact on the local community. He felt neither of those had been sufficiently considered within the Trust's decision making. The school had been improving in the last few years and there were not enough free places in other schools to accommodate all the pupils.

The meeting was addressed by Councillor Rawlins, a ward councillor for the Baguley ward where the school is situated. She was concerned that there would not be enough space in other schools in the area to admit all the pupils who would be forced out when the school closes. She also felt that the impact of the proposed closure on local families and the wider local community had not been considered; if it had then the school would not be closing. The school buildings were in a good condition. She hoped that the Council would oppose the closure of the school.

The Leader of the Council confirmed that the Executive would support the campaign to keep the school open, which was welcomed and endorsed by the other members of the Executive.

Exe/20/5 Greater Manchester's Clean Air Plan - Tackling Nitrogen Dioxide Exceedances at the Roadside - Update

In February 2018 we had noted the emerging content of the Draft Clean Air Plan and the GM Mayor's Congestion Plan (Minute Exe/18/022). The origin of that work had arisen from the Government's approach to improving air quality. In July 2017, the Government had published its latest plans to improve air quality and to achieve compliance with legislation across the country. Under that plan a number of local authorities were required to produce Clean Air Plans containing measures to address the Nitrogen Dioxide (NO₂) problem in their area. Included in that were seven authorities in greater Manchester: Manchester, Bolton, Bury, Salford, Stockport, Tameside and Trafford. A further direction was issued in 2018 that related to a further 33 local authorities, including Oldham in Greater Manchester. Whilst Rochdale and Wigan Councils were not compelled to act through a ministerial Direction, they each agreed to participate in the Greater Manchester-wide approach under the leadership of the Greater Manchester Combined Authority. On this basis, Greater Manchester's collective approach to develop a city-region wide Clean Air Plan had been accepted by government, and consequently no further ministerial Directions had been issued.

A letter from the Minister in January 2019 required GM's collective Outline Business Case to address NO₂ be submitted to Government by end of March 2019. To that end, in March 2019 we adopted the feasibility study that had been undertaken and approved the Outline Business Case (OBC) for submission to the government's Joint Air Quality Unit (JAQU) (Minute Exe/19/29).

A report now submitted by the Strategic Director (Growth and Development) provided an update on progress made over the rest of 2019. The OBC had been submitted to Government at the end of March 2019. Ministerial feedback was received in July 2019 along with a further direction under the Environment Act 1995 which required all ten of the GM local authorities to take steps to implement a plan to deliver compliance with the requirement to meet legal limits for NO₂ in the shortest possible time. That Ministerial Direction and accompanying letter proposed some significant amendments to GM's OBC proposals, including the implementation of a charging Clean Air Zone Class C without a van exemption until 2023. It required the local authorities to jointly submit to JAQU by 2 August 2019 revised evidence, and a Full Business Case (FBC) by 31 December 2019 at the latest. The Ministerial letter had set out that the GM plan should continue to proceed towards developing the implementation and contract arrangements of a charging Clean Air Zone in Greater Manchester and that the Government would provide an initial tranche of £36m of funding to take this forward.

The report explained why it had not been possible to provide the FBC to the government at the end of 2019. The GM Authorities had sought clarification on the 2019 Ministerial Direction and the accompanying ministerial letter, questioning the government's lack of assurances of financial support. The GM response to the Minister had outlined GM's approach to the requests for further options analysis, and detailed the issues that would be faced in preparing to comply with the Minister's timetable for the FBC and statutory consultation, as well as the further options appraisal information that had been requested by 2nd August 2019. It explained that to respond to the 2 August deadline, GM had provided JAQU with 29 draft technical reports and notes. Those title and purpose of each of those draft notes were detailed in the appendix to the report. Given the government's timetable, these notes had been submitted in draft form and authority was now sought to make their final submission to the JAQU.

The uncertainties over the Ministerial Letter and Direction had prevented the GM authorities from undertaking the statutory consultation that was required as part of the development of the FBC, and so had slowed down the rate of progress since March 2019. The report explained that the intention was for the GMCA to work on the timing of the consultation over the coming months.

