

## ***CABINET Agenda***

Date Monday 27 January 2020

Time 6.00 pm

Venue Crompton Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

- Notes
1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Liz Drogan in advance of the meeting.
  2. CONTACT OFFICER for this Agenda is Liz Drogan Tel. 0161 770 5151 or email [elizabeth.drogan@oldham.gov.uk](mailto:elizabeth.drogan@oldham.gov.uk)
  3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Wednesday, 22 January 2020.
  4. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti social behaviour will always be filmed.

Any member of the public who attends a meeting and objects to being filmed for the Council's broadcast should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Members of the public and the press may also record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

### MEMBERSHIP OF THE CABINET IS AS FOLLOWS:

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

Item No

- 1 Apologies For Absence
- 2 Urgent Business  
Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest  
To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time  
To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of the Cabinet meeting held on 16th December 2019 (Pages 1 - 14)
- 6 Creating a Better Place (Pages 15 - 138)
- 7 Geographical alignment across public services at populations of 30-55,000 (Pages 139 - 150)
- 8 Local Development Scheme Update (Pages 151 - 224)
- 9 Greater Manchester's Clean Air Plan - Tackling Nitrogen Dioxide Exceedances at the Roadside - Update (Pages 225 - 242)  
Due to the size of the size of the appendices, hard copies will be available in the Group Rooms, Access Oldham and the Civic Entrance.
- 10 Royton Town Hall - Selection of Contractor (Pages 243 - 248)
- 11 Disposal of Land at Blackshaw Lane, Royton (Pages 249 - 256)
- 12 Disposal of Land at Ward Lane Diggle (Pages 257 - 266)
- 13 PFI - Blessed John Henry Newman College Heating Improvements (Pages 267 - 270)
- 14 Exclusion of the Press and Public  
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 1, 2 and 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 (Pages 271 - 362)



**Oldham**  
Council

- 16 Disposal of Land at Blackshaw Lane, Royton (Pages 363 - 372)
- 17 Disposal of Land at Ward Lane Diggle (Pages 373 - 382)
- 18 PFI - Blessed John Henry Newman College Pipework Replacement (Pages 383 - 392)

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**Present:** Councillor Fielding (Chair)  
Councillors Chadderton, Chauhan, Jabbar, Mushtaq, Roberts  
(from Item 15), 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 18TH  
NOVEMBER 2019**

RESOLVED – That the minutes of the Cabinet meeting held on  
18<sup>th</sup> November 2019 be approved.

6           **INCOME STRATEGY 2020/21 TO 2024/25**

The Cabinet gave consideration to a report of the Director of  
Finance which set out the Council's strategy for income  
generation for the next medium-term financial planning period  
(2020/21 to 2024/25).

The Cabinet were informed that the proposed Income Strategy  
set out in Appendix 1 of the report covered all material sources  
of revenue that financed day to day service provision including:

- Government Grants;
- Council Tax;
- Business Rates;
- Fees, charges and other contributions.

The Strategy also considered:

- Investment opportunities;
- Opportunities relating to traded services and other  
chargeable activities;
- The process for setting charges and collection  
efficiency.

Members noted that the Council's current Income Strategy  
covering the period 2018/19 to 2021/22 was approved by  
Cabinet on 18 September 2017. The impact of the recently  
published one-year spending round by HM Treasury together  
with the approval of key strategies covering housing, capital  
investment, property and commercial investment meant it had  
been necessary to refresh the Strategy. The Strategy had been  
developed with regard to the latest Chartered Institute of Public

Finance and Accountancy (CIPFA) guidance covering income generation and had also been rolled forward to cover the next financial planning period of 2020/21 to 2024/25.

Options/Alternatives considered:

- Option 1 – Approve the Income Strategy for Oldham Council for the period 2020/21 to 2024/25;
- Option 2 – Do not approve the Income Strategy for Oldham Council for the period 2020/21 to 2024/25 and suggest an alternative approach

RESOLVED – That the Income Strategy included at Appendix 1 of the report be approved.

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## **COMMERCIAL PROPERTY INVESTMENT STRATEGY**

Consideration was given to a report of the Director of Finance and Director of Economy, which sought approval for the updated Commercial Property Investment Strategy and to continue an Investment Fund to facilitate development of a robust, property and alternative investment portfolio in order to generate a sustainable future income stream to support the Council's mainstream service delivery.

The Cabinet was informed that the Council continued to be faced with an unprecedented financial challenge, with uncertainty around funding arrangements. This proposal, to revise the Commercial Property Investment Strategy (CPIS) and continue the Investment Fund, presented an opportunity to reduce this pressure by increasing revenue income to support the Council's budget, by way of additional income streams from the acquisition of new investment property assets and alternative investments.

Members noted that the Chartered Institute of Public Finance and Accountancy (CIPFA) had recognised that commercial investment was an option for Local Authorities for future financial sustainability and had revised their Prudential Code of Practice in 2018 to take into account these new initiatives.

CIPFA had also recently issued a document entitled "Prudential Property Investment" which provided guidance on the provisions in the Prudential Code that related to the acquisition of property intended to make investment returns. It clarified a range of issues including changes to statutory guidance. The CPIS had been prepared having regard to the revised Prudential Code and the most recent CIPFA guidance.

The Cabinet was informed that there were a number of ways in which the Council could deliver elements of the Commercial Property Investment Strategy, whether in-house, via a property vehicle company or through arm's length investment in a property fund. Since the adoption of the CPIS in 2017, management of the property estate had remained in-house and this was planned to continue in the short term, although the

strategy allowed for external professional advisors to be engaged.

It was recommended that specialist professional advice was secured as and when required. In addition, as it was possible that some of the acquisitions may be out of borough, geographically use of external resource including on-going property management, may be more appropriate. Any acquisition costs including specialist fees would be included within the business case.

Options/Alternatives considered:

- Option 1 - Do not agree the Strategy and reallocate funds within the Capital Programme.
- Option 2 - Agree the Strategy and continuation and increase of the fund.

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

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## **CREATING A BETTER PLACE**

The Cabinet gave consideration to a report of the Deputy Chief Executive People and Place which requested approval to revise the level of planned expenditure and investment within the Council's Capital Strategy and Programme, to support wider regeneration and investment ambitions. This would align to the emerging property strategy review 'Creating a Better Place' which aimed to deliver a balance between public sector projects, to meet the needs of the local community, and to support accelerated economic growth and thriving communities across the borough.

The Cabinet noted that Oldham Council was ambitious and bold, and it was on the cusp of an exciting programme of significant change, which was essential to achieve its wider objectives. Corporate land and property assets were critical to this agenda and therefore the previously approved Medium-Term Property Strategy (MTPS) had been reviewed as it needed to meet the scale of the change required.

Members were informed that this report set the framework for the Council's regeneration ambitions and there was much more to follow in the New Year.

At a strategic level, the review had confirmed that the property portfolio could be a catalyst for building new homes, creating job opportunities, re-skilling residents through new apprenticeship opportunities, and re-engaging communities and partners through property/estate co-location and collaboration.

New core areas of focus had been identified for property services through the MTPS, which incorporated key priority projects: Investments (direct and indirectly into property),

Housing, Regeneration (especially the Town Centre) and the Corporate Estate.



This required changes to be made to the governance arrangements, and service delivery structures to ensure the right resources were in place for effective and enhanced delivery across this programme.

Options/Alternatives considered:

- Option 1 - Do not agree the proposals
- Option 2 - Agree the proposals

RESOLVED – That the Cabinet would consider the commercially sensitive information contained at Item 19 of the agenda before making a decision.

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### **COUNCIL TAX TAX BASE AND NON-DOMESTIC RATES TAX BASE FORECAST 2020/21**

Consideration was given to a report of the Director of Finance which presented to Cabinet the Council Tax Tax Base and provisional Non- Domestic Rates (NDR) Tax Base forecast for 2020/21, which would underpin the forthcoming Council Budget and Medium-Term Financial Strategy scheduled for consideration at Budget Council on 26 February 2020.

The report also sought delegated authority to finalise the 2020/21 Non-Domestic Rates (Business Rates) forecast in order to reflect the information contained in the Local Government Finance Settlement for 2020/21 and up to date Non-Domestic Rates details, to be submitted to Central Government via the annual NNDR 1 return by the statutory deadline of 31 January 2020.

Additional approval was sought approval to delegate the final decision to join the pooling of Business Rates in 2020/21 with other Greater Manchester Districts, Cheshire East & Cheshire West and Chester Councils. Oldham had pooled Business Rates with neighbouring Authorities since 2015/16. The receipt of the Provisional Local Government Finance Settlement marked the start of a 28-day period for confirming Oldham's membership within the 2020/21 Business Rates Pool and the timing might not align with future Cabinet meetings.

Members were asked to note that the General Election of 12 December 2019 had affected the timetable for budget setting and related activities across all billing and precepting authorities. Delays to the publication of information such as the Provisional Local Government Finance Settlement might impact on billing authorities' ability to submit government returns (such as the NNDR 1) and notify preceptors of tax base information on or before normal statutory deadlines. This, in turn, might impact on the timetable for scrutinising and considering budget reports at Committees and meetings leading up to Budget Council planned for 26 February 2020.



Cabinet noted the report set out information on the Council Tax Tax Base for 2020/21 using the most up to date valuation list and all other information and estimates available.



The total number of chargeable properties included in the Council Tax Tax Base calculation in Oldham for 2020/21 was 95,071. This figure was reduced to 86,290.25 after allowing for discounts and exemptions and translated to the equivalent of 68,454 Band D properties. After applying adjustments for the Local Council Tax Support scheme offset by the additional charging for empty properties and an anticipated increase in the number of properties to be included in the valuation list over the forthcoming year, the number of Band D equivalent properties reduced to 59,446. The final Tax Base after the application of the anticipated collection rate of 97% was 57,663 which was an increase of 970 over the Council Tax Tax Base for 2019/20 of 56,693.

The 2020/21 Tax Bases for Saddleworth and Shaw and Crompton Parish Councils of 8,707 and 5,494 respectively, had been calculated using the same methodology.

Members were reminded that statute required local billing authorities to prepare and submit to the Ministry of Housing, Communities and Local Government (MHCLG) a locally determined and approved Business Rates forecast through the NNDR 1 return by 31 January each year. This forecast would be used to determine the 2020/21 “demand” and payment schedule for Business Rates between Oldham Council and the Greater Manchester Combined Authority. Being a participant in the Greater Manchester 100% Rates Retention Pilot Scheme (now extended by at least a further year until 31 March 2021) meant the Council no longer paid a share of Business Rates to Central Government. Instead, Oldham currently retained 99% of the income with 1% being paid to the Greater Manchester Combined Authority for Fire and Rescue services.

The estimated rating income for 2020/21 attributable to Oldham Council was currently £50.547m. Delegation was sought to enable the Business Rates forecast to be updated to take account of the 2020/21 Local Government Finance Settlement and up to date Non-Domestic Rates information, enabling the submission to Central Government of the annual NNDR 1 return by the statutory deadline of 31 January 2020 to Central Government.

Members noted that Oldham had pooled Business Rates revenues with other Greater Manchester districts and the two Cheshire Unitary Authorities since 2015/16 (Cheshire West & Chester joined the pool from 2016/17). The aim of pooling was to retain the benefits of any Business Rates growth within Greater Manchester for the benefit of the region. This report sought approval to continue these arrangements into 2020/21 (subject to the notification of the 2020/21 Local Government Finance Settlement).

Cabinet noted that traditionally, the Chancellor of the Exchequer delivered an autumn budget statement, which had been used to announce policy changes to the business rates system and Members had been provided with updates on those changes within previous tax base reports. However, due to the calling of the General Election for 12<sup>th</sup> December 2019, the Chancellor cancelled his autumn budget statement, meaning no national policy changes to the business rates system for 2020/21 had been proposed.

Significant changes were proposed for the Retained Business Rates system from 1 April 2021. Changes included:

- A move to 75% rates retention nationally (increased from 50%) and the likely ending of the Greater Manchester 100% rates retention pilot scheme;
- The resetting of business rates baselines which could see locally retained growth fully or partially taken away from individual local authorities and redistributed through the funding formula;
- The implementation of recommendations from the fair funding review which could also impact on business rates baselines and the calculation of tariff payments and top up grants (designed to equalise the difference between an authority's need for business rates revenue compared to what could be generated from local ratepayers);
- The revaluation of Business Rates leading to the national adjustment of rateable values and multipliers.

Options/Alternatives considered:

- Option 1 - The Council had little discretion in the calculation of the number of properties incorporated into the Council Tax Tax Base given the legislative framework that was in place. However, there was some discretion over-estimating the number of new properties that would be included on the Council Tax register during 2020/21. A prudent view had been taken in this regard. The main area for an alternative approach was over the level of assumed collection rate. An increase in the collection rate would boost the anticipated Council Tax income and a decrease in the rate would decrease income. The Council had chosen to maintain its 2019/20 collection rate at 97%. This decision had been influenced by a continuing and targeted focus on Council Tax collection rates.
- Option 2 - The NNDR1 return generated the figures upon which the Business Rates Tax Base was prepared. It was not therefore appropriate to consider an alternative approach. However, as the figures included on the NNDR1 return on 31 January 2020 may vary from the estimated level, delegation was sought to allow the opportunity to revise the Business Rates forecast and approve a revised and more accurate position for budget setting.

RESOLVED – That:

1. the following be approved:
  - a) The Council Tax Tax Base for 2020/21 at 57,663 Band D equivalent properties.
  - b) The latest estimate for 2020/21 Business Rates revenue that is attributable to Oldham Council as being £50.547m.
2. Cabinet noted the Tax Bases for Saddleworth and Shaw and Crompton Parish Councils of 8,707 and 5,494 respectively.
3. The decision to vary the final Business Rates forecast and hence the Business Rates Tax Base, be delegated if required, to the Deputy Leader and Cabinet Member for Finance and Corporate Services, in consultation with the Director of Finance.
4. The final decision of the Council's membership of the proposed Greater Manchester, Cheshire East & Cheshire West and Chester Councils Business Rates Pool or 2020/21 (subject to the information contained in the 2020/21 Local Government Finance Settlement) be delegated to the Deputy Leader and Cabinet Member for Finance and Corporate Services in consultation with the Director of Finance.

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## **SCHOOLS FUNDING FORMULA**

Consideration was given to a report of the Director of Finance which requested Cabinet to consider how the funding for Schools and Academies should be distributed in 2020/21, following the Government announcement in October 2019 regarding School Funding for 2020/21.

The report provided a breakdown of the Dedicated Schools Grant (DSG) for 2020/21 and provided information about the National Funding Formula (NFF) for the Schools and High Needs Blocks for Oldham. It also presented a recommended approach for the distribution of the Schools Funding Block of the DSG to Schools and Academies for 2020/21.

A preferred option (Model B) was presented, to move to the 2020/21 NFF cash values in full, except for the Area Cost adjustment where it was proposed that the factor applied in Oldham was reduced from 1.00535 to 1.00000. It was also proposed that there was a 0.5% movement of funding from the Schools Block to the High Needs Block, in order to ensure that the DSG (which is currently in a deficit position) could be managed, so that there was a balanced position over a three-year timeframe (in accordance with the requirements of the Recovery Plan submitted to the Department for Education (DfE)).

The report highlighted that the continued agreement of the Schools Forum to the proposed 0.5% movement of funds between the Schools and High Needs Blocks was essential. At its meeting of 27 November 2019, the Schools Forum voted to support the 0.5% transfer between blocks, in recognition of the

challenging financial position in relation to the High Needs Block and to show a positive movement towards delivering a DSG Recovery Plan.

Options/Alternatives considered:

- Option 1 – Adopt Model A;
- Option 2 – Adopt Model B

RESOLVED – That Model B outlined in the report be approved, which was a move to the 2020/21 NFF cash values in full except for the Area Cost Adjustment factor which was reduced to 1.00000, together with a 0.5% transfer of DSG funding between the Schools and the High Needs Funding Blocks.

11

## **RISK MANAGEMENT STRATEGY AND FRAMEWORK**

The Cabinet considered a report of the Head of Corporate Governance that proposed a refreshed Risk Management Strategy and Framework. They noted that, under the Financial Procedure Rules, Cabinet was responsible for approving any revision in the corporate risk management arrangements of the Council.

The Cabinet was informed that the Council produced a Corporate Risk Management Strategy and Framework, which was subject to regular review.

It was proposed that the existing Risk Management Policy be replaced with two separate documents i.e. Risk Management Strategy and a Risk Management Framework. The proposed Risk Management Strategy was a high-level document that set out the Council's strategic approach to risk management (Appendix 1). The proposed Risk Management Framework provided the detailed approach to risk management, including the risk matrix and risk appetite tables for measuring the level of risk and ensuring that risks were managed within the Council's risk appetite (Appendix 2).

The refreshed Risk Management Strategy and Framework was presented for review. Members noted that the matrix was now simpler, with fewer options and clear parameters.

Options/Alternatives considered:

- Option 1 – Consider and approve the revised Risk Management Strategy and Framework;
- Option 2 – Consider but not approve the revised Risk Management Strategy and Framework.

RESOLVED – That the refreshed Risk Management Strategy and Framework be approved.

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## **UPDATE ON THE OLDHAM HEALTHCARE ECONOMY**

Consideration was given to a report of the Director of Finance which presented a proposal to increase the Council's proposed contribution to the pooled budget managed via a Section 75

Funding Agreement which operated between Oldham Council and Oldham Clinical Commissioning Group (CCG). In addition to transferring budgets for existing services into the pooled arrangement, it was proposed to increase the Council's contribution by £5.9m in 2019/20. This would support the financial resilience plan of the CCG whilst it was undergoing transformation to achieve future efficiencies and in turn support the wider Oldham healthcare economy over the next four financial years. It was anticipated that the investment would be reversed and that the Council would then pay a reduced contribution into the pool between 2021/22 and 2023/24.

The report outlined the issues around the potential allocation of £5.9m of Oldham Council reserves to support the financial recovery plan of Oldham CCG in 2019/20 and support the wider Oldham healthcare economy benefiting all our residents.

The Cabinet were informed that, as the 2019/20 Section 75 Pooled Funding Agreement between the Council and the CCG was currently being reviewed, a revision to the phasing of previously anticipated contributions could be agreed. It was proposed that the use of reserves of £5.9m would increase the Council's contribution to the pooled budget for the financial year 2019/20, with reduced contributions from 2021/22 to 2023/24. This would allow the Council to put investment into the CCG so that the CCG could initiate work that could otherwise be delayed at this stage of the integration process. This would support the delivery of longer-term savings and efficiencies across the CCG, the Council and the wider Oldham healthcare economy.

Cabinet noted the CCG would subsequently contribute an additional £5.9m to the pool over the period 2021/22 to 2023/24, thereby enabling the Council to reverse the investments made and replenish reserves. The use of reserves in this way demonstrated the great progress made with regards to integration and how this was of benefit to the people of Oldham.

Options/Alternatives considered:

- Option 1 – Do nothing.
- Option 2 – Increase the Council contribution to the pooled fund in 2019/20 by £5.9m to support the CCG, recognising in doing so that the Council must be satisfied that there are clear and demonstrable benefits to the Council Taxpayers of Oldham.

RESOLVED – That the use of £5.9m of Council reserves to provide additional investment supporting transformation to Oldham CCG in 2019/20 be approved.

## **CARE LEAVERS AND HOMELESSNESS**

Consideration was given to a report of the Director of Economy. The Cabinet were informed that Oldham Council's Corporate Parenting Strategy supported the principle that children looked after should be supported on their journey to independence and, as part of the Strategy's review, the role of housing as part of



the Corporate Parenting offer was being strengthened. This, supported by wider discussions at a Greater Manchester level, had led to proposals to ensure that care leavers who became homeless received the support of full rehousing duties up to the age of 25.

The Cabinet were informed that, with a focus on homelessness, the proposals in the report would help emphasise Oldham's commitment to supporting and genuinely caring for the care leavers across the borough. This built upon existing provisions such as free prescriptions, discretionary council tax rates and free bus passes. The report gave an outline of work streams which had been taking place within the Council and Greater Manchester around care leavers, and the resulting recommendations which referred to how homelessness legislation was applied, and how this set Oldham apart – in a positive way – from many other local authorities in England. The report sought approval for the adoption of the recommendations and a new approach to enhancing the support available for care leavers through the homeless service provision in Oldham.

The Cabinet noted that Oldham was at the forefront of the development of services for care leavers and was setting a national example, despite difficult financial circumstances.

Options/Alternatives considered:

- Option 1: Agree the proposals
- Option 2: Do nothing

RESOLVED – That the following be approved:

1. Oldham Council adopted the principle that all care leavers up to the age of 25 were to be found as being in 'priority need' under homelessness legislation;
2. Oldham Council adopted the principle that no care leaver up to the age of 25 should be found intentionally homeless.

14

## **SELECTIVE LICENSING OF THE PRIVATE RENTED SECTOR.**

Consideration was given to a report of the Head of Public Protection which informed the Cabinet that a review of the Selective Licensing Scheme had been completed, in line with the legislative requirements. The existing designation was in the 5th and final year. The report sought permission to carry out a statutory consultation exercise into the future use of Selective Licensing in Oldham, considering the results of the review into the Scheme and its impact.

The Cabinet noted that the Housing Act 2004 gave the power to introduce the licensing of the private rented sector with the aim of improving the management of those properties, to tackle low housing demand or antisocial behaviour. In 2014 Oldham Council had designated a selective licensing scheme in 8 neighbourhoods which were seen to be exhibiting signs of low housing demand, following a statistical analysis of the whole

borough. Low housing demand was where there was a high number of private rented properties, people were moving and only staying for short periods, house prices and rental prices were low, meaning owner occupiers were often in negative equity. This resulted in it being very difficult for a strong community to be developed and maintained in the area.

Members were informed that the current designation was due to expire from the 30th April 2020 and therefore another statistical analysis of the whole borough had recently taken place. This review had indicated some improvements in the neighbourhoods concerned and showed that other neighbourhoods were now exhibiting signs of low housing demand.

On the expiry of the scheme the Council could not just continue the scheme or introduce another, as it was required to carry out the designation process as dictated in the Housing Act. This included obtaining Cabinet approval to consult on the proposed licence conditions and fees, and this consultation needed to take place for a minimum period of 10 weeks. Once the consultation had concluded, the analysis and findings would be reported back to Cabinet with any subsequent considerations. Approval was sought to commence the consultation exercise, to establish whether another designation of selective licensing of the private rented sector was needed and in which neighbourhoods.

The Cabinet noted the approach as outlined in the report was part of the Council's commitment to place-based working and a piece of work was ongoing to establish the preferred model for the deployment of resources, to enable the strategic approach to wider private sector housing issues across the Borough.

Options/Alternatives considered:

- Option 1: To note the findings of the review of the existing selective licensing scheme. To approve the consultation of the minimum 10-week statutory consultation required prior to designation of any new scheme. To report back to Cabinet on the outcome of the consultation and any further recommendations relating to any new designation of schemes.
- Option 2: Not to carry out consultation and allow each of the Selective Licensing designations to close at the expiry date.

RESOLVED – That:

1. The findings of the review of the existing selective licensing scheme be noted;
2. The carrying out of the minimum 10-week statutory consultation required prior to any future designation of any new scheme in the neighbourhoods highlighted be approved;
3. The Cabinet would receive a further report on the outcome of the consultation and any further recommendations relating to any new designation.

4. The Cabinet would also receive a further report regarding the wider approach to private sector housing enforcement and use of available powers.

15

## **EXPANSION OF MAYFIELD PRIMARY SCHOOL**

Consideration was given to a report of the Director of Economy which sought approval to allocate Basic Needs Funding previously identified to facilitate a one form entry (1FE) expansion at Mayfield Primary School of up to £3.3m. This would enable the replacement of two car parking areas required for the significant increase in staff numbers, an all-weather pitch and the redesign of the Nursery WC, all of which were considered necessary to the scheme.

The Cabinet noted that Mayfield Primary School was located in the St James area of Oldham and was part of the Cranmer Trust. As part of the Basic Needs Programme of Work, Cabinet had given its approval (April 2019) for £2.5m of basic need funding towards a 1FE expansion at Mayfield primary school. This would facilitate the requirement for an increased number of places in East Oldham to be available and sufficient surplus places would be provided to ensure that an element of parental choice was facilitated.

Initial early costings by the Cranmer Trust's project design team estimated the work at £2.85m. Since then the design process for the expansion had made good progress. The pre-tender cost estimate was now £3.3m and the Trust had requested confirmation of additional funding to ensure works could continue and the school be able to open by September 2020.

The changes to the early estimate were due to the replacement of two car parking areas required for the significant increase in staff numbers, an all-weather pitch and a requirement to redesign the Nursery WC, all of which were considered necessary to the scheme. The preliminary estimates, risk allowance and design fees had also been adjusted upwards to reflect these additions.

Options/Alternatives considered:

- Option 1: Approve the revised cost for a 1 FE expansion to Mayfield Primary School. The cost of this expansion circa £3.3 M and could be accommodated from the School's Capital allocation.
- Option 2: Do not approve the revised cost of expansion by 1 FE for Mayfield Primary School. This would not fulfil the Local Authority's statutory obligation to provide the necessary additional places in East Oldham by 2020.

RESOLVED – That:

1. A funding award of up to £3.3m from the Basic Needs Fund for a 1 FE expansion at Mayfield Academy be approved.



2. Authority be delegated to the Director of Education and Early Years to develop, consult, procure and arrange for the execution by the Director of Legal Services of any relevant contracts and incidental and ancillary documentation in accordance with the agreed school expansions programme.

16            **COUNCIL PERFORMANCE REPORT SEPTEMBER 2019**

The Cabinet gave consideration to a report of the Head of Strategy and Performance which provided a review of Council performance to September 2019.

The report provided the Cabinet with an overview of the Council's performance against priorities outlined within the Corporate Plan, which had been monitored in the period July to September 2019.

Options/Alternatives considered:-

To note the Council performance July to September 2019.

RESOLVED – That the Council Performance Report September 2019 be noted.

17            **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 paragraph 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.

18            **COMMERCIAL PROPERTY INVESTMENT STRATEGY**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 18 – Commercial Property Investment Strategy.

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

19            **CREATING A BETTER PLACE**

The Cabinet gave consideration to the commercially sensitive information in relation to Item 19 – Creating a Better Place.

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

The meeting started at 6.00 pm and ended at 6.20 pm

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**Report to CABINET**

## **Creating a Better Place**

**Portfolio Holder(s):**

**Councillor Fielding, Leader of the Council and Portfolio Holder for Economy and Enterprise**

**Councillor Jabbar MBE, Deputy Leader and Cabinet Member for Finance and Corporate Services**

**Councillor Shah, Deputy Leader and Cabinet Member for Social Justice and Communities**

**Councillor Roberts, Cabinet Member for Housing**

**Councillor Mushtaq, Cabinet Member for Education and Skills**

**Councillor Chauhan, Cabinet Member for Health and Social Care**

**Councillor Ur-Rehman, Cabinet Member for Neighbourhood Services**

**Councillor Chadderton, Cabinet Member for Children Services**

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**Senior Responsible Officer:**

Helen Lockwood, Deputy Chief Executive People and Place

**Report Author:**

Emma Barton, Director of Economy

**27 January 2020**

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**Reason for Decision**

Cabinet approval is sought for the revised vision and strategic framework for the borough 'Creating a Better Place'.

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## Executive Summary

'**Creating a Better Place**' incorporates significant programmes of work that have been progressed over the past eighteen months in order to set out a comprehensive vision and strategic framework for the borough. These include the:

- Updated vision for Oldham Town Centre;
- Housing Strategy 2019; and
- Updated Medium Term Property Strategy.

**Creating a Better Place** focuses on building more homes for our residents, creating new jobs through town centre regeneration, and ensuring Oldham is a great place to visit with lots of family friendly and accessible places to go.

This approach has the potential to deliver 2,000 new homes in the town centre designed for a range of different budgets and needs, 1,000 new jobs and 100 new opportunities for apprenticeships, and is in alignment with Council priorities to be the Greenest Borough.

Oldham Council is ambitious and bold, and it is on the cusp of an exciting programme of significant change, which is essential to achieve its wider objectives including health, education and improved transport connectivity and public realm. Corporate land and property assets are critical to this agenda and therefore the previously approved Medium-Term Property Strategy (MTPS) has been refreshed to ensure it meets the scale of the change required.

At a strategic level, the work completed across the last eighteen months has confirmed that the property portfolio can be a catalyst for building new homes, creating job opportunities, re-skilling residents through new apprenticeship opportunities, and re-engaging communities and partners through property / estate co-location and collaboration. This strategic work also supports the Council's ambitions for inclusive growth, thriving communities and co-operative services.

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

## Recommendations

Cabinet Members are asked to approve:

- '**Creating a Better Place**' as the comprehensive vision and strategic framework for the borough.
- the proposed approach to accelerate delivery of new homes, new jobs, enhanced training, places to visit and ensure Oldham is a place for investment.
- the ambition to deliver '**Creating a Better Place**' in ways that contribute to a reduction in carbon in support of the Green New Deal.

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## Creating a Better Place

### 1.0 Background:

- 1.1 The very best towns and cities around the world have one thing in common – they are both people and quality focused. Quality of place is paramount to thriving communities and we want Oldham to be a place where people feel they belong, an exciting place where people can live, work and spend time. Quality design and attention to the public realm will be critical to this success.
- 1.2 This report seeks approval for a new set of exciting plans for property led change, including town centre regeneration with a new ‘homes’ focus as set out in the recently approved Town Centre Vision, closer working with the Clinical Commission Group and One Public Estate, drive and direction from the new Housing Strategy, and a desire to review and expand property investments to help secure revenue funding.
- 1.3 New core areas of focus have been identified for property services, which incorporate key priority themes: Housing, Investments, Regeneration (especially the Town Centre) and the Corporate Estate. These themes are explored in more detail later in this report.
- 1.4 Delivery of the ambitious programmes of work within ‘*Creating a Better Place*’ requires efficient and effective systems and processes in place. Significant work has already taken place during 2019 to ensure the right resources are in place for robust, fit for purpose governance and effective delivery. Changes to the Council’s Land and Property protocols are proposed here in order to further strengthen this.

### 2.0 Proposed Approach

- 2.1 More widely, local authorities across the UK are increasingly expected to deliver economic growth and major regeneration projects whilst coping with financial challenges. Work continues across Oldham to fully realise the ambitions of an inclusive economy and thriving communities.
- 2.2 This report incorporates a number of strategic pieces of work that have taken place over the last eighteen months, (namely the revised Town Centre Vision, the Housing Strategy, and a review of the Medium Term Property Strategy (MTPS), (corporate estate - public land and property), to collectively provide an approach for the Council to support inclusive growth, thriving communities and the co-operative agenda ... **‘*Creating a Better Place*’...**
  - ...by building quality homes
  - ... by providing opportunities to learn & gain new skills
  - ... by providing opportunities to grow local businesses and create jobs
  - ... by ensuring Oldham is the greenest borough
  - ... by embedding sustainability, energy efficiency & low (zero) carbon
  - ... by improving life-chances and the health / well-being of our residents and local communities
- 2.3 Our vision for Oldham includes new core areas of focus, which cover: **Housing, Investments, Regeneration (especially the Town Centre) and the Corporate Estate.**

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An example of this approach is the refreshed Town Centre Vision, which was approved in July 2019, and demonstrates the need for new homes balanced with jobs, safe and inviting public realm, accessible transport and a family friendly night-time economy. (Vision appended to this report for ease of reference).

## **2.4 Housing**

Our aim is to provide a diverse housing offer that meets the needs of different sections of the population at different times in their lives. Our proposals go beyond numbers alone with a focus on the significant contribution a quality housing offer makes to quality of life. For example, helping an older person to meet their need for a smaller more manageable home which, with the right adaptations, can protect and enhance independence.

Oldham's Housing Strategy was approved at full council in July 2019. The Strategy highlights the priorities and needs for the borough and is supported by a robust delivery plan that sits behind it to enable its objectives to be achieved.

The new Housing Strategy was developed in line with Oldham Plan, the Greater Manchester Spatial Framework and the Greater Manchester housing strategy. The strategy included a new Local Needs Housing Assessment to provide evidence-based insights into how the housing economy currently works, forecasts future needs and identifies gaps.

There are many projects identified in the delivery plan that accompanies the Housing Strategy - funding for the development and delivery of these projects and activities will be required to meet these strategic priorities. Various projects are detailed in Part B papers appended to this report.

## **2.5 Regeneration**

We have set out a new vision for Oldham town centre which recognizes that the purpose of town centres is changing at scale and pace linked to the convenience of shopping online at home and the popularity of out of town retail parks. This contributes to a cycle of disappearing shops, reduced visitor numbers and a potential rise in anti-social behavior.

Our vision for Oldham town centre is aligned with national regional and local priorities by ensuring that it has a focus for everyone has a place to live, work, visit and enjoy.

Our approach will see us strengthen the town centre as a cultural designation while bringing new homes, jobs and business opportunities. Already we have delivered a range of projects which include:

- The redevelopment of the Old Town Hall to create a new leisure and food/drink offer
- Improved connectivity with three Metrolink stops in the town centre
- Redevelopment of Oldham Leisure Centre
- Redevelopment of Parliament Square

We are currently helping to deliver the transformation of the former Oldham Library into a state-of-the-art £13m arts and heritage centre which will offer galleries, a modern archive facility and a performance space. Construction work is due to start shortly.

We are also looking to actively encourage more walking and cycling to the town centre by improving access routes and connectivity through a series of public realm improvements linked to the Local Growth Deal.

There are a number of further priority areas which will be developed in 2020, to continue to meet our ambitions for town centre living, employment creation, skills development, the green environment, green energy, accessible public realm, family friendly activities, enticing night-time economy and enhanced safety / security are progressed to instigate the catalytic transformation of the town centre with the ambition for housing at its core. Various projects are detailed in Part B papers appended to this report.

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## 2.6 Investment

Oldham is one of 101 towns identified for support of up to £25m to develop a Town Deal via the £3.6bn Towns Fund. According to the prospectus published by the Ministry of Housing, Communities and Local Government (MHCLG) in November 2019, the objective of the Towns Fund is to increase economic growth with a focus on regeneration, improved transport, better broadband connectivity, and skills and culture.

The aim is to drive long-term transformative change within local economies, meaning that capital projects must form the core of proposals submitted by local authorities for Towns Fund grant funding. Oldham Council is required to submit a 'readiness checklist' by 19th December 2019 to help MHCLG gauge how quickly Oldham is able to prepare for a Town Deal and, importantly, understand local plans for the funding. The Council must also establish a Town Deal Board, ideally chaired by a representative of the local business community, by 31st January 2020. The Town Deal Board will be the vehicle through which the vision and strategy for Oldham is defined; it will produce a Town Investment Plan setting out an understanding of the area's assets, opportunities and challenges, and inform the Town Deal, including the amount of investment secured through the Towns Fund.

The MHCLG also launched the competitive Future High Streets Fund (FHSF) in December 2018 to support plans to make England's high streets and town centres fit for purpose. Oldham Council submitted an Expression of Interest for FHSF funding and, thereafter, a business case for a 'shovel-ready' intervention in Oldham town centre: the transformation of the Egyptian Room in the Old Town Hall into a contemporary food hall.

Separate to the Town Deal, the Council is bringing forward plans to develop one of the largest urban farms and eco centres in the UK as part of the Northern Roots project which runs from Alexandra Park to Daisy Nook country park. This will include the potential redevelopment of Alexandra Park depot to be replaced by an environmental centre.

## 2.7 Corporate Estate

The remit of this thematic area is to holistically review land and property assets whether Council owned or within the ownership of One Public Estate partners, to ensure the Council:

- delivers against ambitions for energy efficiency;
- delivers against ambitions for public buildings to be carbon neutral by 2025;
- ensures scrutiny of its own accommodation to ensure value for money and best utilisation for staff and services;
- considers the views of Ward Members / Portfolio holders are considered as part of any proposal to declare an asset within the Council's Land & Property Portfolio as being surplus to the Council's operational requirements.

The Corporate Property Board (CPB) is a new governance forum to support the strategic alignment and scrutiny of all property decisions / service activity going forward. The Board will comprise Directors of Finance, Legal and Economy, Deputy Chief Executive and Portfolio Holders for Finance and Corporate Services and the Leader of the Council. A quorum of at least 3 members of the Board will be required to conduct business, including finance, economy and Member representation.

## 2.8 Benefits:

**Social** - This approach has the potential to deliver 2,000 new homes in the town centre, 1,000 new jobs and in addition 100 new opportunities for apprenticeships.

**Financial** - set out in section 3 below in this report.

**Environmental** - This approach supports the Council's new Green Deal and would enable the public sector to lead by example with aspirations to be zero carbon by 2025 and for new homes and businesses to be energy efficient, and carbon neutral by 2030.

### 3.0 Funding for development and delivery

3.1 **Creating a Better Place** galvanises the approach and direction for property services over the next 5 years, and more importantly, provides an insight for enhanced revenue savings and property investment.

3.2 The work from the last eighteen months has provided new assumptions to allow a new savings plan to be explored for the property portfolio, and a potential enhanced savings target of £10.961m (£10.461m from 2020/21 onwards as set out below).

	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	
<b>Revenue Savings</b>	£0.5m	£0.261m	£1.634m	£2.391m	£6.175m	<b>£10.961m</b>

3.3 The work undertaken has included further assessment of proposed savings and a revised savings profile is being/has been developed. It is important to note that the revised savings estimates contained in this report are indicative at this stage. If the proposed approach contained in this report is approved, more detailed project specific information, feasibility and business case details will be presented as required.

3.4 As there are many interdependencies between the various themes and work programmes, decisions will need to be made holistically, in alignment with the Council's Medium Term Financial Strategy and Capital Programme.

3.5 The table below presents the scale of the capital investment required in order to deliver the Creating a Better Place programme. In overall terms, investment will total £306m split between capital projects of £102m and investment projects of £204m.

Priority Projects:	Capital Projects £m	Investment Projects £m (revenue return)
Regeneration: New Homes	70	87
Regeneration: Town Centre	32	71
Regeneration: Boroughwide Opportunities	-	46
<b>TOTAL CAPITAL INVESTMENT</b>	<b>102</b>	<b>204</b>
	<b>£306 m</b>	

### 4.0 Consultation

4.1 Extensive consultation has taken place over the last 36 months through the development of the Greater Manchester Spatial Framework. More in-depth consultation and engagement has taken place on the Town Centre Vision (refresh), the Housing Strategy, and more recently the Locality Asset Review (linked with the One Public Estate work), these latter documents are now formally adopted.



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4.2 Consultation and engagement work has taken place with stakeholders, partners, Council teams and services, elected members, public sector organisations and different voices from our local communities to help clearly define regeneration ambitions, and to ensure that a vision was in place that was alignment with national, regional and local strategic priorities.

The residential opportunities identified have been shaped by local people and stakeholders through engagement and consultation, especially with regards to ensuring the Council explores brownfield land in the first instance, to release the pressures on Green Belt land to meet our housing need.

4.3 Consultation has included face to face meetings, drop-in events, postal survey (to 15,000 residents of the borough), workshops, engagement meetings, briefing sessions, and stakeholder events.

4.4 Portfolio Holders have been consulted on the findings, and both staff and elected members have been engaged throughout this process to allow ideas and suggestions to be fed into the review work from the start.

4.5 Project consultation will take place at the applicable time in conjunction with standard practice for project development.

## **5.0 Financial Implications**

5.1 All financial information is contained within the part b reports appended to this report.  
(Sam Smith)

## **6.0 Legal Services Comments**

6.1 All legal information is contained within the part b reports appended to this report.  
(Rebecca Boyle)

## **7.0 Co-operative Agenda**

7.1 This new vision, direction and approach provides numerous opportunities to support the development of a Co-operative Borough both through how decisions are taken and the engagement of key partners, service providers and communities in this; and the creation of new opportunities for development that includes more co-operative businesses.

