

CABINET
27/01/2020 at 6.00 pm



Present: Councillor Fielding (Chair)
Councillors Chadderton, Chauhan, Jabbar, Mushtaq, Roberts,
Shah and Ur-Rehman

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF THE CABINET MEETING HELD ON 16TH
DECEMBER 2019**

RESOLVED – That the minutes of the Cabinet Meeting held on
16th December 2019 be approved as a correct record.

6 **CREATING A BETTER PLACE**

Consideration was given to a report of the Deputy Chief Executive which sought approval of a comprehensive vision and strategic framework for the Borough, 'Creating a Better Place'. The report provided details of the 'Creating a Better Place' vision which consisted of building more homes for residents, creating new jobs through Town Centre regeneration and ensuring Oldham was a great place to visit with lots of family friendly and accessible places to go.

At a strategic level, work had been undertaken over the last eighteen months including the revised Town Centre Vision, the Housing Strategy and a review of the Medium Term Property Strategy to provide an approach for the Council to support inclusive growth, thriving communities and the co-operative agenda.

Delivery of the ambitious programmes of work within 'Creating a Better Place' required efficient and effective systems and processes in place. Significant work had already taken place during 2019 to ensure the right resources were in place for robust, fit for purpose governance and effective delivery. Changes to the Council's Land and Property Protocols were also proposed to further strengthen governance.

Members were advised that funding for development and delivery of the programme would be in alignment with the Cabinet decision taken in December 2019 in support of the holistic programme to *Creating a Better Place* and in alignment with the Capital Strategy being proposed to Budget Council. Members noted that this was an enormous plan that was very exciting, with investment across the Borough. It was intended

that social value would be maximised, with 1000 new jobs and 100 apprenticeships, to skill up the people of Oldham for their future lives. This was a huge investment, using the Council's own capital and all projects would be subject to detailed due diligence before approval. The projects would also deliver income that could be used to improve other services. The projects would encourage young people to stay in Oldham and provide safe, warm, affordable homes that met their needs. The 2000 homes in the town centre would help make the Council's "Brownfield First" strategy a reality. These were financially sound initiatives that would deliver the Council's vision across the Borough.

Members asked that their thanks be passed to all the officers whose hard work had enabled this project to come forward.

Options/Alternatives considered:

The options/alternatives considered were set out in the report in the restricted part of the agenda.

RESOLVED – That the Cabinet would consider the commercially sensitive information contained at Item 15 of the agenda before making a decision.

7

GEOGRAPHICAL ALIGNMENT ACROSS PUBLIC SERVICES AT POPULATIONS OF 30-55,000

Consideration was given to a report of the Strategic Director of Reform which sought approval of 5 geographical footprints at populations of 30,000-50,000 that would align with key public services in the Borough including Primary Care Networks, Adult Health and Social Care Community providers, neighbourhoods police beats and housing management areas.

This meant that the full workforce, capacity, leadership and resources of all our public services did not align which ultimately limited the ability for public services to work in an integrated way to improve the lives of people and communities in the borough. This would ultimately lead to more responsive public services and prevent unnecessary demand being placed on public services in the long term.

This report asked the Cabinet to agree a preferred option for 5 geographical footprints at populations of 30-55,000 across the borough.

These 5 footprints would align the geographical footprints of Council Districts with that of key public services in the borough including Primary Care Networks (GPs), Adult Health and Social Care Community Providers, neighbourhoods police beats and housing management areas.

Members noted that, following approval by Cabinet, a report would be submitted to Full Council seeking an amendment to Article 10 of the Constitution to implement the introduction of 5 geographical footprints on which public services can work in a unified way.

Options/Alternatives considered:

Option 1 – Do not seek Geographical alignment.

Option 2 – Geographical alignment on 7 or 6 footprints.

Option 3 – Geographical alignment on 5 footprints close to primary care networks but using wards as building blocks as detailed within the report.

RESOLVED – That:

1. The geographical alignment on 5 footprints close to Primary Care Networks, using wards as building blocks as detailed within the report be approved.
2. A report be submitted to Full Council in March 2020 to amend Article 10 of the Constitution to reflect the geographical alignment changes in the Borough.

8

LOCAL DEVELOPMENT SCHEME UPDATE

Consideration was given to a report of the Deputy Chief Executive which sought approval of the updated the Council's Local Development Scheme (LDS) 2020.