There was also other preparatory work that was needed to maintain momentum, such as work on automatic number plate recognition (ANPR) cameras, back office systems and service providers. Authority was sought for these preparatory implementation and contract arrangements, utilising the initial tranche of £36m of funding.

The report explained that the Clean Air Plan aimed to reduce emissions from the most polluting vehicles in the city. It would have an important secondary benefit of reducing carbon emissions. As part of that there was a need for officers to develop a business case and funding strategy for submission to government to allow the city to have a zero-emission bus fleet as quickly as possible.

The report also addressed two other issues of concern that would impact on the reduction of gas NO₂ and CO₂ emissions from vehicles. The first was that Highways England had not been directed to tackle NO₂ exceedances in the same way as the GM local authorities, which could result in areas within Greater Manchester that were adjacent to the trunk roads managed by Highways England still having NO₂ levels that were too high. The second was the concerns raised by Greater Manchester's residents about the polluting effects of idling vehicles. It was stressed that action by government on anti-idling would help improve air quality around schools.

It was noted that the report had also been considered at a recent meeting of the Neighbourhoods and Environment Scrutiny Committee and the committee had endorsed its recommendations (Minute NESC/20/07).

Decisions

1. To note progress made to date.
2. To note the ministerial direction under the Environment Act 1995 (Greater Manchester) Air Quality Direction 2019 which requires all ten of the Greater Manchester local authorities to implement a charging Clean Air Zone Class C across the region.
3. To agree the need to continue to proceed towards developing the implementation and contract arrangements of a charging Clean Air Zone (CAZ) in Greater Manchester utilising the initial tranche of £36m of funding as required by the ministerial direction and feedback.
4. To delegate authority to Chief Executive, in consultation with the Executive Member for the Environment, Planning and Transport to determine the preparatory implementation and contract arrangements that needed to be undertaken utilising the initial tranche of £36m of funding to deliver the CAZ and other GM CAP measures.
5. To note that the report to determine the timings for commencing the consultation will be received in the Spring of 2020.
6. To note the outstanding need to secure a clear response from the Government on clean vehicles funding requests.
7. That officers work with TfGM to develop a business case and funding strategy for submission to Government to deliver a zero carbon bus fleet as quickly as possible, noting the urgent need to reduce carbon emissions from transport and to reduce NO₂ exceedances.

8. To note that Highways England had not been directed to act in relation to tackling NO₂ exceedances in the same way as the Greater Manchester local authorities, and that this will leave some publicly accessible areas of GM adjacent to trunk roads managed by Highways England, with NO₂ exceedances that are not being addressed by the Highways England plan.
9. To delegate authority to Chief Executive to agree the final content and submission of the documents listed in the report's appendix for formal submission to JAQU and note their Publication status, and to determine any further technical reports for formal submission to JAQU.
10. To note that the Executive member for the Environment, Planning and Transport will co-sign a letter from the GM Authorities to the Secretary of State for Transport asking them to bring forward the launch of a statutory consultation to strengthen rules on vehicle idling.

Exe/20/6 Local Plan Issues Consultation

A report was considered that sought approval for the consultation on the first stage in developing a new Local Plan for Manchester. The "Issues Consultation" would be the first part of the consultation and would set out key issues to inform the scope and content of the new local plan. Later stages of consultation would provide opportunities for more detailed consultation on individual policy areas. A draft copy of the "Manchester Core Strategy / Local Plan Review - Issues Consultation (February 2020)" document was appended to the report.

The intention was for the Council's target to achieve a zero carbon Manchester by 2038 to feature as a strategic matter in the Local Plan, central to the plan. The consultation proposals would include issues that would have a direct bearing on successfully meeting that zero carbon target.

Decisions

1. To approve the Issues Consultation document to be consulted on for a period of eight weeks from 7 February 2020.
2. To delegate approval to the Strategic Director (Growth and Development) in consultation with the Executive Member for Environment, Planning and Transport to agree any editorial amendments and the finalisation of the Issues Consultation document prior to its issue for consultation.