7.2 Decisions on which assets should be retained, managed and disposed of should be mindful of the need to maintain the infrastructure required to ensure partners and residents can still access the services they need, and that place-based integration of services is supported.  
(Jonathan Downes)

## **8.0 Human Resources Comments**

8.1 None identified at this time.  
(Adele Savage)

## **9.0 Risk Assessments**

9.1 All risk information is contained within the part b reports appended to this report.  
(Mark Stenston)

## **10.0 IT Implications**

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10.1 None identified at this time. (Chris Petrie)

**11.0 Property Implications**

11.1 All property information is contained within the part b reports appended to this report. (Jason McEwen)

**12.0 Procurement Implications**

12.1 All procurement information is contained within the part b reports appended to this report. (Dan Cheetham)

**13.0 Environmental and Health & Safety Implications**

13.1 In July 2019, the Council committed to becoming carbon neutral as an organisation by 2025 and to leading the borough to carbon neutrality by 2030. This approach is an essential transformational element in achieving these environmental targets and wider economic regeneration objectives such as building the green economy. (Andrew Hunt)

**14.0 Equality, community cohesion and crime implications**

14.1 None identified at this time.

**15.0 Equality Impact Assessment Completed?**

15.1 Not required at this time. This will be picked up with programme development.

**16.0 Key Decision**

16.1 Yes

**17.0 Key Decision Reference**

17.1 ECEN-18-19

**APPENDICES**

A: Town Centre Vision

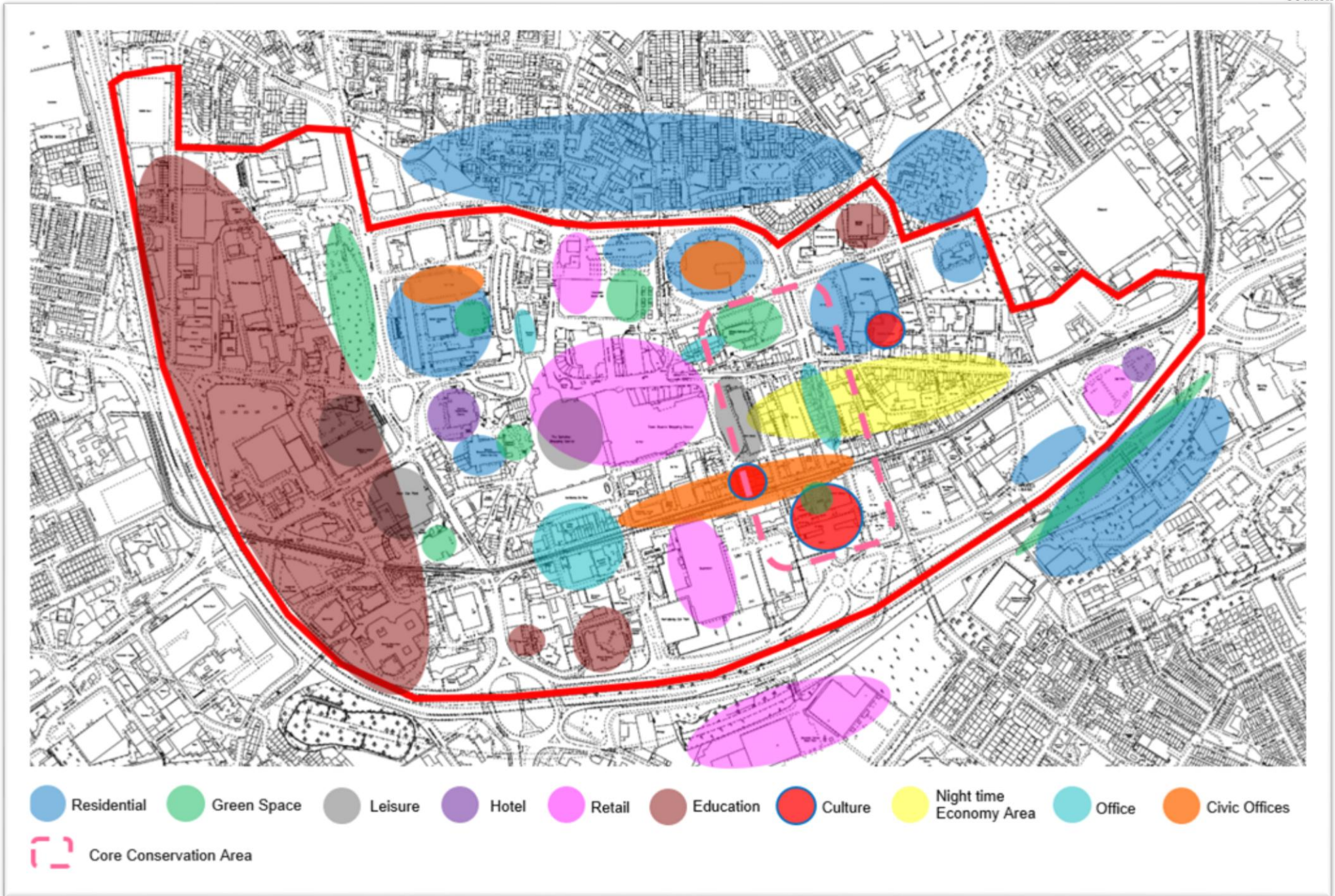
- (1) Medium Term Property Strategy
- (2) Land and Property Protocols
- (3) Housing
- (4) Housing Opportunity

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(5) Town Centre Vision (phase 1)

(6) Town Centre Vision (phase 2)

(7) Town Centre Vision (phase 3)







**Oldham**  
Council

## APPENDIX (1)

# Creating a Better Place: Medium Term Property Strategy

### Portfolio Holder(s):

**Councillor Sean Fielding, Leader of the Council and Portfolio Holder for Economy and Enterprise**

**Councillor Abdul Jabbar MBE, Deputy Leader and Cabinet Member for Finance and Corporate Services**

**Councillor Hannah Roberts, Cabinet Member for Housing**

### Senior Responsible Officer:

Helen Lockwood, Deputy Chief Executive People and Place

**Report Author:** Emma Barton, Director of Economy

**27 January 2020**

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'**Creating a Better Place**' incorporates significant programmes of work that have been progressed over the past eighteen months in order to set out a comprehensive vision and strategic framework for the borough. These include the:

- Updated vision for Oldham Town Centre;
- Housing Strategy 2019; and
- Updated Medium Term Property Strategy

**Creating a Better Place** focuses on building more homes for our residents, creating new jobs through town centre regeneration, and ensuring Oldham is a great place to visit with lots of family friendly and accessible places to go.

### Reason for Decision

The Council is facing unprecedented financial challenges and Cabinet have previously approved a Medium-Term Property Strategy to help provide clarity on the future requirements for every property and land asset with a view to confirming those for retention (and therefore supported by a detailed Asset Management Plan) or disposal (sale or transfer) to help reduce revenue implications and provide income generation opportunities.

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An independent review of the Medium-Term Property Strategy (MTPS) has been undertaken to:

- review the progress to date against the objectives and targets, to challenge whether the targets are still fit for purpose, to determine whether amendments were needed to service work programmes, to test opportunities for acceleration, to maximise the use of resources; and
- look at processes, procedures, governance and structures to ensure any proposed amendments the MTPS would be adequately supported.

This report summarises the findings of this review and outlines new proposals to be included in the Medium Term Property Strategy (MTPS).

## **Executive Summary**

Oldham Council is ambitious and bold, and it is on the cusp of an exciting programme of significant change which is essential to achieve its financial and wider objectives. This is in the context of a growing financial savings target and political momentum to deliver growth and change in the borough.

From a high level review of current projects or emerging ideas, the previously approved Medium Term Property Strategy (MTPS) revenue savings target of £4.5m by (2021 – 22) would not be realised, therefore through an evidence led approach the review has confirmed that a revised and enhanced revenue savings target of c. £11m could be achieved by (2023 – 24).

To ensure delivery, a new approach is needed for investment in property, together with an effective delivery capability, capacity and resource plan, including additional resources for support services.

The proposed new core areas of focus (which incorporate the key projects) are Housing, Regeneration (especially the Town Centre), Investments (direct and indirectly into property), and rationalisation of the Corporate Estate (land and property).

## **Recommendations :**

Cabinet are asked to approve the following recommendations:

- Governance to centre on reformed Corporate Property Board, which brings together Senior Officers and Senior Politicians to inform and scrutinise strategic decision making.
- The Corporate Property Investment Strategy should be revised to reflect and balance a new approach to property investment, including risk profiles and governance arrangements.
- New focus is needed on public sector accommodation rationalisation to support zero carbon ambitions and utilisation of buildings and facilitate opportunities for major housing and regenerative benefits to the town centre.
- Reprofile the existing property service priorities / core areas to align with the new focus areas and review viability / feasibility assumptions and timescales to ensure alignment with the delivery of the savings targets.
- A realignment of resources to ensure effective and efficient work programmes are delivering against the new priority areas for the property portfolio.
- To help the property teams become more effective, many of the processes, procedures and systems used should be reviewed to ensure they are fit for purpose.
- Ensure there is a strong narrative, communications plan and engagement points/timescales to support this new work programme in conjunction with the progression and delivery of the

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major projects which align with the investment proposals and the land / property decisions taken.

Cabinet: Appendix (1)

January 2020

## **Creating a Better Place**

### **1.0 Background:**

- 1.1 The Council is facing unprecedented financial challenges and Cabinet have previously approved a Medium-Term Property Strategy to help provide clarity on the future requirements for every property and land asset with a view to confirming those for retention (and therefore supported by a detailed Asset Management Plan) or disposal (sale or transfer) to help reduce revenue implications and provide income generation opportunities. This work is supported by Central Government's 'One Public Estate' agenda in seeking greater collaboration and cooperation across the public sector property estate with the co-location of services; sharing of resources to deliver financial savings and releasing assets to support residential development as a further Government priority.
- 1.2 An independent review of the Medium-Term Property Strategy (MTPS) has been undertaken to:
  - review the progress to date against the objectives and targets, to challenge whether the targets are still fit for purpose, to determine whether amendments were needed to service work programmes, to test opportunities for acceleration, to maximise the use of resources; and
  - look at processes, procedures, governance and structures to ensure any proposed amendments the MTPS would be adequately supported.
- 1.3 This report summarises the findings of this review and outlines proposals to be included in the Medium Term Property Strategy (MTPS).

### **2.0 Strategic Context for the Review:**

- 2.1 The property services review was undertaken in the context of obtaining approval for a new set of exciting plans for property led change, including town centre regeneration with a new 'homes' focus as set out in the recently approved Town Centre Vision, plans for new public service accommodation, closer working with the Clinical Commission Group and One Public Estate, drive and direction from the new Housing Strategy, and a desire to review and expand property investments to help secure revenue funding.
- 2.2 The review involved scrutinising work programmes, performance reports, and technical documents, protocols, processes and systems. Several internal workshops took place and this was complemented by separate 'discovery' sessions with various officers from across the council to gain a greater understanding of ideas and opportunities for enhanced delivery, but also to understand any frustrations, key issues, challenges and risks.

### **3.0 Review Findings:**

- 3.1 For ease of identification, the conclusions below summarise the thematic findings from the technical reports:

#### **Strategy**

- Refresh the MTPS to align with the new thematic areas, objectives and financial / milestone / performance targets;

- 
- Refresh the Investment strategy to ensure opportunities can be supported to increase revenue generation;
  - Re-prioritise the list of projects that sit within the thematic areas; identifying business case justification.

### **Targets**

- Revise the objectives and associated activities in support of the new strategic approach to MTPS.
- Ensure activities focus on corporate estate consolidation / place-based integrated working / one public estate which links to the Housing Strategy and Town Centre Vision.
- Consider new approach to project delivery.

### **Culture / Delivery Function Structure**

- Embrace a 'One Team' approach to bring together all internal and external stakeholders involved with the delivery of property services.
- Quick win - co-locate relevant groups of staff.
- Finance and Legal support should be an integral part of the strategic team and where necessary their resources increased to match the overall demand from programme requirements.
- Project management resources will be required to add pace to the programme and link to the role of the transformation lead

### **Processes and Procedures**

- A revision is needed to the Property Protocols around disposals which ultimately needs much greater member support and more advanced work on 'why' and 'which' properties are being disposed of.

### **Governance**

- To ensure that good investments are not lost through delays in the decision-making process, it is recommended Cabinet remains the decision making body, following recommendations from the Corporate Property Board (CPB).
- The Board will comprise Directors of Finance, Legal and Economy, Deputy Chief Executive and Portfolio Holders for Finance and Corporate Services and the Leader of the Council. A quorum of at least 3 members of the Board will be required to conduct business, including finance, economy and Member representation.
- Dedicated programme director (Head of Service level support) will provide technical capacity to ensure holistic strategic programme delivery, risk management, and interdependency alignment;
- Assets, Accommodation and Investment (AAI) Group will replace the Property Rationalisation Group to review and report on performance and risks to the work programme. This needs to include external stakeholders such as CCG / OPE and key internal functions such as the corporate estate, finance, legal and Unity partnership in order to act as one integrated team at Head of Service level;
- Each workstream within the AAI programme needs a dedicated lead / responsible officer (Head of Service) supported by a Transformation Project Management Officer to provide high level operational decisions, programme alignment, assurance, programme interdependencies, programme milestone management, financial milestone management, risk management, technical expertise and additional resources as required.
- Each workstream will need sub project / task boards to ensure collaborative working across the holistic work programme and to map interdependencies.



Example structure is indicated below:

Governance Structure	Membership	Support Resource
Cabinet	Senior Politicians	As existing
Corporate Property Board	Senior Politicians & Senior Officers	Transformation Director (property specialist)
Assets, Accommodation and Investment Group	Senior Officers and Heads of Service	Dedicated finance / legal support
MTPS Workstreams	Heads of Service and delivery officers	Dedicated Project Management Officer for each workstream
Task Groups	Delivery teams	

#### 4.0 Consultation

- 4.1 Extensive consultation has taken place over the last 12-18 months through the development of the Town Centre Vision (refresh), the Housing Strategy, the Greater Manchester Spatial Framework, and more recently the Locality Asset Review (linked with the One Public Estate work), all of which are now formally adopted.
- 4.2 Consultation and engagement work has taken place with stakeholders, partners, Council teams and services, elected members, public sector organisations and different voices from our local communities to help clearly define regeneration ambitions, and to ensure that a vision was in place that was alignment with national, regional and local strategic priorities. The residential opportunities identified have been shaped by local people and stakeholders through engagement and consultation, especially with regards to ensuring the Council explores brownfield land in the first instance, to release the pressures on Green Belt land to meet our housing need.
- 4.3 Consultation has included face to face meetings, drop-in events, postal survey (to 15,000 residents of the borough), workshops, engagement meetings, briefing sessions, and stakeholder events.
- 4.4 Portfolio Holders have been consulted on the findings, and both staff and elected members have been engaged throughout this process to allow ideas and suggestions to be fed into the review work from the start.
- 4.5 Project consultation will take place at the applicable time in conjunction with standard practice for project development.

#### 5.0 Financial Implications

- 5.1 The Council continues to be faced with an unprecedented financial challenge with uncertainty around funding arrangements. The indicative revenue savings of £10.961m (£10.461m from 2020/21 onwards) are expected to provide an opportunity to support the revenue budget.

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- 5.2 Only when estimates and timescales are sufficiently robust will they be incorporated into the Medium and Longer Term Financial forecasts.
- 5.3 In the meantime, the indicative nature of the projected programme will be used to outline the approach to the Medium Term Financial Strategy.
- 5.4 The existing budget reduction target for 2019/20 of £0.500m is expected to be delivered in full and the £0.250m support resource is already available to the service in 2019/20 by means of earmarked reserves.

(Sam Smith)

## **6.0 Legal Services Comments**

- 6.1 External legal advice may be required from time to time to support the delivery of Council Projects as part of the Council's Capital Programme and aligned to the Medium-Term Property Strategy. This will dovetail with in-house legal teams and help to ensure all necessary steps are taken/documents are in place to protect the Council's position and commercial interests. Any such commissions will be obtained through lawful and compliant procurement exercises to ensure value for money and services are fit for purpose.
- 6.2 All work carried out/advice given will need to be governed by and in accordance with the Council's Constitution.
- 6.3 Any contracts for the supply of works, goods or services made in the name of the Council will need to comply with the Council's Contract Procedure Rules and all relevant EU regulations. All land transactions will need to comply with the Council's Land and Property Protocol. All financial transactions will need to comply with the Council's Financial Procedure Rules.
- 6.4 In developing the Medium-Term Property Strategy and Projects to support it alongside the Council's Capital Programme the Council will need to be mindful of the following;
- Procurement issues
  - State aid issues
  - The Council's Fiduciary Duty
  - Best Consideration
  - Vires Considerations
- 6.5 Part B of this report contains information as is detailed in Paragraph 3 of the revised Part 1 of Schedule 1A of the Local Government Act 1972. The exclusion from publication is justified for the reasons stated.
- 6.6 All legal issues will be reviewed and kept under advisement during the process and as Schemes and Projects come forward and progress.

(Rebecca Boyle)

## **7.0 Co-operative Agenda**

- 7.1 The review of the management and disposal of corporate land and property assets provides numerous opportunities to support the development of a Co-operative Borough both through how decisions are taken and the engagement of key partners, service providers and communities in this; and the creation of new opportunities for development that includes more co-operative businesses. Decisions on which assets should be retained, managed and disposed of should be mindful of the need to maintain the infrastructure required to ensure partners and residents can still access the services they need and that place-based integration of services is supported.

(Jonathan Downes)

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## **8.0 Human Resources Comments**

- 8.1 Service review activity noted once work programmes and priorities are approved. Unions have been briefed and are supportive of the proposals. (Adele Savage)

## **9.0 Risk Assessments**

- 9.1 This will be picked up with project development. (Mark Stenston)

## **10.0 IT Implications**

- 10.1 None identified at this time. (Chris Petrie)

## **11.0 Property Implications**

- 11.1 Corporate land and property assets are critical to this agenda and therefore the previously approved Medium-Term Property Strategy (MTPS) needed to be reviewed to meet the scale of the change required.
- 11.2 At a strategic level, the review has confirmed that the property portfolio can be a catalyst for building new homes, creating job opportunities, re-skilling residents through new apprenticeship opportunities, and re-engaging communities and partners through property / estate co-location and collaboration. (Jason McEwen)

## **12.0 Procurement Implications**

- 12.1 None identified at this time. The procurement team will work closely with departments and provide the required support to ensure strategies are delivered successfully, and any requirement for goods, services, and works are procured in line with Council procedures, and where applicable, external legislation/public procurement law. (Dan Cheetham)

## **13.0 Environmental and Health & Safety Implications**

- 13.1 In July 2019, the Council committed to becoming carbon neutral as an organisation by 2025 and to leading the borough to carbon neutrality by 2030. The MTPS is an essential transformational element in achieving these environmental targets and wider economic regeneration objectives such as building the green economy. (Andrew Hunt)

## **14.0 Equality, community cohesion and crime implications**

- 14.1 None identified at this time.

## **15.0 Equality Impact Assessment Completed?**

- 15.1 Not required at this time. This will be picked up with project development.

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**16.0 Key Decision**

16.1 Yes

**17.0 Key Decision Reference**

17.1 ECEN-18-19



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# MEDIUM TERM PROPERTY STRATEGY

DECEMBER 2019



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02 A NEW APPROACH

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03 KEY THEMES

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04 PERFORMANCE OBJECTIVES

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# INTRODUCTION

The Council is facing unprecedented financial challenges and Cabinet have previously approved a Medium-Term Property Strategy to help provide clarity on the future requirements for every property and land asset with a view to confirming those for retention (and therefore supported by a detailed Asset Management Plan) or disposal (sale or transfer) to help reduce revenue implications and provide income generation opportunities.

This work is supported by Central Government's 'One Public Estate' agenda in seeking greater collaboration and cooperation across the public sector property estate with the co-location of services; sharing of resources to deliver financial savings and releasing assets to support residential development as a further Government priority.

An independent review of the Medium-Term Property Strategy (MTPS) has been undertaken to:

- review the progress to date against the objectives and targets, to challenge whether the targets are still fit for purpose, to determine whether amendments were needed to service work programmes, to test opportunities for acceleration, to maximise the use of resources; and
- look at processes, procedures, governance and structures to ensure any proposed amendments the MTPS would be adequately supported.

This report summarises the findings of this review and outlines new proposals to be included in the Medium Term Property Strategy (MTPS).

More widely, local authorities across the UK are increasingly expected to deliver economic growth and major regeneration projects whilst coping with financial challenges. Oldham are making some major strides in terms of making preparations for transformative change that will be required to drive forward the changes required to deliver corporate objectives and to significantly improve the lives of local communities.

The property services review was undertaken in the context of obtaining approval for a new set of exciting plans for property led change, including town centre regeneration with a new 'homes' focus as set out in the recently approved Town Centre Vision, plans for new public service accommodation, closer working with the Clinical Commission Group and One Public Estate, drive and direction from the new Housing Strategy, and a desire to review and expand property investments to help secure revenue funding.

The review involved scrutinising work programmes, performance reports, and technical documents, protocols, processes and systems. Several internal workshops took place and this was complemented by separate 'discovery' sessions with various officers from across the council to gain a greater understanding of ideas and opportunities for enhanced delivery, but also to understand any frustrations, key issues, challenges and risks.



# EXECUTIVE SUMMARY

- Oldham Council is ambitious and bold, and it is on the cusp of an exciting programme of significant change which is essential to achieve its financial and wider objectives. This is in the context of a growing financial savings target and political momentum to deliver growth and change in the borough.
- From a high level review of current projects or emerging ideas, the previously approved Medium Term Property Strategy (MTPS) revenue savings target of £4.5m by (2021 – 22) would not be realised, therefore through an evidence led approach the review has confirmed that a revised and enhanced revenue savings target of c. £11m could be achieved by (2023 – 24).
- To ensure delivery, a new approach is needed for investment in property, together with an effective delivery capability, capacity and resource plan, including additional resources for support services.
- The proposed new core areas of focus (which incorporate the key projects) are Housing, Regeneration (especially the Town Centre), Investments (direct and indirectly into property), and rationalisation of the Corporate Estate (land and property).

Outlined below is a summary of the key recommendations :

1. Governance to centre on reformed Corporate Property Board, which brings together Senior Officers and Senior Politicians to inform and scrutinise strategic decision making.
2. The Corporate Property Investment Strategy should be revised to reflect and balance a new approach to property investment, including risk profiles and governance arrangements.
3. Reprofile the existing property service priorities / core areas to align with the new focus areas and review viability / feasibility assumptions and timescales to ensure alignment with the delivery of the savings targets.
4. New focus is needed on public sector accommodation rationalisation to support zero carbon ambitions and utilisation of buildings to support c.50% of estimated revenue savings and facilitate opportunities for major housing and regenerative benefits to the town centre.
5. A realignment of resources to ensure effective and efficient work programmes are delivering against the new priority areas for the property portfolio.
6. To help the property teams become more effective, many of the processes, procedures and systems used should be reviewed to ensure they are fit for purpose.
7. Ensure there is a strong narrative, communications plan and engagement points/timescales to support this new work programme in conjunction with the progression and delivery of the major projects which align with the investment proposals and the land / property decisions taken.



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01

STRATEGIC CHANGE OF SCALE AND PACE

# STRATEGIC CHANGE OF SCALE AND PACE

## Corporate Plan and Medium Term Property Strategy

The Medium Term Property Strategy aligns with the emerging new priorities set out in the Council's Corporate Plan, recognising the greater attention on collaboration across the public sector the Medium Term Property Strategy reflects the Government's One Public Estate Agenda.

This is in the context of being expected to improve the quality, efficiency and service standards and achieve the ambitions set out in the Corporate Plan. This drive is genuinely evident with the Council's ambition to deliver transformation across all its services very clear and resonating through discussions with officers.

The New Green Deal agenda is a significant driver to facilitate change across the property portfolios, with ambitions for the Council estate to be carbon neutral by 2025 and for newly build residential and commercial buildings to be carbon neutral by 2030 across the borough. Property is a major contributor to the Council's objective and savings target.

The previous Medium Term Property Strategy (2018/2022) sets out the following targets:

DATE	2019/2020	2020/2021	2021/2022
<b>Revenue Savings Target</b>	£0.5m	£2m	£2m
<b>Capital Receipts Target</b>	£10m	£7.3m	£6.3m

With new evidence and analysis, the quantum of projects needed to deliver these targets were not going to be realised. However, the potential to accelerate and deliver revenue savings and bring in capital receipts from land and property disposals through new systems, processes and applications linked with a new investment plan could see these targets be enhanced over a longer period of time.

The Council understand the importance of this strategy and, as part of the wider Transformational Programme, a delivery strategy is to be adopted called the Assets, Accommodation and Investment (AAI) Programme. This programme will seek to fundamentally change the way assets are managed, accommodation optimised and investments prioritised and targeted.

The programme comprises a number of key projects for the Council including the Town Centre Vision, Housing delivery, Disposals programme, Property Investment, Public Sector Accommodation Reviews, One Public Estate and the wider Locality Asset Review agenda being promoted by Greater Manchester Combined Authority.

# STRATEGIC CHANGE OF SCALE AND PACE

The Medium Term Property Strategy (MTPS) previously identified a set of SMART strategic asset management objectives and performance targets. These are illustrated in the table below:

	Strategic Asset Management Objective	Performance Measures
1	Financial Management	Capital receipts generated from property disposals Revenue saved from assets disposed of Income from commercial property
2	Co-operative Borough	The number of CATs Number of shared buildings with partners; e.g. academies, NHS
3	Safety, Health & Environmental Management	CO <sub>2</sub> production Gas consumption Electricity consumption Water consumption Number of buildings statutory compliant, e.g. building custodian daily checks undertaken EPC ratings A-G
4	Economic Growth	Jobs created Housing numbers built Total lettable area
5	Efficiency	Identification of high maintenance sites Total void / non-occupied space Total maintenance spend

The MTPS objectives were to be delivered as part of the development of the property strategy and to assist with property management and reporting the Council has subdivided the portfolio into six sub-portfolios, referred to as Estates, as follows:

1. Service Delivery – Direct
2. Service Delivery – Indirect
3. Regeneration
4. Corporate
5. Surplus/vacant
6. Income Generation

# STRATEGIC CHANGE OF SCALE AND PACE

Work / delivery progressed against the previously agreed objectives and performance measures (set out below) which commenced in 2019/2020 in order to achieve the £0.5m savings target.

- 20% reduction in the number of assets per annum
- 25% reduction in the number of assets held within Regeneration
- 20% increase in the number of assets transferred to community groups
- 2% reduction per annum in surplus / vacant - residential ground rent
- 25% increase in income to rent from the estate
- 10% improvement to service charges following reconciliation
- 25% increase in income to rent receivable from the current income generating estate

With enhanced knowledge and understanding, it was identified that some of the performance measures above were not contributing towards the savings target, and were established 'business as usual' activities, while the basic underpinning assumptions for some of the other objectives and performance measures were no longer relevant / apparent. Therefore the programme was at risk of failing to meet the targets.

Oldham Council is ambitious and bold, and it is on the cusp of an exciting programme of significant change, which is essential to achieve its wider objectives. Corporate land and property assets are critical to this agenda and therefore the previously approved Medium-Term Property Strategy has been refreshed to ensure it meets the scale of the change required.

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02

NEW APPROACH

# NEW APPROACH

At a strategic level, the review of the Medium Term Property Strategy (MTPS) has confirmed that the property portfolio can be a catalyst for building new homes, creating job opportunities, re-skilling residents through new apprenticeship opportunities, and re-engaging communities and partners through property / estate co-location and collaboration.

The review also showed how amendments to the MTPS could help escalate the current revenue savings target from £4.5m by (2021 – 22) to an enhanced c.£10.9m by (2023 – 24), in addition to aligning the timescales for delivering the capital receipt targets income of £23.6m to (2023-24).

The table below summarises the current and revised property related funding profiles. It is important to note that the existing budget reduction target for 2019/20 is expected to be delivered in full and the £0.250m support resource is already available to the service in 2019/20 by means of earmarked reserves:

	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	
<b>Existing Targets</b>	£0.5m	£2m	£2m	-	-	£4.5m
<b>Suggested Revision</b>	£0.5m	£0.261m	£1.634m	£2.391m	£6.175m	£10.961m
<b>Support Resources</b>	-£0.25m	-£0.25m	-£0.25m	-£0.25m	-£0.25m	- £1.25m
<b>Commissioning Fees</b>	-	-£0.5m -	-	-	-	- £0.5m
<b>Avoidable Capital Costs (Backlog Maintenance)</b>					£6.0m	£6.0m

New core areas of focus were identified for property services through the MTPS, which incorporated key priority themes: **Housing, Investments, Regeneration** (especially the Town Centre) and the **Corporate Estate**. These themes are explored in more detail later in this report.

This requires changes to be made to the governance arrangements, and service delivery structures to ensure the right resources are in place for effective and enhanced delivery across this programme (including investment in additional transformation and support service resources).



# NEW APPROACH

For ease of identification, the conclusions below summarise the thematic findings and new approach for the MTPS:

## Strategy

- Refresh the MTPS to align with the new thematic areas, objectives and financial / milestone / performance targets;
- Refresh the Investment strategy to ensure opportunities can be supported to increase revenue generation;
- Re-prioritise the list of projects that sit within the thematic areas; identifying business case justification.

## Targets

- Revise the objectives and associated activities in support of the new strategic approach to MTPS.
- Ensure activities focus on corporate estate consolidation / place-based integrated working / one public estate which links to the Housing Strategy and Town Centre Vision.
- Consider new approach to project delivery.

## Culture / Delivery Function Structure

- Embrace a 'One Team' approach to bring together all internal and external stakeholders involved with the delivery of property services.
- Quick win - co-locate relevant groups of staff.
- Finance and Legal support should be an integral part of the strategic team and where necessary their resources increased to match the overall demand from programme requirements.
- Project management resources will be required to add pace to the programme and link to the role of the transformation lead

# NEW APPROACH

For ease of identification, the conclusions below summarise the thematic findings and new approach for the MTPS:

## Governance

- To ensure that good investments are not lost through delays in the decision-making process, it is recommended Cabinet remains the decision making body, following recommendations from the Corporate Property Board (CPB).
- The Board will comprise Directors of Finance, Legal and Economy, Deputy Chief Executive and Portfolio Holders for Finance and Corporate Services and the Leader of the Council. A quorum of at least 3 members of the Board will be required to conduct business, including finance, economy and Member representation.
- Dedicated programme director (Head of Service level support) will provide technical capacity to ensure holistic strategic programme delivery, risk management, and interdependency alignment;
- Assets, Accommodation and Investment (AAI) Group will replace the Property Rationalisation Group to review and report on performance and risks to the work programme. This needs to include external stakeholders such as CCG / OPE and key internal functions such as the corporate estate, finance, legal and Unity partnership in order to act as one integrated team at Head of Service level;
- Each workstream within the AAI programme needs a dedicated lead / responsible officer (Head of Service) supported by a Transformation Project Management Officer to provide high level operational decisions, programme alignment, assurance, programme inter-dependencies, programme milestone management, financial milestone management, risk management, technical expertise and additional resources as required.
- Each workstream will need sub project / task boards to ensure collaborative working across the holistic work programme and to map interdependencies.

## Processes and Procedures

- A revision is needed to the Property Protocols around disposals which ultimately needs much greater member support and more advanced work on 'why' and 'which' properties are being disposed of.

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# 03

## KEY THEMES

# KEY THEMES

Although some viability is to be checked over the next few months the following key projects comprise the activities needed to deliver the ambition and financial programme associated with the MTPS:

## Regeneration

By 2035, Greater Manchester aims to be one of the world's leading sub-regions, driving sustainable growth across a thriving north of England. We want to ensure the sustainability of our town centre as a place to work, visit and enjoy: in addition, to be a place where our people can live are able to take maximum advantage of the services, shops, skills and training they need to enjoy an excellent quality of life.

Oldham town centre has a new vision that is aligned with national, regional and local strategic priorities and has a clear rationale, narrative and focus for everyone (residents, businesses, officers, stakeholders, politicians, partners et al) to embrace and own, to help drive forward the necessary changes through dedicated accountability and a strategic leadership.

There are a number of priority areas within the associated action plan, to ensure ambitions for town centre living, employment creation, skills development, the green environment, green energy, accessible public realm, family friendly activities, enticing night-time economy and enhanced safety / security are progressed to instigate the catalytic transformation of the town centre with the ambition for housing at its core.

## Investment

Oldham is one of 101 towns identified for support of up to £25m to develop a Town Deal via the £3.6bn Towns Fund. According to the prospectus published by the Ministry of Housing, Communities and Local Government (MHCLG) in November 2019, the objective of the Towns Fund is to increase economic growth with a focus on regeneration, improved transport, better broadband connectivity, and skills and culture.

The aim is to drive long-term transformative change within local economies, meaning that capital projects must form the core of proposals submitted by local authorities for Towns Fund grant funding. Oldham Council is required to submit a 'readiness checklist' by 19<sup>th</sup> December 2019 to help MHCLG gauge how quickly Oldham is able to prepare for a Town Deal and, importantly, understand local plans for the funding. The Council must also establish a Town Deal Board, ideally chaired by a representative of the local business community, by 31st January 2020. The Town Deal Board will be the vehicle through which the vision and strategy for Oldham is defined; it will produce a Town Investment Plan setting out an understanding of the area's assets, opportunities and challenges, and inform the Town Deal, including the amount of investment secured through the Towns Fund

The MHCLG also launched the competitive Future High Streets Fund (FHSF) in December 2018 to support plans to make England's high streets and town centres fit for purpose. Oldham Council submitted an Expression of Interest for FHSF funding and, thereafter, a business case for a 'shovel-ready' intervention in Oldham town centre: the transformation of the Egyptian Room in the Old Town Hall into a contemporary food hall.

# KEY THEMES

## Housing Regeneration

Oldham's Housing Strategy was approved at full council in July 2019. The Strategy highlights the priorities and needs for the borough and is supported by a robust delivery plan that sits behind it to enable its objectives to be achieved. The new Housing Strategy was developed in line with Oldham Plan, the Greater Manchester Spatial Framework and the Greater Manchester housing strategy.

The aim of the Strategy is to provide a diverse housing offer that is attractive and meets the needs of different sections of the population at different points in their lives. The proposals go beyond simple numbers of new homes and focus on the dynamics between, people, homes and the wider economy. The strategy included a new Local Needs Housing Assessment to provide evidence-based insights into how the housing economy currently works, forecasts future needs and identifies gaps.

The projects identified in the Flexible Housing Fund have been developed to specifically address these issues and meet the strategic priorities.

## Corporate Estate

The Corporate Property Board (CPB) is a new governance forum to support the strategic alignment and scrutiny of all property decisions / service activity going forward. This is complimented by a suit of forums that allow projects to be aligned to deliver the themes of the MTPS. In summary the Corporate Property Board is:

- To take a corporate approach to the management of property assets whether Council owned or within the ownership of One Public Estate partners.
- It will be the strategic group focusing on best use of the Council's land and property holdings, disposals and investments within the context of the corporate strategic framework, in particular the Council's Medium Term Property Strategy (MTPS).
- The Deputy Chief Executive, People and Place will have overall responsibility / authority for the Council's Corporate Land and Property Portfolio. The Director of Economy will be responsible for the management of all Council owned land and property assets as part of the Corporate Landlord function, in addition to the delivery of all Strategic Housing and Regeneration projects.
- Directorates will be considered as tenants occupying corporate buildings. This will ensure that all property implications are thoroughly understood and maximise the potential for efficiencies / savings from both Placed Based and One Public Estate perspectives. This will also enable Services to focus on service delivery.
- The Council's Community Asset Transfer Policy (as amended in March 2019) and the views of Ward Members / Portfolio holders are to be considered as part of any proposal to declare an asset within the Council's Land & Property Portfolio as being surplus to the Council's operational requirements.

# KEY THEMES

## One Team

The review has found multiple points of duplication of effort and resources. Much of this is driven by legacy issues, such as the Unity Partnership previously being in private ownership and the Council taking on client / monitoring / delivery roles for key projects. Now, Unity Partnership is a wholly owned company of the Council and therefore collaborative working needs consideration to maximise efficiency. The various structures within property services have evolved over time with various saving requirements leading to the reduction of lead roles and the amalgamation of services. As the level of ambition has grown, this has shown the current structure to be unsuitable to effectively deliver the required strategy, performance objectives and targets set out within this report.

## Strategic Support, Project Management and Project Delivery

The proposed functional structure seeks to bring together the key leads of each of the major thematic areas: Investment, Regeneration, Housing and Corporate Assets. From a simple geographical perspective, the majority of the teams required for this approach are based in separate locations and ideally co-location or at the very least, regular shared project meetings will be required to foster this change. However, for maximum benefit, it should be all those involved with the key thematic areas at a strategic level and delivery (from a professional services perspective, i.e., finance, legal, asset and property management, capital projects, project management and facilities management leads), who are co-located.

Significant resources will be needed to deliver these projects and others in the corporate estate, regeneration and housing thematic areas. There is a strong emphasis on strategic and project management support needed to ensure timely delivery of projects which contribute to the MTPS. It is critical that services have sufficient information and resources to effectively deliver the programmes. In this sense, we consider that project management support is required to provide assurance at a strategic level (i.e. that the programme is being managed effectively) and to support the strategic development of projects and their ultimate delivery. The scale of this resource will depend upon the extent of the programme, but this needs careful consideration as part of the service review work.

## Schedule of Activity: Current Status

To assess the current position with regard to the key assumptions affecting the delivery, and therefore, achievement of the targeted savings, all projects need to be assessed against numerous criteria including desirability and viability to determine the current status and demand on resources.

Prioritisation in this way means that all the activities / projects / programmes currently within scope for the MTPS have been reviewed and bold decisions in conjunction with stopping activities / areas of inefficient service delivery / time and resource wastage are needed to allow re-purposing and new work programmes to emerge to supporting viability testing and acceleration where deemed necessary.



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04

PERFORMANCE OBJECTIVES

# PERFORMANCE OBJECTIVES

The review has identified a clear set of thematic areas which the Council need to accelerate to deliver their corporate goals and the savings targets;

## YEAR ONE 2020/21

- **Systems, Process, Protocols review**
- **Service review to determine capacity, capability, skills and resource mapping**
- **Continue with programme of land / property disposals**
- **Savings Target £260k**
- **Housing: deliver the goals / objectives set out in the Housing Strategy**
  - Determine portfolio for new homes on council land and consider programme for delivery
  - Establish direct delivery mechanism (development / funding)
  - Seek and confirm investment funding (including Housing Revenue Account) to support delivery
  - Test viability / feasibility and business case for town centre homes.
  - Reduce housing waiting list and reduce residents housed in temporary accommodation
  - Improve quality in the available housing stock, reduce homelessness and support thriving communities
- **Regeneration: deliver Town Centre Vision**
  - Continue to deliver existing projects which are on site / out to tender
  - Determine priority requirements for town centre projects and ensure feasibility / viability testing complete for other potential projects
  - Determine programme for delivery including seeking / confirming funding
  - Create an attractive net income stream if funded by the Council
  - Facilitate thriving communities / improved environment – place and social value
  - Support the creation of Skills, Education, access to jobs and pride in place

# PERFORMANCE OBJECTIVES

The review has identified a clear set of thematic areas which the Council need to accelerate to deliver their corporate goals and the savings targets;

- **Corporate Estate: create a more cost effective / better utilised asset portfolio**
  - Service Review for Corporate Landlord / Estates / Property Services
  - Review Land and Property Protocols
  - Rationalisation of the Land and Property Portfolios
    - Corporate estate – public buildings in use by public services: review utilisation / energy efficiency / sustainability
    - Commercial estate – public buildings in use by commercial tenants
    - Community / Co-operative estate - public buildings / land in use by community tenants
    - Regeneration estate – buildings / land held for future development
    - Surplus estate – review property / land assets for disposal consideration
    - Establish ‘business as usual’ / core activities to support the annual maintenance and facilitation of corporate assets
      - > Consider packaging some projects for disposal or transfer where resource intensive activities are taking place
    - Ensure asset management / facilities management plans are in place for all corporate assets
  
- **Investment: determine sustainable programme to deliver long-term revenue / capital targets**
  - Refresh of Corporate Property Investment Strategy to include debt / equity finance
  - Review opportunities for direct development (homes and commercial buildings)
  - Invest in public sector buildings as part of wider OPE / LAR agenda and place-making / place based working initiative
  - Ensure rigorous / proactive programme of land and property disposals in place to reduce revenue implications and generate capital return

**Critically, activity in all these areas needs to be closely co-ordinated and delivery requirements considered at a strategic level.**

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## APPENDIX (2)

### Creating a Better Place

# Proposed Revisions to the Land and Property Protocols

**Portfolio Holder:**

Cllr S Fielding (Leader) - Cabinet Member for Economy and Enterprise

**Senior Responsible Officer:**

Helen Lockwood, Deputy Chief Executive – People and Place

**Contact Officer:**

Emma Barton, Director of Economy

**Report Author:**

Peter Wood, Head of Strategic Asset & Facilities Management

**27 January 2020**

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'*Creating a Better Place*' incorporates significant programmes of work that have been progressed over the past eighteen months in order to set out a comprehensive vision and strategic framework for the borough. These include the:

- Updated vision for Oldham Town Centre;
- Housing Strategy 2019; and
- Updated Medium Term Property Strategy

*Creating a Better Place* focuses on building more homes for our residents, creating new jobs through town centre regeneration, and ensuring Oldham is a great place to visit with lots of family friendly and accessible places to go.

**Reason for Decision**

Following twelve months of analysis and legal reviews into process and risk management it is timely to update the Land and Property protocols within the Council's constitution to bring them in line with best practice.

Following approval of the Council's new approach to land and property management and investment, *Creating a Better Place*, and the revised Commercial Property Investment Strategy at Cabinet on 16 December 2019, this report outlines amendments to the Council's Land and Property Protocols.

The proposed amendments seek to:

- Acknowledge the role of the Corporate Property Board (CPB) and the additional delegated authorities conferred on officers in order to progress land and property disposals and the acquisition of new investments for the purposes of generating a sustainable future income to support the Council's mainstream service delivery;
- Provide clarity and guidance to Officers in respect of other matters office accommodation / proposed relocations, public open space and marketing methods together with a tender procedure.
- Re-enforce that all decisions taken will be informed by ward member views and concerns.

### **Recommendations**

It is recommended that the proposed amendments outlined within the revised Land and Property Protocols are approved for consideration by full Council as a revision to part of the Council's Constitution.



**Creating a Better Place - Proposed Revisions to the Land and Property Protocols****1 Background**

- 1.1 Within the Council's Constitution, the Land and Property Protocols provide guidance to Officers in respect of a range of property related matters including inter alia general management principles, the disposal of assets at best consideration as well as at an "undervalue" together with a scheme of delegation for Senior Officers to approve transactions within a variety of thresholds based on capital and rental values.
- 1.2 The Land and Property Protocols have been subject to review over the last twelve months to align with market conditions and the Council's current policies and strategies.
- 1.3 To assist Officers in driving the Medium-Term Property Strategy (MTPS) forward and delivering the targeted revenue savings sought over the life of the programme i.e. 2020-2025, it is proposed to amend the Council's Land and Property Protocols thereby streamlining the Council's governance and decision-making processes.
- 1.4 A copy of the revised Land and Property Protocols is attached at Appendix 1. The proposed main changes are highlighted below, and these are reported in the order they appear within the Protocol.

**2 Corporate Property Board**

- 2.1 As recommended within the report to Cabinet (16 December 2019), the revised Land and Property Protocols now reflect the role of the Corporate Property Board (CPB), replacing the Property Appraisal Group, with delegated authorities conferred on officers to progress the acquisition of investment assets as part of the Council's Commercial Property Investment Strategy thereby assisting in the delivery of the MTPS.
- 2.2 It is further proposed for the purposes of consistency and oversight that all acquisitions irrespective of capital value are referred to CPB for approval, and that the protocols are amended to reflect the approvals from Cabinet.
- 2.3 To ensure that good investments are not lost through delays in the decision-making process, it is recommended Cabinet remains the decision-making body, following recommendations from the Corporate Property Board (CPB).
- 2.4 The Board will comprise Directors of Finance, Legal and Economy, Deputy Chief Executive and Portfolio Holders for Finance and Corporate Services and the Leader of the Council. A quorum of at least 3 members of the Board will be required to conduct business, including finance, economy and Member representation.

- 2.5 The Director of Economy, in consultation with the Director of Legal Services, will have delegated authority to complete property purchases of up to £10m subject to the prior recommendations of CPB, after which authority will revert back to Cabinet, unless there is a need to make an emergency decision whereby the emergency decision clause in the Land and Property Protocol will apply.
- 2.6 The Director of Finance, in consultation with the Director of Legal Services, will have delegated authority to complete alternative investments of up to £25m subject to the prior recommendations of CPB, after which authority will revert back to Cabinet, unless there is a need to make an emergency decision whereby Treasury Management Protocols will apply.
- 2.7 Assets, Accommodation and Investment (AAI) Group will replace the Property Rationalisation Group to review and report on performance and risks to the work programme. This needs to include external stakeholders such as CCG / OPE and key internal functions such as the corporate estate, finance, legal and Unity partnership in order to act as one integrated team at Head of Service level.
- 2.8 Cabinet shall approve all acquisitions in excess of £10m unless there is a need to make an emergency decision in which case the emergency provisions within this Protocol will take effect.
- 2.9 The Directors of Finance and Economy also have delegated authority to secure additional specialist external advisors as considered appropriate when funded from existing budget allocations.

### **3 Office Moves**

- 3.1 As part of its' Medium-Term Property Strategy (2018-2022), the Council needs to use its' office accommodation in a much more efficient and cost-effective manner than it is currently in order to contribute to the revenue savings target highlighted within the plan.
- 3.2 As part of the effort to achieve delivery of the target savings, it is imperative that Corporate Landlord has full control and oversight in coordinating and monitoring office moves across the Council's portfolio.

