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CABINET

16/10/2023 at 6.00 pm



Oldham
Council

Present: Councillor Shah (in the Chair)
Councillors Ali, Brownridge, Dean, Goodwin, F Hussain, Jabbar,
Mushtaq and Taylor

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

2 **URGENT BUSINESS**

There were no items of urgent business for this meeting of the Cabinet to consider.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

A question was received from Councillor Quigg:

There have been several concerns raised already about the preliminary ecological appraisal for the Oldham sites in the Places for Everyone plan.

In recent correspondence the Leader of the Council advised that the preliminary ecological appraisal was carried out in accordance with the broad principles of the Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines. Under the CIEEM guidelines, a preliminary ecological appraisal is broadly broken down into three phases:

1. An initial desktop survey is carried out.
2. Appropriate field surveys informed by the desktop survey.
3. A report that details the findings from the desktop and field surveys, which identifies the priority habitats present, records the likely presence of protected and priority species, and includes an evaluation of the potential impacts and necessary interventions.

In accordance with the CIEEM guidelines, the desktop survey recommended up to seven types of field survey for the site visit phase.

Therefore, is the Council able to tell us which of the recommended field surveys were carried out for the preliminary ecological appraisal, and provide any protected or priority species or habitats that were identified as present by the field surveys?

Also, whilst the forthcoming consultation is on the proposed modifications only, several of the modifications to policies affecting the Oldham sites relate to ecology, and therefore the soundness of the modifications can only be considered within the context of up-to-date and accurate ecological assessment.

Only the desktop survey was made available as part of the Places for Everyone plan evidence base, so will the Council commit to making the field survey reports available, to facilitate Council and public scrutiny of the site allocation modifications?

Councillor Taylor, Deputy Leader of the Council and Cabinet Member for Housing and Licensing replied: The proposed modifications to Oldham site allocation policies in PfE that are related to ecology have been proposed simply to ensure consistency across all the PfE site allocation policies and to avoid duplication of policy. The modifications referred to amend or remove the ecology criteria in the allocation policies where this would be a duplication of policy JP-G9 in chapter 8 of PfE. The modifications are not a result of concerns raised about the ecological evidence behind the proposed allocations.

Further to discussions at the examination hearings GMCA submitted a note explaining the ecology evidence used to inform the choice of allocations and contents of their respective policies. This note can be found on the examination website at PfE-Response-to-IN24-AP91-Ecology-ISSUED.pdf (hwa.uk.com) and sets out that:

- It is considered that the ecological evidence published on the GMCA website represents relevant, up-to-date, adequate and proportionate evidence on ecology.
- It has suitably and robustly informed the choice of allocations and the contents of site allocation policies in the plans.
- Whilst PfE does allocate some land with environmental or amenity value, the evidence has enabled this to be kept to a minimum and ensured that the most important ecological assets have been identified for inclusion in allocation policies.
- The evidence has enabled recommendations for likely mitigation and enhancement to be included within policies, where appropriate.
- The evidence provides appropriate justification for the thematic policies in the plan which include safeguards for protecting and enhancing ecological assets, and a requirement for development to achieve a net gain in biodiversity.

The Inspectors in their robust assessment of the Plan have considered the ecological evidence prepared to support the PfE allocations and in doing so have concluded that the proposed modifications are necessary to make the plan sound. Therefore, the issue of soundness being addressed by the modifications is not one related to the evidence, but whether the specific criteria previously proposed in allocation policies is necessary given JP-G9.

It is important to note that the full extent and distribution of priority habitats, and the presence of protected and priority can only be established by detailed species surveys, which are beyond the scope of the high-level Preliminary Ecological Appraisals considered necessary and proportionate for a plan such Places for Everyone (as outline in the aforementioned note prepared for the examination). Fully comprehensive surveys would be required to inform full planning applications. In the PEAs the Greater Manchester Ecology Unit have identified the likely presence of priority habitats on some sites, but they do not consider these to be of such high quality, or so extensive, so as to exclude sites from allocation. Proposals for mitigation and compensation measures for development can only be made when detailed development proposals come forward, not at

allocation stage when details of site layouts, quantum, scale and type of developments etc are unknown.

Therefore, given that the proposed modifications are not related to the ecological evidence, the field survey reports are not needed to facilitate Council and public scrutiny of the site allocation modifications.

5 **MINUTES**

Resolved:

That the Minutes of the meetings of the Cabinet held on 18th September 2023 and on 2nd October 2023, be approved as correct records.

6 **RUBRIK AIR GAP BACKUP SOLUTION**

The Cabinet gave consideration to a report of the Deputy Chief Executive, the purpose of which was to seek funding to procure a modern data protection service which is Cloud aware (to enable it to support our cloud migration strategy), able to effectively protect data against deletion or manipulation (immutability) and capable of interrogating data being backed up to identify and mitigate against potential threats (ransom/malware etc.).