Exe/20/7 Financial Strategy - 2020/21 Budget

A report submitted by the Deputy Chief Executive and City Treasurer set out the budget position for 2020/21 based on the outcome of the Provisional Local Government Finance Settlement. The report described the issues that would need to be taken into account prior to the Council finalising the budget and setting the Council Tax for 2020/21. By making carbon reduction a key consideration in the Council's

planning and budget proposals, the proposed 2020/21 budget was also to respond to the climate emergency that the Council had declared (Minute CC/19/52).

Due to the announcement of a one-year spending round by government, the City Council was intending to publish a single year budget for 2020/21 only. It would, however, continue to plan for a three-year position based on the best information available.

The earlier version of this report that had been considered by the scrutiny committees had forecast a small surplus of £256k for the 2020/21 budget (minutes HSC/20/02, RGSC/20/02, NESC/20/04, CESC/20/02, ESC/20/02 and CYP/20/03).

That version had been based on the information available at the time that report was prepared including the government funding announcements in the September Spending Round; the technical provisional settlement consultation released early October; the forecast changes to spend including the impact of expected increases to the National Living Wage, pension contribution costs, the waste levy and other pressures; and identification of savings and efficiencies to support the overall financial position.

In developing the 2020/21 budget net savings of £2.837m had been identified as follows:

| | 2020/21 Savings Options Identified £000 | 2020/21 Pressures/ Priorities Identified £000 | Net savings options supporting bottom line £000 |
|------------------------------|--|--|--|
| Homelessness | (1,000) | 1,000 | 0 |
| Corporate Core | (3,449) | 2,872 | (577) |
| Neighbourhood Services | (2,324) | 754 | (1,570) |
| Growth and Development | (690) | 0 | (690) |
| Total Savings Options | (7,463) | 4,626 | (2,837) |

The details underlying each of these savings proposals were set out in an appendix to the report.

The report then outlined the key changes to the financial situation since the scrutiny committee version of the report had been prepared. The announcement of the 2020/21 Local Government Provisional Finance Settlement had been in late December 2019. The funding level announced in that was largely a roll-over settlement with some inflationary increases and specific increases for Social Care. The provisional settlement had confirmed all of the announcements in the 2020/21 Spending Round and the report explained all the key elements and changes that had been in the announced settlement. The government was assuming that the City Council would increase the council tax precept by 3.99%, made up of a general precept element of 1.99% and the specific social care precept element of 2%. However, the eventual increase to Manchester residents might be higher as it would also include any changes to the Greater Manchester Mayoral precept and the Police precept.

The impact on the Council's financial position of the recent budget announcements was broken down as follows:

| Impact of recent budget announcements | 2020/21 £000 |
|--|-------------------------|
| Additional New Homes Bonus Grant | (662) |
| Revised Inflation on Settlement Funding Assessment | 165 |
| Revised Inflation on Public Health Funding | 36 |
| Updated Statutory National Living Wage from 1 April 2020 | 550 |
| Net change | 89 |

These changes would still enable a balanced budget to be achieved for 2020/21, with the forecast surplus dropping to £167K, as follows:

| Budget Position 2019/20 (Latest) and 2020/21 (Proposed) | 2019/20 £'000 | 2020/21 £'000 |
|--|--------------------------|--------------------------|
| Resources Available: | | |
| Business Rates Related Funding | 314,653 | 327,866 |
| Council Tax | 166,507 | 169,852 |
| Other non-ring fenced Grants | 65,752 | 66,735 |
| Dividends, Commercial Income and Use of Airport Reserve | 62,390 | 62,890 |
| Use of other Reserves | 12,859 | 21,481 |
| Total Resources Available | 622,161 | 648,824 |
| Resources Required: | | |
| Corporate Costs: | | |
| Levies/Charges | 69,990 | 71,327 |
| Contingency | 850 | 994 |
| Capital Financing | 44,507 | 46,907 |
| Transfer to Reserves | 18,393 | 1,595 |
| Sub-Total Corporate Costs | 133,740 | 120,823 |
| Directorate Costs: | | |
| Additional Allowances and other pension costs | 10,030 | 9,580 |
| Insurance Costs | 2,004 | 2,004 |
| Directorate Budgets | 474,124 | 505,730 |
| Inflationary Pressures and budgets to be allocated | 2,263 | 10,520 |
| Sub - Total Directorate Costs | 488,421 | 527,834 |
| Total Resources Required | 622,161 | 648,657 |
| Shortfall / (surplus) | 0 | (167) |