All Service Managers are to adhere to the Land and Property Protocols and note that all requests for accommodation or office moves within the portfolio need to be referred to Corporate Landlord for written approval prior to any moves taking place.

- 3.3 Any such request should include a business case including an explanation of the rationale for the proposed move as well as confirmation of budget resource to fund any moves.
- 3.4 These should be directed in the first instance to the Head of Strategic Assets & Facilities Management for subsequent approval by either the Director of Economy or the Deputy Chief Executive People and Place.

- 3.5 The Director of Economy will be responsible for all office accommodation including relocations in accordance with the Council's Office Accommodation Strategy as part of the wider Corporate Landlord function. It is imperative that ICT, Communications are fully engaged and involved the process to assist with planning / resource allocations.
- 3.6 It should be noted that due to the significant long-term investment involved, express written approval from the Director of Economy is required before considering the installation of IT Hubs in Council property.
- 3.7 The proposed amendment to the protocols will provide improved guidance to officers.

#### **4 Protocol on Disposal of Open Space**

- 4.1 The Land and Property Protocol now includes a Public Open Space Assessment Matrix to assist Officers whether land subject to a proposed sale could be deemed as "open space" as defined within Section 336(1) of the Town and Country Planning Act 1990.

#### **5 Disposals Protocol / Method of Sale**

- 5.1 By way of additional guidance for Officers and Members, the Land and Property Protocol also includes a summary of the various marketing methods together with a Tender Procedure and how to deal with Late Bids.

#### **6 Options/Alternatives**

- 6.1 Option 1 – To approve the proposed amendments to the Land and Property Protocols to assist in delivering the MTPS.
- 6.2 Option 2 – To retain the existing Land and Property Protocols and accept the consequential risk associated with the delivery of the MTPS.

#### **7 Preferred Option**

- 7.1 To approve Option 1 and amend to the Land and Property Protocols as indicated within Appendix 1.

#### **8 Consultation**

- 8.1 Consultation has taken place with colleagues across the Council, but especially with Legal Services, Corporate Governance, and Finance.

## **9 Financial Implications**

- 9.1 There are no direct financial implications arising from this report with the amendments to the protocols, however as stated each individual land and property transaction must be subject to the decision-making process and follow the levels of delegation. As each case will be different the specific financial implications will be discussed in each separate report.

Officers should work with Finance when carrying out any acquisition to understand the current and future capital and revenue requirements for the Council, where the funding will be sourced and impacts to the Medium Term Financial Strategy (MTFS).

(James Postle)

## **10 Legal Services Comments**

- 10.1 Legal Services have reviewed and commented on the amended text of the Protocol.  
(Rebecca Boyle)

## **11 Co-operative Agenda**

- 11.1 There are no direct implications in terms of the Council's Co-operative Agenda as a result of the proposed revisions to the Land and Property Protocols.

## **12 Human Resources Comments**

- 12.1 Not applicable.

## **13 Risk Assessments**

- 13.1 In order to demonstrate both value for money and appropriate probity, it is important that the Council has up-to-date, workable, Land and Property Protocols.

(Mark Stenson)

## **14 IT Implications**

- 14.1 Not applicable.

## **15 Property Implications**

- 15.1 The property implications are fully covered within this report.

(Peter Wood)

## **16 Procurement Implications**

- 16.1 Not applicable.

**17 Environmental and Health & Safety Implications**

17.1 There are no direct implications as a result of the proposed revisions to the Land and Property Protocols.

**18 Equality, community cohesion and crime implications**

18.1 Not applicable.

**19 Equality Impact Assessment Completed?**

19.1 Not applicable.

**20 Key Decision**

20.1 No.

**21 Key Decision Reference**

21.1 Not applicable.

**22 Background Papers**

22.1 Not applicable.

**23 Appendices**

2a - Land and Property Protocols (clean version for ease of reading).

2b - Land and Property Protocols (with tracked changes).

2c - Change reference table

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# **APPENDIX 2**

## **LAND AND PROPERTY PROTOCOL**

### **CONTENTS**

1. GENERAL PROTOCOL
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## **Appendix A – Public Open Space Assessment Matrix**

## **Appendix B – Disposals Protocol / Methods of Sale**

### **a) Introduction**

### **b) Summary of Marketing Methods**

### **c) Further Guidance**

#### **1. Disposal by Private Treaty**

##### **a) Private Treaty – with open marketing**

##### **b) Private Treaty – sole party without marketing**

#### **2. Disposal by Public Auction**

#### **3. Disposal by Informal Tender**

#### **4. Disposal by Formal Tender**

#### **5. Disposal by Exchange of Land**

#### **6. Development Partner / Agreement**

### **d) Exceptions**

### **e) Tender Procedure**

### **f) Late Bids**

### **g) Online tendering**



- The Corporate Property Board is to take a corporate approach to the management of property assets whether Council owned or within the ownership of One Public Estate partners. It will be the strategic decision-making group focusing on best use of the Council's land and property holdings, within the context of the corporate strategic framework, in particular the Council's Medium Term Property Strategy (MTPS).
- The Deputy Chief Executive, People and Place will have overall responsibility/authority for the Council's Corporate Land and Property Portfolio.
- The Director of Economy will be responsible for the management of all Council owned land and property assets as part of the Corporate Landlord function, in addition to delivery of all strategic regeneration projects.
- Directorates will be considered as tenants occupying corporate buildings. Services must therefore seek advice from the Corporate Landlord when considering future service delivery. This will ensure that all property implications are thoroughly understood and maximise the potential for corporate efficiencies / savings from both Placed Based and One Public Estate perspectives. This will enable Services to focus on service delivery.
- The Council's Community Asset Transfer Policy (as amended in March 2019) and the views of Ward Members are to be considered as part of any proposal to declare an asset within the Council's Land & Property Portfolio as being surplus to the Council's operational requirements.

## **2 CORPORATE PROPERTY BOARD**

The main Terms of Reference for the Corporate Property Board are as follows:

It will comprise at least:

- The Leader of the Council
- The Deputy Leader and Cabinet Member for Finance and Corporate Services
- The Deputy Leader and Cabinet Member for Social Justice and Communities
- The Deputy Chief Executive for People and Place
- The Directors of Finance, Legal Services and Economy

The Corporate Property Board's function will be to evaluate business cases and make decisions in relation to future property acquisitions aligned the principles of the Council's Commercial Property Investment Strategy.

A quorum of at least 3 members of Corporate Property Board will be required to consider the outline business case of potential investment opportunities, a minimum being one Elected Member, the Director of Finance and the Deputy Chief Executive People and Place. If the outline business case is approved, Corporate Property Board will authorise the Director of Economy to complete the purchase.

- (i) All land and property shall be treated as a corporate resource.
- (ii) The Corporate Property Board will act as the management and decision-making board for the Corporate Landlord, unless directed otherwise within this protocol.
- (iii) Service Directorates will be considered as tenants occupying corporate buildings.
- (iv) To ensure a corporate approach to meet targets to reduce the amount of office space held by the Council, all planned moves and relocations will be subject to review by the Corporate Property Board and approval to any such moves will be via either the Deputy Chief Executive People and Place or the Director of Economy.
- (v) Executive Directors and Directors will be required to account for assets used to deliver services and the Corporate Property Board will challenge existing and future occupation requirements.
- (vi) Service Directorates will be required to work with the Corporate Landlord via the Corporate Property Board in respect of proposals to invest in, acquire or dispose of property.
- (vii) The Corporate Property Board will regularly review the business case for the retention of Council assets. Each of the Council's assets or group of assets is to have a detailed Asset Management Plan and performance including security of income, income growth and costs will be reviewed annually. Decisions will be provided in respect of future capital investment and retention / disposal of assets.

Consequently, the Estates within the Council's Land and Property Portfolio, ie Service Delivery (Direct & Indirect), Income Generation, Regeneration, Co-operative and Surplus as established as part of the MTPS, will be subject to continual change. As the Estates are rationalised, opportunities to achieve revenue savings / capital receipts and to reduce backlog maintenance expenditure / increase income will arise.

- (viii) Property occupation costs and utilisation will be monitored through the Asset Management process. Any assets considered surplus to the Council's requirements will, in the first instance, be reported to the Corporate Property Board.

### **3 GENERAL MANAGEMENT PRINCIPLES**

The Council has adopted the following key management objectives and principles relating to its' Land and Property Portfolio:

- (i) Capital Receipts (see Definitions at Section 16)  
Capital Receipts come from the sale of the Council's assets.

In general capital receipts arising from the disposal of housing assets and for which account is made in the Housing Revenue Account (HRA)

are governed by the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003. In summary the regulations require that:

- Receipts arising from Right to Buy (and similar) sales may be retained to cover the cost of transacting the sales and to cover the debt on the properties sold, but a proportion of the remainder must be surrendered to central Government;
- Receipts arising from all other disposals may be retained in full provided they are spent on affordable housing, regeneration or the paying of housing debt.

Where the sale of an asset leads to the requirement to repay grant, the capital receipt will be utilised for this purpose. Once these liabilities have been established and provided for, capital receipts will be available to support the capital programme as a corporate resource.

- (ii) Land and property running costs, including those relating to carbon emissions, will be optimised to ensure expenditure associated with occupation is minimised, in accordance with the Council's Energy Policy.
- (iii) Land and property users have an obligation to significantly reduce running costs.
- (iv) The Council will maintain investment into its land and property assets, in accordance with the Building Maintenance Policy (as approved at EMT on 15 January 2015). The Corporate Landlord will report annually on the level of investment required to maintain the portfolio / corporate estate to a minimum standard of repair and ensuring compliance with health & safety matters.
- (v) Partner organisations including Oldham Integrated Care Organisation and others within the public and voluntary sectors will be encouraged to:
  - a) adopt a collaborative approach to service delivery and
  - b) share accommodation in order to reduce occupation costs wherever possible,

in accordance with the Council's Co-operative aspirations / objectives (including its' Community Asset Transfer Policy) and the principles of One Public Estate.

- (vi) Future developments will incorporate the principles of whole life cycle costing. Capital and revenue programmes will make provision for investment into the Borough's property infrastructure. Provision will depend on the financial resources of the Council and will be determined through the capital and revenue budget planning processes. (See Definitions at Section 16: Capital Expenditure)

- (vii) New buildings will be sustainable, based on whole life cycle costing and not initial capital outlay. All new buildings and those subject to significant refurbishment works must have a Building Research Establishment Environmental Assessment Method (BREEAM) rating of not less than good, and/or in accordance with the Council's Energy Policy.
- (viii) All reports and Business Cases should incorporate Finance, Legal and Property comments plus any other relevant comments for example, Procurement and Human Resources) and the report author is to confirm that the Council's Land & Property Protocol has been complied with.
- (ix) Due diligence will be undertaken including appropriate financial checks to establish whether a potential purchaser / lessee owes the Council any monies as a debt prior to acceptance of any offer for the sale or letting of a Council asset.
- (x) The Council is committed to the principle of being a Corporate Landlord.

#### **4 POWERS OF ACQUISITION, APPROPRIATION, HOLDING & DISPOSAL OF LAND**

The Council is empowered to acquire, hold, appropriate and dispose of land for its statutory purposes, by a variety of statutes. When preparing an acquisition, disposal or appropriation of land, officers must ensure that the transaction is undertaken using the appropriate powers of the Council for that land and having regard to all legal requirements, including statutory guidance.

Property comments will be required in respect of all reports which have land and property implications.

#### **5 DETAILED LAND AND PROPERTY PROTOCOL**

##### **5.1 Background Matters / General Principles**

All land and property, whether held for Service Delivery (Direct or Indirect), Income Generation, Regeneration, Co-operative Use or as part of the Surplus portfolio, will be subject to regular review in accordance with individual Asset Management Plans and the MTPS.

Land owned by the Council acting in its capacity as a charitable trustee should **not** be subject to the regular review process and cannot be disposed of without the permission of the Charitable Trust Committee / The Charity Commission.

The Corporate Landlord will work with Directorates (via DMT's) to ensure that any potential change of direction in service delivery, which has an implication in terms of the Council's future property requirements will be advised at the earliest opportunity.

Any proposed changes will also be in accordance with the Council's Accommodation Strategy.

## 5.2 Disposal of Land (Best Consideration)

The Local Government Act 1972 Section 123 provides that the Council may dispose of land in any manner it sees fit, subject to the constraint that a disposal must be for the best consideration reasonably obtainable unless the consent of the relevant Secretary of State is obtained.

A disposal includes a lease of more than seven years or an assignment of a lease which has more than seven years to run.

Generally, best consideration will be achieved by offering the land for sale to open competition. Section 123 applies to land held for most of the Council's statutory functions, subject to certain exceptions such as disposal of land held for housing purposes, which are governed by the Housing Acts and for planning purposes which are governed by planning legislation. In such cases, specific legal advice should be sought at the earliest opportunity.

The method and terms of sale will be subject to professional advice on a case by case basis having consideration of paragraph 5.3 below, the Disposals Protocol and Methods of Sale at Appendix B together with the following:

- All disposals and marketing exercises must be carried out observing the principles of transparency, proportionality and equal treatment.
- Techniques can be used to introduce an element of control and these include incorporating options / buy back provisions for the Council should development not be carried out. Buy back provisions should not include repurchasing at less than market value or on any terms which imply a penalty is being imposed for the development not being carried out or completed.
- Heads of Terms should be discussed with Legal Services prior to release.
- Provisions within an agreement can be included to give the Council the ability to approve (as landowner **not** as Local Planning Authority) planning applications before they are submitted.
- The Council is not able to enter into development agreements imposing obligations on buyers / developers to develop sites / carry out works or impose conditions as to how or when a development is carried out unless it has been properly procured.
- The Council can however require that developments are carried out in accordance with planning requirements and any permissions required / obtained, but this cannot include requiring a planning permission to be implemented – it can only condition what happens if a planning permission is implemented [including requiring (where appropriate and reasonable) that once the development is

commenced by the carrying out of a material operation then in the interests of the amenity of neighbouring properties the development is brought to practical completion with a specified period (such period to be reasonable in all the circumstances) from the date of commencement (bearing in mind that any obligations relating to the development will be nonetheless difficult for the Council to enforce from a practical point of view save through the exercise or threat of exercise by the Council of a buy back option)].

- The preparation of documents for marketing and any evaluation / scoring mechanisms used must be agreed in advance with Legal Services and (in appropriate cases) Procurement.
- Soft market testing can be conducted where appropriate with advice and support from Legal Services / Procurement.
- Communication with potential bidders and buyers must be clear, consistent and create and maintain a level playing field. Information given out to bidders must be provided to all bidders and records must be kept of all communications.
- Proposals to dispose of high value and / or sensitive disposals and the appropriate route to market should be discussed and agreed in advance with Legal Services and Internal Audit.
- Where a high level of control is desired over specific outcomes on a particular site, then consideration must be given to disposal via a procurement exercise.
- Matters pertaining to best consideration, state aid, public open space and any school / playing field / academy issues need to be taken into account.

### **5.3 Application of the EU Public Procurement Regime**

Certain disposals of land may fall within the definition of “works” contained within the scope of the Public Contracts Regulations 2015, which give effect to European Directive on public procurement. This will need to be considered, for example, where the Council is providing land within a development scheme or is imposing obligations on a developer in order to meet its regeneration objectives, whether through the use of a Section 106 agreement or development agreement.

Care and advice needs to be taken prior to the Heads of Terms stage and advertisement so as to ensure the regulations are not inadvertently triggered for example: the exercise of a decisive influence over the type or design of the works; or works carried out from which the Council either derives an immediate economic benefit; or imposes a legally enforceable obligation to undertake the works (rather than allowing the other party the option of not carrying out or completing the works even if the consequence of that is the loss of the deal).

Officers of the Council should not discuss the details of an individual bid with a prospective bidder before the decision to award the Contract is made. Any discussions as to a potential bidder's proposals for the site could prejudice the decision making for the award of the Contract. Therefore, any communications should be limited and restricted to writing and all communications should be made with the principles of proportionality, transparency and fairness borne in mind. If the Council wants to test the market for a site to understand its' best value for money use, then Officers should look to undertake soft market testing, before advertising the site for sale.

This remains a complex area of law and legal advice should be sought at an early stage to determine whether any proposed disposal to a developer should be advertised under the Public Contracts Regulations.

#### **5.4 Disposals of land at less than Best Consideration**

The presumption is that land will be sold for the best consideration reasonably obtainable. However, it is recognised that there will be circumstances where the Council will consider it appropriate to dispose of land at less than best consideration; for example to support the Council in achieving its ambitions as a Co-operative Council.

In certain circumstances, the law provides that authorities may dispose of land at less than best consideration. This requires the consent of the relevant Secretary of State, unless a General Disposal Consent (issued by the relevant Secretary of State from time to time) may be relied on. Any decision to dispose of land at less than best consideration may only be made subject to seeking the consent of the relevant Secretary of State where required.

The General Disposal Consent (England) 2003 provides a general consent removing the requirement for the Council to seek specific approval from the Secretary of State for a wide range of disposals at less than best consideration.

**The Council have been granted consent In circumstances where:**

- (A) the difference between the unrestricted value of the land to be disposed of and the proposed disposal price does not exceed £2million; and**
- (B) the Council considers that the purpose for which the land in question is to be disposed is likely to contribute to the achievement of any one or more of the following objectives in respect of the whole or any part of its area or of all or any persons resident or present in its area:**
  - (i) the promotion or Improvement of the economic well-being;**
  - (ii) the promotion or Improvement of social well-being; and**
  - {iii) environmental well-being.**

of land at less than best consideration meets these criteria or continues to require specific consent under Section 123 of the Local Government Act 1972, or other legislation. Land held for specific Housing purposes is subject to additional regulation and early legal advice should be sought in such instances.

Any such proposed disposal of land at less than best consideration will need to consider the possibility that the proposed transaction may result in the giving of unlawful State Aid (European Union Treaty article 87(1)).

In determining whether or not to dispose of land for less than best consideration, the Council should obtain a Red Book Valuation from a Chartered Surveyor (valuer) to determine the likely amount of the undervalue (i.e. the difference between unrestricted value of the land to be disposed of and the proposed disposal price). Legal advice should also be obtained on the question of whether the disposal is capable of falling within the terms of the specific consent. In certain cases, it may be prudent to consult the District Auditor in relation to any action that is proposed.

In considering the application of the well being criteria under the General Disposal Consent, the Council must have regard to the Council's Corporate Plan, the Oldham Plan and Co-operative Council ambition and reasonably consider, via the Director of Finance, the extent, if any, to which the proposed disposal supports the aims and objectives therein.

Any proposal to dispose of land at less than best consideration should in the first instance be referred to the Corporate Property Board for consideration. The Council must demonstrate that it has acted reasonably in approving undervalue transactions in order to be in a position to respond to any potential challenge. Regard must therefore be had to the Medium Term Property Strategy, the terms of the Council's Land and Property Protocols and the Council's fiduciary duty. Accordingly, all decisions will address the following issues:

- Confirmation that the disposal will contribute positively to the Council's priorities.
- A statement that the benefits that the Council will derive from the proposed disposal cannot be achieved unless the sale takes place at undervalue.
- Details of the proposed terms of the transaction which will ensure that the disposal will contribute to the achievement or Improvement of the social, economic and environmental well being of the area.

Following review by the Corporate Property Board, any proposed transactions at less than best consideration shall be approved as follows:

- Where the undervalue is up to and including £100,000 by the Director of Economy.



- Where the undervalue is greater than £100,000 by Cabinet.

For the avoidance of doubt, the Academy Conversions process is excluded from this provision; as such disposals are within a statutory direction.

## **5.5 Freehold or Leasehold Disposal**

For all property disposals considerations will be given to the appropriate tenure of the disposal, whether freehold or long leasehold. The decision will have regard to the benefits of retaining any residual controlling interest against the implications of such action which may for example give rise to on-going estate management responsibilities, maintenance obligations or result in continuing financial costs or charges for the Council either at the time of consideration or at some future date.

The most recent House of Commons Briefing Paper relating to Leasehold and Commonhold Reform (October 2019), outlines amongst other things the Government's intention to legislate and prohibit the creation of new long leasehold tenancies on houses. Consequently, where the disposal of land is intended for residential development purposes, then the Council is to sell its' freehold interest where it currently holds such an interest.

## **5.6 Lettings**

No lettings should be carried out by Service Departments. All proposed lettings should be directed to the Director of Economy in order to protect the Council's interests and Health & Safety obligations.

The taking of or the granting, renewal, assignment, transfer, surrender, taking of surrenders, review, variation or termination of any leases, licences, easements or wayleaves at considerations, delegated as follows:

- For transactions of an Estate Management nature up to a maximum value of £250,000 will be within the delegated authority of the Head of Asset Management and Estates, in consultation with the Director of Economy, Director of Finance and Director of Legal Services and in consultation with the relevant Cabinet Member where the decision is a key decision.
- For transactions up to a maximum of £500,000 per annum or in return for a premium of up to £500,000 will be within the delegated authority of the Director of Economy in consultation with the Deputy Chief Executive, People and Place, Director of Finance and Director of Legal Services and in consultation with the relevant Cabinet Member where the decision is a key decision.
- For all transactions over £500,000 per annum or in return for a premium of over £500,000 shall be referred to Cabinet for approval.

Leases of over 7 years and assignments of leases with over 7 years to run, are defined in law as disposals. This means that the general

requirement to dispose at the best consideration reasonably obtainable will apply to them. Any proposal to dispose at less than best consideration should be dealt with as outlined in the section on Disposal (Best Consideration) above.

Under this protocol, the terms of any proposed letting will be considered by reference to the asset category;

#### **a) Income Generation & Regeneration Estates**

- The lettings will be based on commercial terms at full market value provided that the Director of Economy may in consultation the Director of Finance and the Director of Legal Services authorise a short term let at below market value where this has commercial justification, for example, to cover running costs prior to redevelopment and the asset falls within the Regeneration Estate.
- Concessionary lettings within the Income Generation Estate are not permitted and should Directorates wish to support such an arrangement it will be required to 'sponsor'/ fund the concessionary rent through alternative funding to the level of full market rent.
- Flexibility will be provided in respect of schemes / initiatives specifically directed at supporting businesses, provided that a full business case is in place and the views of the Director of Economy are sought regarding such schemes.
- Legal advice will be required before any concessionary rent is agreed to ensure the Council is not in breach of State Aid Regulations.

#### **b) Service Delivery (Direct & Indirect) Estates:**

Lettings to public sector tenants or commissioning partners delivering public sector services will be "at cost".

#### **c) Co-operative Estate:**

Letting to community sector tenants may range from "at cost" to an agreed discounted fee ie potential a peppercorn rent dependent on the structure of the organisation, its' relevance to the Council's Social Value Framework and how it benefits the local community.

Legal advice should be sought before any concessionary rent is agreed to ensure the Council is not in breach of State Aid Regulations.

#### **d) Surplus Estate:**

Lettings will be based on commercial terms at full market value provided that the Director of Economy may in consultation the Director of Finance and the Director of Legal Services authorise a short term let at below market value where this is beneficial to the longer-term goal of disposing of the asset.

Tenants should not commence occupation of premises in advance of either legal completion of lease or having sufficient legal measures in place to protect the Council's interest.

Rent collection and treatment of arrears should be in accordance with the Council's Protocol for debt recovery.

## **5.7 Community Transfer**

If it is considered that an asset is used for social, community and public purposes and the benefits of that service are deemed to outweigh the value of continuing ownership by the Council on behalf of all Council Tax payers, then the Council may consider the transfer of the asset to a community group. Any such transfer should be in accordance with the Council's Community Asset Transfer policy. See the link below.

[https://www.oldham.gov.uk/info/200615/love\\_where\\_you\\_live/2269/community\\_use\\_of\\_council\\_land\\_property](https://www.oldham.gov.uk/info/200615/love_where_you_live/2269/community_use_of_council_land_property)

If the surplus property has been registered as an "asset of community value", the Council has to ensure that there is opportunity for a Community Right to Bid prior to any disposal process commencing.

## **5.8 Decision Making**

The disposal, acquisition or appropriation of land, including open space, is an executive decision. The Council's Constitution provides for executive decisions relating to land to be made as set out in this document.

A disposal of land that will either generate a capital receipt over £250,000, or result in loss/generation of income over £250,000 will be a key decision and will need to be publicised on the Key Decision Document prior to being submitted to the decision maker. (Full definition of 'Key Decision' within Constitution).

All decisions may be referred to Cabinet if the Chief Executive or the Deputy Chief Executive in consultation with the relevant Cabinet Member, consider that a delegated decision should be referred to Cabinet

In order to improve transparency, all property acquisitions will be reported retrospectively to the Capital Investment Programme Board quarterly on a cumulative portfolio basis.

### **a) Transactions Subject to Cabinet Approval**

1. All recommendations to dispose of land for less than the best consideration reasonably obtainable where the likely undervalue is greater than £100,000.
2. All recommendations to acquire individual plots of land, compulsorily or by agreement, or properties of any value that have not been approved within a scheme of development or regeneration project. -

3. All recommendations to acquire by agreement, appropriate or dispose of land or property valued in excess of £500,000.

**b) Transactions Delegated to the Deputy Chief Executive, People and Place, for Approval**

Subject to paragraph 5.8 a) 3 the Deputy Chief Executive, People and Place, is authorised, (in consultation with the relevant Cabinet Member where the decision is a key decision), to approve property acquisitions, appropriations and disposals of land valued between £250,000 and £500,000.

**c) Transactions Delegated to the Director of Economic Development**

Subject to paragraph 5.8 a) 3 the Director of Economy, is authorised (in consultation with the relevant Cabinet Member where the decision is a key decision) to approve property acquisitions, appropriations and disposals of land valued at less than £250,000.

**d) Transactions Delegated to the Head of Asset Management and Estates**

Subject to paragraph 5.8 a) 3 the Head of Asset Management and Estates is authorised (in consultation with the relevant Cabinet Member where the decision is a key decision) to approve property acquisitions, appropriations and disposals of land valued at less than £50,000. Any action taken under this authority will be reported to the Director of Economy, for information.

## **6 Commercial Property Investment Strategy**

All land and property acquisitions for commercial investment will be reported to the Corporate Property Board, specifically those sought to generate a sustainable future income stream to support the Council's mainstream service delivery as part of its' Commercial Property Investment Strategy.

To ensure that good investments are not lost through delays in the decision-making process, it is recommended Cabinet remains the decision-making body, following recommendations from the Corporate Property Board (CPB).

The Board will comprise Directors of Finance, Legal and Economy, Deputy Chief Executive and Portfolio Holders for Finance and Corporate Services and the Leader of the Council. A quorum of at least 3 members of the Board will be required to conduct business, including finance, economy and Member representation.

The Director of Economy, in consultation with the Director of Legal Services, will have delegated authority to complete property purchases of up to £10m subject to the prior recommendations of CPB, after which authority will revert back to Cabinet, unless there is a need to make an emergency decision whereby the emergency decision clause in the Land and Property Protocol will

apply.

The Director of Finance, in consultation with the Director of Legal Services, will have delegated authority to complete alternative investments of up to £25m subject to the prior recommendations of CPB, after which authority will revert back to Cabinet, unless there is a need to make an emergency decision whereby Treasury Management Protocols will apply.

Assets, Accommodation and Investment (AAI) Group will replace the Property Rationalisation Group to review and report on performance and risks to the work programme. This needs to include external stakeholders such as CCG / OPE and key internal functions such as the corporate estate, finance, legal and Unity partnership in order to act as one integrated team at Head of Service level;

Notwithstanding paragraph 5.8 c) above, the Director of Economy shall have delegated authority to complete property acquisitions up to a value of £10m subject to the prior decisions of the Corporate Property Board.

Cabinet shall approve all acquisitions in excess of £10m unless there is a need to make an emergency decision in which case the emergency provisions within this Protocol will take effect.

The Directors of Finance and Economy also have delegated authority to secure additional specialist external advisors as considered appropriate subject to compliance with the Council's Contract Procedure Rules.

## **7 Emergency Decisions**

In circumstances where actions are required urgently, e.g. bidding at auction to acquire land and property of strategic significance, where the value of the transaction is greater than £500,000, the Deputy Chief Executive, People and Place in agreement with the Council Leader and in consultation with the Directors of Finance and Legal (or their duly authorised nominees) will have authority to take appropriate action. An Emergency Action will be reported to Cabinet for information at the next available opportunity.

## **8 Member Notification**

The appropriate Cabinet Member and Ward Members will be notified in advance of all property transactions and their views will be recorded as part of the decision-making process.

The exceptions to this are the sale of individual residential ground rents in accordance with Leasehold Enfranchisement legislation, and decisions delegated to the Head of Strategic Assets & Facilities Management where Ward Members will be notified of day to day estate management matters seven days prior to implementation.

## **9 Delegated Decision Recording**

With the exception of those referred to below, all delegated decisions will be reported in the standard short form format, which is available on the Council's

Intranet. Following approval, such delegated decisions are also to be recorded on ModGov.

Other general estate management decisions delegated to the Head of Strategic Assets & Facilities Management will be recorded to the schedule template, a copy of which is attached.

## **10 Compulsory Acquisition of Land**

Cabinet approval is required for any acquisition of land (or programme of acquisition) where it is proposed to use the Council's powers of compulsory acquisition. Any approval to acquire the same land by agreement should be sought from Cabinet at the same time as the approval to use compulsory powers.

## **11 Content of Reports**

Cabinet reports seeking consent to dispose of or acquire land should include details of the interest held, appropriate site plans and valuation information provided by an appropriately qualified source.

Reports seeking to dispose of land at less than best consideration should in addition, address those matters set out in paragraph 5.4. above including the provision of a Red Book Valuation in respect of the amount of undervalue.

Reports should demonstrate that all relevant legal issues have been considered and addressed and that there is no legal barrier to prevent a decision from being taken.

Where approval is sought for a development scheme or regeneration project, a plan showing the individual properties whose acquisition it is proposed to seek under the scheme or project must be included in the report which seeks approval for the scheme.

## **12 Independent Valuations of Land/Property**

With regard to those transactions for the disposal and acquisition of property that have not been exposed to the open market it is considered prudent to seek an independent valuation from a Chartered Surveyor (valuer) in accordance with the RICS Red Book .

## **13 Instructions to undertake property transactions**

- For the avoidance of doubt, Legal Services will not accept instructions relating to property transactions from service directorates.
- Only transactions correctly approved as set out in paragraph 5.6 and 5.8 will be accepted.
- All instructions to Legal Services will be via the Council's property and asset management system (currently Concerto).

## **14 Office Moves**

As part of its' Medium Term Property and Office Accommodation Strategies, the Council needs to use its office space in a much more efficient and cost effective manner in order to contribute to annual revenue savings targets.

To achieve this, Corporate Landlord will have full control and oversight in co-ordinating and monitoring office moves across the Council's portfolio.

All Service Managers are to adhere to the Land and Property Protocol and note that all requests for accommodation or office moves within the portfolio need to be referred to Corporate Landlord for written approval prior to any moves taking place.

Requests should include a business case or briefing paper outlining the following:

- (i) The reasons for the proposed move including an indicative timescale.
- (ii) Estimates for ICT works (including data & power requirements), any works associated with redecoration or alterations, removal costs and any other incidental costs.
- (iii) Use of existing or surplus office furniture from within the Council's portfolio should be considered at the outset. The purchase of new furniture will only be considered where the proposed move creates a more efficient and cost-effective use of the office space via for example the use of smaller desks.
- (iv) Where a "move request" is Service led as opposed to one proposed by the Corporate Landlord (for example to vacate a building for disposal) then the Service will need to confirm that it has sufficient budget resource to fund its' proposed move.

In the first instance all requests should be directed to the Head of Strategic Assets & Facilities Management for subsequent approval by either the Director of Economy or the Deputy Chief Executive People and Place.

The Director of Economy will be responsible for all office accommodation including relocations in accordance with the Council's Office Accommodation Strategy as part of the wider Corporate Landlord function.

Due to the significant long-term investment involved, express written approval from the Director of Economy is required before considering the installation of IT Hubs in Council property.

## **15 Service Review**

The Corporate Landlord will work with Divisional Management Teams across Services to ensure that strategic and operational property requirements are addressed in line with the Medium Term Property Strategy, the Office Accommodation Strategy and Locality Asset Review.

## **16 Definitions**

### Capital Expenditure

Section 16 of the Local Government Act 2003 + Regulation 29A of the Capital Financing Regulations (England) 2003 define capital expenditure

as;

1. Expenditure that results in the acquisition, construction, or enhancement of a Fixed Asset.
2. Expenditure where the Secretary of State has made a direction that it can be treated as capital expenditure e.g. exceptional items which would otherwise place an unreasonable strain on revenue budgets.

### Capital Receipt

Section 9 (1) of the Local Government Act 2003

"a sum received by the authority in respect of the disposal by it of an interest in a capital asset"

Section 9 (2) defines a capital asset as:

"An asset is a capital asset if, at the time of the disposal, expenditure on the acquisition of the asset would be capital expenditure"

Capital receipts are restricted to use for

- Financing new capital investment
- Reducing borrowing under the Prudential Framework
- To pay a premium charged in relation to any amounts borrowed
- To meet any liability in respect of credit arrangements
- To meet disposal costs (not exceeding 4% of the receipt)

## **17 PROTOCOL ON DISPOSAL OF OPEN SPACE**

### **17.1 General Principles**

The key issue is to make sure that open space (sometimes referred to as public open space) is identified at the earliest possible stage of the disposal process.

As open space is not specifically dealt with in official copies on the Land Registry, the Council has developed an assessment matrix to assist in determining whether the asset is considered to be 'Open Space' and whether any disposal should follow the Public Open Space disposal process as set in this protocol.

A copy of the assessment matrix is within Appendix A.

### **17.2 Decision Making**

Decisions to dispose of open space must be made in two stages. The first stage report is to recommend disposal of the land in principle, subject to the advertising (in an appropriate publication) of the proposed disposal and allowing time for objections.

The second stage report will include recommendations for disposal or retention of the land having regard to any objections, which have been



received to the proposed disposal. This report can be incorporated with the report seeking authority to dispose of the land and the terms recommended.

Consideration of the objections and the decision to dispose to be undertaken in accordance with the appropriate delegations set out in the Land and Property Protocol.

Where the land is put to the open market then any offers received will be subject to completion of a separate tender report in accordance with the delegated authority set out within this Protocol under paragraph 5.7 above.

In the event of a sale of land by private treaty for example to an adjoining householder for say garden use, then the Head of Strategic Assets & Facilities Management has authority to approve such transactions and recorded as such in accordance with paragraph 9.

Sufficient time should be allowed for the completion of the open space disposal procedure, utilising the appropriate delegations and considering any objections. Instructing officers should allow at least 6 weeks between receipt of instructions by Legal Services and the end of the period for objections.

### **17.3 Legal Procedures**

Instructions to advertise a disposal of open space should be sent by the surveyor (via Concerto) to Legal Services (fao. Group Lawyer, - Corporate Group) giving the following information:

- cost code and purchase order number
- plans of the land
- measurements of the land
- a copy of the decision to advertise the land
- name of the person/directorate to receive objections. This should be the instructing officer or other person in the instructing directorate.
- any other relevant information.
- (if applicable) confirmation of whether the purpose of the disposal is to be specified in the notice (and, if it is, the description of the purpose to be included in the notice). The default position will be that the purpose of the disposal will not be specified (as this is not

required by law) unless Legal Services are instructed to the contrary.

The instructions will be allocated to an officer in Legal Services who will draft the notice and arrange for it to be placed in a local newspaper for two (2) consecutive weeks.

Notices will follow standard format, the use of the word 'disposal' will be fully explained and (only if the purpose is to be specified in the notice - see above) the purpose of the 'disposal' will be clarified.

Twenty Eight (28) days will be allowed from the date of the first advertisement for objections to be made to the relevant Deputy Chief Executive. 28 days is generally considered to be a reasonable minimum length of time for objections.

#### **17.4 Communication with Potential Purchasers**

In communicating with potential purchasers of open space, care must be taken to ensure that officers and/or members do not give the impression, either deliberately or inadvertently, that the need to advertise open space and consider objections is merely an administrative process which will be "rubber stamped".

The decision is a public law decision and must be made in accordance with the principles of public law. In particular it must be reasonable to dispose of the land having considered objections and there must be no pre-determination of the decision.

Potential purchasers should understand that the Council is not able to make any commitment to enter into a contract for sale unless and until a proper decision to dispose of the land has been taken.

#### **17.5 Acquisition and Appropriation of Open Space**

Acquisitions (including compulsory acquisitions) and appropriations of open space to other purposes must apply the appropriate legal powers and duties for the purposes for which the open space is being acquired.

**Legal advice should be sought before any proposed departure from this protocol.**

## **Appendix A – Public Open Space Assessment Matrix**

### Introduction

In accordance with the Land & Property Protocol, it is important that the surveyor identifies at the earliest possible stage whether the land subject to a proposed disposal could be considered or deemed to be “open space” (often referred to as Public Open Space) as defined within Section 336(1) of the Town & Country Planning Act 1990, more particularly:

“Open space means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.”

If this cannot be determined conclusively from information available to the surveyor then he / she should undertake a site visit and complete the assessment below. This is aimed at assisting the surveyor in determining whether the Council is required to advertise its’ intention to dispose of open space to fulfil its’ statutory obligation in accordance with the provisions of Section 123 Local Government Act 1972 and / or Section 233 Town & Country Planning Act 1990.

The surveyor is recommended to consider the questions raised in Table 1 and if applicable consider further those issues referred to in Table 2 as part of their assessment.

It is further recommended that the surveyor takes photographs of the site in question.

### Table 1 Questions

The following table sets out a series of questions the surveyor should consider as part of his / her initial assessment of the land whilst carrying out a desktop exercise and site visit.

No	Questions	Yes / No	Course of Action
1	Is the land designated within the Local Plan (formerly Local Development Framework / Unitary Development Plan) as recreational open space?	Yes/No	If Yes - advertise
2	Is the land formally laid out & maintained as a garden or landscaped area by the Council’s Parks Service?	Yes/No	If Yes - advertise
3	Is the land formally laid out & maintained as a garden or landscaped area by a partner organisation on behalf of the Council?	Yes/No	If Yes - advertise
4	Does a desktop study reveal any evidence that the land was a former burial ground?	Yes/No	If Yes – advertise.  NB: If so, also need to consider whether it is consecrated ground.
5	Is the land unfenced and accessible to the public?	Yes/No	If Yes – consider Table 2 issues. If No – note current use of the land, any evidence of site notices or use with permission.

## Table 2 Issues

If following completion of the questions within Table 1 the answers are all 'No', then the surveyor is required to consider further the issues in Table 2.

No	Issues to Consider	Comments
1	Degree to which there is evidence of use for recreational purposes by members of the public. For example: dog-walking, trial / mountain biking, kick about area, etc.	
2	Degree to which there is clear evidence of wear or desire lines?	
3	Degree to which any lack of repair or maintenance to the boundary features (i.e. fences, walls, hedges, ditches or bunds) may offer an opportunity to access the land.	
4	Degree to which any access or use of the land might be considered as being unlawful or may constitute trespass?	
5	Degree to which there is evidence that the land is being used with permission?	
6	Degree to which there is evidence of a previous use on the site and when this may have ceased? For example, has the site been temporarily landscaped pending redevelopment e.g. housing clearance programmes – if so how long ago?	

Having completed the above, the surveyor is required to consider / assess the following risks:

Risk Factor	Low		High	
	1	2	3	4
<b>Risk of Challenge</b> i.e. The risk or likelihood of the Council being challenged as a result of a decision to dispose of the land without first undertaking a POS advertising procedure.				
<b>Financial / Reputational Risk</b> The possible effect from a financial / reputational / judicial review perspective of any such challenge.				
<b>Sensitivity</b> How contentious any such disposal may be.				

## Scoring

Each of the above risk factors is to be scored between 1 and 4.

Total Score for the subject site =

## Assessment & Options

### Option 1

If the score is greater than 6, the subject land should be regarded as Public Open Space and as such is subject to a statutory advertising procedure to be undertaken in accordance with the Council's Land & Property Protocol.

Option 2

If the score is 6 or less then the subject land should not be regarded as Public Open Space and as such is not subject to a statutory advertising procedure.

Decision

Having fully completed this Assessment, the surveyor has considered all pertinent information available to him / her and determined that Option 1 / Option 2 \* should be followed in respect of the subject site.

Name of Surveyor: \_\_\_\_\_

Date: \_\_\_\_\_

\*delete as appropriate

## **Appendix B – Disposals Protocol / Methods of Sale**

### **a) Introduction**

Land and Property transactions undertaken by Local Authorities often attract widespread public interest and consequently the Council needs to have a clear code of practice underpinned by procedural guidelines, which are adhered to by both Members and Officers when dealing with such matters.

This protocol applies to the disposal by way of sale or lease of an interest or interests in land and property including fixtures and fittings incidental thereto which has / have previously been agreed by either Corporate Property Board or via the Officer Scheme of Delegation as being surplus to the Council's operational requirements.

### **b) Summary of Marketing Methods**

The Council will usually use one of the following methods to dispose of land and property:

1. **Private Treaty** - a sale of land negotiated with one or a small number of purchasers. The land may or may not have been marketed as available for sale. A binding legal agreement is created on 'exchange of contracts' between the Council and the purchaser.
2. **Public Auction** - a sale of land by open auction available to anyone. The sale will be advertised in advance. A binding legal agreement is created upon the acceptance of a bid by the auctioneer.
3. **Informal Tender** - a sale of land after a public advertisement that requests informal offers or bids that meet a given specification or set of objectives.

A binding legal agreement is not created until the exchange of contracts between the authority and the chosen bidder.

4. **Formal Tender** - a sale of land by a process of public advertisement and tenders submitted by a given date in accordance with a strict procedure. A binding legal agreement is created upon the acceptance of a tender by the Council.
5. **Exchange of Land** - a transaction involving the exchange of Council owned land with another land owner.

The land acquired by the Council will meet at least one of its corporate objectives and will be 'equal' in value to the land exchanged or there shall be an equality payment made by either party.

6. **Development Partner / Agreement** – a private sector partner who has been established through appropriate means, to jointly deliver and benefit from redevelopment / regeneration schemes.

**c) Further Guidance**

**1. Disposal by Private Treaty**

The main characteristics of a sale by private treaty are:

- 1) The timescales for completion of the transaction are not fixed until exchange of contracts.
- 2) Offers are made Subject to Contract.
- 3) Offers are, or may, not all be received at the same.
- 4) It is usual for the asking price to be quoted.

The steps involved in a private treaty sale will usually include the following:

- i) Openly advertising the property for sale through an agency or direct advertising media.
- ii) Taking offers from interested parties.
- iii) Identifying preferred offers
- iv) Negotiation of bids to ensure best value.