Oldham Council's ICT service had investigated several options around a modern data protection solution based on the market leaders in this area (according to Gartner's Magic Quadrant) and identified Rubrik's 'Zero Trust Data Management' solution as the ideal candidate to replace the existing legacy backup product. Many Councils, particularly those hit with ransomware, have identified Rubrik as best placed to protect them moving forwards – Redcar and Cleveland were cited as being a significant relevant example, where they also conducted a detailed assessment of the market and then ultimately selected Rubrik.

The ultimate aims of the exercise were to reach the following outcomes:

- a. Improve the Council's ability to securely protect and recover Oldham Council data is a significant measurable improvement.
- b. Develop an ability to protect Cloud hosted services and data.
- c. Develop an ability to automatically interrogate data held in backups will allow a better understanding of the data type (for governance purposes) and identify potential dormant threats or malicious files.

The Rubrik platform will also uniquely allow the Council to identify where sensitive data is located within the business and would greatly enhance reporting of any breach that may result in regulatory fines and/or legal action. This would also increase the Council's security posture in meeting and exceeding the NCSC Cyber Assessment Framework.

Resolved:

That the Cabinet would consider the commercially sensitive information contained at Item 9 of the agenda before making a decision.

7 **CREATING A BETTER PLACE UPDATE**

The Cabinet gave consideration to a report of the Executive Director, Place and Economic Growth which presented a bi-annual update on the Creating a Better Place project.



It was reported that the Council and its partners were continuing to make significant progress on the delivery of the Creating a Better Place programme which would ultimately reshape Oldham Town Centre but which also reached out across the borough.

The submitted report sought to provide a comprehensive update on delivery achieved thus far, acknowledging the successes to date and establishing key milestones in respect of the flagship projects which sat across the programme.

Nationally it had been widely recognised that there were significant delivery challenges in respect of the delivery of major capital regeneration schemes. Those challenges related to a number of external factors which are often outside of the control of the Council. These included elements such as rising supply chain costs, inflation, labour market challenges and over-saturation of the commercial market.

Unfortunately, Oldham and the Creating a Better Place Programme had not been immune to those factors. The Executive Director's report therefore sought approval for the reprofiling of existing capital resource facilitating the continued delivery of the seven key schemes, which were set out in section 5.

In summary, Oldham had so far reached a pivotal point in respect of the Creating a Better Place programme with 'spades in the ground' and several significant transformational regeneration projects, which were scheduled to reach completion over the next couple of years. The Cabinet's report aimed to acknowledge and celebrate the successes to date whilst setting out an exciting journey over the coming year as the Council and partners worked towards realising the vision of Oldham *'being a great place to visit with lots of family friendly and accessible places to go'*.

Resolved:

That the Cabinet would consider the commercially sensitive information contained at Item 10 of the agenda before making a decision.

8

EXCLUSION OF THE PRESS AND PUBLIC

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following two items of business on the grounds that they contain exempt information under paragraphs 3 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.

RUBRIK AIR GAP BACKUP SOLUTION

The Cabinet gave consideration to the commercially sensitive information in relation to Item 6 – Rubrik Air Gap Backup Solution.

Resolved:

That Cabinet authorises the procurement of the Rubrik Air Gap system and migrate all Council data and backup requirements to the Rubrik solution, ceasing the use of the Commvault solution altogether; this approach providing the most comprehensive risk mitigation by covering all data and functions, ensuring the ability to promptly restore data and Council services.

CREATING A BETTER PLACE UPDATE

The Cabinet gave consideration to the commercially sensitive information in relation to Item 7 – Creating a Better Place Update.

Resolved:

1. That the Cabinet notes and approves the progress being made in relation to the Creating a Better Place Programme that supports revenue savings generated, progress towards the borough's carbon reduction targets, creation of new jobs, apprentice opportunities, new homes for Oldham's residents and increased social value.
2. That the Cabinet notes and approves the technical, legal and commercial recommendations for certain projects within Part B of the submitted report, as set out in the project profiles in Appendix B.
3. That the Cabinet approves reprofiling £12.630m from the Council's CaBP capital programme as set out in section 4, of the submitted report and with further detail within the project profiles in Appendix B.
4. That the Cabinet notes and approves the proposal to review the CaBP capital programme and risk assess each project against deliverability, contractual challenges to identify any potential opportunities to reduce prudential borrowing in order to save revenue (repayments) as part of the budget savings options.
5. The Cabinet notes and approves the delegation of approval to the Executive Director for Place and Economic Growth in consultation with the relevant portfolio holders and Directors of Economy, Finance and Legal for any further contractual, technical or financial decisions for the delivery of the CaBP projects referenced (all of which follow previous Cabinet approvals on the holistic detail and parameters for project delivery, contractual obligations and financial management).
6. That the cabinet notes and approves the delegation of approval to the Executive Director for Place and Economic Growth, in consultation with the relevant portfolio holders and Director of Finance, for reviewing and approving the results of the CaBP capital programme review to identify savings, as the results will be fed back to Cabinet and full Council, in due course, as part of the budget setting process for the next financial year.

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