The Council was required to prepare a Local Plan to ensure that the Borough had an up to date and comprehensive planning framework to support the Borough's economic, environmental and social objectives. The LDS was the project plan for the Local Plan which set out details and timetables in relation to the planning documents the Council would prepare including Oldham's Local Plan and incorporating site allocations and Greater Manchester's Plan for Homes, Jobs and the Environment. The update, (issue 10) would be effective from 28th January 2020 if Cabinet approved the document. The timetable set out at paragraph 2.7 of the report linked with that for the Greater Manchester Spatial Framework.

Options/Alternatives considered:

Option 1 – To update and publish the LDS.

Option 2 – Not to update and publish the LDS.

RESOLVED – That:

The revisions to the Local Development Scheme be approved and published with effect from 28th January 2020.

9

GREATER MANCHESTER'S CLEAN AIR PLAN - TACKLING NITROGEN DIOXIDE EXCEEDANCES AT THE ROADSIDE - UPDATE

Consideration was given to a report of the Director of Environmental Services which provided Members with details of the progress that had been made following the Government's response to Greater Manchester's Outline Business Case to tackle Nitrogen Dioxide Exceedances at the Roadside and the implications for the 10 Greater Manchester Local Authority in relation to the schedule of work and statutory consultation on the Clean Air Plan.

Following Ministerial feedback and the 2019 Ministerial Direction the Greater Manchester Authorities sought clarification on the 2019 Ministerial direction and the accompanying letter, questioning the Government's lack of assurances around financial support for the broader Greater Manchester Clean Air Plan, outlined Greater Manchester's approach to the requests for further option analysis and detailed the issues Greater



Manchester faced in preparing to implement the scheme in terms of the timetable for the Full Business Case and statutory consultation.

In the interests of the ongoing working relationship between the 10 Greater Manchester Authorities and the Government's Joint Air Quality Unit, in developing the Greater Manchester Clean Air Plan, a total of 29 draft technical reports and notes have been issued to the Joint Air Quality Unit and are subject to approval (Detailed in appendix 1 to the report).

The delay of over two months in receiving ministerial feedback on the Outline Business Case, compounded by the request for Greater Manchester to submit further options appraisal information had a material impact on the timetable for the Greater Manchester Clean Air Plan and consultation would now take place later than originally planned and a date could not be confirmed for the commencement of the consultation.

Despite the delay in undertaking the consultation, in view of the Ministerial direction Greater Manchester must continue to proceed towards developing the implementation and contract arrangements of a charging Clean Air Zone in Greater Manchester utilising the initial tranche of funding.

The commencement of a charging Clean Air Zone scheme and other measures were subject to consultation and to the Greater Manchester Authorities receiving the required government funding to enable them to meet the legal limits for nitrogen dioxide concentrations.

Officers would continue to work with the Joint Air Quality Unit to clarify Ministerial direction and Greater Manchester's legal obligations relating to the appraisal process, continue to secure a clear response from Government on the Council's clean vehicle funding asks and continue stakeholder engagement and awareness with groups and the general public, the scope of the Clean Air Plan.

Options/Alternatives considered:

Option 1 – Agree the recommendations as detailed within the report.

Option 2 – Not to agree the recommendations within the report.

RESOLVED – That:

1. The progress to date be noted.
2. 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 be noted.
3. Agree the need to continue to proceed towards developing the implementation and contract arrangements of a charging Clean Air Zone in Greater Manchester utilising the initial tranche of £36m of funding as required by the ministerial direction / feedback;
4. Authority be delegated to the Deputy Chief Executive in consultation with the Cabinet Member for Neighbourhood Services, to determine the preparatory implementation and contract arrangements that need to be undertaken utilising the initial tranche of £36m of funding to deliver

the CAZ and other GM CAP measures, as set out at paragraph 4.11 of the report.

5. The report to determine the timings for commencing the consultation will be received in the Spring of 2020.
6. The outstanding need to secure a clear response from the Government on clean vehicles funding asks be noted.
7. Highways England have not been directed to act in relation to tackling NO₂ exceedances in the same way as the Greater Manchester local authorities, and that this would leave some publicly accessible areas of GM adjacent to trunk roads managed by Highways England, with NO₂ exceedances that were not being addressed by the Highways England plan.
8. Authority be delegated to the Deputy Chief Executive, in consultation with the Cabinet Member for Neighbourhood Services, to agree the final content and submission of the documents listed in Appendix One for formal submission to Joint Air Quality Unit and note their publication status.
9. Authority be delegated to the Deputy Chief Executive in consultation with the Cabinet Member for Neighbourhood Services, to determine any further technical reports for formal submission to Joint Air Quality Unit.
10. The Cabinet Member for Neighbourhood Services would co-sign a letter from the Greater Manchester Authorities to the Transport Secretary asking them to bring forward the launch of a statutory consultation to strengthen rules on vehicle idling.