The Council will normally consider the highest bid as representing the best consideration that can be reasonably obtained, subject to ensuring any conditions attached to bids are reflected in the final evaluation.

The process for disposal by private treaty can still include a closing date and be by way of sealed bids if considerable interest is anticipated.

If land is to be sold by private treaty without being marketed, then reasons justifying a private treaty sale must be recorded in writing. In some circumstances, the Council may seek an independent valuation to verify that 'best consideration' is being obtained. An example may include a sale to a special purchaser.

A private treaty sale without the asset being openly marketed may be justified where:

- a) The land to be disposed of is relatively small in area and an adjoining or closely located landowner(s) is (are) the only potential or likely purchaser(s).
- b) The nature of the Council's land ownership and that of the surrounding land ownership is such that the land must be sold to adjoining or surrounding landowners if best consideration is to be obtained.
- c) The Council's corporate objectives and best consideration can best be achieved by a sale to a particular purchaser.

- d) The sale is to a non-profit making organisation and the role of that organisation is conducive to the improvement of public services and facilities available within the borough.
- e) The purchaser has a particular interest in purchasing the premises or a particular association with the premises and where open marketing of the premises may lead that particular purchaser to reduce the value of their offer for the premises or withdraw their interest in the premises altogether.
- f) The purchaser has a particular interest in purchasing the site or a particular association with the site and where in the opinion of the Corporate Property Board / Portfolio Member (Economy and Enterprise) open marketing of the site may cause undue hardship or unrest for that particular purchaser or where the sale of the premises to a party other than that particular individual would substantially and detrimentally affect the normal operation of the business associated with the premises.
- g) The disposal is as a result of the Right to Buy scheme.
- h) The Crichel Down Rules, which are commended but not binding on a local authority, apply and the Council has decided to sell the land to the person from whom it acquired the land. Specific procedures relate to the disposal of property where Crichel Down Rules apply. It is therefore recommended that legal advice is sought in such circumstances.

A legally binding agreement will not be reached until either contracts for the lease or sale of land are exchanged or a development agreement is signed.

**a) Private Treaty – with open marketing**

After a reasonable period of exposure to the market, negotiations are carried out with interested parties and a clear highest bidder might emerge.

In the event that two or more interested buyers are identified at similar prices, it is possible to consider moving on to the Informal Tender method below.

**b) Private Treaty – sole party without marketing**

This is to be considered where there is unlikely to be more than one party interested in the property at an open-market price or there is a special interest purchaser likely to pay above the market price.

This generally arises when an application is received from an adjacent or neighbouring owner(s) to purchase the freehold or leasehold interest of a small or inconsequential area of land in the Council's ownership. If



the land is deemed to be surplus to requirements and has no development value or potential demand as an open market opportunity, then negotiations with the adjacent or neighbouring owner should be opened in order to achieve the most advantageous financial or economic outcome, for example if the land is 'landlocked' or is difficult or expensive to maintain.

Special circumstances may arise where an adjacent owner can gain advantage by combining land to give rise to a ransom, betterment or overage position. In such cases, it is necessary to establish both the market value and the value advantage to the proposed purchaser.

## **2. Disposal by Public Auction**

Sale by public auction may be appropriate where there is no obvious potential purchaser and where speed and best price can be publicly demonstrated.

An auction reserve is used to ensure that a property is not sold below an agreed level of value and is usually within 10% of the auctioneer's guide price. The reserve may be adjusted upwards or downwards (but within the 10% threshold) depending on the level of interest following a period of marketing. The auctioneer usually advises on the level of the reserve.

Prior to the sale it will therefore be necessary for the appropriate Officer within the Council's Scheme of Delegation to confirm the auction reserve to be applied. It is recommended that an Officer attends the auction to act on behalf of the Council.

Legal Services are to ensure that an appropriate legal pack including a contract for sale or lease is ready in good time prior to the auction.

The binding contract will be made on the acceptance of the highest bid providing it has reached the reserve price. Contracts for the sale or lease will immediately be signed and exchanged. The contract usually specifies that legal completion is to occur within 20 working days, however the Council may choose to specify a longer period within the contract if necessary, provided that the contract also states that the parties may agree to complete on an earlier date.

## **3. Disposal by Informal Tender**

A disposal by informal tender differs from a formal tender in that neither the Council nor the successful bidder is legally obliged to enter into a contract for the disposal of the land.

The informal process allows the Council to identify a preferred bidder with whom it may then negotiate further detailed terms or proposals for the development of the land concerned.

final offers for a sale, or informal development proposals for land.

This process is particularly useful for large or complex development or regeneration sites requiring development and where proposals need to be developed in co-operation with a specific or identified bidder in order to meet the Council's corporate objectives and achieve the best consideration that can be reasonably obtained.

Although not a formal tender, after the closing date, all bids should be recorded by the relevant case officer.

A binding legal agreement is not created until the exchange of contracts for sale or lease or the signing of a development agreement.

This method is suited to sales where there are uncertainties, particularly around Planning, and allows for use of conditional contracts, including clauses which can allow for further sums to become payable upon grant of planning permission at different points in the future.

It is therefore essential that officers considering disposal of property by informal or formal tender consult with Planning and Highways to ensure that if the disposal is dependent upon receipt of planning consent then there is reasonable prospect of that consent being approved.

#### **4. Disposal by Formal Tender**

A sale of land by formal tender may be appropriate where:

- a) The land ownership is not complex.
- b) The final form of legal documentation for contracts / transfer are in place together with statutory searches and replies to standard enquiries.
- c) There are no uncertainties as to grant of a planning consent.
- d) The Council is seeking obligations to be placed on the successful tenderer which are clear and capable of specification in advance.

This method can provide a well organised, transparent way of achieving completion when a timeframe is essential. However, it is often more costly and a much longer lead-in period is required.

Formal tenders will not be appropriate where the land ownership position is complex or the development proposals for the land are insufficiently identified or otherwise incapable of being drawn up into a detailed specification at the pre-tender stage. This is particularly so where a detailed planning permission is required, such as a listed property or property in a Conservation Area. Therefore prior to the commencement of a formal tender process the advice of Planning and Highways should be sought.

With a formal tender process, a legally binding relationship is formed when the Council accepts a tender in writing. It is essential therefore, that every aspect of the disposal is specified within the tender documents. The tender

documents should include a contract for sale or lease (which will have a form of transfer or lease annexed to it) which should be completed with the tenderer's details, the tender price, include a deposit cheque to preclude withdrawal of the tender prior to acceptance and be signed by the tenderer. It will be released unconditionally to the Council on submission of the tender.

Sale of land by formal tender will require a detailed specification to be drawn up. This needs to specify the land to be sold, any requirements to be met by the tenderer and any obligations that must be met.

## **5. Disposal by Exchange of Land**

Disposal by exchange of land will be appropriate when it will achieve best consideration for the Council and is advantageous to the Council and other parties to exchange land in their respective ownerships.

The exchange will usually be equal in value. However, an inequality in land value may be compensated for by an equality payment or by other means where appropriate. In such circumstances the Council may seek an independent valuation to verify that 'best consideration' will be obtained.

This method could be advantageous where there is a requirement to deliver corporate or regeneration objectives via the use of Wellbeing powers.

## **6. Development Partner / Agreement**

This is a complex transaction which may be subject to a procurement process that will not usually be appropriate unless circumstances such as those listed below apply:

- The Council wishes to retain a degree of control and influence over the type and pace of development that could not otherwise be achieved through exercise of its statutory powers (such as Planning).
- There is a reasonable expectation of improved future profits that the Council wishes to secure through overage or equity share arrangements.
- It is appropriate for the Council to make land or buildings available to a partner agency (such as a Registered Social Landlord) for the provision of core services at below market value.
- To allow a third party to bring forward a site for development by such as the securing of planning consent without the financial exposure of speculative site acquisition.

Such arrangements are highly complex and expert advice will be obtained to support the Council. Care will be taken to ensure compliance with procurement and / or State Aid Rules. Legal advice should

be sought at the outset.

Other than settlement of principal terms covering such as purchase price, site area and the like, additional factors that need to be considered for development partnerships will normally include:

- (i) The provision of detailed information and plans of the proposed development.
- (ii) The timescale for completion of the development.
- (iii) Detailed funding arrangements and confirmation that these are in place.
- (iv) Evidence of end user commitment and the opportunity for Council to discuss that commitment directly with the end users in question.
- (v) Details of the developer's financial offer for the property.
- (vi) Developer's track record with similar developments.
- (vii) Any partnership record with other local authorities.
- (viii) Full details of any proposed joint venture opportunity.
- (ix) Details of any conditions precedent to which the proposal is subject.
- (x) Any wider / longer term regeneration benefits from the proposal. For example, employment or training opportunities during construction or from the proposed end user.
- (xi) Provision of any other off-site benefits or facilities.
- (xii) Potential for attraction of shoppers, visitors, users to the borough's facilities.
- (xiii) Capacity of the proposal for bringing other sites forward or opening up other development potential.
- (xiv) Potential for leverage of private or other public funds and grants.
- (xv) Capacity of the proposal to remove or reduce other Council financial liabilities.
- (xvi) Satisfaction of the Council's approved regeneration objectives.

**d) Exceptions**

Other methods of disposal may be used where circumstances warrant. A notable exception to the standard methods of disposal is the Council supporting Government policy in the transfer of maintained schools to

Academies who self-determine on conversion.

The Council typically transfer the Council's land under a 125 year lease at a peppercorn rent in accordance with the Academies Act 2010. Whilst a long lease is preferable, the Department for Education (DfE) recognises that at times parties will seek to enter into local agreements.

The expectation is still however that all land and facilities used wholly or mainly for the purpose of the converting school will transfer and be made available for Academy use.

**e) Tender Procedure**

Officers are to adhere to the following when marketing land or property for sale by tender (whether via Informal Tender or Formal Tender):

- a) No tenders shall be invited unless Public Notice has been given in at least one local newspaper giving details of the property and the proposed transaction. It should also invite interested persons to apply to tender within a period of not less than 28 days.
- b) Where an agent has been appointed to act on the Council's behalf, their name and address will also be given, and they will be required to acknowledge and comply with this Protocol.
- c) Interested parties will be provided with property particulars and full details of the tender process.
- d) All tenders must be delivered in the envelope provided or in a sealed envelope addressed to the Borough Solicitor, bearing the words "Tender for....." the address of the land or property for sale, along with the closing date for submission of offers, but without any name or mark indicating the identity of the sender.
- e) All tenders delivered by hand ie to the Civic Centre Main Reception, will be issued with a receipt indicating the land or property in question and the time & date and time of its' delivery. A record is to be maintained.
- f) Applicants who wish to make an offer by post must do so by Recorded Delivery.
- g) All tenders received are to be passed to Legal Services.
- h) Tender envelopes will remain unopened and in the custody of the Legal Services until the appointed time for opening.
- i) All tenders will be opened together after the closing date has expired by an Officer nominated by the Borough Solicitor as well as the Case Officer for the sale land / property.
- j) The Borough Solicitor will maintain a record of all tenders received including any late bids.

- k) Tenders will not be accepted where they are not specific, or they are made in reference to another bid, for example “£100 over the highest bid”.
- l) The Council will make it clear that it does not bind itself to accept the highest tender or indeed, any tender.
- m) Any tenders received after the tender closing date or where they contravene any provision of the tendering conditions or instructions will only be opened with the authority of the Borough Solicitor.

**f) Late Bids**

Where land is being disposed of by way of formal tender, bids received after the deadline for tenders, will be recorded as late, together with the time and date of receipt. The Borough Solicitor should decide whether to consider late bids in consultation with the Director of Economy in exceptional circumstances.

**g) Online tendering**

In consultation with Legal Services tenders can be run online through the Council’s e-procurement portal.



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# **APPENDIX 2**

## **LAND AND PROPERTY PROTOCOL**

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## **1 GENERAL PROTOCOL**

- The Corporate Property Board is to take a corporate approach to the management of property assets whether Council owned or within the ownership of One Public Estate partners. It will be the strategic decision-making group focusing on best use of the Council's land and property holdings, within the context of the corporate strategic framework, in particular the Council's Medium Term Property Strategy (MTPS).
- The Deputy Chief Executive, People and Place will have overall responsibility/authority for the Council's Corporate Land and Property Portfolio.
- The Director of Economy will be responsible for the management of all Council owned land and property assets as part of the Corporate Landlord function, in addition to delivery of all strategic regeneration projects
- Directorates will be considered as tenants occupying corporate buildings. Services must therefore seek advice from the Corporate Landlord when considering future service delivery. This will ensure that all property implications are thoroughly understood and maximise the potential for corporate efficiencies / savings from both Placed Based and One Public Estate perspectives. This will enable Services to focus on service delivery.
- The Council's Community Asset Transfer Policy (as amended in March 2019) and the views of Ward Members are to be considered as part of any proposal to declare an asset within the Council's Land & Property Portfolio as being surplus to the Council's operational requirements.

## **2 CORPORATE PROPERTY BOARD**

The main Terms of Reference for the Corporate Property Board are as follows:

It will comprise at least:

- The Leader of the Council
- The Deputy Leader and Cabinet Member for Finance and Corporate Services
- The Deputy Leader and Cabinet Member for Social Justice and Communities
- The Deputy Chief Executive for People and Place
- The Directors of Finance, Legal Services and Economy

The Corporate Property Board's function will be to evaluate business cases and make decisions in relation to future property acquisitions aligned the principles of the Council's Commercial Property Investment Strategy.

A quorum of at least 3 members of Corporate Property Board will be required to consider the outline business case of potential investment opportunities, a minimum being one Elected Member, the Director of Finance and the Deputy Chief Executive People and Place. If the outline business case is approved, Corporate Property Board will authorise the Director of Economy to complete the purchase.

- (i) All land and property shall be treated as a corporate resource.
- (ii) The Corporate Property Board will act as the management and decision-making board for the Corporate Landlord, unless directed otherwise within this protocol.
- (iii) Service Directorates will be considered as tenants occupying corporate buildings.
- (iv) To ensure a corporate approach to meet targets to reduce the amount of office space held by the Council, all planned moves and relocations will be subject to review by the Corporate Property Board and approval to any such moves will be via either the Deputy Chief Executive People and Place or the Director of Economy.
- (v) Executive Directors and Directors will be required to account for assets used to deliver services and the Corporate Property Board will challenge existing and future occupation requirements.
- (vi) Service Directorates will be required to work with the Corporate Landlord via the Corporate Property Board in respect of proposals to invest in, acquire or dispose of property.
- (vii) The Corporate Property Board will regularly review the business case for the retention of Council assets. Each of the Council's assets or group of assets is to have a detailed Asset Management Plan and performance including security of income, income growth and costs will be reviewed annually. Decisions will be provided in respect of future capital investment and retention / disposal of assets.

the Consequently, the Estates within the Council's Land and Property Portfolio, ie Service Delivery (Direct & Indirect), Income Generation, Regeneration, Co-operative and Surplus as established as part of MTPS, will be subject to continual change. As the Estates are rationalised, opportunities to achieve revenue savings / capital receipts and to reduce backlog maintenance expenditure / increase income will arise.

- (viii) Property occupation costs and utilisation will be monitored through the Asset Management process. Any assets considered surplus to the Council's requirements will, in the first instance, be reported to the Corporate Property Board.

### **3 GENERAL MANAGEMENT PRINCIPLES**

The Council has adopted the following key management objectives and principles relating to its' Land and Property Portfolio:

- (i) Capital Receipts (see Definitions at Section 16)  
Capital Receipts come from the Council's assets.

In general capital receipts arising from the disposal of housing assets and for which account is made in the Housing Revenue Account (HRA) are governed by the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003. In summary the regulations require that:

- Receipts arising from Right to Buy (and similar) sales may be retained to cover the cost of transacting the sales and to cover the debt on the properties sold, but a proportion of the remainder must be surrendered to central Government;
- Receipts arising from all other disposals may be retained in full provided they are spent on affordable housing, regeneration or the paying of housing debt.

Where the sale of an asset leads to the requirement to repay grant, the capital receipt will be utilised for this purpose. Once these liabilities have been established and provided for, capital receipts will be available to support the capital programme as a corporate resource.

- (ii) Land and property running costs, including those relating to carbon emissions, will be optimised to ensure expenditure associated with occupation is minimised, in accordance with the Council's Energy Policy.
- (iii) Land and property users have an obligation to significantly reduce running costs.
- (iv) The Council will maintain investment into its land and property assets, in accordance with the Building Maintenance Policy (as approved at EMT on 15 January 2015). The Corporate Landlord will report annually on the level of investment required to maintain the portfolio / corporate estate to a minimum standard of repair and ensuring compliance with health & safety matters.
- (v) Partner organisations including Oldham Integrated Care Organisation and others within the public and voluntary sectors will be encouraged to:
  - a) adopt a collaborative approach to service delivery and
  - b) share accommodation in order to reduce occupation costs wherever possible,

in accordance with the Council's Co-operative aspirations / objectives (including its' Community Asset Transfer Policy) and the principles of One Public Estate.
- (vi) Future developments will incorporate the principles of whole life cycle costing. Capital and revenue programmes will make provision for investment into the Borough's property infrastructure. Provision will depend on the financial resources of the Council and will be determined through the capital and revenue budget planning processes. (See Definitions at Section 16: Capital Expenditure)
- (vii) New buildings will be sustainable, based on whole life cycle costing and not initial capital outlay. All new buildings and those subject to significant refurbishment works must have a Building Research Establishment Environmental Assessment Method (BREEAM) rating of not less than good, and/or in accordance with the Council's Energy Policy.

- (viii) All reports and Business Cases should incorporate Finance, Legal and Property comments plus any other relevant comments for example, Procurement and Human Resources) and the report author is to confirm that the Council's Land & Property Protocol has been complied with.
- (ix) Due diligence will be undertaken including appropriate financial checks to establish whether a potential purchaser / lessee owes the Council any monies as a debt prior to acceptance of any offer for the sale or letting of a Council asset.
- (x) The Council is committed to the principle of being a Corporate Landlord.

#### **4 POWERS OF ACQUISITION, APPROPRIATION, HOLDING & DISPOSAL OF LAND**

The Council is empowered to acquire, hold, appropriate and dispose of land for its statutory purposes, by a variety of statutes. When preparing an acquisition, disposal or appropriation of land, officers must ensure that the transaction is undertaken using the appropriate powers of the Council for that land and having regard to all legal requirements, including statutory guidance.

Property comments will be required in respect of all reports which have land and property implications.

#### **5 DETAILED LAND AND PROPERTY PROTOCOL**

##### **5.1 Background Matters / General Principles**

All land and property, whether held for Service Delivery (Direct or Indirect), Income Generation, Regeneration, Co-operative Use or as part of the Surplus portfolio, will be subject to regular review in accordance with individual Asset Management Plans and the MTPS.

Land owned by the Council acting in its capacity as a charitable trustee should **not** be subject to the regular review process and cannot be disposed of without the permission of the Charitable Trust Committee / The Charity Commission.

The Corporate Landlord will work with Directorates (via DMT's) to ensure that any potential change of direction in service delivery, which has an implication in terms of the Council's future property requirements will be advised at the earliest opportunity.

Any proposed changes will also be in accordance with the Council's Accommodation Strategy.

##### **5.2 Disposal of Land (Best Consideration)**

The Local Government Act 1972 Section 123 provides that the Council may dispose of land in any manner it sees fit, subject to the constraint that a disposal must be for the best consideration reasonably obtainable unless the consent of the relevant Secretary of State is obtained.

a A disposal includes a lease of more than seven years or an assignment of lease which has more than seven years to run.

Generally, best consideration will be achieved by offering the land for sale to open competition. Section 123 applies to land held for most of the Council's statutory functions, subject to certain exceptions such as disposal of land held for housing purposes, which are governed by the Housing Acts and for planning purposes which are governed by planning legislation. In such cases, specific legal advice should be sought at the earliest opportunity.

The method and terms of sale will be subject to professional advice on a case by case basis having consideration of paragraph 5.3 below, the Disposals Protocol and Methods of Sale at Appendix B together with the following:

- All disposals and marketing exercises must be carried out observing the principles of transparency, proportionality and equal treatment.
- Techniques can be used to introduce an element of control and these include incorporating options / buy back provisions for the Council should development not be carried out. Buy back provisions should not include repurchasing at less than market value or on any terms which imply a penalty is being imposed for the development not being carried out or completed.
- Heads of Terms should be discussed with Legal Services prior to release.
- Provisions within an agreement can be included to give the Council the ability to approve (as landowner **not** as Local Planning Authority) planning applications before they are submitted.
- The Council is not able to enter into development agreements imposing obligations on buyers / developers to develop sites / carry out works or impose conditions as to how or when a development is carried out unless it has been properly procured.
- The Council can however require that developments are carried out in accordance with planning requirements and any permissions required / obtained, but this cannot include requiring a planning permission to be implemented – it can only condition what happens if a planning permission is implemented [including requiring (where appropriate and reasonable) that once the development is commenced by the carrying out of a material operation then in the interests of the amenity of neighbouring properties the development is brought to practical completion with a specified period (such as 12 months) to be reasonable in all the circumstances) from the date of commencement (bearing in mind that any obligations relating to the development will be nonetheless difficult for the Council to enforce

from a practical point of view save through the exercise or threat of exercise by the Council of a buy back option)].

- The preparation of documents for marketing and any evaluation / scoring mechanisms used must be agreed in advance with Legal Services and (in appropriate cases) Procurement.
- Soft market testing can be conducted where appropriate with advice and support from Legal Services / Procurement.
- Communication with potential bidders and buyers must be clear, consistent and create and maintain a level playing field. Information given out to bidders must be provided to all bidders and records must be kept of all communications.
- Proposals to dispose of high value and / or sensitive disposals and the appropriate route to market should be discussed and agreed in advance with Legal Services and Internal Audit.
- Where a high level of control is desired over specific outcomes on a particular site, then consideration must be given to disposal via a procurement exercise.
- Matters pertaining to best consideration, state aid, public open space and any school / playing field / academy issues need to be taken into account.

### **5.3 Application of the EU Public Procurement Regime**

Certain disposals of land may fall within the definition of “works” contained within the scope of the Public Contracts Regulations 2015, which give effect to European Directive on public procurement. This will need to be considered, for example, where the Council is providing land within a development scheme or is imposing obligations on a developer in order to meet its regeneration objectives, whether through the use of a Section 106 agreement or development agreement.

Care and advice needs to be taken prior to the Heads of Terms stage and advertisement so as to ensure the regulations are not inadvertently triggered for example: the exercise of a decisive influence over the type or design of the works; or works carried out from which the Council either derives an immediate economic benefit; or imposes a legally enforceable obligation to undertake the works (rather than allowing the other party the option of not carrying out or completing the works even if the consequence of that is the loss of the deal).

Officers of the Council should not discuss the details of an individual bid with a prospective bidder before the decision to award the Contract is made. Any discussions as to a potential bidder’s proposals for the site could prejudice the decision making for the award of the Contract. Therefore, any communications should be limited and restricted to writing and all communications should be in line with the principles of proportionality, transparency and fairness borne in mind. If the Council wants to test the



market for a site to understand its' best value for money use, then Officers should look to undertake soft market testing, before advertising the site for sale.

This remains a complex area of law and legal advice should be sought at an early stage to determine whether any proposed disposal to a developer should be advertised under the Public Contracts Regulations.

#### **5.4 Disposals of land at less than Best Consideration**

The presumption is that land will be sold for the best consideration reasonably obtainable. However, it is recognised that there will be circumstances where the Council will consider it appropriate to dispose of land at less than best consideration; for example to support the Council in achieving its ambitions as a Co-operative Council.

In certain circumstances, the law provides that authorities may dispose of land at less than best consideration. This requires the consent of the relevant Secretary of State, unless a General Disposal Consent (issued by the relevant Secretary of State from time to time) may be relied on. Any decision to dispose of land at less than best consideration may only be made subject to seeking the consent of the relevant Secretary of State where required.

The General Disposal Consent (England) 2003 provides a general consent removing the requirement for the Council to seek specific approval from the Secretary of State for a wide range of disposals at less than best consideration.

##### **The Council have been granted consent in circumstances where:**

- (A) the difference between the unrestricted value of the land to be disposed of and the proposed disposal price does not exceed £2million; and**
- (B) the Council considers that the purpose for which the land in question is to be disposed is likely to contribute to the achievement of any one or more of the following objectives in respect of the whole or any part of its area or of all or any persons resident or present in its area:**
  - (i) the promotion or improvement of the economic well-being;**
  - (ii) the promotion or improvement of social well-being; and**
  - (iii) environmental well-being.**

It must be considered in each case whether a specific proposal to dispose of land at less than best consideration meets these criteria or continues to require specific consent under Section 123 of the Local Government Act 1972, or other legislation. Land held for specific Housing purposes is subject to additional regulation and early legal advice should be sought in such instances.

Any such proposed disposal of land at less than best consideration will need to consider the possibility that the proposed transaction may result in the giving of unlawful State Aid (European Union Treaty article 87(1)).

In determining whether or not to dispose of land for less than best consideration, the Council should obtain a Red Book Valuation from a Chartered Surveyor (valuer) to determine the likely amount of the undervalue (i.e.

the difference between unrestricted value of the land to be disposed of and the proposed disposal price). Legal advice should also be obtained on the question of whether the disposal is capable of falling within the terms of the specific consent. In certain cases, it may be prudent to consult the District Auditor in relation to any action that is proposed.

In considering the application of the well being criteria under the General Disposal Consent, the Council must have regard to the Council's Corporate Plan, the Oldham Plan and Co-operative Council ambition and reasonably consider, via the Director of Finance, the extent, if any, to which the proposed disposal supports the aims and objectives therein.

Any proposal to dispose of land at less than best consideration should in the first instance be referred to the Corporate Property Board for consideration. The Council must demonstrate that it has acted reasonably in approving undervalue transactions in order to be in a position to respond to any potential challenge. Regard must therefore be had to the Medium Term Property Strategy, the terms of the Council's Land and Property Protocols and the Council's fiduciary duty. Accordingly, all decisions will address the following issues:

- Confirmation that the disposal will contribute positively to the Council's priorities.
- A statement that the benefits that the Council will derive from the proposed disposal cannot be achieved unless the sale takes place at undervalue.
- Details of the proposed terms of the transaction which will ensure that the disposal will contribute to the achievement or Improvement of the social, economic and environmental well being of the area.

Following review by the Corporate Property Board, any proposed transactions at less than best consideration shall be approved as follows:

- Where the undervalue is up to and including £100,000 by the Director of Economy.
- Where the undervalue is greater than £100,000 by Cabinet.

For the avoidance of doubt, the Academy Conversions process is excluded from this provision; as such disposals are within a statutory direction.

## **5.5 Freehold or Leasehold Disposal**

For all property disposals considerations will be given to the appropriate tenure of the disposal, whether freehold or long leasehold. The decision will have regard to the benefits of retaining any residual controlling interest against the implications of such action which may for example give rise to on-going estate management responsibilities, maintenance obligations or result in continuing financial costs or charges for the Council either at the time of consideration or at some future date.

the most recent House of Commons Briefing Paper relating to Leasehold and Commonhold Reform (October 2019), outlines amongst other things the Government's intention to legislate and prohibit the creation of new long leasehold tenancies on housing subsequently, where the disposal of land

is intended for residential development purposes, then the Council is to sell its' freehold interest where it currently holds such an interest.

## 5.6 Lettings

No lettings should be carried out by Service Departments. All proposed lettings should be directed to the Director of Economy in order to protect the Council's interests and Health & Safety obligations.

The taking of or the granting, renewal, assignment, transfer, surrender, taking of surrenders, review, variation or termination of any leases, licences, easements or wayleaves at considerations, delegated as follows:

- For transactions of an Estate Management nature up to a maximum value of £250,000 will be within the delegated authority of the Head of Asset Management and Estates, in consultation with the Director of Economy, Director of Finance and Director of Legal Services and in consultation with the relevant Cabinet Member where the decision is a key decision.
- For transactions up to a maximum of £500,000 per annum or in return for a premium of up to £500,000 will be within the delegated authority of the Director of Economy in consultation with the Deputy Chief Executive, People and Place, Director of Finance and Director of Legal Services and in consultation with the relevant Cabinet Member where the decision is a key decision.
- For all transactions over £500,000 per annum or in return for a premium of over £500,000 shall be referred to Cabinet for approval.

Leases of over 7 years and assignments of leases with over 7 years to run, are defined in law as disposals. This means that the general requirement to dispose at the best consideration reasonably obtainable will apply to them. Any proposal to dispose at less than best consideration should be dealt with as outlined in the section on Disposal (Best Consideration) above.

Under this protocol, the terms of any proposed letting will be considered by reference to the asset category;

### a) Income Generation & Regeneration Estates

- The lettings will be based on commercial terms at full market value provided that the Director of Economy may in consultation the Director of Finance and the Director of Legal Services authorise a short term let at below market value where this has commercial justification, for example, to cover running costs prior to redevelopment and the asset falls within the Regeneration Estate.
- Concessionary lettings within the Income Generation Estate are not permitted and should Directorates wish to support such an arrangement it will be required to 'sponsor' / fund the concessionary rent through alternative funding to the level of full market rent.
- Flexibility will be provided in respect of schemes / initiatives specifically directed at supporting businesses, provided that a full

business case is in place and the views of the Director of Economy are sought regarding such schemes.

- Legal advice will be required before any concessionary rent is agreed to ensure the Council is not in breach of State Aid Regulations.

**b) Service Delivery (Direct & Indirect) Estates:**

Lettings to public sector tenants or commissioning partners delivering public sector services will be “at cost”.

**c) Co-operative Estate:**

Letting to community sector tenants may range from “at cost” to an agreed discounted fee ie potential a peppercorn rent dependent on the structure of the organisation, its’ relevance to the Council’s Social Value Framework and how it benefits the local community.

Legal advice should be sought before any concessionary rent is agreed to ensure the Council is not in breach of State Aid Regulations

**d) Surplus Estate:**

Lettings will be based on commercial terms at full market value provided that the Director of Economy may in consultation the Director of Finance and the Director of Legal Services authorise a short term let at below market value where this is beneficial to the longer-term goal of disposing of the asset.

Tenants should not commence occupation of premises in advance of either legal completion of lease or having sufficient legal measures in place to protect the Council’s interest.

Rent collection and treatment of arrears should be in accordance with the Council’s Protocol for debt recovery.

**5.7 Community Transfer**

If it is considered that an asset is used for social, community and public purposes and the benefits of that service are deemed to outweigh the value of continuing ownership by the Council on behalf of all Council Tax payers, then the Council may consider the transfer of the asset to a community group. Any such transfer should be in accordance with the Council’s Community Asset Transfer policy. See the link below.

[https://www.oldham.gov.uk/info/200615/love\\_where\\_you\\_live/2269/community\\_use\\_of\\_council\\_land\\_property](https://www.oldham.gov.uk/info/200615/love_where_you_live/2269/community_use_of_council_land_property)

If the surplus property has been registered as an “asset of community value”, the Council has to ensure that there is opportunity for a Community Right to Bid prior to any disposal process commencing.

**5.8 Decision Making**

The disposal, acquisition or appropriation of land, including open space, is an executive decision. The Council’s Constitution provides for executive

decisions relating to land to be made as set out in this document.

A disposal of land that will either generate a capital receipt over £250,000, or result in loss/generation of income over £250,000 will be a key decision and will need to be publicised on the Key Decision Document prior to being submitted to the decision maker. (Full definition of 'Key Decision' within Constitution).

All decisions may be referred to Cabinet if the Chief Executive or the Deputy Chief Executive in consultation with the relevant Cabinet Member, consider that a delegated decision should be referred to Cabinet

In order to improve transparency, all property acquisitions will be reported retrospectively to the Capital Investment Programme Board quarterly on a cumulative portfolio basis.

**a) Transactions Subject to Cabinet Approval**

1. All recommendations to dispose of land for less than the best consideration reasonably obtainable where the likely undervalue is greater than £100,000.
2. All recommendations to acquire individual plots of land, compulsorily or by agreement, or properties of any value that have not been approved within a scheme of development or regeneration project. -
3. All recommendations to acquire by agreement, appropriate or dispose of land or property valued in excess of £500,000.

**b) Transactions Delegated to the Deputy Chief Executive, People and Place, for Approval**

Subject to paragraph 5.8 a) 3 the Deputy Chief Executive, People and Place, is authorised, (in consultation with the relevant Cabinet Member where the decision is a key decision), to approve property acquisitions, appropriations and disposals of land valued between £250,000 and £500,000.

**c) Transactions Delegated to the Director of Economic Development**

Subject to paragraph 5.8 a) 3 the Director of Economy, is authorised (in consultation with the relevant Cabinet Member where the decision is a key decision) to approve property acquisitions, appropriations and disposals of land valued at less than £250,000.

**d) Transactions Delegated to the Head of Asset Management and Estates**

Subject to paragraph 5.8 a) 3 the Head of Asset Management and Estates is authorised (in consultation with the relevant Cabinet Member where the decision is a key decision) to approve property acquisitions, appropriations and disposals of land valued at less than £50,000. Any action taken under this authority will be reported to the Director of Economy, for information.

**6 Commercial Property Investment Strategy**

reported to the Corporate Property Board, specifically those sought to generate a sustainable future income stream to support the Council's mainstream service delivery as part of its' Commercial Property Investment Strategy.

To ensure that good investments are not lost through delays in the decision-making process, it is recommended Cabinet remains the decision-making body, following recommendations from the Corporate Property Board (CPB).

The Board will comprise Directors of Finance, Legal and Economy, Deputy Chief Executive and Portfolio Holders for Finance and Corporate Services and the Leader of the Council. A quorum of at least 3 members of the Board will be required to conduct business, including finance, economy and Member representation.

The Director of Economy, in consultation with the Director of Legal Services, will have delegated authority to complete property purchases of up to £10m subject to the prior recommendations of CPB, after which authority will revert back to Cabinet, unless there is a need to make an emergency decision whereby the emergency decision clause in the Land and Property Protocol will apply.

The Director of Finance, in consultation with the Director of Legal Services, will have delegated authority to complete alternative investments of up to £25m subject to the prior recommendations of CPB, after which authority will revert back to Cabinet, unless there is a need to make an emergency decision whereby Treasury Management Protocols will apply.

Assets, Accommodation and Investment (AAI) Group will replace the Property Rationalisation Group to review and report on performance and risks to the work programme. This needs to include external stakeholders such as CCG / OPE and key internal functions such as the corporate estate, finance, legal and Unity partnership in order to act as one integrated team at Head of Service level;

Notwithstanding paragraph 5.8 c) above, the Director of Economy shall have delegated authority to complete property acquisitions up to a value of £10m subject to the prior decisions of the Corporate Property Board.

Cabinet shall approve all acquisitions in excess of £10m unless there is a need to make an emergency decision in which case the emergency provisions within this Protocol will take effect.

The Directors of Finance and Economy also have delegated authority to secure additional specialist external advisors as considered appropriate subject to compliance with the Council's Contract Procedure Rules.

## **7 Emergency Decisions**

In circumstances where actions are required urgently, e.g. bidding at auction to acquire land and property of strategic significance, where the value of the transaction is greater than £50,000, the Deputy Chief Executive, People and Place in agreement with the Council Leader and in

consultation with the Directors of Finance and Legal (or their duly authorised nominees) will have authority to take appropriate action. An Emergency Action will be reported to Cabinet for information at the next available opportunity.

## **8 Member Notification**

The appropriate Cabinet Member and Ward Members will be notified in advance of all property transactions and their views will be recorded as part of the decision-making process.

The exceptions to this are the sale of individual residential ground rents in accordance with Leasehold Enfranchisement legislation, and decisions delegated to the Head of Strategic Assets & Facilities Management where Ward Members will be notified of day to day estate management matters seven days prior to implementation.

## **9 Delegated Decision Recording**

With the exception of those referred to below, all delegated decisions will be reported in the standard short form format, which is available on the Council's Intranet. Following approval, such delegated decisions are also to be recorded on ModGov.

Other general estate management decisions delegated to the Head of Strategic Assets & Facilities Management will be recorded to the schedule template, a copy of which is attached.

## **10 Compulsory Acquisition of Land**

Cabinet approval is required for any acquisition of land (or programme of acquisition) where it is proposed to use the Council's powers of compulsory acquisition. Any approval to acquire the same land by agreement should be sought from Cabinet at the same time as the approval to use compulsory powers.

## **11 Content of Reports**

Cabinet reports seeking consent to dispose of or acquire land should include details of the interest held, appropriate site plans and valuation information provided by an appropriately qualified source.

Reports seeking to dispose of land at less than best consideration should in addition, address those matters set out in paragraph 5.4. above including the provision of a Red Book Valuation in respect of the amount of undervalue.

Reports should demonstrate that all relevant legal issues have been considered and addressed and that there is no legal barrier to prevent a decision from being taken.

Where approval is sought for a development scheme or regeneration project, a plan showing the individual properties whose acquisition it is proposed to seek under the scheme or project must be included in the report which seeks approval for the scheme.

## **12 Independent Valuations of Land/Property**



With regard to those transactions for the disposal and acquisition of property that have not been exposed to the open market it is considered prudent to seek an independent valuation from a Chartered Surveyor (valuer) in accordance with the RICS Red Book .

### **13 Instructions to undertake property transactions**

- For the avoidance of doubt, Legal Services will not accept instructions relating to property transactions from service directorates.
- Only transactions correctly approved as set out in paragraph 5.6 and 5.8 will be accepted.
- All instructions to Legal Services will be via the Council's property and asset management system (currently Concerto)

### **14 Office Moves**

As part of its' Medium Term Property and Office Accommodation Strategies, the Council needs to use its' office space in a much more efficient and cost effective manner in order to contribute to annual revenue savings targets.

To achieve this, Corporate Landlord will have full control and oversight in co-ordinating and monitoring office moves across the Council's portfolio.

All Service Managers are to adhere to the Land and Property Protocol and note that all requests for accommodation or office moves within the portfolio need to be referred to Corporate Landlord for written approval prior to any moves taking place.

Requests should include a business case or briefing paper outlining the following:

- (i) The reasons for the proposed move including an indicative timescale.
- (ii) Estimates for ICT works (including data & power requirements), any works associated with redecoration or alterations, removal costs and any other incidental costs.
- (iii) Use of existing or surplus office furniture from within the Council's portfolio should be considered at the outset. The purchase of new furniture will only be considered where the proposed move creates a more efficient and cost-effective use of the office space via for example the use of smaller desks.
- (iv) Where a "move request" is Service led as opposed to one proposed by the Corporate Landlord (for example to vacate a building for disposal) then the Service will need to confirm that it has sufficient budget resource to fund its' proposed move.

In the first instance all requests should be directed to the Head of Strategic Assets & Facilities Management for subsequent approval by either the Director of Economy or the Deputy Chief Executive People and Place.



The Director of Economy will be responsible for all office accommodation including relocations in accordance with the Council's Office Accommodation Strategy as part of the wider Corporate Landlord function.

Due to the significant long-term investment involved, express written approval from the Director of Economy is required before considering the installation of IT Hubs in Council property.

## 15 Service Review

The Corporate Landlord will work with Divisional Management Teams across Services to ensure that strategic and operational property requirements are addressed in line with the Medium Term Property Strategy, the Office Accommodation Strategy and Locality Asset Review.

## 16 Definitions

### Capital Expenditure

Section 16 of the Local Government Act 2003 + Regulation 29A of the Capital Financing Regulations (England) 2003 define capital expenditure as;

1. Expenditure that results in the acquisition, construction, or enhancement of a Fixed Asset
2. Expenditure where the Secretary of State has made a direction that it can be treated as capital expenditure e.g. exceptional items which would otherwise place an unreasonable strain on revenue budgets.

### Capital Receipt

Section 9 (1) of the Local Government Act 2003

"a sum received by the authority in respect of the disposal by it of an interest in a capital asset"

Section 9 (2) defines a capital asset as:

"An asset is a capital asset if, at the time of the disposal, expenditure on the acquisition of the asset would be capital expenditure"

Capital receipts are restricted to use for

- Financing new capital investment
- Reducing borrowing under the Prudential Framework
- To pay a premium charged in relation to any amounts borrowed
- To meet any liability in respect of credit arrangements
- To meet disposal costs (not exceeding 4% of the receipt)

## 17 PROTOCOL ON DISPOSAL OF OPEN SPACE

### 17.1 General Principles

The key issue is to make sure that open space (sometimes referred to as public open space) is identified at the earliest possible stage of the disposal process.

As open space is not specifically dealt with in official copies on the Land Registry, the Council has developed an assessment matrix to assist in determining whether the asset is considered to be 'Open Space' and whether any disposal should follow the Public Open Space disposal process as set in this protocol.

A copy of the assessment matrix is within Appendix A.

### 17.2 Decision Making

Decisions to dispose of open space must be made in two stages. The first stage report is to recommend disposal of the land in principle, subject to the

advertising (in an appropriate publication) of the proposed disposal and allowing time for objections.

The second stage report will make recommendations for disposal or retention of the land having regard to any objections, which have been received to the proposed disposal. This report can be incorporated with the report seeking authority to dispose of the land and the terms recommended.

Consideration of the objections and the decision to dispose to be undertaken in accordance with the appropriate delegations set out in the Land and Property Protocol.

Where the land is put to the open market then any offers received will be subject to completion of a separate tender report in accordance with the delegated authority set out within this Protocol under paragraph 5.7 above.

In the event of a sale of land by private treaty for example to an adjoining householder for say garden use, then the Head of Strategic Assets & Facilities Management has authority to approve such transactions and recorded as such in accordance with paragraph 9.

Sufficient time should be allowed for the completion of the open space disposal procedure, utilising the appropriate delegations and considering any objections. Instructing officers should allow at least 6 weeks between receipt of instructions by Legal Services and the end of the period for objections

### **17.3 Legal Procedures**

Instructions to advertise a disposal of open space should be sent by the surveyor (via Concerto) to Legal Services (fao. Group Lawyer, - Corporate Group) giving the following information:

- cost code and purchase order number
- plans of the land
- measurements of the land
- a copy of the decision to advertise the land
- name of the person/directorate to receive objections. This should be the instructing officer or other person in the instructing directorate.
- any other relevant information.
- (if applicable) confirmation of whether the purpose of the disposal is to be specified in the notice (and, if it is, the description of the purpose to be included in the notice). The default position will be that the purpose of the disposal will not be specified (as this is not required by law) unless Legal Services are instructed to the contrary.

The instructions will be allocated to an officer in Legal Services who will draft the notice and arrange for it to be placed in a local newspaper for two (2) consecutive weeks.

Notices will follow standard format, the use of the word 'disposal' will be fully explained and (only if the purpose is to be specified in the notice - see above) the purpose of the 'disposal' will be clarified.

Twenty Eight (28) days will be allowed from the date of the first advertisement for objections to be made to the relevant Deputy Chief

Executive. 28 days is generally considered to be a reasonable minimum length of time for objections.

