

AA1

THE CABINET

MEETING, 2ND OCTOBER, 2023

Councillor Mrs. Thomas	Adults, Health and Wellbeing
Councillor N. Ayub	Culture
Councillor Haworth	Regulatory Services and Property
Councillor Jiva	Stronger Communities
Councillor Donaghy	Children's Services
Councillor Silvester	Climate Change and Environment
Councillor Khurram	Planning, Highways and Housing

Other Members in Attendance

Councillor Chadwick
Councillor Mistry
Councillor Mort
Councillor Cox
Councillor Morgan
Councillor Webb (as
deputy for Councillor Mrs.
Fairclough)
Councillor Hayes
Councillor Grant

Officers

Ms. S. Johnson	Chief Executive
Mr. J. Dyson	Director of Place
Ms. H. Gorman	Borough Solicitor
Mr. T. Glennon	Borough Treasurer
Mr. P. Whittingham	Assistant Director Economic Development and Regeneration

AA2

Mr. D. Lowe	Assistant Director of Highways and Engineering
Mr. M. Kay	Head of Planning
Mr. A. Chalmers	Principal Development Officer (Planning)
Mrs. V. Ridge	Democratic Services Manager

Apologies for absence were submitted on behalf of Councillors Mrs. Fairclough, Fielding, Peel, Sanders and Zaman.

Councillor Mrs. Thomas in the Chair.

11. MINUTES

The minutes of the proceedings of the meeting of the Cabinet held on 14th August, 2023 were circulated and signed as a correct record.

12. MINUTES OF THE MEETING OF THE GREATER MANCHESTER COMBINED AUTHORITY

The minutes of the meeting of the Greater Manchester Combined Authority held on 28th July, 2023 were submitted for information.

Resolved – That the minutes be noted.

13. BOLTON COUNCIL/NCP CAR PARKING CONTRACT (PARTNERSHIP ARRANGEMENTS)

The Director of Place submitted a report which set out proposals for 'writing off' the debt accrued by NCP during the Covid-19 pandemic and adjustment of the Guaranteed Revenue Payment (as required under the Contract) for the period 2023/2024.

Members were advised that Bolton Council worked in partnership with National Car Parks Ltd (NCP) to operate the multi-storey car parks at the Octagon, Topp Way and Deane Road and surface car parks on Ashburner Street and the

AA3

Octagon. NCP also managed the maintenance and cash collection for the on street pay and display terminals located in Bolton. The contract was originally signed in 2009 and the initial term of the contract was for 35 years with an option to extend by a further 15 years.

It was explained that within the contract there was a requirement for NCP to make payments to the Council by way of a Guaranteed Revenue Monthly Payment of £79,398.90 plus VAT. There was also an annual inflation uplift of RPI. When the contract was first signed, the Guaranteed Revenue Payment (GRP) was £55,000.

The report informed members that during the period March 2020 to present, use of the multi-storey car parks was significantly impacted due to national and local Covid-19 restrictions and patronage had not yet returned to pre-pandemic levels. As a result, NCP had experienced long periods where the car parks had either been closed, or operational but empty and had suffered a significant loss of income. During this period NCPs account with the Council had moved into arrears and as of August, 2023 the outstanding debt was £3,844,819.40.

In view of the above, the Council had been in discussions with NCP since February, 2022 to address the arrears in payment from the Covid-19 period and to resolve the significant losses that they had suffered through continued operation of the market. It was stated that the debt was due to non-payment of the GRP throughout this period and in the spirit of partnership, NCP had requested that this be reduced by 50% for the period 1st March, 2020 to 31st January, 2022. This equated to £888,024.82 (VAT inclusive) or £740,020.69 before VAT was applied. It was proposed that this be written off against our existing bad debt provision and the VAT element amount would be reversed into the Authority's VAT account.

In addition, NCP were also seeking to take the GRP back to the 2009 payment of £55,000 per month until the end of March, 2024. If agreed the overall debt write off (or income foregone) would be as follows:-

AA4

Period	Amount	VAT	Total
	£	£	£
1.3.20 – 31.1.22	740,020.69	148,004.14	888,024.83
1.2.22 – 31.3.23	199,973.34	39,994.67	239,968.01
1.4.23 – 31.3.24	292,786.84	58,557.37	351,344.21
	1,232,780.87	246,556.18	1,479,337.05

In conclusion, members were advised that the debt write off would be funded by a dedicated bad debt provision that had been previously made. It was pointed out that bad debt provision was not the same as Council reserves, these were the revenue surpluses generated at the end of the financial year held on the balance sheet to fund future liabilities or pressures. Therefore the Council set aside a ring-fenced provision to manage the debt write off. For 2023/2024, reduction in GRP, should it be agreed, would be treated as a reduction of in-year income.

Resolved – (i) That the request to write off debt for the period March, 2020 to March, 2023, as detailed in the report, be approved.

(ii) That the request to reduce monthly Guaranteed Revenue Payments for the financial year 2023/2024, as detailed in the report, be approved.

(iii) That the request to return to the contractual Guaranteed Revenue Payments as set out in the contract from April, 2024 be approved.

(iv) That the Borough Solicitor be authorised to carry out all any necessary legal formalities.

(In accordance with Article 5 of the Council’s Constitution this decision was subsequently called in by Councillor

Grant for consideration by the Place Scrutiny Committee at a date to be determined)

14. PLACES FOR EVERYONE MODIFICATIONS CONSULTATION

The Director of Place submitted a report which updated members on the progress of Places for Everyone Plan: A Joint Development Plan Document for 9 Greater Manchester (GM) Local Authorities (Places for Everyone Plan) and also sought approval for proposed modifications to the plan.