10

ROYTON TOWN HALL - SELECTION OF CONTRACTOR

Consideration was given to a report of the Director of Economy which sought approval of the progress of Royton Town Hall and Library into the next phase of contractor procurement.

The report provided details of the previously approved £2.9m of funding to deliver the refurbishment of Royton Town Hall and Library and a detailed design had been drawn up and a cost plan finalised meaning the Council would be able to tender the works.

As the cost of the works was over the threshold for a delegated decision, given the timescales of the project, approval was sought to delegate the procurement and award of the contract to the Director of Economy in consultation with the relevant Cabinet Member, S.151 officer and the monitoring officer.

Options/Alternatives considered:

Option 1 – To agree that delegation be given to the Director of Economy to procure, negotiate and award the contract.

Option 2 – Not to agree delegation be given to the Director of Economy to procure, negotiate and award the contract.

RESOLVED – That authority be delegated to the Director of Economy, in consultation with the Cabinet Member for Economy and Enterprise, the Cabinet Member for Finance, the Director of Legal Services and the Director of Finance to procure, negotiate, re-negotiate award and execute a main contractor for the works.

DISPOSAL OF LAND AT BLACKSHAW LANE, ROYTON

Consideration was given to a report of the Deputy Chief Executive, which sought approval to dispose of the Freehold Interest of land at Blackshaw Lane, Royton (Asset No: L02076). The land, shown edged red at appendix 1 to report had been designated as Phase 1 Housing allocation in the Joint Core strategy and Development Management Policies, Development Plan documents adopted in November 2011.

It was proposed to put the site back onto the open market and an outline planning application had been resubmitted. If this was approved, the land would be marketed with the benefit of any such consent.

Options/Alternatives considered:

Option 1 – Retain the land.

Option 2 – To dispose of the land on either a conditional or unconditional tender basis. As part of this option, authority to approve the preferred tender was recommended to be delegated to the Deputy Chief Executive in consultation with relevant Portfolio holder for Economy and Enterprise.

The tender would be based on the following:

- Freehold sale
- A 'Buy back' option with a deadline included if the site had not been developed within 3 years
- Payment of the Councils professional fees.
- A non-refundable deposit of 10% payable at the point of exchange of contracts which was to occur within six weeks of acceptance of the preferred tenderer's offer.

In the event the tender exercise was not successful due to a change in terms by the developer, officers can with the approval of the Deputy Chief Executive in consultation with the portfolio holder for Economy and Enterprise withdraw from negotiations and then re-tender the site or enter the site into the next available auction.

Option 3 – To dispose of the land at auction to be approved by the Director of Economy. The recommended terms of sale were:

- Freehold sale
- A 'Buy back' option with a deadline included if the site had not been developed within 3 years
- Payment of the Councils professional fees.

RESOLVED – That the Cabinet would consider the commercially sensitive information contained at Item 16 before making a decision.

DISPOSAL OF LAND AT WARD LANE DIGGLE

Consideration was given to a report of the Deputy Chief Executive which sought approval to extend the existing authority to dispose of land of Ward Lane Diggle and to include the Council's freehold interest in the disposal of the asset.

Following unsuccessful attempts to dispose of the asset, the report recommended a revised strategy for the sale of Ward Lane Diggle and to put the site back onto the open market on

the basis of a freehold disposal subject to, where possible appropriate safeguards to ensure that development proceeded.

Options/Alternatives considered:

Option 1 – Retain the land.

Option 2 – To dispose of the land on either a conditional or unconditional tender basis. As part of this option, authority to approve the preferred tender was recommended to be delegated to the Deputy Chief Executive in consultation with relevant Portfolio holder for Economy and Enterprise.

The tender would be based on the following:

- Freehold sale
- A 'Buy back' option with a deadline included if the site had not been developed within 3 years
- Payment of the Councils professional fees.
- A non-refundable deposit of 10% payable at the point of exchange of contracts which was to occur within six weeks of acceptance of the preferred tenderer's offer.

In the event the tender exercise was not successful due to a change in terms by the developer, officers can with the approval of the Deputy Chief Executive in consultation with the portfolio holder for Economy and Enterprise withdraw from negotiations and then re-tender the site or enter the site into the next available auction.