#### **17.4 Communication with Potential Purchasers**

In communicating with potential purchasers of open space, care must be taken to ensure that officers and/or members do not give the impression, either deliberately or inadvertently, that the need to advertise open space and consider objections is merely an administrative process which will be "rubber stamped".

The decision is a public law decision and must be made in accordance with the principles of public law. In particular it must be reasonable to dispose of the land having considered objections and there must be no pre-determination of the decision.

Potential purchasers should understand that the Council is not able to make any commitment to enter into a contract for sale unless and until a proper decision to dispose of the land has been taken.

#### **17.5 Acquisition and Appropriation of Open Space**

Acquisitions (including compulsory acquisitions) and appropriations of open space to other purposes must apply the appropriate legal powers and duties for the purposes for which the open space is being acquired.

**Legal advice should be sought before any proposed departure from this protocol.**

## **Appendix A – Public Open Space Assessment Matrix**

### Introduction

In accordance with the Land & Property Protocol, it is important that the surveyor identifies at the earliest possible stage whether the land subject to a proposed disposal could be considered or deemed to be “open space” (often referred to as Public Open Space) as defined within Section 336(1) of the Town & Country Planning Act 1990, more particularly:

“Open space means any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground.”

If this cannot be determined conclusively from information available to the surveyor then he / she should undertake a site visit and complete the assessment below. This is aimed at assisting the surveyor in determining whether the Council is required to advertise its’ intention to dispose of open space to fulfil its’ statutory obligation in accordance with the provisions of Section 123 Local Government Act 1972 and / or Section 233 Town & Country Planning Act 1990.

The surveyor is recommended to consider the questions raised in Table 1 and if applicable consider further those issues referred to in Table 2 as part of their assessment.

It is further recommended that the surveyor takes photographs of the site in question.

### Table 1 Questions

The following table sets out a series of questions the surveyor should consider as part of his / her initial assessment of the land whilst carrying out a desktop exercise and site visit.

No	Questions	Yes / No	Course of Action
1	Is the land designated within the Local Plan (formerly Local Development Framework / Unitary Development Plan) as recreational open space?	Yes/No	If Yes - advertise
2	Is the land formally laid out & maintained as a garden or landscaped area by the Council’s Parks Service?	Yes/No	If Yes - advertise
3	Is the land formally laid out & maintained as a garden or landscaped area by a partner organisation on behalf of the Council?	Yes/No	If Yes - advertise
4	Does a desktop study reveal any evidence that the land was a former burial ground?	Yes/No	If Yes – advertise.  NB: If so, also need to consider whether it is consecrated ground.
5	Is the land unfenced and accessible to the public?	Yes/No	If Yes – consider Table 2 issues. If No – note current use of the land, any evidence of site notices or use with permission.

## Table 2 Issues

If following completion of the questions within Table 1 the answers are all 'No', then the surveyor is required to consider further the issues in Table 2.

No	Issues to Consider	Comments
1	Degree to which there is evidence of use for recreational purposes by members of the public. For example: dog-walking, trial / mountain biking, kick about area, etc.	
2	Degree to which there is clear evidence of wear or desire lines?	
3	Degree to which any lack of repair or maintenance to the boundary features (i.e. fences, walls, hedges, ditches or bunds) may offer an opportunity to access the land.	
4	Degree to which any access or use of the land might be considered as being unlawful or may constitute trespass?	
5	Degree to which there is evidence that the land is being used with permission?	
6	Degree to which there is evidence of a previous use on the site and when this may have ceased? For example, has the site been temporarily landscaped pending redevelopment e.g. housing clearance programmes – if so how long ago?	

Having completed the above, the surveyor is required to consider / assess the following risks:

Risk Factor	Low		High	
	1	2	3	4
<b>Risk of Challenge</b> i.e. The risk or likelihood of the Council being challenged as a result of a decision to dispose of the land without first undertaking a POS advertising procedure.				
<b>Financial / Reputational Risk</b> The possible effect from a financial / reputational / judicial review perspective of any such challenge.				
<b>Sensitivity</b> How contentious any such disposal may be.				

## Scoring

Each of the above risk factors is to be scored between 1 and 4.

Total Score for the subject site =

Assessment & Options

Option 1

If the score is greater than 6, the subject land should be regarded as Public Open Space and as such is subject to a statutory advertising procedure to be undertaken in accordance with the Council's Land & Property Protocol.

Option 2

If the score is 6 or less then the subject land should not be regarded as Public Open Space and as such is not subject to a statutory advertising procedure.

Decision

Having fully completed this Assessment, the surveyor has considered all pertinent information available to him / her and determined that Option 1 / Option 2 \* should be followed in respect of the subject site.

Name of Surveyor: \_\_\_\_\_

Date: \_\_\_\_\_

\*delete as appropriate

## **Appendix B – Disposals Protocol / Methods of Sale**

### **a) Introduction**

Land and Property transactions undertaken by Local Authorities often attract widespread public interest and consequently the Council needs to have a clear code of practice underpinned by procedural guidelines, which are adhered to by both Members and Officers when dealing with such matters.

This protocol applies to the disposal by way of sale or lease of an interest or interests in land and property including fixtures and fittings incidental thereto which has / have previously been agreed by either Corporate Property Board or via the Officer Scheme of Delegation as being surplus to the Council's operational requirements.

### **b) Summary of Marketing Methods**

The Council will usually use one of the following methods to dispose of land and property:

1. **Private Treaty** - a sale of land negotiated with one or a small number of purchasers. The land may or may not have been marketed as available for sale. A binding legal agreement is created on 'exchange of contracts' between the Council and the purchaser.
2. **Public Auction** - a sale of land by open auction available to anyone. The sale will be advertised in advance. A binding legal agreement is created upon the acceptance of a bid by the auctioneer.
3. **Informal Tender** - a sale of land after a public advertisement that requests informal offers or bids that meet a given specification or set of objectives.

A binding legal agreement is not created until the exchange of contracts between the authority and the chosen bidder.

4. **Formal Tender** - a sale of land by a process of public advertisement and tenders submitted by a given date in accordance with a strict procedure. A binding legal agreement is created upon the acceptance of a tender by the Council.
5. **Exchange of Land** - a transaction involving the exchange of Council owned land with another land owner.

The land acquired by the Council will meet at least one of its corporate objectives and will be 'equal' in value to the land exchanged or there will be an equality payment made by either party.



6. **Development Partner / Agreement** – a private sector partner who has been established through appropriate means, to jointly deliver and benefit from redevelopment / regeneration schemes.

**c) Further Guidance**

**1. Disposal by Private Treaty**

The main characteristics of a sale by private treaty are:

- 1) The timescales for completion of the transaction are not fixed until exchange of contracts.
- 2) Offers are made Subject to Contract.
- 3) Offers are, or may, not all be received at the same.
- 4) It is usual for the asking price to be quoted.

The steps involved in a private treaty sale will usually include the following:

- i) Openly advertising the property for sale through an agency or direct advertising media.
- ii) Taking offers from interested parties.
- iii) Identifying preferred offers
- iv) Negotiation of bids to ensure best value.

The Council will normally consider the highest bid as representing the best consideration that can be reasonably obtained, subject to ensuring any conditions attached to bids are reflected in the final evaluation.

The process for disposal by private treaty can still include a closing date and be by way of sealed bids if considerable interest is anticipated.

If land is to be sold by private treaty without being marketed, then reasons justifying a private treaty sale must be recorded in writing. In some circumstances, the Council may seek an independent valuation to verify that 'best consideration' is being obtained. An example may include a sale to a special purchaser.

A private treaty sale without the asset being openly marketed may be justified where:

- a) The land to be disposed of is relatively small in area and an adjoining or closely located landowner(s) is (are) the only potential or likely purchaser(s).
- b) The nature of the Council's land ownership and that of the surrounding land ownership is such that the land must be sold to adjoining or surrounding landowners if best consideration is to be obtained.
- c) The Council's corporate objectives and best consideration can best be achieved by a sale to a particular purchaser.

- d) The sale is to a non-profit making organisation and the role of that organisation is conducive to the improvement of public services and facilities available within the borough.
- e) The purchaser has a particular interest in purchasing the premises or a particular association with the premises and where open marketing of the premises may lead that particular purchaser to reduce the value of their offer for the premises or withdraw their interest in the premises altogether.
- f) The purchaser has a particular interest in purchasing the site or a particular association with the site and where in the opinion of the Corporate Property Board / Portfolio Member (Economy and Enterprise) open marketing of the site may cause undue hardship or unrest for that particular purchaser or where the sale of the premises to a party other than that particular individual would substantially and detrimentally affect the normal operation of the business associated with the premises.
- g) The disposal is as a result of the Right to Buy scheme.
- h) The Crichel Down Rules, which are commended but not binding on a local authority, apply and the Council has decided to sell the land to the person from whom it acquired the land. Specific procedures relate to the disposal of property where Crichel Down Rules apply. It is therefore recommended that legal advice is sought in such circumstances.

A legally binding agreement will not be reached until either contracts for the lease or sale of land are exchanged or a development agreement is signed.

**a) Private Treaty – with open marketing**

After a reasonable period of exposure to the market, negotiations are carried out with interested parties and a clear highest bidder might emerge.

In the event that two or more interested buyers are identified at similar prices, it is possible to consider moving on to the Informal Tender method below.

**b) Private Treaty – sole party without marketing**

This is to be considered where there is unlikely to be more than one party interested in the property at an open-market price or there is a special interest purchaser likely to pay above the market price.

This generally arises when an application is received from an adjacent or neighbouring owner(s) to purchase the freehold or leasehold interest of a small or inconsequential area of land in the Council's ownership. If

the land is deemed to be surplus to requirements and has no development value or potential demand as an open market opportunity, then negotiations with the adjacent or neighbouring owner should be opened in order to achieve the most advantageous financial or economic outcome, for example if the land is 'landlocked' or is difficult or expensive to maintain.

Special circumstances may arise where an adjacent owner can gain advantage by combining land to give rise to a ransom, betterment or overage position. In such cases, it is necessary to establish both the market value and the value advantage to the proposed purchaser.

## **2. Disposal by Public Auction**

Sale by public auction may be appropriate where there is no obvious potential purchaser and where speed and best price can be publicly demonstrated.

An auction reserve is used to ensure that a property is not sold below an agreed level of value and is usually within 10% of the auctioneer's guide price. The reserve may be adjusted upwards or downwards (but within the 10% threshold) depending on the level of interest following a period of marketing. The auctioneer usually advises on the level of the reserve.

Prior to the sale it will therefore be necessary for the appropriate Officer within the Council's Scheme of Delegation to confirm the auction reserve to be applied. It is recommended that an Officer attends the auction to act on behalf of the Council.

Legal Services are to ensure that an appropriate legal pack including a contract for sale or lease is ready in good time prior to the auction.

The binding contract will be made on the acceptance of the highest bid providing it has reached the reserve price. Contracts for the sale or lease will immediately be signed and exchanged. The contract usually specifies that legal completion is to occur within 20 working days, however the Council may choose to specify a longer period within the contract if necessary, provided that the contract also states that the parties may agree to complete on an earlier date.

## **3. Disposal by Informal Tender**

A disposal by informal tender differs from a formal tender in that neither the Council nor the successful bidder is legally obliged to enter into a contract for the disposal of the land.

The informal process allows the Council to identify a preferred bidder with whom it may then negotiate further detailed terms or proposals for the development of the land concerned.

final offers for a sale, or informal development proposals for land.

This process is particularly useful for large or complex development or regeneration sites requiring development and where proposals need to be developed in co-operation with a specific or identified bidder in order to meet the Council's corporate objectives and achieve the best consideration that can be reasonably obtained.

Although not a formal tender, after the closing date, all bids should be recorded by the relevant case officer.

A binding legal agreement is not created until the exchange of contracts for sale or lease or the signing of a development agreement.

This method is suited to sales where there are uncertainties, particularly around Planning, and allows for use of conditional contracts, including clauses which can allow for further sums to become payable upon grant of planning permission at different points in the future.

It is therefore essential that officers considering disposal of property by informal or formal tender consult with Planning and Highways to ensure that if the disposal is dependent upon receipt of planning consent then there is reasonable prospect of that consent being approved.

#### **4. Disposal by Formal Tender**

A sale of land by formal tender may be appropriate where:

- a) The land ownership is not complex.
- b) The final form of legal documentation for contracts / transfer are in place together with statutory searches and replies to standard enquiries.
- c) There are no uncertainties as to grant of a planning consent.
- d) The Council is seeking obligations to be placed on the successful tenderer which are clear and capable of specification in advance.

This method can provide a well organised, transparent way of achieving completion when a timeframe is essential. However, it is often more costly and a much longer lead-in period is required.

Formal tenders will not be appropriate where the land ownership position is complex or the development proposals for the land are insufficiently identified or otherwise incapable of being drawn up into a detailed specification at the pre-tender stage. This is particularly so where a detailed planning permission is required, such as a listed property or property in a Conservation Area. Therefore prior to the commencement of a formal tender process the advice of Planning and Highways should be sought.

With a formal tender process, a legally binding relationship is formed when the Council accepts a tender in writing. It is essential therefore, that every aspect of the disposal is specified within the tender documents. The tender

documents should include a contract for sale or lease (which will have a form of transfer or lease annexed to it) which should be completed with the tenderer's details, the tender price, include a deposit cheque to preclude withdrawal of the tender prior to acceptance and be signed by the tenderer. It will be released unconditionally to the Council on submission of the tender.

Sale of land by formal tender will require a detailed specification to be drawn up. This needs to specify the land to be sold, any requirements to be met by the tenderer and any obligations that must be met.

## **5. Disposal by Exchange of Land**

Disposal by exchange of land will be appropriate when it will achieve best consideration for the Council and is advantageous to the Council and other parties to exchange land in their respective ownerships.

The exchange will usually be equal in value. However, an inequality in land value may be compensated for by an equality payment or by other means where appropriate. In such circumstances the Council may seek an independent valuation to verify that 'best consideration' will be obtained.

This method could be advantageous where there is a requirement to deliver corporate or regeneration objectives via the use of Wellbeing powers.

## **6. Development Partner / Agreement**

This is a complex transaction which may be subject to a procurement process that will not usually be appropriate unless circumstances such as those listed below apply:

- The Council wishes to retain a degree of control and influence over the type and pace of development that could not otherwise be achieved through exercise of its statutory powers (such as Planning).
- There is a reasonable expectation of improved future profits that the Council wishes to secure through overage or equity share arrangements.
- It is appropriate for the Council to make land or buildings available to a partner agency (such as a Registered Social Landlord) for the provision of core services at below market value.
- To allow a third party to bring forward a site for development by such as the securing of planning consent without the financial exposure of speculative site acquisition.

Such arrangements are highly complex and expert advice will be obtained to support the Council. Page 123 will be taken to ensure compliance with procurement and / or State Aid Rules. Legal advice should

be sought at the outset.

Other than settlement of principal terms covering such as purchase price, site area and the like, additional factors that need to be considered for development partnerships will normally include:

- (i) The provision of detailed information and plans of the proposed development.
- (ii) The timescale for completion of the development.
- (iii) Detailed funding arrangements and confirmation that these are in place.
- (iv) Evidence of end user commitment and the opportunity for Council to discuss that commitment directly with the end users in question.
- (v) Details of the developer's financial offer for the property.
- (vi) Developer's track record with similar developments.
- (vii) Any partnership record with other local authorities.
- (viii) Full details of any proposed joint venture opportunity.
- (ix) Details of any conditions precedent to which the proposal is subject.
- (x) Any wider / longer term regeneration benefits from the proposal. For example, employment or training opportunities during construction or from the proposed end user.
- (xi) Provision of any other off-site benefits or facilities.
- (xii) Potential for attraction of shoppers, visitors, users to the borough's facilities.
- (xiii) Capacity of the proposal for bringing other sites forward or opening up other development potential.
- (xiv) Potential for leverage of private or other public funds and grants.
- (xv) Capacity of the proposal to remove or reduce other Council financial liabilities.
- (xvi) Satisfaction of the Council's approved regeneration objectives.

**d) Exceptions**

Other methods of disposal may be used where circumstances warrant. A notable exception to the standard methods of disposal is the Council supporting Government policy in the transfer of maintained schools to

Academies who self-determine on conversion.

The Council typically transfer the Council's land under a 125 year lease at a peppercorn rent in accordance with the Academies Act 2010. Whilst a long lease is preferable, the Department for Education (DfE) recognises that at times parties will seek to enter into local agreements.

The expectation is still however that all land and facilities used wholly or mainly for the purpose of the converting school will transfer and be made available for Academy use.

**e) Tender Procedure**

Officers are to adhere to the following when marketing land or property for sale by tender (whether via Informal Tender or Formal Tender):

- a) No tenders shall be invited unless Public Notice has been given in at least one local newspaper giving details of the property and the proposed transaction. It should also invite interested persons to apply to tender within a period of not less than 28 days.
- b) Where an agent has been appointed to act on the Council's behalf, their name and address will also be given, and they will be required to acknowledge and comply with this Protocol.
- c) Interested parties will be provided with property particulars and full details of the tender process.
- d) All tenders must be delivered in the envelope provided or in a sealed envelope addressed to the Borough Solicitor, bearing the words "Tender for....." the address of the land or property for sale, along with the closing date for submission of offers, but without any name or mark indicating the identity of the sender.
- e) All tenders delivered by hand ie to the Civic Centre Main Reception, will be issued with a receipt indicating the land or property in question and the time & date and time of its' delivery. A record is to be maintained.
- f) Applicants who wish to make an offer by post must do so by Recorded Delivery.
- g) All tenders received are to be passed to Legal Services.
- h) Tender envelopes will remain unopened and in the custody of the Legal Services until the appointed time for opening.
- i) All tenders will be opened together after the closing date has expired by an Officer nominated by the Borough Solicitor as well as the Case Officer for the sale land / property.
- j) The Borough Solicitor will maintain a record of all tenders received including any late bids.

- k) Tenders will not be accepted where they are not specific, or they are made in reference to another bid, for example “£100 over the highest bid”.
- l) The Council will make it clear that it does not bind itself to accept the highest tender or indeed, any tender.
- m) Any tenders received after the tender closing date or where they contravene any provision of the tendering conditions or instructions will only be opened with the authority of the Borough Solicitor.

**f) Late Bids**

Where land is being disposed of by way of formal tender, bids received after the deadline for tenders, will be recorded as late, together with the time and date of receipt. The Borough Solicitor should decide whether to consider late bids in consultation with the Director of Economy in exceptional circumstances.

**g) Online tendering**

In consultation with Legal Services tenders can be run online through the Council's e-procurement portal.





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## APPENDIX 2 (Change Table)

### Land and Property Protocols

Existing Ref	Existing	Reason for Proposed Amendment	Proposed Amendment
N/A	<b>New section to L&amp;PP</b>	For ease of reference.	<b>Page 1</b> Inclusion of a Contents Page.
Page 1	General Protocol	Update	<b>1 General Protocol</b> Includes reference to the Council's new Community Asset Transfer Policy amended in March 2019.
N/A	<b>New section to L&amp;PP</b>	Officer guidance.	<b>2 Corporate Property Board</b> New Section including the main Terms of Reference.
1.0	General Management Principles	Update	<b>3 General management Principles</b> Updated to reflect the Council's Building Maintenance Policy and Oldham ICO.
3.1	<p><b>Surplus Property</b></p> <p>All land and property, whether held for service use or as part of the investment portfolio, will be subject to regular review.</p> <p>The Corporate Landlord will work with Directorates (via DMT's) to ensure earliest possible indications of potential change of direction in service delivery and implications for property needs.</p>	To update the protocol in light of the changes resulting from approval of the Medium Term Property Strategy in August 2018 and the Office Accommodation Strategy.	<p><b>5.1 Background Matters / General Principles</b></p> <p>All land and property, whether held for Service Delivery (Direct or Indirect), Income Generation, Regeneration, Co-operative Use or as part of the Surplus portfolio, will be subject to regular review in accordance with individual Asset Management Plans and the MTPS.</p> <p>The Corporate Landlord will work with Directorates (via DMT's) to ensure that any potential change of direction in service delivery which has an implication in terms of the Council's future property requirements will be advised at the earliest opportunity.</p> <p>Any proposed changes will also be in accordance with the</p>

			Council's Accommodation Strategy.
3.2	<p><b>Disposal of Land (Best Consideration)</b></p> <p>The Council's Informal tender process will be subject to review as appropriate by the Head of Procurement and Internal Audit. For the avoidance of doubt, any bids received after the closing date will not be considered.</p> <p>Members, officers and those acting on behalf of the Council bidding to purchase Council land and property in any capacity must explicitly declare their position within 5 working days of the closing date of receipt of offers to purchase. In such cases, the asset may be referred to public auction.</p>	To provide clarity to both Officers and Members in respect of the Disposal Protocol and Methods of Sale.	<p><b>5.2 Disposal of Land (Best Consideration)</b></p> <p>The method and terms of sale will be subject to professional advice on a case by case basis having consideration of the following, together with paragraph 5.3 and the Disposals Protocol and Methods of Sale at Appendix B.</p> <p>All disposals and marketing exercises must be carried out observing the principles of transparency, proportionality and equal treatment.</p> <p>Techniques can be used to introduce an element of control and these include incorporating options / buy back provisions for the Council should development not be carried out. Buy back provisions should not include repurchasing at less than market value or on any terms which imply a penalty is being imposed for the development not being carried out or completed.</p> <p>Heads of Terms should be discussed with Legal Services prior to release.</p> <p>Provisions within an agreement can be included to give the Council the ability to approve (as landowner <b>not</b> as Local Planning Authority) planning applications before they are submitted.</p> <p>The Council is not able to enter into development agreements imposing obligations on buyers / developers to develop sites / carry out works or impose conditions as to how or when a</p>

			<p>development is carried out unless it has been properly procured.</p> <p>The Council can however require that developments are carried out in accordance with planning requirements and any permissions required / obtained, but this cannot include requiring a planning permission to be implemented – it can only condition what happens if a planning permission is implemented [including requiring (where appropriate and reasonable) that once the development is commenced by the carrying out of a material operation then in the interests of the amenity of neighbouring properties the development is brought to practical completion with a specified period (such period to be reasonable in all the circumstances) from the date of commencement (bearing in mind that any obligations relating to the development will be nonetheless difficult for the Council to enforce from a practical point of view save through the exercise or threat of exercise by the Council of a buy back option)].</p> <p>The preparation of documents for marketing and any evaluation / scoring mechanisms used must be agreed in advance with Legal Services and (inappropriate cases) Procurement.</p> <p>Soft market testing can be conducted where appropriate with advice and support from Legal Services / Procurement.</p> <p>Communication with potential bidders and buyers must be clear, consistent and create</p>
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			<p>and maintain a level playing field. Information given out to bidders must be provided to all bidders and records must be kept of all communications.</p> <p>Proposals to dispose of high value and / or sensitive disposals and the appropriate route to market should be discussed and agreed in advance with Legal Services and Internal Audit.</p> <p>Where a high level of control is desired over specific outcomes on a particular site, then consideration must be given to disposal via a procurement exercise.</p> <p>Matters pertaining to best consideration, state aid, public open space and any school / playing field / academy issues.</p>
3.4	<b>Freehold &amp; Leasehold Disposal</b>	Update	<p><b>5.5 Freehold &amp; Leasehold Disposal</b> Inclusion of :-</p> <p>The most recent House of Commons Briefing Paper relating to Leasehold and Commonhold Reform (October 2019), outlines amongst other things the Government's intention to legislate and prohibit the creation of new long leasehold tenancies on houses. Consequently, where the disposal of land is intended for residential development purposes, then the Council is to sell its' freehold interest where it currently holds such an interest.</p>

<p>3.5</p>	<p><b>Lettings</b></p> <p>Under this protocol, the terms of any proposed letting will be considered by reference to the asset category;</p> <p><b>a) Investment Portfolio</b> (including all surplus assets, and land and property held for Development/ Regeneration purposes) – the lettings will be based on commercial open market terms, at full market value provided that the Director of Economy may in consultation the Director of Finance and the Director of Legal Services authorise a short term let at below-market value where this has commercial justification, for example, to cover running costs prior to redevelopment.</p> <p><b>b) Operational Assets:</b></p> <ul style="list-style-type: none"> <li>• Private sector tenant – commercial open market terms, full market value</li> <li>• Public sector tenant/commissioning partner delivering public sector services – lettings will be at cost</li> <li>• Community sector tenant – terms of letting may range from at cost to free (dependent on structure of organisation, and with reference to the Council’s Social Value Framework)</li> </ul> <p>Concessionary lettings within the Investment Portfolio are not permitted and should Directorates wish to support such an arrangement it will be required to ‘sponsor’/ fund the concessionary rent through alternative funding to the level of full market rent. Flexibility</p>	<p>To update the protocol in light of the changes resulting from approval of the Medium Term Property Strategy in August 2018.</p>	<p><b>5.6 Lettings</b></p> <p>Under this protocol, the terms of any proposed letting will be considered by reference to the asset category within the MTPS:</p> <p><b>a) Income Generation &amp; Regeneration Estates:</b></p> <p>The lettings will be based on commercial open market terms at full market value provided that the Director of Economy may in consultation the Director of Finance and the Director of Legal Services authorise a short term let at below market value where this has commercial justification, for example, to cover running costs prior to redevelopment and assets fall within the Regeneration Estate.</p> <p>Concessionary lettings within the Income Generation Estate are not permitted and should Directorates wish to support such an arrangement it will be required to ‘sponsor’/ fund the concessionary rent through alternative funding to the level of full market rent. Flexibility will be provided in respect of schemes /initiatives specifically directed at supporting businesses, provided that a full business case is in place and the views of the Director of Economy are sought regarding such schemes.</p> <p>Legal advice will be required before any concessionary rent is agreed to ensure the Council is not in breach of State Aid Regulations.</p> <p><b>b) Service Delivery (Direct &amp; Indirect) Estates:</b> Lettings to public sector tenants</p>
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	<p>will be provided in respect of schemes /initiatives specifically directed at supporting businesses, provided that a full business case is in place and the views of the Director of Economy are sought regarding such schemes.</p> <p>With regard to commercial lettings, tenants should not commence occupation of premises in advance of either legal completion of lease or having sufficient legal measures in place to protect the Council's interest.</p> <p>Rent collection and treatment of arrears should be in accordance with the Council's Protocol.</p>		<p>or commissioning partners delivering public sector services will be at cost.</p> <p><b>c) Co-operative Estate:</b> Letting to community sector tenants may range from "at cost" to an agreed discounted fee ie potential a peppercorn rent dependent on the structure of the organisation, its' relevance to the Council's Social Value Framework and how it benefits the local community.</p> <p>Legal advice should be sought before any concessionary rent is agreed to ensure the Council is not in breach of State Aid Regulations.</p> <p><b>d) Surplus Estate:</b> Lettings will be based on commercial open market terms at full market value provided that the Director of Economy may in consultation the Director of Finance and the Director of Legal Services authorise a short term let at below market value where this is beneficial to the longer term goal of disposing of the asset.</p> <p>Tenants should not commence occupation of premises in advance of either legal completion of lease or having sufficient legal measures in place to protect the Council's interest.</p> <p>Rent collection and treatment of arrears should be in accordance with the Council's Protocol for debt recovery.</p>
N/A	<b>New section to L&amp;PP</b>	Update	<p><b>5.7 Community Transfer</b></p> <p>Reference and web-link to the Council's revised Community Asset Transfer Policy.</p>



N/A	<b>New section to L&amp;PP</b>	<p>To reflect the role of the Corporate Property Board and the additional delegated authorities conferred on Officers (as approved at Cabinet on the 18<sup>th</sup> December 2017) in order to progress the acquisition of new investments for the purposes of generating a sustainable future income to support the Council's mainstream service delivery.</p> <p>This further supplements the Income Generation (New) Estate within the MTPS.</p>	<p><b>6 Commercial Property Investment Strategy</b></p> <p>All land and property acquisitions for commercial investment will be reported to the Corporate Property Board, specifically those sought to generate a sustainable future income stream to support the Council's mainstream service delivery as part of its' Commercial Property Investment Strategy.</p> <p>A quorum of at least 3 members of CPB will be required to consider outline business cases of investment opportunities, a minimum being one Elected Member, the Director of Finance and the Deputy Chief Executive People and Place or the Deputy Chief Executive Corporate and Commercial Services. If the outline business case is approved, CPB will authorise the Director of Economy to complete the purchase.</p> <p>The Director of Economy has delegated authority to complete property acquisitions up to a value of £10m subject to the prior recommendations of the CPB.</p> <p>Cabinet shall approve all acquisitions in excess of £10m unless there is a need to make an emergency decision in which case the emergency provisions within this Protocol will take effect.</p> <p>The Directors of Finance and Economy also have delegated authority to secure additional specialist external advisors as considered appropriate.</p>
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3.7.2	<p><b>Member Notification</b></p> <p>The appropriate Cabinet Member and Ward Members will be notified in advance of all property transactions, excluding Residential Right to Buy or Leasehold Enfranchisement, and their views will be recorded as part of the decision making process.</p>	For clarification.	<p><b>8 Member Notification</b></p> <p>The appropriate Cabinet Member and Ward Members will be notified in advance of all property transactions and their views will be recorded as part of the decision making process.</p> <p>The exceptions to this are the sale of individual residential ground rents in accordance with Leasehold Enfranchisement legislation, and decisions delegated to the Head of Strategic Assets &amp; Facilities Management where Ward Members will be notified of the approval.</p>
3.7.3	<p><b>Delegated Decision Recording</b></p> <p>Delegated decisions will be recorded in a standard short form format, a draft template is available.</p>	The schedule template is used for the recording of day to day estate management matters within the delegated authority of the Head of Strategic Assets & Facilities Management in order to expedite the decision making process.	<p><b>9 Delegated Decision Recording and ModGov</b></p> <p>With the exception of those referred to below, all delegated decisions will be reported in the standard short form format, which is available on the Council's Intranet. Following approval, such delegated decisions are also to be recorded on ModGov.</p> <p>Other general estate management decisions delegated to the Head of Strategic Assets &amp; Facilities Management will be recorded to the schedule template, a copy of which is attached.</p>
3.12	<p><b>Office Moves</b></p> <p>The Director of Economy will be responsible for all office accommodation as part of the wider Corporate Landlord function.</p> <p>It should be noted that due to the significant long term investment involved, express</p>	To have improved oversight of all office moves so they are coordinated and approached in a coherent and consistent manner.	<p><b>14 Office Moves</b></p> <p>As part of its' Medium Term Property and Office Accommodation Strategies, the Council needs to use its' office space in a much more efficient and cost effective manner in order to contribute to annual revenue savings targets.</p>

	<p>written approval from the Director of Economy is required before considering the installation of IT Hubs in Council property.</p>		<p>To achieve this, Corporate Landlord will have full control and oversight in co-ordinating and monitoring office moves across the Council’s portfolio.</p> <p>All Service Managers are to adhere to the Land and Property Protocol and note that all requests for accommodation or office moves within the portfolio need to be referred to Corporate Landlord for written approval prior to any moves taking place.</p> <p>Requests should include a business case or briefing paper outlining the following:</p> <ul style="list-style-type: none"> <li>(i) The reasons for the proposed move including an indicative timescale.</li> <li>(ii) Estimates for ICT works (including data &amp; power requirements), any works associated with redecoration or alterations, removal costs and any other incidental costs.</li> <li>(iii) Use of existing or surplus office furniture from within the Council’s portfolio should be considered at the outset. The purchase of new furniture will only be considered where the proposed move creates a more efficient and cost-effective use of the office space via for example the use of smaller desks.</li> <li>(iv) Where a “move request” is Service led as opposed to one proposed by the Corporate Landlord (for example to vacate a building for disposal) then the Service will need to confirm that it has sufficient budget resource to fund its’ proposed move.</li> </ul>
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			<p>In the first instance all requests should be directed to the Head of Strategic Assets &amp; Facilities Management for subsequent approval by either the Director of Economy or the Deputy Chief Executive People and Place.</p> <p>The Director of Economy will be responsible for all office accommodation including relocations in accordance with the Council's Office Accommodation Strategy as part of the wider Corporate Landlord function.</p> <p>Due to the significant long-term investment involved, express written approval from the Director of Economy is required before considering the installation of IT Hubs in Council property.</p>
4.0	<b>Protocol on Disposal of Open Space</b>	To update the protocol on the disposal of Open Space ie inclusion of the Assessment Matrix referred to within Section 6.2 MTPS ie to provide additional guidance to surveyors.	<p><b>17 Protocol on Disposal of Open Space</b></p> <p>Inclusion of Appendix A – Public Open Space Assessment Matrix.</p>
N/A	<b>New section to L&amp;PP</b>	Further guidance for Members and Officers and to update the process to cater for online tendering.	<p><b>Appendix B – Disposal Protocol / Methods of Sale</b></p> <p>Includes a summary of marketing methods as well as further guidance on each, exceptions together with a tender procedure and how to deal with late bids.</p> <p>Also includes an option in consultation with Legal Services for online tendering.</p>



## Report to CABINET

# Geographical alignment across public services at populations of 30-55,000

**Portfolio Holder:** Councillor Sean Fielding (Leader of the Council)

**Officer Contact:** Rebekah Sutcliffe (Strategic Director of Communities and Reform)

**Report Author:** Vicky Sugars (Head of Reform)  
**Ext. 3303**

27 January 2020

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### Reason for Decision

In Oldham, the geographical footprints upon which public services operate at a sub-borough level do not align. This means that the full workforce, capacity, leadership and resources of all our public services do not align which ultimately limits the ability for public services to work in an integrated way to improve the lives of people and communities in the borough. This will ultimately lead to more responsive public services and prevent unnecessary demand being placed on public services in the long term.

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

These 5 footprints will 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.

Following approval by Cabinet, a report will 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.

### Recommendations

1. To agree the preferred option for 5 geographical footprints at populations of 30-55,000 and
2. To agree that a report be put to Full Council in March 2020 asking them to amend article 10 of the Council Constitution.

## **1 Background: Place based integration and reform**

- 1.1 Place based, multi-agency integration is key to the transformation and reform of public services and communities both here in Oldham and across Greater Manchester. Only by developing a single approach to building resilience that is informed by insight into what drives demand and shapes behaviour in communities will we shift the stubborn inequalities that exist within our borough.
- 1.2 Place based integration is not new to Oldham and it is not a “project” unrelated to the way mainstream services are delivered. Rather it is the way mainstream services should be delivered across the whole system and in partnership with residents.
- 1.3 In the past few years we have seen forms of multi-agency integration taking shape including:
- The Health and Adult Social Care Community Provider, working to Primary Care Networks (PCN) footprint for adults now rolled out across the Borough;
  - Focused place-based teams in Holts and Lees, Westwood and North Chadderton and Limehurst and Hollinwood, who operate on a ward level or below but across all ages;
  - A long-established District working model out and within communities with strong partnership elements;
  - An early help service with place-based elements and outreach;
  - A Focussed Care model that works with GPs to provide social and clinical outreach to patients in the community and
  - An emerging children’s operating model ‘Oldham Family Connect’ that incorporates a placed based approach strengthening the coordination and integration of service delivery with schools, partnerships and community assets.
- 1.5 Whilst we have some of the necessary building blocks for integration, we do not have this at the scale required. Our experience of integration, aligned with the commitment locally and from Greater Manchester, provides us with an opportunity to do this at scale and across the whole system.
- 1.6 We are currently developing our model for place-based integration across the whole system that articulates how we will fundamentally reshape the mainstream delivery of services by bringing staff together in a common geographic footprint, operating to a shared purpose and working in a holistic way with people and communities. This would include the full range of Social Care, Mental Health, Community Care, Primary Care, Policing, Housing and Homelessness Support, Environmental health, Employment and Skills Support, VSCE provision, Community Safety Advisors, Substance Misuse and Early Years etc. They would interact frequently and consistently with GPs, Schools, the wider Community, Voluntary and Faith sector and other Universal Providers. However, to achieve this ambition we firstly need to have coterminous geographical delivery footprints so that we can align our capacity and resources.

## **2 Why we need geographical alignment across public services at populations of 30-55,000**

- 2.1 Without geographical alignment we are unlikely to progress with the full integration and reform of public services as staff, resources and capacity would not align. The building block for Locality Care Organisations and public health management, police beats and district working are at a 30-55,000 footprint. This is the optimum size for services to organise themselves because it is big enough to create economies of scale but small

enough to be locally sensitive. Any footprint below this would make it difficult for services to align their capacity and resources to a place-based model. However, that is not to say that more localised and focused approaches are not needed below this footprint or that natural communities will be defined at this population size.

- 2.2 Discussion and negotiation has taken place across public services on how we could achieve geographical alignment over the past 12 months. This has included engagement with elected members, GPs and colleagues from across the whole system of public services. Following this period of engagement, we have agreement that 5 geographical footprints would be the most feasible both operationally and financially. This is the current number of health and social care Primary Care Networks (PCNs). To increase the number to more than 5 would have both financial, resource and logistical implications as we already have staff and assets co-located on this footprint. However, whilst 5 footprints are the most operationally sound, there was agreement that the current PCN boundaries are not sustainable and that any new arrangements should use ward boundaries as the legitimate building blocks for service footprints.
- 2.3 Via the Oldham Leadership Board, the Health and Wellbeing Board, the Commissioning Partnership Board the Clinical Commissioning Group, Greater Manchester Police and First Choice Homes, along with other key Oldham partner agencies have agreed to change and amend their existing boundaries to align to the same geographies, following this Cabinet decision. This will enable the full integration of services at this footprint as we also expect other agencies to follow-suit.

### 3 Key Principles for geographical alignment

- 3.1 When developing geographical alignment, we followed a clear set of criteria and guiding principles, as agreed at Leadership in January 2019. These are listed below.

Criteria	Guiding principles	Feasibility
Population levels between 30-50,000	This is a guide only and we should not be restrained by this. Likely that this will be up to 55,000 for Oldham.	May need to exceed 50,000 populations in some cases.
Operationally sound	To not exceed 5 or 6 footprints	5 footprints is preferred. More than 7 would be operationally unfeasible and have large resource implications.
	To address existing anomalies within current arrangements where possible	To consider anomalies such as Mossley sitting within current cluster boundaries if possible.
	That the geography is coterminous with Primary Care Networks	Guidance from NHS England encourages Primary networks to be geographically based but acknowledges that some might be built on relationships which makes the negotiation of this key.
Reflects natural communities	Footprints should reflect natural communities where possible and should not seek to split natural boundaries.	District boundaries more closely align to natural communities. Likelihood that more localised and focused approaches within any footprint will be required

		regardless.
Enables political leadership	Ward boundaries to be retained	Non-negotiable as the democratic foundation and any split will not be politically acceptable

## 4 Options

### Option 1: Do not seek geographical alignment (no change)

4.1 Council and other partner agencies choose not to seek geographical alignment across public services at 30-55,000 populations.

#### Cons of this option

4.2 This would mean that public services would continue to operate on different boundaries which would significantly limit the Council and partners ability to pool and align workforce, capacity, leadership and resources. This would significantly hinder plans to integrate services.

4.3 This would make it difficult for the Council and partners to operationalise integrated working at sub-borough level across the whole system and could impact residents and communities who may need to access services across different boundaries.

4.4 In addition to the above, it would also mean that the Council would breach the obligations that it has signed up to as part of the Greater Manchester white paper on 'Unified Public Services'. Given the above, this is not recommended as a viable option.

### Option 2: Geographical alignment on 7 or 6 footprints

4.5 We currently have 7 Council Districts and 5 Primary Care Networks. An option would be to develop 6 or 7 common geographical footprints.

#### Pros of this option

4.6 This would enable Council District boundaries to be retained and natural communities kept together. It would meet the guidance of 30-55,000.

#### Cons of this option

4.7 6 or 7 footprints could have significant resource implications for both the Council and Oldham Cares in-particular due to resources such as Adult Community Health and Social Care Providers already being deployed on 5 footprints across the borough.

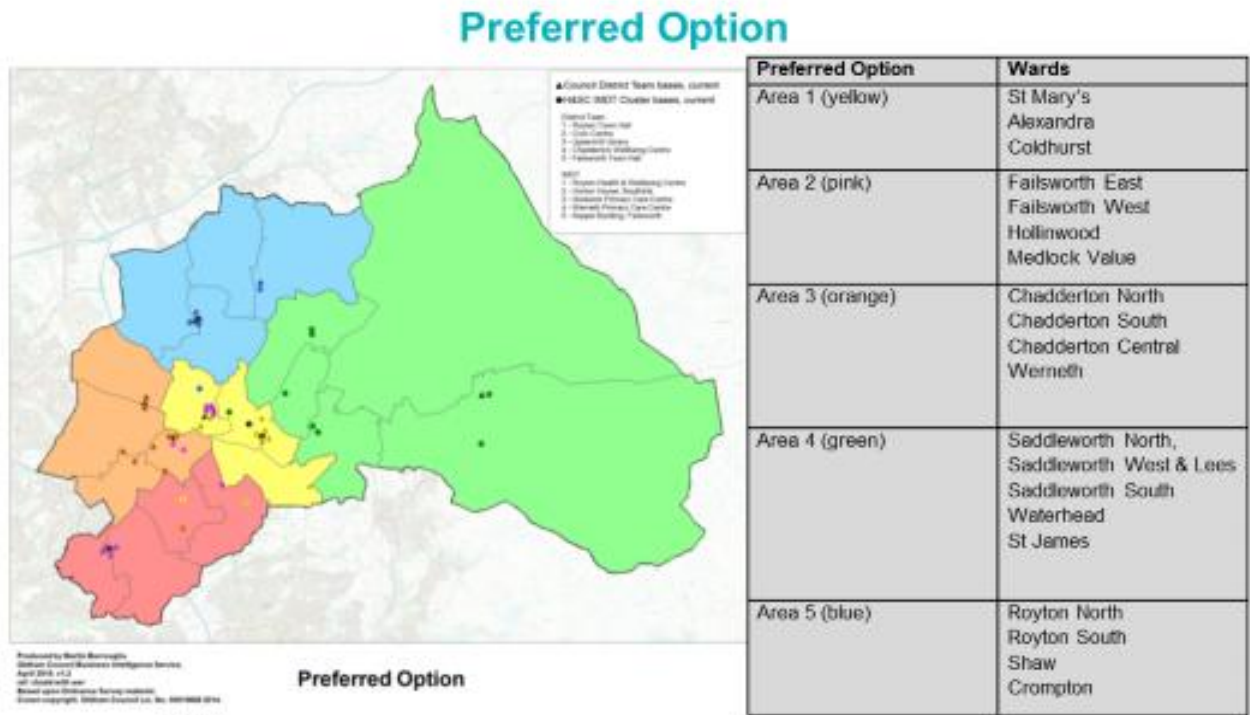
4.8 Given the level of financial challenge across both Council, health and social care and wider public services (estimated to be around an £80 million system deficit) in Oldham this is not recommended as a viable option.