This was not likely to be the final position proposed in February as further changes were anticipated. These included

- Confirmation of the redistribution of the surplus held in the national levy account in 2019/20, which should be confirmed in the final settlement.
- Public Health allocations were yet to be confirmed. The Spending Round had announced a real terms increase to the Public Health Grant budget, expected to be 2.63%, an increase of £1.328m.

- The Spending Round had also announced a additional £40m funding for Discretionary Housing Payments to tackle affordability pressures in the private rented sector in England and Wales. The allocation of that fund to individual authorities were yet to be announced.
- The Conservative Party General Election manifesto had announced £500m funding for a Potholes Fund and an allocation from that was anticipated.

Given these uncertainties there was no assurance that the final budget would retain the small surplus. The Executive agreed to recommend that any projected surplus would be used to improve the physical environment.

It was confirmed that the Council would be consulting on increasing the City Council element of the Council Tax by 3.99%, 1.99% plus the 2% for social care. It was intended that all the additional revenue raised by that extra 2% would be allocated to investing in learning disability support services.

The report outlined the future stages of the budget's development leading up to the budget and Council Tax setting meeting of the Council on 6 March 2020.

Decisions

1. To agree the proposals in this report as the basis for the 2020/21 budget.
2. To note that the financial position has been updated to reflect the provisional Local Government Finance Settlement issued on 20 December 2019.
3. To note that the detailed budget reports were considered by the six Scrutiny Committees over the period 7-9 January, setting out the investment and savings proposals for each Directorate.
4. To note that the full suite of budget reports would be presented to the Executive meeting on 12 February 2020.
5. To recommend that any projected surplus would be used to improve the physical environment.

Exe/20/8 Capital Programme Update

A report concerning requests to increase the capital programme was submitted. The report explained that all capital projects were reviewed throughout the approval process with regard to the contribution they can make to Manchester being a Zero-Carbon City. Projects did not receive approval unless the contribution to this target was going to be appropriate.

We agreed to recommend three changes to the Council and to make a further two changes under delegated powers. These changes would increase the capital budget by £21.534m across 2019/20 to 2021/22, funded from borrowing, government grants and capital receipts.

It was also reported that under powers delegated to the Deputy Chief Executive and City Treasurer, there had been three other changes to the capital programme: £60K in relation to the Exchange Square Water Feature Refurbishment; £106K that related to Levenshulme Active Neighbourhood work; and £250K in relation to FC United.

The report also provided a progress report on the development of the Integrated Hub in Gorton (Minute Exe/17/056). The project had been designed to RIBA Stage 4 and the cost plan has been market tested. The site had been assembled and cleared, and the scheme had secured planning permission. The project budget was now £19.636m.

Decisions

1. To recommend that the Council approve the following three changes to Manchester City Council's capital programme:
 - a) Children's Services – Special educational needs and disability (SEND) Expansions. A capital virement of £0.866m is requested from Education Basic Need Unallocated, funded by Government Grant.
 - b) Neighbourhoods – Abraham Moss Leisure Centre. A capital budget increase of £7.249m in 2021/22 is requested funded by borrowing, and revenue budget increase of £0.210m, funded by Capital Fund.
 - c) Children's Services – Acquisition of Land at Hyde Road. A capital budget increase of £13.169m is requested, initially funded by borrowing.
2. To approve the following two changes to the City Council's capital programme:
 - d) Children's Services – Ghyll Head. A capital budget increase of £1.116m is requested, funded by capital receipts.
 - e) ICT – Data Centre Programme Additional Funding Request. A capital budget virement of £0.450m is requested from the ICT Investment Plan, funded by borrowing.
3. To note increases to the programme of £0.416m as a result of three changes to the programme made under powers delegated to the Deputy Chief Executive and City Treasurer.
4. To note update on Integrated Working - Gorton Health Hub project.