Members were reminded that up until December, 2020 a joint development plan document of the ten GM local authorities was being prepared, known as the Greater Manchester Spatial Framework. However, decisions taken by Stockport Council in December, 2020 signalled the end of the joint plan and, as a result, the remaining nine GM authorities decided to progress to a joint plan of nine and this became known as 'Places for Everyone' (PfE).

The report advised that at its meeting on 20th July, 2021, members of the Places for Everyone (PfE) Joint Committee recommended the PfE plan (and its supporting background documents) to the nine authorities for 'Publication' for an 8 week period for representations. The 'Publication' stage consultation ran from 9th August until 3rd October, 2021 and over 15,000 representations were duly made, by over 3,800 individuals and organisations. It was explained that all duly made representations, together with the Regulation 19 PfE plan, supporting background documents and a number of reports (including details of the consultation that took place, summaries of the main issues raised and the nine authorities responses to those issues) were submitted to the Secretary of State in February, 2022. This was called the 'Submission' stage and marked the beginning of the independent examination into the plan.

Members were informed that the examination was the final stage in the plan making process and following submission of a plan, the Inspector(s) took control of the examination process from start to finish and their role was to examine whether the

AA6

submitted plan met the tests of the soundness as defined in the National Planning Policy Framework (NPPF) and met all the relevant legislative requirements, including the duty to co-operate.

The report stated that the examination hearing sessions started at the beginning of November, 2022 and sat for 12 weeks and in addition to the Preliminary Questions (PQs) and Matters, Issues and Questions (MIQs), the Inspectors issued 'Action Points' (Aps) regularly throughout the duration of the sitting weeks. In these they asked the PfE authorities to prepare modifications to policies, which related to the detailed wording of the policies and in respect of the allocations, involved clarification of how the allocation policies linked to the thematic policies within the plan. With the exception of two sites, one in Salford and one in Manchester, the Inspectors did not recommend the removal of any allocations although, in a small number of cases, they did recommend the amendment of allocation boundaries.

It was also explained that as requested by the Inspectors, all the proposed main modifications were compiled into a main modifications schedule and in Bolton's case the final modifications documents for this consultation were published on 22nd September, 2023. Whilst there were a large number of proposed modifications, including amending the plan period from 2020 to 2037 to 2022 to 2039, they did not change the overall Vision, Objectives and Spatial Strategy of the plan. The Inspectors considered that the proposed modification to the Plan period was necessary to make the plan sound to ensure that, in line with Government Policy, the PfE Strategic policies looked ahead over a minimum 15 year period from adoption and thus provide sufficient policy framework for the individual local plans which would follow on from the PfE's adoption.

The report also provided information in terms of the overall aims of the plan and also for Bolton specifically in relation to the following areas, viz:

- Spatial Strategy;
- Jobs;

- Homes;
- Environment;
- Brownfield land preference; and
- Green Belt.

In terms of the next steps, members were advised that following conclusion of the consultation, the representations received would be forwarded to the Programme Officers along with a report listing all of the representations; a summary of the main issues raised; and a brief response, on behalf of the nine districts, to those main issues. The Inspectors would then consider all the representations made on the proposed Main Modifications (MMs) before finalising the examination report and the schedule of recommended MMs. If the Inspectors considered that no further consultation was necessary following the modifications consultation, the ultimate decision to adopt must be taken by each of the Full Councils of the nine participating local authorities. This would be subject of a further report at the appropriate time.

Resolved – (i) That the progress made in respect of the Places for Everyone Plan (PfE) be noted.

(ii) That the PfE modifications (Main, Additional and those relating to policies map) and associated supporting background documents be subject to a period of representations for a period of 8 weeks commencing no earlier than 9th October, 2023.

(iii) That the next steps for the production of the PfE Plan, as detailed in the report, be agreed.

15. UPDATE TO JOINT COMMITTEE GOVERNANCE ARRANGEMENTS FOR THE YORKSHIRE PURCHASING ORGANISATION (YPO)

The Executive Cabinet Member for Regulatory Services and Property and the Director of Corporate Resources submitted a report which sought member's approval to sign a revised Management Agreement which set out the governance arrangements for the Yorkshire Purchasing Organisation (YPO)

AA8

Joint Management Committee following a review of governance and recommendations for approval.

Members were advised that YPO had operated as a Joint Committee since its inception in 1974 and under the governance structure in the current Management Agreement since 2010. The Management Agreement, and any changes to it, required the agreement of each member authority through a formal resolution in their own council, along with a resolution to delegate contracting authority to the functional role of Managing Director of YPO.

It was stated that in 2021 the YPO Management Committee Members agreed a review of the governance structure and operating practices of the YPO Joint Committee to ensure that they were fit for purpose to deliver the recently approved 3-5 Year Strategy and to optimise benefits for member authorities in the future.

In view of the above, a Working Group of a Founder Member strategic officers was formed to review current joint committee governance structures and documents and, in conjunction with officers from YPO and Wakefield Council as the Lead Authority, to submit proposed changes for consideration by members. As a result, a number of changes to operating practices and to governance structures and the associated documents in which they were specified were proposed and these were submitted to the March 2022 Management Committee for consideration discussion prior to requesting formal approval. In July, 2022 Management Committee formally approved the proposals and resolved to recommend them for approval at each authority.

The report summarised the proposed changes and also the full details were provided in the YPO report and minutes which were outlined in Appendix 2 to the report.

Resolved – (i) That the proposed changes to the Yorkshire Purchasing Organisation Management Committee be noted.

(ii) That the Executive Cabinet Member for Regulatory Services and Property be given delegated authority to sign an updated Management Agreement on behalf of the Council noting that all Member Authorities must also agree before the revisions take effect.