4.9 Primary Care and partner colleague favor 5 footprints and it is unlikely that we would be able to reach a decision to achieve geographical alignment on 6 or 7 resulting in no agreement.



**Option 3: Geographical alignment on 5 footprints close to Primary Care Networks but using wards as building blocks as shown in the map below (preferred option)**

- 4.10 The recommended option is to develop 5 common geographical footprints that are as close as possible to Primary Care Networks but using wards as building blocks.
- 4.11 Having considered the evidence from both the Council and Primary Care Networks the most viable option for developing 5 footprints is outlined in the map below for approval by Cabinet.



**4.11 Pros of this option**

- Five footprints are the most financially and operationally viable
- Keeps wards as building blocks
- Keeps natural community blocks together.
- Relatively small changes from current cluster areas and minimal impact on health and social care
- Enables the town centre wards to be kept together (Coldhurst and St Marys)
- Some Primary Care Networks remain largely unaffected – North, East particularly
- Population sizes only exceed 50k for only one cluster 56143
- Patient distribution lists as good as current cluster
- There is a District location in every footprint

**4.12 Cons of this option**

- One area above population margins (56125).
- Biggest changes for central wards
- Some areas clump together different communities but unavoidable under any option for 5 footprints
- Changes for South, Central and West PCN GPs in-particular

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## **5 Recommended Option**

- 5.1 **Option 3** – Geographical alignment on 5 footprints close to Primary Care Networks (Chadderton with Werneth Option) but using wards as building blocks is the recommended option for agreement by Cabinet.

## **6 Next steps**

- 6.1 Following Cabinet approval, a report will be put to Full Council asking them to implement the new geographical public service footprints.
- 6.2 The Governing Body of the Clinical Commissioning Group and other respective organisations will also amend their respective boundaries as appropriate to align with these common footprints.

## **7 Financial Implications**

- 7.1 There are no immediate financial implications associated with this report. However, if a geographical alignment of the 5 footprints leads to team staffing or accommodation changes the financial impact would have to be calculated and reported later. (Nicola Harrop – Finance Manager)

## **8 Legal Services Comments**

- 8.1 There are no direct legal implications from the proposals. As the integration of public services progresses including co-working appropriate policies, governance and management arrangements will need to be implemented in order to mitigate any risks including HR issues that may arise. The report identifies that an amendment to the Constitution will be required to reflect the proposed amended boundaries and such amendment is a function of full Council. (Colin Brittain, Assistant Borough Solicitor)

## **9 Co-operative Agenda**

- 9.1 Whole system place-based integration and reform is central to delivery of the Oldham Model for Co-operative Services; Thriving Communities and Inclusive Economy (Jonathan Downs, Corporate Policy Manager)

## **10 Human Resources Comments**

- 10.1 Place based integration is key to the Council and its transformation agenda. Integration of public services at a local level along with across agency leadership & working represents a new delivery model. Effective communication and engagement with employees along with fit for purpose policies, practices, support mechanisms and HR/OD interventions will be key in enabling this necessary change and supporting people through this transition. The function will work with Services to lead these people activities (Martyn Bramwell, Head of People Services, Oldham Council)

## **11 Risk Assessments**

Description of Risk	Impact (H, M, L)	Impact Description	Likelihood (H, M, L)	Mitigation
Council do not agree 5 footprints	H	More than 5 footprints would have a significant impact on resources	L	Discussions have taken place within the Council including elected members prior to this Cabinet decision
Primary Care Networks won't change to reflect geography	H	Alignment cannot take place	L	Discussions have taken place with GPs and Primary Care Networks and agreement reached prior to this Cabinet decision.
Partners cannot agree geography	H	Alignment cannot take place	L	Discussions have already taken place with key partners including GMP and Housing providers who have agreed to amend geographies.

## 12 IT Implications

- 12.1 Place based integration will have an impact on the ICT and digital requirements of staff and residents and the interdependency will be considered as part of the Digital work under the Transformation programme (Chris Petrie, Unity)

## 13 Property Implications

- 13.1 The proposal to develop five common geographical areas will need to be aligned (at the appropriate time) to the Oldham Locality Asset Review to ensure that the built environment (the facilities) are in place to meet the needs of this place-based approach. (Peter Wood, Strategic Assets & Facilities Management, Oldham Council)

## 14 Procurement Implications

- 14.1 None

## 15 Environmental and Health & Safety Implications

- 15.1 None

## 16 Equality, community cohesion and crime implications

- 16.1 The proposal aims to benefit residents by integrating more services closer to people through a place-based model. It has a focus and positive benefit on people who require more help than what they currently receive through universal services but do not necessarily meet the threshold of more specialist services. It will enable us to focus our resources more effectively on areas of high demand and need. In general, this would positively benefit residents in areas of higher need more including those on lower incomes supporting community cohesion. Police beats will also align with the geography which will

enable better operational structures to deal effectively with crime and issues of cohesion  
Neil Consterdine, Assistant Director for Youth, Leisure and Communities)

**17 Equality Impact Assessment Completed?**

17.1 Yes (see Appendix 3)

**18 Key Decision**

18.1 Yes

**19 Key Decision Reference**

19.1 ECEN-22-19

**20 Background Papers**

20.1 None

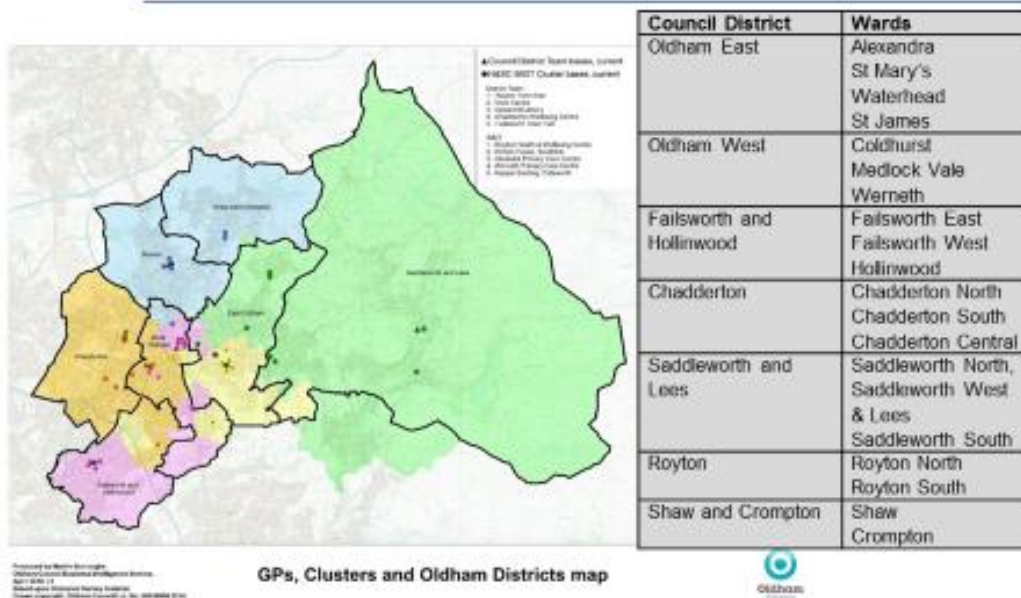
**21 Appendices**

21.1 Appendix 1 – Current Primary Care Networks and Council Districts

Appendix 2 – Equality Impact Assessment

Appendix 1 – Current Primary Care Networks and Council Districts

**Current Oldham Districts and Primary Care Networks**



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**Current Cluster (excludes Mossley for comparability)**

District		Resident Population	Total GP register	On register and resident	% register living in cluster
1	South Cluster	33940	50110	26718	53%
2	North Cluster	43084	44659	37114	74%
3	West Cluster	66992	54743	45711	91%
4	East Cluster	53257	58742	43709	87%
5	Central Cluster	36486	49667	25802	51%
Grand Total		233759	257921	179054	69%

## Equality Impact Assessment Tool

<b>Service Area:</b>	<b>Transformation and Reform</b>
<b>Budget Reduction Title:</b>	<b>Geographical alignment across public services at populations of 30-55,000</b>

### Stage 1: Initial Assessment

<b>1a</b>	<b>Which service does this project, policy or proposal relate to?</b>				
	Although this is driven through the Transformation and Reform team this relates to all mainstream Council and Primary Care services that we wish to integrate at a place-based level including for example, adult social care, children’s social care and early help, districts, housing community safety and possibly more.				
<b>1b</b>	<b>What is the project, policy or proposal?</b>				
	This project aims to create common coterminous boundaries across public services, at populations of 30-55,000 to enable the mainstream integration of services in communities.				
<b>1c</b>	<b>What are the main aims of the project, policy or proposal?</b>				
	<p>Develop common boundaries at populations of 30-55,000 across all public services.</p> <p>This will enable us to integrate service delivery at a place-based level.</p> <p>It will also enable us to focus our resources more effectively on demand and need.</p>				
<b>1d</b>	<b>Who, potentially, could this project, policy or proposal either benefit or have a detrimental effect on, and how?</b>				
	<p>It aims to benefit residents by integrating more services closer to people through a place-based model at 30-55,000.</p> <p>It has a focus and positive benefit on people who require more help than what they currently receive through universal services but do not necessarily meet the threshold of more specialist services. We estimate that this could be upwards of 40% of the Oldham population.</p> <p>It will enable us to focus our resources more effectively on areas of high demand and need. In general, this would positively benefit residents in areas of higher need more including those on lower incomes.</p> <p>The size of the proposed geographical footprints does also vary and ranges from 41,000 to 56,000 populations. Some areas are also bigger geographically which could have a negative impact as the service delivery areas would be larger. However, we intend to utilise hubs across the sites to mitigate this impact.</p>				
<b>1e</b>	<b>Does the project, policy or proposal have the potential to <u>disproportionately</u> impact on any of the following groups?</b>				
		<b>None</b>	<b>Positive</b>	<b>Negative</b>	<b>Not sure</b>
	Disabled people	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Particular ethnic groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Men or women	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	(includes impacts due to pregnancy / maternity)				
	People of particular sexual orientation/s	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People in a Marriage or Civil Partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People who are proposing to undergo, are undergoing, or have undergone a process or part of a process of gender reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People on low incomes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	People in particular age groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Groups with particular faiths or beliefs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Are there any other groups that you think may be affected negatively or positively by this project, policy or proposal?</b>					
	Rural population may be affected by being part of a much wider geographical area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>1f</b>	<b>What do you think the overall NEGATIVE impact on groups and communities will be?</b>	<b>None / Minimal</b>	<b>Significant</b>
		<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>1g</b>	<b>Using the screening and information in questions 1e and 1f, should a full assessment be carried out on the project, policy or proposal?</b>	<b>Yes</b> <input type="checkbox"/>
		<b>No</b> <input checked="" type="checkbox"/>

<b>1h</b>	<b>How have you come to this decision?</b>	
	Aligning our boundaries as a Council with all other mainstream public services will benefit residents across the piece as it will enable them to access integrated services and will reduce the number of people who are currently bounding around the system of public services.	
	Aligning our services to a place-based model will also benefit residents and communities as it will enable services to be delivered in an integrated way and closer to where people live.	
	As the model will enable us to deploy our resources on demand and need it is likely that there will be a positive impact on residents in areas of high need, particularly on those in low income and more deprived areas.	

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## Report to CABINET

# Local Development Scheme 2020

### Portfolio Holder:

Councillor Hannah Roberts

**Officer Contact:** Helen Lockwood, Deputy Chief Executive - People and Place

**Report Author:** Elizabeth Dryden-Stuart, Team Leader – Strategic Planning and Information

Ext. 1672

**27 January 2020**

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### Reason for Decision

To approve the update and publication of the council's Local Development Scheme (LDS) 2020.

### Executive Summary

The council has to prepare a Local Plan to ensure that we have an up-to-date and comprehensive planning framework to support the borough's economic, environmental and social objectives. The Local Development Scheme (LDS) is the project plan for the Local Plan. It sets out details and timetables about the planning documents we will prepare, including:

- Oldham's Local Plan (incorporating site allocations); and
- Greater Manchester's Plan for Homes, Jobs and the Environment.

This update ('Issue 10') is effective from 28 January 2020 following approval by Cabinet.

### Recommendations

It is recommended that the revisions to the LDS be approved and published, with effect from 28 January 2020.

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Cabinet  
Leadership  
Portfolio Briefing  
SMT  
DMT

27<sup>th</sup> January 2020  
13<sup>th</sup> January 2020  
9<sup>th</sup> January 2020  
17<sup>th</sup> December 2019  
11<sup>TH</sup> December 2019

## **Local Development Scheme 2020**

### **1 Background**

1.1 The council has to prepare a Local Plan to provide an up-to-date and comprehensive planning framework that will support the borough's economic, environmental and social objectives. The Local Development Scheme (LDS) is a public statement setting out the council's project plan for preparing the Local Plan and its supporting documents.

1.2 In accordance with Section 15(7) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011), this LDS replaces 'Issue 9' and shall have effect from 28th January 2020.

1.3 The purpose of the LDS is to:

- Set out what planning policy documents exist and what new documents will be prepared as part of, and in support of, the Local Plan;
- Set out the timescales the public can expect for the preparation and review of these documents;
- Indicate when the local community and stakeholders can get engaged and influence the plan-making process;
- Enable work programmes to be set for the preparation of Local Plan documents; and
- Show how the programme for the production of documents will establish and reflect the council's priorities and to assist the programming of other council strategies and programmes.

1.4 Following approval the LDS will then need to be sent to the usual deposit points such as local libraries and Access Oldham and placed on the council's website.

1.5 A separate document has been prepared showing the changes between 'Issue 9' (2016) and this LDS 2020 ('Issue 10') as required by the Localism Act 2011 (9Ab). This will be published alongside the LDS.

### **2 Current Position**

2.1 Oldham's Local Plan currently comprises a series of documents which together provide the statutory development plan for the borough and are:

- The Joint Core Strategy and Development Management Policies Development Plan Document (Joint DPD), adopted in November 2011;
- Proposals Map, dated April 2013;
- The Greater Manchester Joint Waste Plan, adopted in April 2012; and
- The Greater Manchester Joint Minerals Plan, adopted in April 2013.

- 2.2 In addition to the above there are a limited number of policies from the Oldham Unitary Development Plan (2006) that have been 'saved'. There are also supporting documents such as:
- The Statement of Community Involvement (SCI), adopted 20 March 2019;
  - Supplementary Planning Documents and Interim Planning Position Papers; and
  - Oldham's Monitoring Reports.
- 2.3 Greater Manchester's Plan for Homes, Jobs, and the Environment (GMSF) is being prepared by the Greater Manchester Combined Authority (GMCA), which comprises the Mayor of Greater Manchester and the leaders of Greater Manchester's ten local councils. The latest consultation was on the 2019 Draft Plan which ran from 14 January to 18 March 2019. The next stage of consultation is scheduled for summer 2020. The proposed timetable for the remaining stages of the GMSF is set out in the LDS and in table 1 below.
- 2.4 Once adopted the GMSF will form part of the statutory planning framework for Greater Manchester and each district's Local Plan, including Oldham's, will need to be in general conformity with it.
- 2.5 The current Joint DPD was adopted in November 2011 and a review of Oldham's Local Plan is required for a number of reasons, in particular:
- To meet the requirements set out in NPPF, particularly in relation to the need for Local Plans to be reviewed every five-years and then updated as appropriate;
  - There are policies, particularly those in relation to housing and employment, that need to be updated in light of changes in market signals, local circumstances and priorities, and legislation, so as to provide a succinct and up-to-date plan in line with the requirements set out in NPPF; and
  - There will be a need to reflect the GMSF and provide further direction and guidance at local level.
- 2.6 The Local Plan will deal with matters at the local level setting out the spatial vision, strategic objectives and strategy for Oldham and cover planning policies and site allocations, where they provide additional policy direction for Oldham,
- 2.7 Section 5 of the LDS includes profiles for both the GMSF and Oldham's Local Plan, setting out a broad timetable for the preparation of each. Preparation of the Local Plan continues to twin-track preparation of the GMSF where possible. The Local Plan timetable will be kept under review, having regard to any further delays in the preparation of the GMSF. The timetables for both are set out in table 1 below

**Table 1 - Timetables for GMSF and Local Plan review**

<b>GMSF Stage</b>	<b>GMSF</b>	<b>Local Plan Review Stage</b>	<b>Local Plan Review</b>
<b>Initial consultation on the objectively assessed development need</b>	November 2014		
<b>Consultation on vision, strategy and growth options</b>	October to December 2015		
<b>Consultation on Draft Plan 2016</b>	October 2016 to January 2017		
		<b>Consultation on</b>	July to August 2017

		<b>Regulation 18 Notification and Scoping Report</b>	
<b>Consultation on Draft Plan 2017</b>	January to March 2019		
<b>Programme of engagement and further consultation</b>	October 2019 to March 2020		
<b>Publication of Plan</b>	July 2020		
		<b>Consultation on Issues and Options (Regulation 18)</b>	Summer 2020
<b>Submission</b>	December 2020 /January 2021		
		<b>Consultation on Draft Plan (Regulation 18)</b>	April to May 2021
<b>Examination</b>	May to October 2021		
<b>Adoption</b>	December 2021		
		<b>Consultation on Public Plan (Regulation 19)</b>	January to February 2022
		<b>Submission</b>	April to May 2022
		<b>Examination</b>	Summer 2022
		<b>Adoption</b>	Winter 2022

### 3 Options/Alternatives

#### 3.1 Option 1 - To update and publish the LDS

Advantages – updating the LDS means that people will have certainty over the timetable for preparing our planning documents; national planning guidance and legislation requires the preparation of a LDS and that this it must be kept up to date.

Disadvantages – there are no disadvantages to updating the LDS.

#### 3.2 Option 2 – Not to update and publish the LDS

Advantages – there are no advantages in not updating the LDS.

Disadvantages – not approving the LDS means that people will have less certainty and confidence in our planning documents coming forward; not updating the LDS means the council will not be in line with national planning guidance and legislation.

### 4 Preferred Option

#### 4.1 Option 1 – to update and publish the LDS is the preferred option for the reasons set out above in section 3.

### 5 Consultation

#### 5.1 The Portfolio Holder for Housing has been consulted and a report on the update to the LDS has been taken to DMT, EMT and Leadership before going on to Cabinet.

---

## 6 **Financial Implications**

- 6.1 The cost of the additional production / distribution of the revised plan can be fully met from within current budgets held within the Development Control and Planning Service area.

(Jamie Kelly)

## 7 **Legal Services Comments**

- 7.1 Under S15 of the Planning and Compulsory Purchase Act 2004, the Council must prepare and maintain a local development scheme. The local development scheme is essentially the Council's project plan for the preparation of local development documents. It must specify the local development documents which are to be development plan documents, the subject matter and geographical area to which each development plan document is to relate, which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities, any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under section 29 of the Act, the timetable for the preparation and revision of the development plan documents and such other matters as are prescribed. The Council must revise the local development scheme at such time as they consider appropriate.
- 7.2 Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as the local development scheme is not a development plan document, it is function which is the responsibility of the Council's Cabinet. (A Evans)

## 8. **Co-operative Agenda**

- 8.1 The Local Plan follows the values of the Cooperative Agenda. The LDS, which is the project plan for the Local Plan, is being prepared in an open manner following the democratic processes of local government. The LDS allows people to see how / when they can get involved in the plan-making process. The planning process follows the values of the Cooperative Agenda through its consultation of local residents and communities and its open and democratic processes.

## 9 **Human Resources Comments**

- 9.1 Not applicable

## 10 **Risk Assessments**

- 10.1 No comments (Mark Stenson).

## 11 **IT Implications**

- 11.1 Not applicable

## 12 **Property Implications**

- 12.1 None received.

## 13 **Procurement Implications**

- 13.1 Not applicable

## 14 **Environmental and Health & Safety Implications**

- 
- 14.1 The Local Plan will be the new land use plan and will have beneficial environmental impacts. Preparation of the Local Plan will need to be supported, and informed, by a sustainability appraisal, considering the social, economic and environmental impacts of the Local Plan. The LDS as the project plan has no implications.
- 15 **Equality, community cohesion and crime implications**
- 15.1 The Local Plan is an important element of achieving community cohesion and addressing crime, and will require the completion of an equalities impact assessment as necessary. The LDS as the project plan has no implications.
- 16 **Equality Impact Assessment Completed?**
- 16.1 No
- 17 **Key Decision**
- 17.1 Yes
- 18 **Key Decision Reference**
- 18.1 HSG-13-19
- 19 **Background Papers**
- 19.1 No
- 20 **Appendices**
- 20.1 Local Development Scheme 2020

**Oldham**

**Local**

**Plan**

**Changes made to 'Issue 9'  
Local Development Scheme  
2016**

**Effective from 28.01.20**



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## Availability of document

This document can be made available in other formats. Please call 0161 770 1672 for information.

# 1 Introduction

## Introduction

**1.1** The Local Development Scheme (LDS) is a public statement setting out the council's project plan for preparing the Local Plan and its supporting documents. ~~In accordance with Section 15(7) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011);~~ This LDS shall have effect from ~~29 June 2016~~ 28 January 2020.

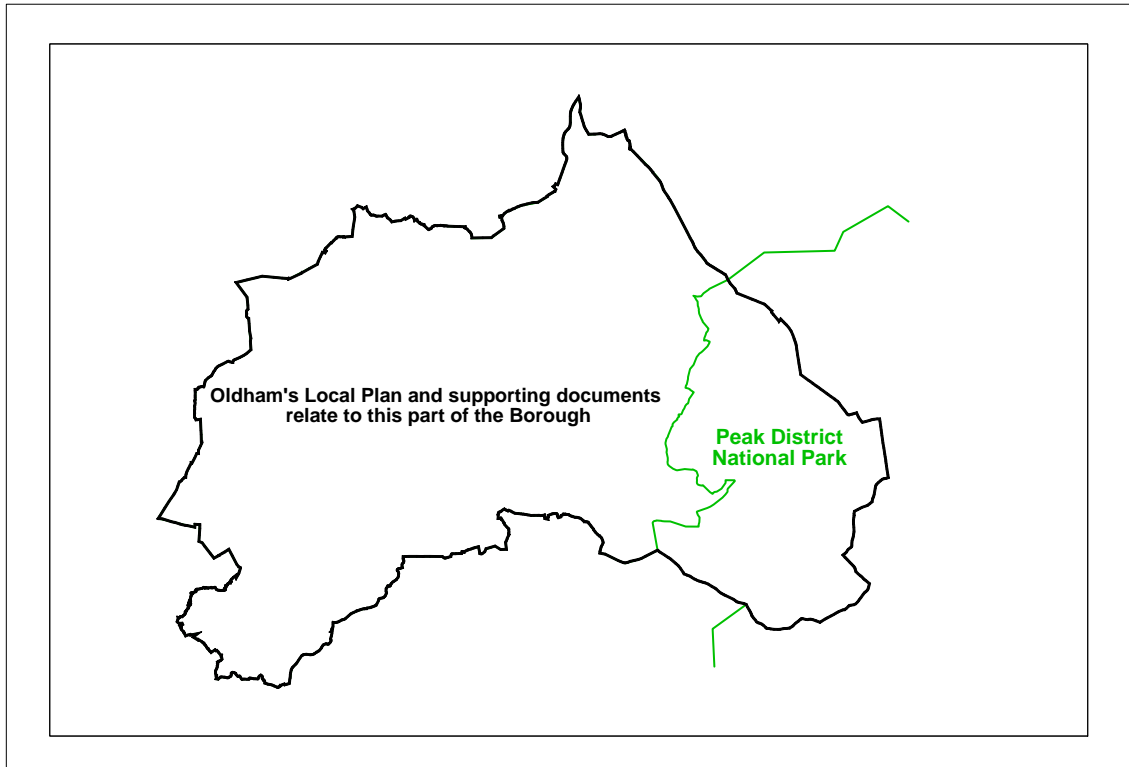
**1.2** The purpose of the LDS is to:

- Set out what planning policy documents exist and what new documents will be prepared as part of, and in support of, the Local Plan;
- Set out the timescales the public can expect for the preparation and review of these documents;
- Indicate when ~~stakeholders and the public~~ the local community can get involved and influence the plan-making process;
- Enable work programmes to be set for the preparation of Local Plan documents; and
- Show how the programme for the production of documents will establish and reflect the council's priorities and to assist the programming of other council strategies and programmes.

**1.3** The LDS sets out a programme for the preparation of Oldham's Local Plan for the whole of the borough except that part which falls within the Peak District National Park. ~~The geographical coverage of the borough's local planning policies is shown overleaf.~~

*Figure 1 - Geographical coverage of the borough's local planning policies (map has been amended)*

## Geographical Coverage of Local Plan



- 1.4** The LDS must be made available publicly available to the public and kept up-to-date. It is important that local communities and interested parties can keep track of progress. Once completed local authorities are required to publish their LDS on their website.

---

## 2 Existing national planning policy and guidance - section removed

### ~~National Planning Policy Framework~~

- ~~2.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their councils can produce their own distinctive Local Plans and Neighbourhood Plans, which reflects the needs and priorities of their communities.~~
- ~~2.2 All policies and proposals prepared in the Development Plan Documents (DPDs) as part of the Local Plan will need to comply with the NPPF. The guidance is also a 'material consideration' when making decisions on planning applications. This means that if a local policy is deemed out of date, local authorities may be directed by the requirements set out in NPPF.~~

### ~~National Planning Practice Guidance~~

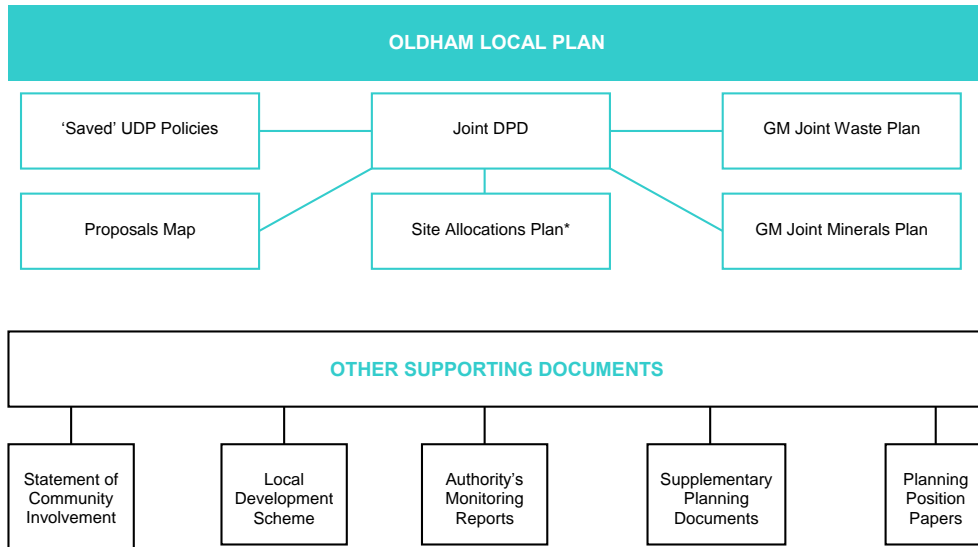
- ~~2.3 On 6 March 2014 the Department of Communities and Local Government (DCLG) launched a planning practice guidance web-based resource (NPPG). This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched. The NPPG is available online and provides detailed guidance in terms of policy development and the creation of a robust evidence base.~~
- ~~2.4 The NPPG provides further context to the NPPF and it is intended that these two documents should be read together.~~

## 3 Oldham's Local Plan

- 3.1** Figure 2 shows the existing components of Oldham's Local Plan. It comprises a series of documents which together provide the statutory development plan for the borough:
- The Joint Core Strategy and Development Management Policies Development Plan Document (Joint DPD), adopted in November 2011;
  - Proposals Map, dated April 2013;
  - The Greater Manchester Joint Waste Plan, adopted in April 2012; and
  - The Greater Manchester Joint Minerals Plan, adopted in April 2013.
- 3.2** There are also a limited number of policies from the Oldham Unitary Development Plan (2006) that have been 'saved' and which continue to form part of the borough's ~~statutory development plan~~ Local Plan. These are shown in Appendix 1.
- 3.3** Other documents that sit alongside and support the ~~statutory development~~ Local Plan include:
- The Statement of Community Involvement (SCI), adopted ~~March 2016~~ 20 March 2019;
  - Supplementary Planning Documents on Oldham Town Centre Conservation Area Appraisal and Management Plan, Vibrant Centres, Urban Design Guide, Contaminated Land, and Air Quality and Development;
  - Planning Position Papers on Open Space and Supporting Oldham's Economy; and
  - Oldham's The authorities Monitoring Reports

Oldham's Local Plan Figure 2 - Existing Oldham Local Plan Structure

## Oldham's Local Plan



\*No longer being prepared (see section 4.1)

**3.4** Further details of these documents are set out below.

### Joint Core Strategy and Development Management Development Plan Document

**3.5** The current statutory development plan is the Joint Core Strategy and Development Management Development Plan Document (Joint DPD), adopted in November 2011., ~~which comprises the:~~ The Joint DPD is made up of the:

- Core Strategy, which sets out a spatial vision, strategic objectives, a planning and development strategy and a monitoring and implementation framework for achieving delivery; and
- Development Management policies, which set out criteria against which all applications for development and use of land or buildings will be assessed.

**3.6** ~~All other DPD's prepared by the council, or on behalf of the council, documents forming part of, and sitting underneath, the Joint DPD, such as Neighbourhood Plans and Supplementary Planning Documents, must be done so prepared in conformity with the Joint DPD: it.~~

### Saved Unitary Development Plan policies

**3.7** Oldham Council adopted the Unitary Development Plan (UDP) on 14 July 2006. At the time the UDP policies were automatically 'saved' for a period of three years under the 2004 Planning Act. The Secretary of State, in May 2009, agreed to extend the life of the UDP policies ~~(for an unspecified period of time)~~ until they are replaced by the relevant part of the Local Plan.

**3.8** Most of the 'saved' UDP policies have now been superseded by the Joint DPD, the GM Waste Plan and the GM Minerals Plan.

**3.9** ~~The UDP policies~~ There are however, a small number of UDP policies that remain 'saved' at present as part of the Local Plan and these are listed in Appendix 1. ~~and include 'saved' site allocations for housing, mixed-use, business, industry and warehousing.~~

**3.10** Following a review of the existing Local Plan the remaining saved UDP policies; ~~including those which are site specific,~~ will be replaced ~~or discontinued where appropriate~~ or not taken forward.

### **Site Allocations DPD**

**3.11** It was the council's intention to prepare a separate Site Allocations DPD to sit alongside the adopted Joint DPD. Rather than preparing an individual Site Allocations DPD it is now proposed to incorporate site allocations as part of a wider review of the Local Plan. ~~which will reflect the Greater Manchester Spatial Framework (see section 4.1).~~

**3.12** ~~The profile in section 6 indicates the timescale for reviewing the Local Plan.~~

### **Proposals Map**

**3.13** ~~It is the job of the Proposals Map to express geographically Oldham's statutory development plan, illustrating on a map any site specific policies or land allocations. The Proposals Map was adopted in November 2011 alongside the Joint DPD. It has to be updated whenever a new DPD is adopted that has a site-specific element to it. It has, therefore, been updated following adoption of the GM Waste Plan (April 2012) and the GM Minerals Plan (April 2013). A new Proposals Map will be prepared and published to accompany the reviewed Local Plan as appropriate.~~

### **Waste and Minerals**

**3.14** ~~The Greater Manchester GM Waste Plan and Greater Manchester GM Minerals Plan were both prepared by the Greater Manchester Minerals and Waste Planning Unit on behalf of the ten GM districts. and Upon adoption these formed part of Oldham's Local Plan.~~

**3.15** ~~The Greater Manchester GM Waste Plan came into effect on 1 April 2012 and includes detailed development management policies. It also identified sites and/or preferred areas for a range of waste management facilities. It supports Policy 7 'Sustainable Use of Resources – Waste' of the Joint DPD.~~

**3.16** ~~The Greater Manchester GM Minerals Plan came into effect on 26 April 2013. and covers land-use planning matters in relation to minerals development across the ten Greater Manchester authorities. It includes detailed criteria based policies in relation to minerals development across GM, as well as policies covering Areas of Search and Mineral Safeguarding Areas. It supports Policy 8 'Sustainable Use of Resources – Minerals' of the Joint DPD.~~

## Proposals Map

- 3.17** It is the job of the Proposals Map to express spatially Oldham's statutory development Local Plan, illustrating on a map any site specific designations or land allocations.
- 3.18** The Proposals Map was adopted in November 2011 alongside the Joint DPD. It has to be updated whenever a new DPD is adopted that has a site-specific element to it. It has, therefore, been updated following adoption of the GM Waste Plan (April 2012) and the GM Minerals Plan (April 2013).
- 3.19** A new Proposals Map will be prepared and published to accompany the reviewed Local Plan as appropriate.

## Statement of Community Involvement

- 3.20** ~~The planning system places emphasis on community involvement in the preparation of the Local Plan. The Statement of Community Involvement (SCI) sets out how Oldham Council will involve the community and stakeholders in the preparation of the Local Plan and also in the consideration of planning applications.~~
- 3.21** ~~The SCI was updated March 2016 to reflect preparation of the GMSF and recent changes to the statutory planning framework. The SCI is available on the council's website at [www.oldham.gov.uk](http://www.oldham.gov.uk).~~

## Authority's Monitoring Report

- 3.22** ~~The Authority's Monitoring Report (AMR) is prepared annually. It monitors and reviews the implementation of the borough's existing local planning policies and provides information on the progress of documents identified for production.~~
- 3.23** ~~The most recent Monitoring Report was published January 2016 and covers the period April 2014 to March 2015. It also provides the borough's latest five-year deliverable housing land supply position. The Monitoring Report is available on the council's website at [www.oldham.gov.uk](http://www.oldham.gov.uk).~~

## Supplementary Planning Documents

- 3.24** ~~Supplementary Planning Documents (SPDs) expand on policies contained in the Joint DPD Local Plan, providing more guidance to help in their interpretation and implementation.~~
- 3.25** ~~SPDs do not form part of the statutory development plan and are not subject to public examination. Changes brought in by the Planning Act 2008 mean the LDS does not have to include details of SPDs that may be prepared to support the Local Plan. As such there are no SPD profiles included in this LDS.~~
- 3.26** ~~Six~~ A number of SPDs were prepared to support the UDP. Following adoption of the Joint DPD, the ~~following~~ SPDs listed below are still considered to be material considerations in the determination of planning applications as they continue to provide relevant advice: ~~that is still relevant. These are the:~~
- Urban Design SPD;



- Air Quality and Development SPD; and the
- Contaminated Land SPD.

**3.27** The Vibrant Centres SPD was adopted ~~by the council on~~ 23 July 2012. The SPD supports Joint DPD policies 15 and 16, ~~in the Joint DPD~~ and in particular:

- Provides clear and consistent guidance for promoting and maintaining the vitality and viability of Oldham Town Centre and the borough's other Centres;
- Provides clear and consistent guidance for new proposals and for changes of use for food and drink uses including hot food takeaways; ~~and~~
- Manages the concentration and clustering of hot-food takeaways and their potential impact on the local environment or the amenity of neighbourhood residents and business; ~~uses;~~ and
- Ensures all relevant development contributes positively to the visual appearance of the area during opening and non-opening hours.

**3.28** The Oldham Town Centre Conservation Area Appraisal and Management Plan (CAAMP) SPD was adopted 19 August 2019. The SPD supports Joint DPD Policy 24 Historic Environment, and in particular:

- The CAAMP SPD aims to understand the significance of the Oldham Town Centre Conservation Area and suggest opportunities to enhance its character and appearance.
- The appraisal proposed four extension to the existing Oldham Town Centre Conservation Area boundary. The extensions have been designated under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and will be treated as a material planning consideration until formally adopted through the Local Plan review process.
- The Management Plan has followed on from the appraisal of the conservation area. It sets out policies and recommendations around enhancement and regeneration of the conservation area as well as community engagement.

**3.29** ~~The SPDs are available on the council's website at [www.oldham.gov.uk](http://www.oldham.gov.uk).~~

### Planning Position Papers

**3.30** In addition to the SPDs the council has prepared a number of Interim Planning Position Papers, which provide further advice and guidance on the interpretation and implementation of policies contained in the Joint DPD Local Plan. These have less weight than a SPD but are material consideration in the determination of relevant planning applications.

**3.31** The Open Space Interim Planning Position Paper sets out how the council will deal with open space contributions for the borough when determining planning applications for relevant development that may impact on open spaces. It must be read alongside Policy 23 Open Spaces and Sports of the Joint DPD. In particular, the Paper:

- Identifies factors that should be considered when assessing if an open space contribution is considered appropriate;

- Details the types of open space contribution that may be considered appropriate; and
- Provides details on laying-out and maintenance costs of open spaces to act as guidance in negotiations.

**3.32** The Supporting Oldham's Economy Interim Planning Position Paper provides further guidance on the interpretation and implementation of Policy 14 of the Joint DPD Policy 14 on Supporting Oldham's Economy. ~~The policy outlines~~ Policy 14 sets out that where the council is minded to approve the loss of an employment site ~~(when the developer has demonstrated that there is no longer a future for the site as an employment site – through either a marketing exercise, viability test or by demonstrating that the redevelopment proposal would have wider regeneration benefit) that we would~~ it will work with developers to secure measures, ~~where as~~ as appropriate, to support Oldham's economy. The paper provides further clarification, and examples, of the measures listed in Policy 14.

**3.33** ~~The Paper builds upon some of the measures listed within Policy 14, providing some practical examples of how the measures may be implemented.~~

**3.34** ~~The Planning Position Papers are available on the council's website at [www.oldham.gov.uk](http://www.oldham.gov.uk).~~

### Statement of Community Involvement

**3.35** The planning system places emphasis on community involvement in the preparation of the Local Plan. The Statement of Community Involvement (SCI) ~~sets out~~ outlines when and how Oldham Council will involve engage the community and stakeholders in the preparation of the Local Plan and other planning documents. It outlines how we will provide guidance and assistance of neighbourhood planning groups. It also sets out how the community will be consulted on also in the consideration of planning applications.

**3.36** ~~The SCI was updated March 2016 to reflect preparation of the GMSF and recent changes to the statutory planning framework. The SCI is available on the council's website at [www.oldham.gov.uk](http://www.oldham.gov.uk).~~

**3.37** The current SCI was adopted 20 March 2019.

### Authority's Monitoring Reports

**3.38** The authorities Monitoring Report (AMR) is prepared and published annually. It monitors and reviews the implementation of ~~the borough's existing local planning policies~~ policies in the Local Plan and provides information on the progress of documents identified for production.

**3.39** ~~The most recent Monitoring Report was published January 2016 and covers the period April 2014 to March 2015. It~~ report also provides detailed information on levels of house building and the borough's potential housing land supply, including the five-year deliverable housing land supply position.

**3.40** ~~The Monitoring Report is available on the council's website at [www.oldham.gov.uk](http://www.oldham.gov.uk). most recent Monitoring Report was published December 2019 and covers the period 1 April 2018 to 31 March 2019.~~

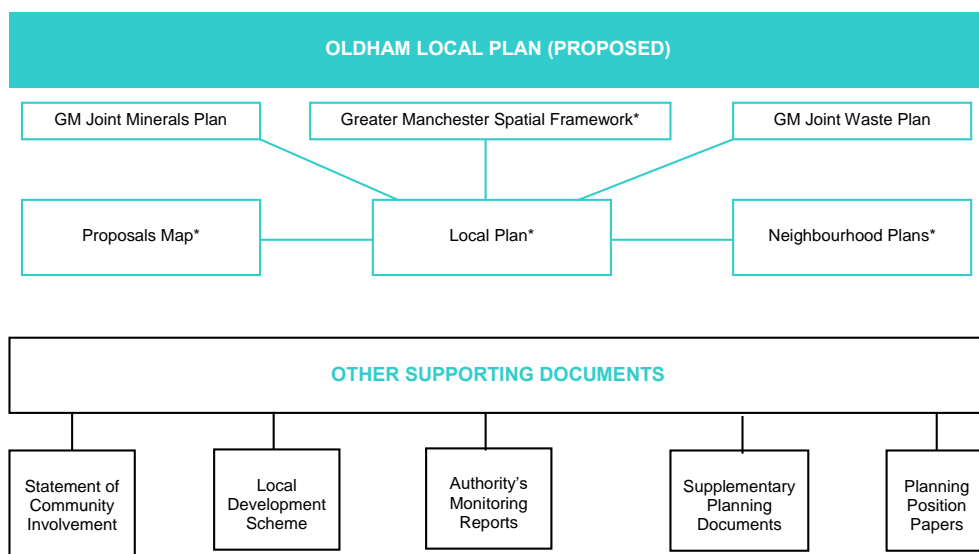
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**3.41** All documents listed above can be found on the council's website at [www.oldham.gov.uk](http://www.oldham.gov.uk).

## 4 Documents to be prepared as part of Oldham's Local Plan

4.1 This section provides further details regarding the documents that are to be prepared as part of Oldham's Local Plan.

Figure 3 - Proposed Oldham Local Plan Structure



\*To be prepared/reviewed

### **Greater Manchester Spatial Framework Greater Manchester's Plan for Homes, Jobs and the Environment**

4.2 ~~The Greater Manchester's Plan for Homes, Jobs and the Environment Spatial Framework (GMSF) will focus primarily on housing and employment land requirements for Greater Manchester, the infrastructure requirements to deliver this and the environmental capacity of Greater Manchester to accommodate this in the most sustainable manner. The GMSF is currently being progressed as a Joint Plan of all ten Greater Manchester authorities with preparation led by is being prepared by the Greater Manchester Combined Authority (GMCA), which comprises the Mayor of Greater Manchester and the leaders of Greater Manchester's ten local council's. In 2017 it will become a Plan of the Mayor requiring unanimous approval of the Cabinet of 10 Leaders.~~

4.3 The latest consultation was on the 2019 Draft Plan which ran from 14 January to 18 March 2019.

4.4 Further details and the timetable for ~~preparing the GMSF~~ its preparation is set out in the GMSF Profile found in section 6 5.

- 4.5 Once adopted the GMSF will be a spatial development strategy form part of the statutory planning framework for Greater Manchester and each district's local plans Local Plan will need to be in general conformity with it.

#### **Local Plan Review Oldham's Local Plan**

- 4.6 To reflect preparation of the GMSF the council is intending to review the existing Local Plan (namely the Joint DPD) to ensure that it reflects the spatial development strategy for Greater Manchester and Oldham.

- 4.7 The current Joint DPD was adopted in November 2011 and a review of Oldham's Local Plan is required for a number of reasons, in particular:

- To meet the requirements set out in NPPF, particularly in relation to need for local plans to be reviewed every five-years and then updated as appropriate.
- There are policies, particularly those in relation to housing and employment, that need to be updated in light of changes in market signals, local circumstances and priorities, and legislation, so as to provide a succinct and up-to-date plan in line with the requirements set out in the NPPF; and
- There will be a need to reflect the GMSF and provide further direction and guidance at a local level.