Option 3 – To dispose of the land at auction to be approved by the Director of Economy. The recommended terms of sale were:

- Freehold sale
- A 'Buy back' option with a deadline included if the site had not been developed within 3 years
- Payment of the Councils professional fees.

RESOLVED – That the Cabinet would consider the commercially sensitive information contained at Item 17 of the agenda before making a decision.

13

PFI - BLESSED JOHN HENRY NEWMAN COLLEGE HEATING IMPROVEMENTS

Consideration was given to a report of the Deputy Chief Executive which sought to update the Cabinet on the preferred option for implementing improvements to the heating system at the Blessed John Henry Newman College.

On 15 December 2010 a contract was agreed between Oldham Council and Oldham BSF Limited (PFI Contractor) to construct Blessed John Henry Newman College. Oldham BSF Limited (then owned by Balfour Beattie) completed construction in September 2012.

In 2016 Balfour Beattie sold its majority shareholding in Oldham BSF Limited to an investment fund within the Amber Infrastructure Group. Since the school opened in 2012, the day to day operational management of the school has been undertaken by Engie Limited (the Facilities Management subcontractor).

Following practical completion of the School in 2012, several building defects became apparent including:

- Issues with the heating system,



- Roof leaks in the atrium area,
- Inability to control temperatures in certain rooms due to a variety of factors.

Between 2015-2017, works have taken place to improve the heating system.

In late-2017, Oldham BSF Limited committed to undertake and finance remedial works to improve the heating system across the School.

In April 2019 the Council was informed that Oldham BSF Limited was no longer prepared to finance the works until the outcome of an adjudication with its subcontractors was known. The adjudication process was intended to establish liability for the rectification works.

At this time, the adjudicator's decision had been repeatedly delayed from summer 2019 to January 2020. The remedy of failing to rectify building defects and other performance shortfalls was by way of deducting monies from the monthly Unitary Charge that the Council paid to the contractor. To date, the Council has levied deductions in respect of the building issues and other service performance shortfalls.

The Council had commissioned an external contractor to carry out a full investigation to assist with implementing improvements to the heating system.

In December 2019 the Council set out its required expectations and actions of the PFI Contractor from January 2020.

The Council confirmed works had been carried out over the Christmas period and it was recognised this was a short-term solution and the longer-term solution required was detailed at Item 18 of the agenda.

Options/Alternatives considered;

Option 1 - Continue to monitor the contract and levy deductions where applicable.

Option 2 - The Council to prepare for implementing

improvements to the heating system using its own subcontractor

Option 3 - Issue a formal warning notice to the Contractor with a view to ultimately terminating the contract.

RESOLVED – That the Cabinet would consider the commercially sensitive information contained at Item 18 of the agenda before making a decision.

14

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 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.

15

CREATING A BETTER PLACE

The Cabinet gave consideration to the commercially sensitive information in relation to Item 6 – Creating a Better Place.

RESOLVED – That:

1. 'Creating a Better Place' as the comprehensive vision and strategic framework for the Borough be approved.
2. The proposed approach to accelerate delivery of new homes, new jobs, enhanced training, places to visit and ensure Oldham was a place for investment be approved.
3. The ambition to deliver 'Creating a Better Place' in ways that contribute to a reduction in carbon in support of the Green New Deal be approved.
4. All further recommendations as outlined within the commercially sensitive report be approved.

16 **DISPOSAL OF LAND AT BLACKSHAW LANE, ROYTON**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 11 – Disposal of Land at Blackshaw Lane.

RESOLVED – That:

1. Disposal of the Council freehold interest in land at Blackshaw Lane as edged red at appendix 1 to the report via a tender exercise be approved.
2. Authority be given to the Deputy Chief Executive in consultation with the Portfolio holder (Economy and Enterprise) to accept the highest tender received.

17 **DISPOSAL OF LAND AT WARD LANE DIGGLE**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 12 – Disposal of Land at Ward Lane Diggle.

RESOLVED – That:

1. Disposal of the Council freehold interest in land at Ward Lane Diggle as edged red at appendix 1 to the report via a tender exercise be approved.
2. Authority be given to the Deputy Chief Executive in consultation with the Portfolio holder (Economy and Enterprise) to accept the highest tender received.

18 **PFI - BLESSED JOHN HENRY NEWMAN COLLEGE
PIPEWORK REPLACEMENT**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 13 – PFI- Blessed John Henry Newman College Heating Improvements.

RESOLVED – That all recommendations as detailed within the commercially sensitive report be approved.

The meeting started at 6.00 pm and ended at 6.43 pm