- 4.8 The Local Plan will deal with matters at the local level setting out the spatial vision, strategic objectives and strategy for Oldham and cover planning policies and site allocations, where they provide additional policy direction for Oldham in relation to (for example):

- Sustainable development;
- Housing;
- Economy and employment;
- Communities, health and well-being;
- Retail and town centres;
- Built environment, design and heritage;
- Natural environment;
- Green Infrastructure, open spaces, sport and recreation;
- Green Belt and Other Protected Open Land;
- Transport and accessibility;
- Infrastructure; and
- Climate change and floodrisk.

- 4.9 Whilst the exact scope of the Local Plan review is dependent somewhat upon the GMSF it may include the following:

- The spatial vision, strategic objectives and spatial strategy for Oldham;
- Locally specific strategic and development management policies where they provide additional policy direction for Oldham beyond that set out in the GMSF;
- Designations and allocations for the use of land which may include, for example, housing, business and industry, mixed-uses development, protected open land, safeguarded land, green infrastructure, retail, leisure, open spaces, sports and recreational uses, community facilities, health, education, the natural, built and

historic environments, ~~areas of nature conservation~~, floodrisk areas, transport routes and highway or other transport scheme(s); and a

- Monitoring and implementation framework and delivery strategy.

**4.10** The Council went out to consultation with a Regulation 18 Notification in summer 2017. This informed the local community, stakeholders and businesses of the council's intention to review the Local Plan and sought comments on what issues this should address.

**4.11** Further details and the timetable for reviewing the Local Plan is set out in the Local Plan Profile found in section 6 5.

### **Neighbourhood Plans Planning**

**4.12** Neighbourhood Planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Neighbourhood Planning allows communities to prepare:

- Neighbourhood Development Plans – general planning policies for the development and use of land in a neighbourhood;
- Neighbourhood Development Orders – can grant planning permission for specific types of development in a specific neighbourhood area; and
- Community Right to Build Orders – put together by local people who can decide on the type, quantity and design of buildings they want, and in the locations they want them.

**4.13** Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan and be aligned with the strategic needs and priorities of the wider local area. ~~Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them the Local Plan and. They should not promote less development than set out in the Local Plan or undermine its strategic policies. Once in place they become part of the Local Plan and the policies contained within them are then used in the determination of planning applications.~~

**4.14** ~~To date an application has been received from Saddleworth Parish Council for the designation of the Saddleworth Parish Council boundary as a neighbourhood planning area. This is being processed as appropriate. Another group has expressed an interest in preparing a Neighbourhood Plan and the council are currently working with them.~~

**4.15** Currently there has been one neighbourhood area designated in Oldham - Saddleworth Neighbourhood Area. This covers the whole parish area. An application was also made to the Peak District National Park Authority which covers part of the Parish Council area.

**4.16** Saddleworth Parish Council has now begin to prepare a neighbourhood plan with advice and assistance from Oldham Council and the Peak District National Park Authority.

**4.17** The key stages in the preparation of a neighbourhood plan are as follows:

- Step 1: Designate a neighbourhood area;
- Step 2: Preparation of a draft neighbourhood plan or order;
- Step 3: Pre-submission publicity and consultation;

- Step 4: Submission of a neighbourhood plan or order proposals to the local planning authority. At this point the proposals are published for six weeks and representations are invited;
- Step 5: Independent examination;
- Step 6: Referendum; and
- Step 7: Making the neighbourhood plan or order (bringing it into force).

### **Community Infrastructure Levy**

- 4.18** ~~The Community Infrastructure Levy (CIL) is a new option for collecting developer contributions towards infrastructure that is needed to support new development. It enables local authorities to raise funds from developers undertaking new building projects in their and sits alongside a somewhat restricted process for entering into S106 planning obligations.~~
- 4.19** ~~The council consulted on a Preliminary Draft Charging Schedule in February 2015 and are in the process of determining whether or not to proceed to prepare a Draft Charging Schedule.~~
- 4.20** ~~There is no requirement to include CIL / developer contributions in the LDS but the information has been provided for the benefit of all stakeholders.~~
- 4.21** ~~The changes above will change the structure of Oldham's local planning policies as shown in the diagram below.~~

### **Proposed Masterplans and Development Briefs**

- 4.22** The council, from time to time, will produce a variety of masterplans and development briefs covering different areas and topics within the borough, in response to the delivery of our regeneration aspirations and priorities. The timescale and content of these are subject to change and therefore none have been specifically identified within this LDS. Any masterplanning or work on development briefs which takes place will be picked up by and monitored through the ~~AMR~~: Monitoring Report, as appropriate.

## 5 Local Plan Making Process

### Local Plan Making Process

**5.1** The process for reviewing, preparing and adopting Local Plans is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

**The key stages in preparing ~~DPDs~~ Local Plan are as follows:**

- ~~Sustainability Appraisal Scoping Report;~~
- ~~Public Participation (Regulation 25);~~
- Preparation of a local plan - Regulation 18;
- Publication of the local plan - Regulation 19;
- Submission Stage;
- Examination; and
- Adoption.

### **Public Participation Preparation of a Local Plan**

**5.2** ~~The scale and nature of public participation will vary according to the stage of document production and will be guided by the council's SCI, adopted in March 2016. This sets out the approach to involving stakeholders and the community in the production of all local development documents (LDDs).~~

**5.3** The Local Plan Regulations allow for considerable flexibility to local planning authorities regarding how to carry out the initial stages of local plan production, provided they comply with the requirements set out in Regulation 18 and the authorities adopted SCI.

**5.4** As part of the preparation of a Local Plan, the council must notify specific consultation bodies, along with general consultation bodies, local residents and persons carrying out business in the areas as appropriate, of the subject of the Local Plan being ~~proposed~~ considered and invite them to comment on what the document should contain. In line with this the council carried out a Regulation 18 Notification consultation from July to August 2017, setting out the council's intention to review and prepare a Local Plan.

**5.5** Going forward, the council intends to consult at the following stages of preparing the Local Plan:

- Issues and Options; and
- Draft Plan.

**5.6** Details of these consultation stages are set out in the Local Plan profile at section 5.

### **Publication and Submission**

**5.7** ~~On completion of the public participation stages~~ Following the plan preparation stage the Council will prepare the document for Publication, also known as the proposed submission stage under Regulation 19 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended). This will be published by the council to allow people to view the ~~document.~~ plan Once published there is a statutory six week period for representations to be made on issues of soundness and legal compliance.



- 5.8** The council ~~can~~ may make, ~~if necessary,~~ minor amendments to the ~~published document at this stage~~ Publication Plan following the consultation before submitting it, ~~and relevant supporting documentation,~~ to the Secretary of State ~~and the Planning Inspectorate along with the representations and a schedule of changes~~ for examination under Regulation 22 of the Town and Country Planning (Local Plan) ( England) Regulation 2012 (as amended).

### **Sustainability Assessment and Strategic Environmental Assessment**

- 5.9** To assess the potential significant social, economic and environmental effects of a plan it must be subject to a Sustainability Appraisal (SA). The SA process also incorporates the requirements of the European Strategic Environmental Assessment (SEA) Directive and the UK SEA Regulations. As part of the plan preparation process reasonable alternatives are appraised to ensure that the plan is the most appropriate option.
- 5.10** Appraisals are carried out at each stage of the plan preparation process, and the outcomes influence the content of the plan. Where appropriate, the SA may suggest measures to mitigate any potential adverse effects that are identified through the appraisal.

### **Habitat Regulations Assessment**

- 5.11** Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive) requires a Habitat Regulations Assessment (HRA) to be undertaken to assess the impacts of a land-use plan against the conservation objectives of European Sites and to ascertain whether it would adversely affect the integrity of those sites.
- 5.12** The process of HRA involves an initial screening stage, followed by an Appropriate Assessment (AA) if proposals are likely to have a significant adverse impact on a European site. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects.
- 5.13** The council intends to prepare an Integrated Assessment to inform and support preparation of the Local Plan. This will combine the SA, SEA and HRA requirements with an Equalities Impact Assessment (EqIA) and Health Impact Assessment (HIA), ensuring the sustainability factors - environmental, social and economic, are considered in the round.

### **Examination and adoption**

- 5.14** Once the Local Plan, along with any representations submitted at the Publication stage and other supporting ~~documents~~ documentation, has been submitted to the Secretary of State, it must be examined by an independent inspector before the Council can adopt it.
- 5.15** The role of the Inspector is to consider whether the plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements, and whether it is sound.
- 5.16** To examine whether the submitted document is legally compliant the Inspector will check that it has:

- Been prepared in accordance with the LDS and in compliance with the SCI and the Regulations;
- Been subject to SA and SEA;
- Had regard to national policy; and
- Had regard to any sustainable community strategy for the area.

**5.17** The Inspector will also assess whether the plan has been prepared in accordance with the Duty to Co-operate and whether it is sound. A local planning authority should only submit a plan for examination which it considers to be 'sound', that it is as set out at paragraph 35 of the NPPF:

- **Positively prepared** - ~~the plan should be prepared based on~~ providing a strategy, which as a minimum, seeks to meet the area's objectively assessed needs; development and infrastructure requirements, including unmet requirements from neighbouring authorities and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is reasonable practical to do so and is consistent with achieving sustainable development;
- **Justified** - ~~the plan should be the most an~~ appropriate strategy, when considered against taking into account the reasonable alternatives, based on proportionate evidence;
- **Effective** - ~~the plan should be~~ deliverable over its the plan period and based on effective joint working on cross-boundary strategic priorities matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** - ~~the plan should enable~~ enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework (NPPF).

### **Sustainability Assessment and Strategic Environmental Assessment**

**5.18** ~~To assess the potential significant social, economic and environmental effects of a plan it must be subject to a Sustainability Appraisal (SA). The SA process also incorporates the requirements of the European Strategic Environmental Assessment (SEA) Directive and the UK SEA Regulations. As part of the plan preparation process reasonable alternatives are appraised to ensure that the plan is the most appropriate option.~~

**5.19** ~~Appraisals are carried out at each stage of the plan preparation process, and the outcomes influence the content of the plan. Where appropriate, the SA may suggest measures to mitigate any potential adverse effects that are identified through the appraisal.~~

### **Habitat Regulations Assessment**

**5.20** ~~Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive) requires Habitat Regulations Assessment (HRA) to be undertaken to assess the impacts of a land-use plan against the conservation objectives of European Sites and to ascertain whether it would adversely affect the integrity of those sites.~~

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**5.21** The process of HRA involves an initial screening stage, followed by an Appropriate Assessment (AA) if proposals are likely to have a significant adverse impact on a European site. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects.

## 6 Profiles

6.1 This chapter sets out the subject matter and geographical area for the following documents, along with the timetables for their preparation:

- The GMSF;
- Oldham's Local Plan; and
- Proposals Map.

6.2 The main changes to the GMSF and Local Plan profiles made since the LDS was published in 2016 are as follows:

- The GMSF profile has been amended to reflect the most recent timetable published by the GMCA; and
- The timetable for preparation of the Local Plan and Proposals Map has been amended to reflect changes made to the GMSF as above. The next stage of consultation, Issues and Options, is now scheduled to take place Summer 2020.

6.3 The LDS 2016 can be found in the council's website at [www.oldham.gov.uk](http://www.oldham.gov.uk).

Title	<b><u>Greater Manchester Spatial Framework Greater Manchester's Plan for Homes, Jobs and the Environment</u></b>
Role and content	<p><del>The Greater Manchester Spatial Framework</del> <u>Greater Manchester's Plan for Homes, Jobs and the Environment</u> (GMSF) will provide an overarching plan that will cover the whole of the Greater Manchester conurbation and is being prepared jointly by the <del>ten Greater Manchester local authorities</del> <u>Greater Manchester Combined Authority (GMCA), which is made up of the Mayor of Greater Manchester and the leaders of the ten Greater Manchester councils</u>. It will <del>set out the scale and distribution of housing and employment growth across the conurbation for the next 20 years.</del></p> <p>It will identify <del>strategic land allocations for housing and employment and also key infrastructure requirements to support this growth.</del> It will provide a <del>strategic environmental policy framework to ensure that growth is accommodated in a sustainable way and that Greater Manchester will be resilient to existing and future climate pressures.</del> The GMSF will also set out <del>strategic development management policies where they are appropriate and it is important for there to be a consistent Greater Manchester approach.</del></p> <p><u>The plan will:</u></p> <ul style="list-style-type: none"> <li>• <u>sets out how Greater Manchester should develop up until 2037;</u></li> <li>• <u>identifies the amount of new development that will come forward across the 10 districts, in terms of housing, offices and industry and warehousing, and the main areas in which this will be focused;</u></li> <li>• <u>supports the delivery of key infrastructure, such as transport and utilities;</u></li> <li>• <u>protects the important environmental assets across the city region;</u></li> </ul>

Title	
	<p><b>Greater Manchester Spatial Framework</b> <b>Greater Manchester's Plan for Homes, Jobs and the Environment</b></p> <ul style="list-style-type: none"> <li>• <u>allocates sites for employment and housing outside of the existing urban area; and</u></li> <li>• <u>defines a new green belt boundary for Greater Manchester.</u></li> </ul>
Status	<p>The GMSF is being progressed as a joint Greater Manchester Plan (a joint Development Plan Document), which in 2017 will become the Plan of the Greater Manchester Mayor requiring unanimous approval of the Cabinet of leaders of the ten local authorities:</p> <p><u>The GMSF is currently being progressed as a Joint DPD.</u></p> <p><u>Through the 2014 Devolution Agreement the Mayor has a duty to produce a Spatial Development Strategy (SDS). Central Government is currently considering the request from Greater Manchester to amend the Spatial Development Regulations to allow the GMSF to be progressed as an SDS. The next GMSF will be produced as a SDS if the regulations are in place, otherwise it will continue as a Joint DPD.</u></p> <p>Once adopted the GMSF will be the spatial development strategy and Local Plans would need to be in general conformity with it <u>the GMSF</u>. The GMSF is just one of a suite of documents through which GMCA is progressing its devolution agreement, growth and reform ambitions namely:</p> <ul style="list-style-type: none"> <li>• A GM 'Vision' which extends beyond Greater Manchester Strategy;</li> <li>• A Residential Growth Strategy setting out how we will bring forward land to meet our identified demand;</li> <li>• A Transport Strategy;</li> <li>• An Infrastructure Plan;</li> <li>• An Investment Strategy, sitting alongside financial tools such as the Manchester Investment Fund, the Housing Investment Fund.</li> </ul>
Chain of Conformity	<p>Consistent with national planning policy and having <u>NPPF and having</u> regard to the Greater Manchester Strategy. <del>Greater Manchester Growth and Reform Plan.</del></p>
Geographical coverage	<p>Greater Manchester (reflecting the area of the ten constituent authorities).</p>

Timetable	
Initial consultation on the objectively assessed development need	November 2014
Consultation on vision, strategy and growth options	<del>November 2015 to January 2016</del> <u>October 2015 to December 2015</u>
Consultation on Draft Plan <u>2016</u>	October <u>2016</u> to <del>November 2016</del> <u>January 2017</u>

Timetable	
<u>Consultation on Draft Plan 2019</u>	January to March 2019
<u>Programme of engagement and further consultation</u>	<u>October 2019 to March 2020</u>
Publication of Plan*	<del>June 2017</del> <u>July 2020</u>
Submission*	<del>November 2017</del> <u>December 2020 / January 2021</u>
Examination in public*	<del>February to April 2018</del> May to October 2021
Adoption of the GMSF by Mayor/GMCA*	January 2019 <u>December 2021</u>

*~~\*The timetable will need to be reviewed once the status of the plan has been confirmed by legislation and supporting regulations. The Submission Plan will require the approval of the ten Full Councils~~*

Title	Oldham's Local Plan
Role and content	<p>The exact scope of the review of Oldham's Local Plan is dependent somewhat upon the GMSF and what it means for Oldham's future housing and employment growth. It will be a locally specific document and may include:</p> <ul style="list-style-type: none"> <li>• The spatial vision, strategic objectives and spatial strategy for Oldham;</li> <li>• Strategic and development management policies where they provide additional policy direction for Oldham beyond that set out in the GMSF;</li> <li>• Designations and allocations for the use of land which may include, for example, housing, business and industry, mixed-uses, protected open land, safeguarded land, green infrastructure, retail, leisure, open spaces, sports and recreational uses, community facilities, health, education, natural/built/historic environments, areas of nature conservation, floodrisk areas, transport routes and highway or other transport scheme(s); and</li> <li>• A monitoring and implementation framework and delivery strategy.</li> </ul> <p>It will be accompanied by an adopted Proposals Map (see below).</p> <p><u>The Local Plan will replace the Joint Core Strategy and Development Management Development Document, adopted November 2011, and the saved UDP policies.</u></p> <p><u>The Local Plan will need to be in conformity with the NPPF and the GMSF. It will deal with matters at the local level, setting out the spatial vision, strategic objectives and strategy for Oldham.</u></p> <p><u>It will cover planning policies and site allocations, where they provide additional policy direction for Oldham, in relation to: sustainable development; natural environment; housing; economy and employment; green belt and other protected open land; design, built environment and heritage; retail and town centres; transport and accessibility; climate change and flood risk; communities, health and well-being; infrastructure; and open spaces, sports and recreation.</u></p> <p><u>The Local Plan will be accompanied by a Proposals Map (see below).</u></p>
Status	Development Plan Document
Chain of Conformity	Relevant national planning policy and guidance (NPPF and NPPG), GMSF ( <u>upon adoption</u> ), GM Waste Plan, GM Minerals Plan, Statement of Community Involvement, and having regard to other local strategic plans, programmes, policies and initiatives <del>such as The Oldham Plan and the emerging Strategic Investment Framework</del> , as appropriate.
Geographical coverage	Borough-wide, except for that part of the borough that is the planning responsibility of the Peak District National Park Authority.

Timetable	
It is envisaged that the review of the Local Plan will be twin-tracked with the GMSF so far as is possible. The timetable below may therefore change depending upon progress made with the GMSF and to take account of changes in legislation.	
Consultation on SA Scoping Report <u>Regulation 18 Notification and Integrated Assessment Scoping Report</u>	Autumn 2016 <u>July to August 2017</u>
Issues and Options Report ( <u>Regulation 18</u> )	Spring 2017 <u>Summer 2020</u>
Draft Plan ( <u>Regulation 18</u> )	Spring 2018 <u>April to May 2021</u>
Publication <u>Plan of proposed submission documents (Regulation 19)</u>	Spring 2019 <u>January to February 2022</u>
Submission	Summer 2019 <u>April to May 2022</u>
Examination	Autumn 2019 <u>June to July 2022</u>
Adoption	Late 2019 /early 2020 <u>Winter 2022</u>

Arrangements for production and monitoring	
Organisational lead	Executive Director, Co-operatives and Neighbourhoods <u>Deputy Chief Executive - People and Place</u>
Management Arrangements	To be approved according to the council's Scheme of Delegation for the Local Plan <u>local planning</u> . Preparation led by <u>Oldham Council Strategic Planning and Information - lead responsibility for preparation of the Local Plan.</u>
Resources	Lead role by Oldham Council Strategic Planning and Information Team with <u>lead responsibility for production process, preparation of documents, consultations and presentation of evidence at Examination.</u> input from other council directorates and partner organisations as appropriate.  Local Plan to be prepared in-house. Supporting evidence base may be prepared by consultants as required.  The Planning Inspectorate, on behalf the Secretary of State, will be responsible for <u>undertaking carrying out the independent examination into the Local Plan</u> and production of the Inspectors Report.
Community and Stakeholder Involvement	Community and stakeholder involvement will be in accordance with the <u>council's SCI and in line with Duty to Co-operate</u> statutory requirements.



Arrangements for production and monitoring	
Proposals Map	A new proposals map will be produced to support the Local Plan to reflect <del>any changes to land</del> <u>allocations and designations adopted through the Local Plan</u> (see profile below).
Monitoring and Review	The Local Plan is intended to be a long-term document. Performance of the Local Plan will be assessed against the monitoring indicators identified <u>as part of the Local Plan's monitoring framework and reported through the AMR authorities Monitoring Report</u> .

- 6.4** The Local Plan timetable will be kept under review and the Council will have regard to any timetable changes that may arise in the preparation of the GMSF as appropriate.

Title	Proposals Map
Status	Development Plan Document
Role and content	An Ordnance Survey based plan mapping development plan policy designations and site specific <u>land use allocations proposals set out in the Oldham Local Plan.</u>
Chain of Conformity	With <u>NPPF, GMSF and Oldham's Local Plan.</u> <del>and components of Oldham's wider development plan.</del>
Geographical coverage	Borough-wide, except for that part of the borough that is the planning responsibility of the Peak District National Park Authority.

Timetable	
The timetable for the Proposals Map will follow the timetable set out for the review of Oldham's Local Plan <u>(see above).</u>	
<del>Consultation on SA Scoping Report</del>	Autumn 2016
<del>Options Report</del>	Spring 2017
<del>Draft Plan</del>	Spring 2018
<del>Publication of proposed submission documents</del>	Spring 2019
<del>Submission</del>	Summer 2019
<del>Examination</del>	Autumn 2019
<del>Adoption</del>	Late 2019 /early 2020

Arrangements for production and monitoring	
Organisational lead	<del>Executive Director, Co-operatives and Neighbourhoods</del> <u>Deputy Chief Executive - People and Place</u>
Management Arrangements	<u>In line with preparation of the review of Oldham's Local Plan. To be approved according to the council's Scheme of delegation for local planning. Preparation led by Oldham Council Strategic Planning and Information- lead responsibility for the preparation of the Local Plan.</u>
Resources	<u>In line with preparation of the review of Oldham's Local Plan. Lead role by Oldham Council Strategic Planning and Information Team with input from other council directorates and partner organisations as appropriate.</u>  <u>Local Plan to be prepared in-house. Supporting evidence base may be commissioned as necessary.</u>

Arrangements for production and monitoring	
	<u>The Planning Inspectorate, on behalf of the Secretary of State, will be responsible for carrying out the independent examination into the Local Plan and production of the Inspectors Report.</u>
Community and Stakeholder Involvement	<u>In line with preparation of the review of Oldham's Local Plan: Community and stakeholder involvement will be in accordance with the council's SCI and statutory requirements.</u>
Monitoring and Review	<u>The Proposals Map will reflect policy designations and site specific allocations from all <del>Development Plan Documents</del> DPDs that form part of the Local Plan. and The Proposals Map will be updated as and when DPDs are adopted.</u>

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## 7 Monitoring and Review

**7.1** The council is required to monitor, on at least an annual basis, how:

- Effective its policies and proposals are in meeting its vision and strategy for the future development of the Borough; as well as
- How well it is performing against the timescales set out within its LDS.

**7.2** This information is contained in the authorities monitoring report (AMR) which is published annually, normally in December.

**7.3** The AMR will:

- Report progress on the timetable and milestones for the preparation of documents set out in this LDS, including the reasons why they are not being met;
- Report progress on the delivery of policies in the Local Plan. This will include progress on any relevant targets and highlight any unintended significant effects of the implementation of the policies on social, environmental and economic objectives. Where policies and targets are not being met, are not on track or are having unintended effects, reasons will be provided along with any appropriate actions to redress the matter. Policies may also need to change to reflect changes in national policy; and
- Include progress against housing targets, and an update of the housing trajectory to demonstrate how policies are delivering housing provision in the Borough.

**7.4** As a result of monitoring, the council will consider what changes, if any, need to be made and will bring forward such changes through the review of its LDS and Local Plan.

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## 8 Duty to Co-operate and Cross-boundary issues

- 8.1** The NPPF sets out a Duty to Co-operate on planning issues that cross administrative boundaries. This includes joint working on areas of common interest for the mutual benefit of neighbouring authorities. Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans. Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas.
- 8.2** Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Co-operation should be a continuous process of engagement, from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.
- 8.3** The council will prepare all documents that form part of the Local Plan in accordance with the Government's Duty to Co-operate as appropriate through consultation with the local community, landowners, development interests, national and local agencies and infrastructure providers, as well as ensuring the our plan fits in with those of neighbouring authorities and the wider sub-region. Its implementation will depend on collaboration between those groups and funding from the public, private and voluntary sectors.

## 9 Risk Assessment

9.1 Every effort will be made to ensure that the programme for the preparation of documents prepared as part of the Local Plan will be fulfilled. Nevertheless, there are clearly various risks which could potentially impact upon the ability to adhere to these the timetable and it is important to identify these risks and consider how they may be minimised. Key risks associated with the preparation of the Local Plan and delivery of the LDS to timetable are identified below, together with an indication as to how they will be managed and minimised.

Table 1

Risk	Action to mitigate risk / comments
<u>Local Plan programme slippage</u>	<p>There are risks that the key milestones may not be met, particularly given that its preparation will be twin-tracked (<u>as far as possible</u>) and influenced by the GMSF. <u>Resulting in potential delaying to the review of the Local Plan. Risk will be managed in a number of ways through ensuring that effective and proper project management arrangements are in place.</u></p> <ul style="list-style-type: none"> <li>• Ensuring that effective and proper project management arrangements are in place.</li> <li>• Keep LDS under review and amend as may be necessary in line with the preparation of the GMSF.</li> <li>• Prioritisation of non-Local Plan workload as appropriate to enable Local Plan targets to be met.</li> <li>• Allowing for contingency periods in the timetable to respond to unknown events that may arise during preparation of the document.</li> <li>• Build in adequate timescales for political decision-making.</li> </ul>
<u>GMSF preparation</u>	<p><u>Breakdown in co-operation on GMSF preparation between the ten districts of Greater Manchester. This will be addressed through regular meetings between GMCA and the districts to identify early on any sources of disagreement and action to minimise them.</u></p>
<u>Staff absence / turnover</u>	<p>There are risks that the staff absence and turnover within the team may leave the review of the Local Plan seriously under-resourced resulting in its delay. Risk will be managed in a number of ways:</p> <ul style="list-style-type: none"> <li>• Through working flexibly across topic areas and key areas of work, identifying a 'lead' officer and an 'assistant' officer.</li> <li>• Outsourcing work to consultants as may be required although this would have budget implications.</li> </ul>
<u>Increasing financial costs</u>	<p><u>There are risks regarding increasing financial resources required to prepare the necessary supporting evidence base as well as the document itself, may result in the review of the Local Plan being delayed. These risks will be managed through ensuring that there are effective budget management arrangements in place.</u></p>

Risk	Action to mitigate risk / comments
Lack of financial resources	There are risks that the inability to identify sufficient financial resources may result in the review of the Local Plan being delayed or found unsound due to the necessary evidence base not being in place. These risks will be managed by working closely with the Directorate's Finance Manager to ensure that we work within budgets and in the most cost effective way. If there are any unexpected as part of reviewing the Local Plan alternative sources will need to be found which would require the necessary approval.
Consultation fatigue of public	There is a risk that work on documents prepared as part of the Local Plan could overwhelm communities in terms of consultation demands, particularly in light of consultation on the GMSF. This risk will be minimised by trying to align consultations, if and where practical. For example, by making use of existing District Partnership meetings to display consultation materials and using innovative vehicles for consultation. <u>ensuring compliance with the council's Statement of Community Involvement, the use of effective and proportionate consultation techniques and through the alignment with other council consultation that may be taking place (where appropriate).</u>
Ensuring 'soundness' of the documents	Procedural failings can render documents produced unsound or inadequate. We will minimise this risk through preparing a good evidence base, engaging in a good dialogue with the community and stakeholders in line with SCI and regular liaison with PINS.
Political delay	There is a risk that key milestones may not be met due to timings and political change of full Council meetings or a decision by elected members which delays the Local Plan production. Risk will be managed through ensuring: <ul style="list-style-type: none"> <li>• That the timetable allows for long reporting procedures.</li> <li>• Elected members are fully informed and briefed at each stage of process.</li> </ul>
Publication of new planning policy and guidance during review of the Local Plan.	Where new guidance is issued this will be taken into account at the next appropriate stage when preparing documents as part of the Local Plan. <u>Central Government may, from time to time, publish new planning legislation and guidance which could necessitate changes in policy and procedures at a local level and delays. Risk will be managed through ensuring the policies are adaptable and flexible as appropriate to respond to changing circumstances.</u>
Capacity of Planning Inspectorate (PINS)	The resourcing and capacity of PINS is outside of our control. The LDS correspondence and dialogue with the Planning Inspectorate as appropriate should ensure that they are fully aware of the programme for reviewing our Local Plan.

Risk	Action to mitigate risk / comments
Length and cost of Examination	It is difficult to quantify the length of time required for the examination; ultimately this will depend on the complexity of issues being discussed and the Inspector themselves. When at this stage it will be important to have regular briefings and meetings with the Inspector and Programme Officer to progress the Examination. Additional budget may need to be identified if required.
Legal challenge	Risk of legal challenge will be minimised through ensuring preparation of `sound` documents. The risk remains however that if the Inspector's Report on the examination is not sound there may be little the Council can do to avoid a challenge after adoption.



## 10 Glossary of Terms

<b>Authorities Monitoring Report</b>	An annual report which sets out the progress in terms of producing <del>DPDs and SPDs</del> <u>proposed as part of the Local Plan</u> against the timetable set out in the LDS and the progress in implementing policies.
<b>Community Infrastructure Levy</b>	<del>Enables authorities to levy a standard charge on most types of new development, in order to fund the infrastructure needed to support development in their area.</del>
<b>Development Management Policies</b>	These are criteria based policies which are required to ensure that all development taking place within the area meets the spatial vision and objectives set out in the <del>core strategy</del> <u>relevant strategic policies.</u>
<b>Development Plan Documents (DPDs)</b>	This is the generic term used to describe spatial planning documents that are subject to independent examination and will form the statutory development plan for the Borough.
<b>Greater Manchester's Plan for Homes, Jobs and the Environment (GMSF)</b>	A spatial development strategy for Greater Manchester.
<b>Joint DPD</b>	This is the shorthand name for Oldham's adopted Joint Core Strategy and Development Management Policies DPD.
<b>Local Development Document (LDD)</b>	The generic name given to all constituent documents of the borough's local planning policies.
<b>Local Plan</b>	Prepared under the Town and Country Planning (Local Planning) (England) Regulations 2012 and can either be a single document or a combination of separate documents, also known as Development Plan Documents (formerly known as the Local Development Framework).
<b>Local Development Scheme (LDS)</b>	A project plan for the preparation of a Local Development Framework. It is a rolling 3 year programme which the Council should review and update every year.
<b>National Planning Policy Framework (NPPF)</b>	A single planning policy framework, <u>produced by MHCLG</u> , which replaces planning policy guidance and policy statements.
<b>National Planning Policy Guidance (NPPG)</b>	<u>Further guidance, produced by MHCLG, on the interpretation and implementation of policies contained in the NPPF.</u>

<b>Proposals Map</b>	A map with an Ordnance Survey base that illustrates the policies and proposals of a Development Plan Document (or the “saved” UDP policies in Oldham at the moment).
<b>Saved policies or plans</b>	Existing adopted plans are saved for three years from commencement of the Act or by extension with the agreement of the Secretary of State or until replaced by a more up to date replacement plan.
<b>Statement of Community Involvement (SCI)</b>	This sets out the standards which the Council will achieve in terms of <del>involving</del> <u>engaging</u> local communities <u>and stakeholders</u> in the preparation of local development documents and development control decisions.
<b>Supplementary Planning Document (SPD)</b>	Provides supplementary information in respect of policies contained in the development plan documents. It is not subject to independent examination and does not form part of the Development Plan.
<b>Sustainability Appraisal and Strategic Environmental Assessment</b>	All policies and proposals in DPDs are subject to a sustainability appraisal that includes the requirements for a strategic environmental appraisal to ensure they reflect sustainable development principles.

## Appendix 1 Saved UDP Policies & Schedule of Local Development Documents

**A1.1** The following UDP policies remain unaffected with the adoption of the Joint DPD, GM Waste Plan or GM Minerals Plan and will continue to be 'saved' until they are replaced by the relevant part of the Local Plan or another development plan document as may be appropriate.

**Table 2** UDP `saved` policies

UDP Policy No.	UDP Policy Name	LDF document which may review the UDP policy
B1	BUSINESS AND INDUSTRIAL LAND ALLOCATIONS	Site Allocations Plan
B1.1	Business and Industrial Allocations	Site Allocations Plan
B1.2	Business and Office Allocations	Site Allocations Plan
B1.3	Mixed Use Allocations	Site Allocations Plan
D1.5	Protection of Trees on Development Sites	To be determined
D1.12	Telecommunications	To be determined
H1.1	Housing Land Release – Phase 1	Site Allocations Plan
H1.2	Housing Land Release – Phase 2	Site Allocations Plan
OE1.8	Major Developed Site in the Green Belt	Site Allocations Plan
OE1.11	Farm Diversification	To be determined
TC1.1	Allocated Site ( <u>Oldham Town Centre</u> )	Site Allocations Plan
TC1.2	Allocated Site ( <u>Oldham Town Centre</u> )	Site Allocations Plan

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**Oldham**

**Local**

**Plan**

## **Local Development Scheme**

**Effective from 28.01.20**



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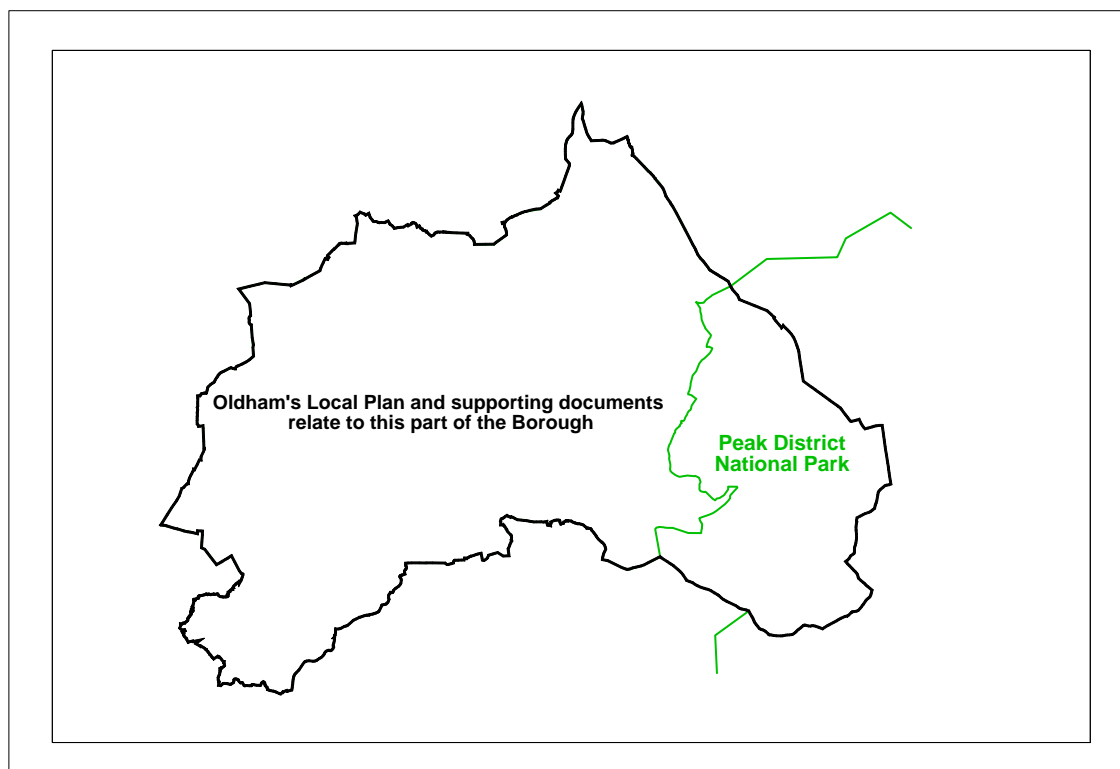
## **1 Availability of document**

- 1.1** This document can be made available in other formats. Please call 0161 770 1672 for information.

## 2 Introduction

- 2.1** The Local Development Scheme (LDS) is a public statement setting out the council's project plan for preparing the Local Plan and its supporting documents. This LDS shall have effect from 28 January 2020.
- 2.2** The purpose of the LDS is to:
- Set out what planning policy documents exist and what new documents will be prepared as part of, and in support of, the Local Plan;
  - Set out the timescales the public can expect for the preparation and review of these documents;
  - Indicate when the local community can get involved and influence the plan-making process;
  - Enable work programmes to be set for the preparation of Local Plan documents; and
  - Show how the programme for the production of documents will establish and reflect the council's priorities and to assist the programming of other council strategies and programmes.
- 2.3** The LDS sets out a programme for the preparation of Oldham's Local Plan for the whole of the borough except that part which falls within the Peak District National Park.

*Figure 1 - Geographical coverage of the borough's local planning policies*





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- 2.4** The LDS must be made available to the public and kept up to date. It is important that local communities and interested parties can keep track of progress. Once completed local authorities are required to publish the LDS on their website.

### 3 Oldham's Local Plan

3.1 Figure 2 shows the existing components of Oldham’s Local Plan. It comprises a series of documents which together provide the statutory development plan for the borough:

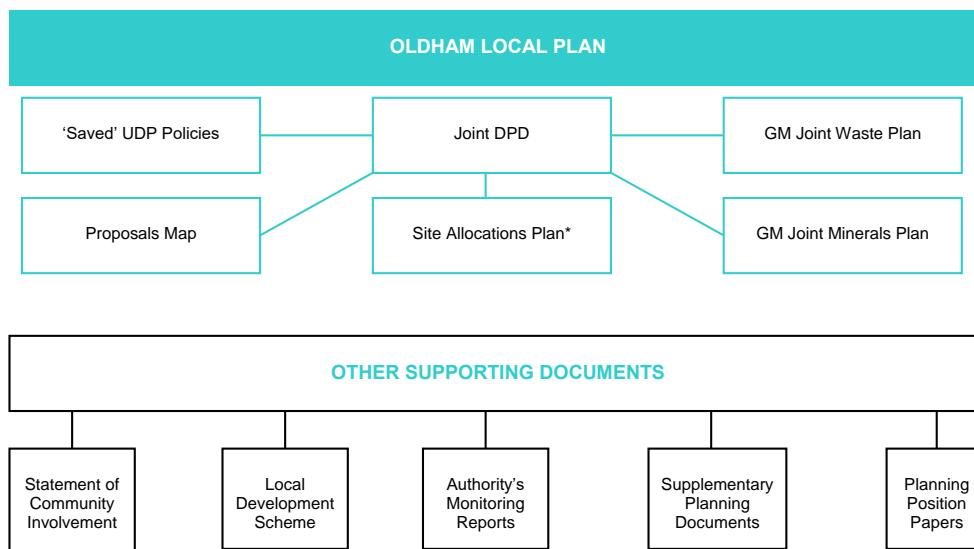
- The [Joint Core Strategy and Development Management Policies Development Plan Document](#) (Joint DPD), adopted in November 2011;
- [Proposals Map](#), dated April 2013;
- The [Greater Manchester Joint Waste Plan](#), adopted in April 2012; and
- The [Greater Manchester Joint Minerals Plan](#), adopted in April 2013.

3.2 There are also a limited number of policies from the Oldham Unitary Development Plan (2006) that have been ‘saved’ and which continue to form part of the borough’s Local Plan. These polices are listed in Appendix 1.

3.3 Other documents that sit alongside and support the Local Plan include:

- The [Statement of Community Involvement](#) (SCI), adopted 20 March 2019;
- [Supplementary Planning Documents](#) on Oldham Town Centre Conservation Area Appraisal and Management Plan, Vibrant centres, Urban Design Guide, Contaminated Land, and Air Quality and Development;
- [Planning Position Papers](#) on Open Space and Supporting Oldham's Economy; and
- The authorities [Monitoring Reports](#).

Figure 2 - Existing Oldham Local Plan Structure



\*No longer being prepared

**3.4** Further details of these documents are set out below.

### **Joint Core Strategy and Development Management Development Plan Document**

**3.5** The current statutory development plan is the Joint Core Strategy and Development Management Policies Development Plan Document (Joint DPD), adopted in November 2011. The Joint DPD is made up of the:

- Core Strategy, which sets out a spatial vision, strategic objectives, a planning and development strategy and a monitoring and implementation framework for achieving delivery; and
- Development Management policies, which set out criteria against which all applications for development and use of land or buildings will be assessed.

**3.6** All other documents forming part of, and sitting underneath, the Joint DPD, such as Neighbourhood Plans and Supplementary Planning Documents, must be prepared in conformity with it.

### **Saved Unitary Development Plan policies**

**3.7** Oldham Council adopted the Unitary Development Plan (UDP) on 14 July 2006. At the time the UDP policies were automatically 'saved' for a period of three years under the 2004 Planning Act. The Secretary of State, in May 2009, agreed to extend the life of the UDP policies until they are replaced by the relevant part of the Local Plan.

**3.8** Most of the ['saved' UDP policies](#) have now been superseded by the Joint DPD, the GM Waste Plan and the GM Minerals Plan.

**3.9** There are however, a small number of UDP policies that remain 'saved' as part of the Local Plan and these are listed in Appendix 1.

**3.10** Following a review of the existing Local Plan the remaining 'saved' UDP policies will be replaced where appropriate or not taken forward.

### **Site Allocations DPD**

**3.11** It was the council's intention to prepare a separate Site Allocations DPD to sit alongside the adopted Joint DPD. Rather than preparing an individual Site Allocations DPD it is now proposed to incorporate site allocations as part of a wider review of the Local Plan.

### **Proposals Map**

**3.12** It is the job of the Proposals Map to express spatially Oldham's Local Plan, illustrating on a map any site-specific designation and land use allocations.

**3.13** The Proposals Map was adopted in November 2011 alongside the Joint DPD. It has to be updated whenever a new DPD is adopted that has a site-specific element to it. It has, therefore, been updated following adoption of the GM Waste Plan and the GM Minerals Plan.

**3.14** A new Proposals Map will be prepared and published to accompany the reviewed Local Plan as appropriate.

## Waste and Minerals

- 3.15** The GM Waste Plan and GM Minerals Plan were both prepared by the Greater Manchester Minerals and Waste Planning Unit on behalf of the ten GM districts. Upon adoption these formed part of Oldham's Local Plan.
- 3.16** The GM Waste Plan came into effect on 1 April 2012 and includes detailed development management policies. It also identifies sites and/or preferred areas for a range of waste management facilities. It supports Joint DPD Policy 7 on Sustainable Use of Resources – Waste.
- 3.17** The GM Minerals Plan came into effect on 26 April 2013. It includes detailed criteria based policies in relation to minerals development across GM, as well as policies covering Areas of Search and Minerals Safeguarding Areas. It supports Joint DPD Policy 8 on Sustainable Use of Resources – Minerals.

## Supplementary Planning Documents

- 3.18** Supplementary Planning Documents (SPDs) expand on policies contained in the Local Plan, providing more guidance to help in their interpretation and implementation.
- 3.19** SPDs do not form part of the statutory development plan and are not subject to public examination. Changes brought in by the Planning Act 2008 mean the LDS does not have to include details of SPDs that may be prepared to support the Local Plan. As such, there are no SPD profiles included in this LDS.
- 3.20** A number of SPDs were prepared to support the UDP. Following adoption of the Joint DPD, the SPDs listed below are still considered to be material considerations in the determination of planning applications as they continue to provide relevant advice:
- [Urban Design SPD](#)
  - [Air Quality and Development SPD](#); and the
  - [Contaminated Land SPD](#).
- 3.21** The [Vibrant Centres SPD](#) was adopted 23 July 2012. The SPD supports Joint DPD policies 15 and 16, and in particular:
- Provides clear and consistent guidance for promoting and maintaining the vitality and viability of Oldham Town Centre and the borough's other Centres;
  - Provides clear and consistent guidance for new proposals and for changes of use for food and drink uses including hot food takeaways;
  - Manages the concentration and clustering of hot-food takeaways and their potential impact on the local environment or amenity of neighbouring residents and businesses; and
  - Ensures all relevant development contributes positively to the visual appearance of the area during opening and non-opening hours.
- 3.22** The [Oldham Town Centre Conservation Area Appraisal and Management Plan \(CAAMP\) SPD](#) was adopted 19 August 2019. The SPD supports Joint DPD Policy 24 Historic Environment, and in particular:

- The CAAMP SPD aims to understand the significance of the Oldham Town Centre Conservation Area and suggest opportunities to enhance its character and appearance.
- The appraisal proposes four extensions to the existing Oldham Town Centre Conservation Area boundary. The extensions have been designated under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and will be treated as a material planning consideration until formally adopted through the Local Plan review process.
- The Management Plan has followed on from the appraisal of the conservation area. It sets out policies and recommendations around enhancement and regeneration of the conservation area as well as community engagement.

### Planning Position Papers

**3.23** In addition to the SPDs the council has prepared a number of Interim Planning Position Papers, which provide further advice and guidance on the interpretation and implementation of policies in the Local Plan. These have less weight than a SPD but are material considerations in the determination of relevant planning applications.

**3.24** The [Open Space Interim Planning Position Paper](#) sets out how the council will deal with open space contributions for the borough when determining planning applications for relevant development that may impact on open spaces. It must be read alongside Joint DPD Policy 23 on Open Space and Sports. In particular, the Paper:

- Identifies factors that should be considered when assessing if an open space contribution is considered appropriate;
- Details the types of open space contribution that may be considered appropriate; and
- Provides details on laying-out and maintenance costs of open spaces to act as guidance in negotiations.

**3.25** The [Supporting Oldham's Economy Interim Planning Position Paper](#) provides further guidance on the interpretation and implementation of Joint DPD Policy 14 on Supporting Oldham's Economy. Policy 14 sets out that where the council is minded to approve the loss of an employment site that it will work with developers to secure measures, as appropriate, to support Oldham's economy. The position paper provides further clarification, and examples, of the measures listed in Policy 14.

### Statement of Community Involvement

**3.26** The planning systems places emphasis on community involvement in the preparation of a Local Plan. The council's Statement of Community Involvement (SCI) outlines when and how the council will engage the community and stakeholders in the preparation of the Local Plan and other planning documents. It outlines how we will provide guidance and assistance to neighbourhood planning groups. It also sets out how the community will be consulted on planning applications.

**3.27** The [current SCI](#) was adopted 20 March 2019.

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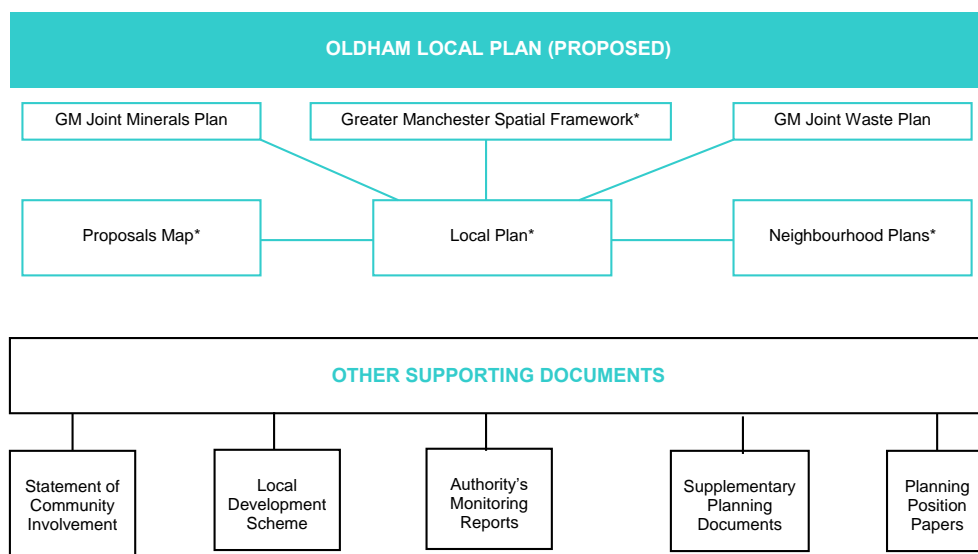
## Monitoring Reports

- 3.28** The authorities Monitoring Report is prepared and published annually. It monitors and reviews the implementation of policies in the Local Plan and provides information on the progress of documents identified for production. The report also provides detailed information on levels of house building and the borough's potential housing land supply, including the five-year deliverable housing land supply.
- 3.29** The most recent Monitoring Report was published December 2019 and covers the period 1 April 2018 to 31 March 2019. It is available on the council's website at [www.oldham.gov.uk](http://www.oldham.gov.uk).
- 3.30** All documents listed above and others relating to the Local Plan can be found on the council's website at [www.oldham.gov.uk](http://www.oldham.gov.uk).

## 4 Documents to be prepared as part of Oldham's Local Plan

4.1 This section provides further details regarding the documents that are to be prepared as part of Oldham's Local Plan.

Figure 3 - Proposed Oldham Local Plan Structure



\*To be prepared/reviewed

### Greater Manchester's Plan for Homes, Jobs and the Environment

- 4.2 Greater Manchester's Plan for Homes, Jobs, and the Environment (GMSF) is being prepared by the Greater Manchester Combined Authority (GMCA), which comprises the Mayor of Greater Manchester and the leaders of Greater Manchester's ten local councils.
- 4.3 The latest consultation was on the 2019 Draft Plan which ran from 14 January to 18 March 2019.
- 4.4 Further details and the timetable for its preparation is set out in the GMSF profile in section 5.
- 4.5 Once adopted the GMSF will form part of the statutory planning framework for Greater Manchester and each district's Local Plan will need to be in general conformity with it.

### Oldham's Local Plan

- 4.6 The current Joint DPD was adopted in November 2011 and a review of Oldham's Local Plan is required for a number of reasons, in particular:

- To meet the requirements set out in NPPF, particularly in relation to the need for local plans to be reviewed every five-years and then updated as appropriate.
- There are policies, particularly those in relation to housing and employment, that need to be updated in light of changes in market signals, local circumstances and priorities, and legislation, so as to provide a succinct and up-to-date plan in line with the requirements set out in the NPPF; and
- There will be a need to reflect the GMSF and provide further direction and guidance at local level.

**4.7** The Local Plan will deal with matters at the local level setting out the spatial vision, strategic objectives and strategy for Oldham and cover planning policies and site allocations, where they provide additional policy direction for Oldham, in relation to (for example):

- Sustainable development;
- Housing;
- Economy and employment;
- Communities and health and well-being;
- Retail and town centres;
- Built environment, design and heritage;
- Natural environment;
- Green Infrastructure, open spaces, sport and recreation;
- Green Belt and Other Protected Open Land;
- Transport and accessibility;
- Infrastructure; and
- Climate change and floodrisk.

**4.8** Whilst the exact scope of the Local Plan review is dependent somewhat upon the GMSF it may include the following:

- The spatial vision, strategic objectives and spatial strategy for Oldham;
- Locally specific strategic and development management policies where they provide additional policy direction for Oldham beyond that set out in the GMSF;
- Designations and allocations for the use of land which may include, for example, housing; business and industry; mixed-use development; protected open land; safeguarded land; green infrastructure; retail leisure; open space, sports and recreation; community facilities, health and education; the natural, built and historic environment; floodrisk; and transport routes and highway or other transport schemes; and
- Monitoring and implementation framework and delivery strategy.

**4.9** The council went out to consultation with a Regulation 18 Notification in summer 2017. This informed the local community, stakeholders, and businesses of the council's intention to review the Local Plan and sought comments on what issues this should address.

**4.10** Further details and the timetable for reviewing the Local Plan is set out in the Local Plan profile in section 5.



## Neighbourhood Planning

- 4.11** Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Neighbourhood planning allows communities to prepare:
- Neighbourhood Development Plans - general planning policies for the development and use of land in a neighbourhood;
  - Neighbourhood Development Orders - can grant planning permission for specific types of development in a specific neighbourhood area; and
  - Community Right to Build Orders - put together by local people who can decide on the type, quantity and design of buildings they want, and in the locations they want them.
- 4.12** Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan and be aligned with the strategic needs and priorities of the wider local area. Neighbourhoods should plan positively to support the Local Plan and should not promote less development than that set out in the plan or undermine its strategic policies. Once in place they become part of the Local Plan and the policies contained within them are then used in the determination of planning applications.
- 4.13** Currently there has been one neighbourhood area designated in Oldham - Saddleworth Neighbourhood Area. This covers the whole parish area. An application was also made to the Peak District National Park Authority which covers part of the Parish Council area.
- 4.14** Saddleworth Parish Council has now begun to prepare a neighbourhood plan with advice and assistance from Oldham Council and the Peak District National Park Authority.
- 4.15** The key stages in the preparation of a neighbourhood plan are as follows:
- Step 1: Designate a neighbourhood area;
- Step 2: Preparing a draft neighbourhood plan or order;
- Step 3: Pre-submission publicity and consultation;
- Step 4: Submission of a neighbourhood plan or order proposals to the local planning authority. At this point the proposals are published for six weeks and representations are invited;
- Step 5: Independent examination;
- Step 6: Referendum; and
- Step 7: Making the neighbourhood plan or order (bringing it into force).

## Proposed Masterplans and Development Briefs

- 4.16** The council, from time to time, may produce a variety of masterplans and development briefs covering different areas and topics within the borough, in response to the delivery of our regeneration aspirations and priorities. The timescale and content of these are

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subject to change and therefore none have been specifically identified within this LDS. Any masterplanning or work on development briefs which takes place will be picked up by, and monitored, through the authorities Monitoring Report, as appropriate.

## 5 Local Plan making process

### Local Plan Making Process

- 5.1** The processing for reviewing, preparing and adopting Local Plans is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 5.2** The key stages in reviewing and preparing the Local Plan are as follows:
- Preparation of a local plan - Regulation 18;
  - Publication of the local plan - Regulation 19;
  - Submission;
  - Examination; and
  - Adoption.

### Preparation of a Local Plan

- 5.3** The Local Plan Regulations allow for considerable flexibility to local planning authorities regarding how to carry out the initial stages of local plan production, provided they comply with the requirements set out in Regulation 18 and the council's adopted SCI.
- 5.4** As part of the preparation of a Local Plan, the council must notify specific consultation bodies, along with general consultation bodies, local residents and persons carrying out business in the areas as appropriate, of the subject of the Local Plan being considered and invite them to comment on what the document should contain. In line with this the council carried out a [Regulation 18 Notification](#) consultation from July to August 2017, setting out the council's intention to review and prepare a Local Plan.
- 5.5** Going forward, the council intend to consult at the following stages of preparing the Local Plan:
- Issues and Options; and
  - Draft Plan.
- 5.6** Details of these consultation stages are set out in the Local Plan profile at section 5.

### Publication and Submission

- 5.7** Following the plan preparation stage the council will prepare the document for publication, also known as the proposed submission stage under Regulation 19 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended). This will be published by the council to allow people to view the plan. Once published there is a statutory six week period for representations to be made on issues of soundness and legal compliance.
- 5.8** The council may make, if necessary, 'minor amendments' to the Publication Plan following the consultation before submitting it, and relevant supporting documentation, to the Secretary of State for examination under Regulation 22 of the Town and Country Planning (Local Plan) (England) Regulations 2012 (as amended).

## **Sustainability Assessment and Strategic Environmental Assessment**

- 5.9** To assess the potential significant social, economic and environmental effects of a plan it must be subject to a Sustainability Appraisal (SA). The SA process also incorporates the requirements of the European Strategic Environmental Assessment (SEA) Directive and the UK SEA Regulations. As part of the plan preparation process reasonable alternatives are appraised to ensure that the plan is the most appropriate option.
- 5.10** Appraisals are carried out at each stage of the plan preparation process, and the outcomes influence the content of the plan. Where appropriate, the SA may suggest measures to mitigate any potential adverse effects that are identified through the appraisal.

## **Habitat Regulation Assessment**

- 5.11** Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive) requires a Habitat Regulations Assessment (HRA) to be undertaken to assess the impacts of a land-use plan against the conservation objectives of European Sites and to ascertain whether it would adversely affect the integrity of those sites.
- 5.12** The process of HRA involves an initial screening stage, followed by an Appropriate Assessment (AA) if proposals are likely to have a significant adverse impact on a European site. Where significant negative effects are identified, alternative options should be examined to avoid any potential damaging effects.
- 5.13** The council intends to prepare an Integrated Assessment to inform and support preparation of the Local Plan. This will combine the SA, SEA and HRA requirements with an Equalities Impact Assessment (EqIA) and Health Impact Assessment (HIA) , ensuring the sustainability factors - environmental, social and economic, are considered in the round.

## **Examination and adoption**

- 5.14** Once the Local Plan, along with any representations submitted at the Publication stage and supporting documentation, has been submitted to the Secretary of State, it must be examined by an independent inspector before the council can adopt it.
- 5.15** The role of the Inspector is to consider whether the plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements, and whether it is sound.
- 5.16** To examine whether the submitted document is legally compliant the Inspector will check that it has:
- Been prepared in accordance with the LDS and in compliance with the SCI and the Regulations;
  - Been subject to SA and SEA;
  - Had regard to national policy; and
  - Had regard to any sustainable community strategy for the area.

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**5.17** The Inspector will also assess whether the plan has been prepared in accordance with the Duty to Co-operate and whether it is sound. A local planning authority should only submit a plan for examination which it considers to be 'sound' as set out at paragraph 35 of the NPPF:

- a. **Positively prepared** - providing a strategy, which as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b. **Justified** - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c. **Effective** - deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d. **Consistent with national policy** - enabling the delivery of sustainable development in accordance with the policies set out in the NPPF.

## 6 Profiles

- 6.1** This chapter sets out the subject matter and geographical area for the following documents, along with the timetables for their preparation:
- The GMSF;
  - Oldham's Local Plan; and
  - Proposals Map
- 6.2** The main changes to the GMSF and Local Plan profiles made since the LDS was published in 2016 are as follows:
- The GMSF profile has been amended to reflect the most recent timetable published by the GMCA; and
  - The timetable for preparation of the Local Plan and Proposals Map has been amended to reflect changes made to the GMSF as above. The next stage of consultation, Issues and Options, is now scheduled to take place Summer 2020.
- 6.3** The LDS 2016 can be found on the council's website at [www.oldham.gov.uk](http://www.oldham.gov.uk). A separate document has been prepared showing the changes between the 2016 LDS (Issues 9) and this 2020 LDS (Issue 10)

Title	Greater Manchester's Plan for Homes, Jobs and the Environment
Role and Content	<p>Greater Manchester's Plan for Homes, Jobs and the Environment (GMSF) will provide an overarching plan that will cover the whole of the Greater Manchester conurbation and is being prepared by the Greater Manchester Combined Authority (GMCA), which is made up of the Mayor of Greater Manchester and the leaders of the ten Greater Manchester councils.</p> <p>The plan:</p> <ul style="list-style-type: none"> <li>• sets out how Greater Manchester should develop up until 2037;</li> <li>• identifies the amount of new development that will come forward across the 10 districts, in terms of housing, offices and industry and warehousing, and the main areas in which this will be focused;</li> <li>• supports the delivery of key infrastructure, such as transport and utilities;</li> <li>• protects the important environmental assets across the city region;</li> <li>• allocates sites for employment and housing outside of the existing urban area; and</li> <li>• defines a new green belt boundary for Greater Manchester.</li> </ul>
Status	<p>The GMSF is currently being progressed as a Joint DPD.</p> <p>Through the 2014 Devolution Agreement the Mayor has a duty to produce a Spatial Development Strategy (SDS). Central Government is currently considering the request from Greater Manchester to amend the Spatial Development Regulations to allow the GMSF to be progressed as a SDS. The next GMSF will be produced as an SDS if the regulations are in place, otherwise it will continue as a Joint DPD.</p>

<b>Title</b>	<b>Greater Manchester's Plan for Homes, Jobs and the Environment</b>
	Once adopted the Local Plan would need to be in general conformity with the GMSF.
Chain of conformity	Consistent with NPPF and having regard to the Greater Manchester Strategy.
Geographical coverage	Greater Manchester (reflecting the area of the ten constituent authorities).

<b>Timetable</b>	
Initial consultation on the objectively assessed development need	November 2014
Consultation on vision, strategy and growth options	October 2015 to December 2015
Consultation on Draft Plan 2016	October 2016 to January 2017
Consultation on Draft Plan 2019	January to March 2019
Programme of engagement and further consultation	October 2019 to March 2020
Publication of Plan	July 2020
Submission	December 2020 / January 2021
Examination	May to October 2021
Adoption	December 2021

Title	Oldham's Local Plan
Role and Content	<p>The Local Plan will replace the Joint Core Strategy and Development Management Development Plan Document, adopted November 2011, and the Saved UDP policies.</p> <p>The Local Plan will need to be in conformity with the NPPF and the GMSF. It will deal with matters at the local level, setting out the spatial vision, strategic objectives and strategy for Oldham.</p> <p>It will cover planning policies and site allocations, where they provide additional policy direction for Oldham, in relation to: sustainable development; natural environment; housing; economy and employment; green belt and other protected open land; design, built environment and heritage; retail and town centres; transport and accessibility; climate change and flood risk; communities, health and well-being; infrastructure; open spaces, sports and recreation; and safeguarded land.</p> <p>The Local Plan will be accompanied by a Proposals Map (see below).</p>
Status	Development Plan Document
Chain of conformity	Relevant national planning policy and guidance (NPPF and NPPG), GMSF (upon adoption), GM Waste Plan, GM Minerals Plan, SCI and having regard to other local strategic plans, programmes, policies and initiatives as appropriate.
Geographical coverage	Borough-wide, except for that part of the borough that is the planning responsibility of the Peak District National Park Authority.

Timetable	
Regulation 18 Notification and Integrated Assessment Scoping Report	July to August 2017
Issues and Options (Regulation 18)	Summer 2020
Draft Plan (Regulation 18)	April to May 2021
Publication Plan (Regulation 19)	January to February 2022
Submission	April to May 2022
Examination	June to July 2022
Adoption	Winter 2022



Arrangements for production and monitoring	
Organisational lead	Deputy Chief Executive - People and Place
Management arrangements	To be approved according to the council's Scheme of Delegation for local planning. Preparation led by Oldham Council Strategic Planning and Information - lead responsibility for preparation of the Local Plan.
Resources	<p>Lead role by Oldham Council Strategic Planning and Information Team with input from other council directorates and partner organisations as appropriate.</p> <p>Local Plan to be prepared in-house. Supporting evidence base may be commissioned as necessary.</p> <p>The Planning Inspectorate, on behalf of the Secretary of State, will be responsible for carrying out the independent examination into the Local Plan and production of the Inspectors Report.</p>
Community and stakeholder involvement	Community and stakeholder involvement will be in accordance with the council's SCI and statutory requirements.
Proposals Map	A new proposals map will be produced to support the Local Plan to reflect allocations and designations adopted through the Local Plan (see below).
Monitoring and review	The Local Plan is intended to be a long-term document. Performance of the Local Plan will be assessed against the monitoring indicators identified as part of the Local Plan's monitoring framework and reported through the authorities Monitoring Report.

**6.4** The Local Plan timetable will be kept under review and the council will have regard to any timetable changes that may arise in the preparation of the GMSF as appropriate.

<b>Title</b>	<b>Proposals Map</b>
Status	Development Plan Document
Role and content	An Ordnance Survey based plan, mapping development policy designations and site specific land use allocations set out in the Oldham Local Plan.
Chain of conformity	With NPPF, GMSF and Oldham's Local Plan.
Geographical coverage	Borough-wide, except for that part of the borough that is the planning responsibility of the Peak District National Park Authority.

### Timetable

The timetable for the Proposals Map will follow that set out for the review of Oldham's Local Plan (see above).

### Arrangements for production and monitoring

Organisational lead	Deputy Chief Executive - People and Place
Management arrangements	To be approved according to the council's Scheme of Delegation for local planning. Preparation led by Oldham Council Strategic Planning and Information Team- lead responsibility for preparation of the Local Plan.
Resources	<p>Lead role by Oldham Council Strategic Planning and Information Team with input from other council directorates and partner organisations as appropriate.</p> <p>Local Plan to be prepared in-house. Supporting evidence base may be commissioned as necessary.</p> <p>The Planning Inspectorate, on behalf of the Secretary of State, will be responsible for carrying out the independent examination into the Local Plan and production of the Inspectors Report.</p>
Community and stakeholder involvement	Community and stakeholder involvement will be in accordance with the council's SCI and statutory requirements.

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Arrangements for production and monitoring	
Monitoring and review	The Proposals Map will reflect policy designations and site specific allocations from all DPD's that form part of the Local Plan. The Proposals Map will be updated as and when DPD's are adopted.

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## 7 Monitoring and review

**7.1** The council is required to monitor, on at least an annual basis, how:

- Effective its policies and proposals are in meeting its vision and strategy for the future development of the borough; as well as
- How it is performing against the timescales set out within its LDS.

**7.2** This information is contained in the authorities monitoring report (AMR) which is published annually, normally in December.

**7.3** The AMR will:

- Report progress on the timetable and milestones for the preparation of documents set out in this LDS, including the reasons why they are not being met;
- Report progress on the delivery of policies in the Local Plan. This will include progress on any relevant targets and highlight any unintended significant effects of the implementation of the policies on social, environmental and economic objectives. Where policies and targets are not being met, are not on track or are having unintended effects, reasons will be provided along with any appropriate actions to redress the matter. Policies may also need to change to reflect changes in national policy; and
- Include progress against housing targets, and an update of the housing trajectory to demonstrate how policies are delivering housing provision in the Borough.

**7.4** As a result of monitoring the council will consider what changes, if any, need to be made and will bring forward such changes through the review of its LDS and Local Plan.

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## 8 Duty to Co-operate and cross-boundary issues

- 8.1** The NPPF sets out a Duty to Co-operate on planning issues that cross administrative boundaries. This includes joint working on areas of common interest for the mutual benefit of neighbouring authorities. Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans. Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas.
- 8.2** Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Co-operation should be a continuous process of engagement, from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.
- 8.3** The council will prepare all documents that form part of the Local Plan in accordance with the Government's Duty to Co-operate as appropriate through consultation with the local community, landowners, development interests, national and local agencies and infrastructure providers, as well as ensuring the our plan fits in with those of neighbouring authorities and the wider sub-region. Its implementation will depend on collaboration between those groups and funding from the public, private and voluntary sectors.

## 9 Risk assessment

**9.1** Every effort will be made to ensure that the programme for the preparation of documents prepared as part of the Local Plan will be fulfilled. Nevertheless, there are clearly various risks which could potentially impact upon the ability to adhere to the timetable and it is important to identify these risks and consider how they may be minimised. Key risks associated with the preparation of the Local Plan and delivery of the LDS to timetable are identified below, together with an indication as to how they will be managed and minimised.

Risk	Action to mitigate risks / comments
Local Plan programme slippage	There are risks that the key milestones may not be met, particularly given that preparation of the Local Plan will be twin-tracked (as far as possible) and influenced by the GMSF. Resulting in potential delay to the review of the Local Plan. Risk will be managed through ensuring that effective and proper project management arrangements are in place.
GMSF preparation	Breakdown in co-operation on GMSF preparation between the ten districts of Greater Manchester. This will be addressed through regular meetings between GMCA and the districts to identify early on any sources of disagreement and action to minimise them.
Increasing financial costs	There are risks regarding increasing financial resources required to prepare the necessary supporting evidence base as well as the document itself, may result in the review of the Local Plan being delayed. These risks will be managed through ensuring that there are effective budget management arrangements in place.
Consultation fatigue	There is a risk that work on documents prepared as part of the Local Plan could overwhelm communities in terms of consultation demands, particularly in light of consultation on the GMSF. This risk will be minimised by ensuring compliance with the council's SCI, the use of effective and proportionate consultation techniques and through the alignment with other council consultations that may be taking place (where appropriate).
Publication of new planning policy and guidance during review of Local Plan.	Central Government may, from time to time, publish new planning legislation and guidance which could necessitate changes in policy and procedures at a local level and delays. Risk will be managed through ensuring the policies are adaptable and flexible as appropriate to respond to changing circumstances.

## 10 Glossary of terms

Monitoring Report	An annual report which sets out the progress in terms of producing documents proposed as part of the Local Plan against the timetable set out in the LDS and the progress in implementing policies.
Development Management Policies	These are criteria based policies which are required to ensure that all development taking place within the area meets the spatial vision and objectives set in the relevant strategic policies.
Development Plan Documents (DPDs)	This is the generic time used to describe spatial planning documents that are subject to independent examination and will form part of the statutory development plan for the Borough.
Greater Manchester's Plan for Homes, Jobs and the Environment (GMSF)	A spatial development strategy for Greater Manchester.
Joint DPD	This is the shorthand name for Oldham's adopted Joint Core Strategy and Development Management Policies DPD.
Local Development Document (LDD's)	The generic name given to all constituent documents of the borough's local planning policies.
Local Plan	Prepared under the Town and Country Planning (Local Planning) (England) Regulations 2012 and can either be a single document or a combination of separate documents, also known as Development Plan Documents (formerly known as the Local Development Framework).
Local Development Scheme (LDS)	A project plan for the preparation of a Local Development Framework. It is a rolling 3 year programme which the Council should review and update every year.
National Planning Policy Framework (NPPF)	A single planning policy framework, produced by MHCLG, which replaces planning policy guidance and policy statements.
National Planning Policy Guidance (NPPG)	Further guidance, produced by MHCLG, on the interpretation and implementation of policies contained in the NPPF.
Proposals Map	A map with an Ordnance Survey base that illustrates the policies and proposals of a Development Plan Document (or the "saved" UDP policies in Oldham at the moment).
Saved policies or plans	Existing adopted plans are saved for three years from commencement of the Act or by extension with the agreement of the Secretary of State or until replaced by a more up to date replacement plan.

Statement of Community Involvement (SCI)	Sets out the standards which the Council will achieve in terms of engaging local communities and stakeholders in the preparation of local development documents and development control decisions.
Supplementary Planning Document (SPD)	Provides supplementary information in respect of policies contained in the development plan documents. It is not subject to independent examination and does not form part of the Development Plan.
Sustainability Appraisal (SA) Strategic Environmental Assessment (SEA)	All policies and proposals in DPDs are subject to a sustainability appraisal that includes the requirements for a strategic environmental appraisal to ensure they reflect sustainable development principles.



## 11 Appendix 1 - Saved UDP policies and schedule of local development documents

**11.1** The following UDP policies remain unaffected with the adoption of the Joint DPD, GM Waste Plan or GM Minerals Plan and will continue to be 'saved' until they are replaced by the relevant part of the Local Plan or another development plan document as may be appropriate.

UDP Policy Ref.	UDP Policy Name
B1	Business and Industrial Land Allocations (overarching policy)
B1.1	Business and Industrial Allocations
B1.2	Business and Office Allocations
B1.3	Mixed Use Allocations
D1.5	Protection of Trees on Development Sites
D1.12	Telecommunications
H1.1	Housing land release - Phase 1
H1.2	Housing land release - Phase 2
OE1.8	Major Developed Site in the Green Belt
OE1.11	Farm diversification
TC1.1	Allocated site (Oldham Town Centre)
TC1.2	Allocated site (Oldham Town Centre)

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## Report to CABINET

# Greater Manchester's Clean Air Plan – Tackling Nitrogen Dioxide Exceedances at the Roadside – Update

**Portfolio Holder:** Cllr A Ur-Rehman, Cabinet Member for Neighbourhood Services

**Officer Contact:** Carol Brown, Director of Environmental Services

**Report Author:** Carol Brown  
Ext. 4452

**27 January 2020**

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## Reason for Decision

To set out the progress that has been made following the Government's response to Greater Manchester's Outline Business Case to tackle Nitrogen Dioxide Exceedances at the Roadside (OBC), and the implications for the 10 Greater Manchester (GM) local authorities in relation to the schedule of work and statutory consultation on the Clean Air Plan.

## Executive Summary

In March 2018 the Secretary of State issued a Direction under the Environment Act 1995 requiring Oldham Council to produce a feasibility study to identify the option which will deliver compliance with the requirement to meet legal limits for nitrogen dioxide in the shortest possible time. The Council complied with this Direction by the production of a feasibility study submitted to the government's Joint Air Quality Unit (JAQU) in July 2018. The Council is also required to address the exceedances that have been identified within its boundary during the Target Determination exercise and the Council confirmed in its supplemental plan that the exceedance identified in Oldham was being addressed as part of the Greater Manchester plan. This has been acknowledged by government.

Oldham Council has therefore been developing the study collectively with the other 9 Greater Manchester local authorities and the GMCA, coordinated by TfGM in line with Government direction and guidance and an Outline Business Case (OBC) was duly submitted in April 2019.

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The key features of Greater Manchester's feasibility study and its Outline Business Case (OBC) to reduce nitrogen dioxide exceedances in Oldham and across Greater Manchester in the shortest possible time were approved on 25 March 2019 at the Council's Cabinet meeting for submission to the government's Joint Air Quality Unit (JAQU).

## **Recommendations**

- a) note progress made to date;
- b) 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;
- c) 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;
- d) delegate authority to Deputy Chief Executive, Helen Lockwood 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;
- e) note that the report to determine the timings for commencing the consultation will be received in the Spring of 2020;
- f) note the outstanding need to secure a clear response from the Government on clean vehicles funding asks;
- g) note that Highways England have not been directed to act in relation to tackling NO<sub>2</sub> 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 NO<sub>2</sub> exceedances that are not being addressed by the Highways England plan;
- h) delegate authority to Deputy Chief Executive, Helen Lockwood 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 JAQU and note their publication status;
- i) delegate authority to Deputy Chief Executive, Helen Lockwood in consultation with the Cabinet Member for Neighbourhood Services, to determine any further technical reports for formal submission to JAQU; and
- j) note that the Cabinet Member for Neighbourhood Services will co-sign a letter from the GM Authorities to the Transport Secretary asking them to bring forward the launch of a statutory consultation to strengthen rules on vehicle idling.

**Greater Manchester's Clean Air Plan – Tackling Nitrogen Dioxide Exceedances at the Roadside – Update**

**1 Purpose of the Report**

- 1.1 To set out the progress that has been made following the Government's response to Greater Manchester's Outline Business Case to tackle Nitrogen Dioxide Exceedances at the Roadside (OBC), and the implications for the 10 Greater Manchester (GM) local authorities in relation to the schedule of work and statutory consultation on the Clean Air Plan.

**2 Background**

- 2.1 To set out the progress that has been made following the Government's response to Greater Manchester's Outline Business Case to tackle Nitrogen Dioxide Exceedances at the Roadside (OBC), and the implications for the 10 Greater Manchester (GM) local authorities in relation to the schedule of work and statutory consultation on the Clean Air Plan.
- 2.2 In March 2018 the Secretary of State issued a Direction under the Environment Act 1995 requiring Oldham Council to produce a feasibility study to identify the option which will deliver compliance with the requirement to meet legal limits for nitrogen dioxide in the shortest possible time. Oldham Council complied with this Direction by the production of a feasibility study submitted to the government's Joint Air Quality Unit (JAQU) in July 2018. Oldham Council is also required to address the exceedances that have been identified within its boundary during the Target Determination exercise. Oldham Council confirmed in its supplemental plan that the exceedance identified in Oldham was being addressed as part of the Greater Manchester plan. This has been acknowledged by government.
- 2.3 Oldham Council has therefore been developing the study collectively with the other 9 Greater Manchester local authorities and the GMCA, and coordinated by TfGM in line with Government direction and guidance and an Outline Business Case (OBC) was duly submitted in April 2019.
- 2.4 The key features of Greater Manchester's feasibility study and its Outline Business Case (OBC) to reduce nitrogen dioxide exceedances in Oldham and across Greater Manchester in the shortest possible time were approved on 25 March 2019 at the Council's Cabinet meeting for submission to the government's Joint Air Quality Unit (JAQU).

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### 3.0 Introduction

3.1 Government has instructed many local authorities across the UK to take quick action to reduce harmful Nitrogen Dioxide (NO<sub>2</sub>) levels following the Secretary of State issuing a direction under the Environment Act 1995 to undertake feasibility studies to identify measures for reducing NO<sub>2</sub> concentrations to within legal limit values in the “shortest possible time”. In Greater Manchester, the 10 local authorities, the Greater Manchester Combined Authority (GMCA) and Transport for Greater Manchester (TfGM), hereinafter collectively referred to as “Greater Manchester” or “GM”, are working together to develop a Clean Air Plan to tackle NO<sub>2</sub> Exceedances at the Roadside, hereinafter referred to as GM CAP.

3.2 In its Outline Business Case (OBC) Greater Manchester proposed the following package of measures that delivers compliance in the shortest possible time, at the lowest cost, least risk and with the least negative impacts. They are:

- A charging Clean Air Zone (CAZ) which will target the most polluting commercial vehicles including older heavy goods vehicles, buses, coaches, taxis and private hire vehicles from the summer of 2021, and older polluting light goods vehicles from 2023 (i.e. a CAZ C with a van exemption until 2023). It has been assumed at OBC stage that the Clean Air Zone Charge would be £7.50 per day for taxis, private hire vehicles and light goods vehicles and £100 per day for heavy goods vehicles, buses and coaches.
- A Clean Freight Fund of c.£59m to provide financial support for the upgrade of light and heavy goods vehicles, minibuses and coaches, which will be targeted to support small local businesses, sole traders and the voluntary sector, registered in Greater Manchester.
- A Clean Taxi Fund of c.£28m, to support the upgrade of non-compliant Greater Manchester Licensed taxi and private hire vehicles.
- A Clean Bus Fund of c.£30m to provide, where possible, the retrofit of older engine standards to the less polluting Euro VI standard for those buses registered to run services across Greater Manchester.
- A package of supporting measures including a proposed Loan Finance scheme, sustainable journeys projects, additional EV charging infrastructure.

3.3 The OBC made clear the expectation that the UK Government would support the plans through:

- Clear arrangements and funding to develop workable, local vehicle scrappage / upgrade measures;
- Short term effective interventions in vehicle and technology manufacturing and distribution, led by national Government with local authorities;
- Replacement of non-compliant buses; and
- A clear instruction to Highways England with regard to air pollution from the Strategic Road Network (SRN) in Greater Manchester.

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- 3.4 The OBC outlining these proposals and the supporting evidence was 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 requires all ten of the Greater Manchester local authorities to take steps to implement a plan to deliver compliance with the requirement to meet legal limits for nitrogen dioxide in the shortest possible time.
- 3.5 The 2019 Ministerial Direction and accompanying letter proposed some key amendments to GM's OBC proposals, including the implementation of a charging Clean Air Zone Class C *without* a van exemption until 2023, with additional measures; and for local authorities to jointly submit to JAQU revised evidence by 2 August and a Full Business Case (FBC) by 31 December 2019 at the latest.
- 3.6 The Ministerial letter set out that the GM plan looks to be on track to deliver compliance in the shortest possible time and that on the evidence provided to date Greater Manchester authorities 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.
- 3.7 Full detail of the government's response was set out in the GMCA – Clean Air Update report on 26 July 2019.

#### **4 Progress Since Last Update**

- 4.1 Following the ministerial feedback and 2019 Ministerial Direction, the GM Authorities sought clarification on the 2019 Ministerial Direction and the accompanying ministerial letter, questioned the government's lack of assurances around financial support for the broader GM CAP, outlined GM's approach to the requests for further options analysis, and detailed the issues GM faces in preparing to implement the scheme in terms of the timetable for FBC and statutory consultation.
- 4.2 The ministerial letter requested from GM further options appraisal information (including transport and air quality modelling as well as due regard to economic, financial and deliverability considerations) to be submitted prior to public consultation, and by 2nd August 2019.
- 4.3 In the interests of the ongoing working relationship between the 10 GM Authorities and the government's Joint Air Quality Unit (JAQU) in developing the GM CAP, a total of 29 draft technical reports and notes have been issued to JAQU in draft form and are subject to approval as set out in Appendix One. These provide the specific information JAQU has requested about behavioural assumptions and sensitivity testing.
- 4.4 GM has also requested clarification of the 2019 direction, JAQU guidance and GM's legal obligations relating to the options appraisal process, and whether this impacts on the GM authorities' options appraisal work to date or the additional work required by the letter accompanying the 2019 Ministerial Direction.

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- 4.5 In addition, GM set out that the delay of over two months in receiving Ministerial feedback on the OBC, compounded by the request for GM to submit further options appraisal information, has had a material impact on the timetable for the GM CAP.
- 4.6 The delay arising from the ministerial feedback and lack of clarity on the direction, JAQU guidance and GM's legal obligations relating to the options appraisal process means that consultation will now need to take place later than originally planned. Consultation must comply with the relevant public law principles which may be summarised as:
- consulting at a time when proposals are still formative;
  - giving sufficient reasons for the proposals to allow intelligent consideration and response by consultees;
  - giving adequate for consultees to respond; and
  - ensuring that the responses to the consultation are conscientiously taken into consideration in finalising proposals.
- 4.7 In planning for a Statutory Consultation Officers have had to have regard to these principles. Given the continuing dialogue with Ministers to secure a clear response from government on our clean vehicles funding asks and lack of clarity on the 2019 Ministerial Direction, JAQU guidance and GM's legal obligations relating to the options appraisal process, Officers cannot at this time advise the GM Authorities to commence the Statutory Consultation.
- 4.8 In the absence of a Statutory Consultation GM Authorities will not be able to submit an FBC by the end of the year and therefore that aspect of the Ministerial Direction will not be fulfilled. Officers remain in dialogue with JAQU and have written to clarify GM's position in relation to our schedule of work. GM has been clear that improving air quality is a priority and to that aim we have set out how we have been progressing this work.
- 4.9 Despite this delay to undertaking a Statutory Consultation, in view of the 2019 Ministerial Direction GM 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 £36m of funding.
- 4.10 GM Authority decision makers will receive a report next year to determine the timings for commencement of the consultation. The report will:
- Detail the outputs from the Public Conversation and deliberative research;
  - Set out the outline of the proposals and what they mean for GM, including:
    - the basic key elements of the Clean Air Zone including the intended boundary and times of operation, proposed discounts/exemptions, vehicles affected and daily charges]
    - the supporting measures [the detail of proposals of the funds and vehicle finance scheme, sustainable journeys]



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- An Equalities Impact Assessment that considers the draft proposals at a GM level.

4.11 In the interim, given the scale and challenging timeline to deliver a charging Clean Air Zone as required by the 2019 Ministerial Direction, there is preparatory work that needs to be undertaken. This is in order to maintain delivery momentum in line with the funding arrangements agreed with JAQU, for example in relation to automatic number plate recognition (ANPR) cameras, back office systems and service providers. Therefore, a delegation is sought to give Deputy Chief Executive, Helen Lockwood in consultation with the Portfolio Holder the necessary authority to determine the preparatory implementation and contract arrangements, utilising the initial tranche of £36m of funding that may need to be undertaken to deliver a Clean Air Zone and other GM CAP measures, ahead of the report that will determine progressing the statutory consultation.

4.12 The commencement of a charging Clean Air Zone scheme and the other measures are subject to both consultation as set out at 4.10 and to the GM authorities receiving the required government funding to enable them to meet the legal limits for nitrogen dioxide concentrations.

## 5.0 **Government Asks**

5.1 In addition to the response on the specific clean air proposals, additional asks were made of Government, as set out at 3.3

5.2 These include an ask for Government to direct Highways England to tackle NO<sub>2</sub> exceedances on the Strategic Road Network (SRN) in the same way that local authorities that have been directed to undertake a feasibility study are having to take action on the local road network. The ministerial feedback outlined that Highways England are working up plans for exceedances identified by national modelling on their network, and that this is not expected to include charging on the SRN but will instead focus on a range of measures such as traffic management, speed limits and barriers.

5.3 Officers have been advised that the measures proposed by Highways England in Greater Manchester focus on introducing 60mph speed limits on parts of the SRN. It highlights the concern that Highways England have not been directed to act in relation to tackling NO<sub>2</sub> exceedances in the same way as local authorities, and that this will leave some publicly accessible areas of GM adjacent to trunk roads managed by Highways England, with NO<sub>2</sub> exceedances that are not being addressed by the Highways England plan.

## 6 **Vehicle Idling**

6.1 The Clean Air conversation in Spring 2019 highlighted that many people are concerned about vehicle idling, prompting questions about what GM can do to crack down on people who leave their engines idling.

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- 6.2 In the UK, it is illegal under the Road Vehicles (Construction and Use) Regulations 1986 to leave a vehicle's engine running unnecessarily while that vehicle is stationary on a public road. Doing this can incur a £20 fixed-penalty fine under the Road Traffic (Vehicle Emissions) Regulations 2002.
- 6.3 This is only imposed if the driver fails to turn off their engine when asked to do so. Enforcement of this legislation, either through a Fixed Penalty Notice (FPN) or via the magistrates' court sits with local authorities.
- 6.4 As the enforcing officer must give the driver the opportunity to switch off the engine first and the penalty for idling is relatively small (£20), Greater Manchester Local Authorities do not consider the Regulation to be an effective deterrent.
- 6.5 In addition, government has recently announced proposals to consult on toughen up rules on vehicle idling and increase fines for drivers who leave their engine running while parked.
- 6.6 Given the limited enforcement deterrent the GM Authorities are planning undertake more awareness raising campaigns to inform of the health impacts that idling has on air quality.
- 6.7 In parallel, GM Authorities write to the Transport Secretary asking them to bring forward the launch of the public consultation on this issue.

## **7 Next Steps**

### **7.1 Officers will:**

- Continue to work with JAQU to clarify the 2019 Ministerial Direction, JAQU guidance and GM's legal obligations relating to the options appraisal process, and the implications of that to our schedule of work and the timings for consultation on the Plan;
- Continue dialogue with JAQU to secure a clear response from government on our clean vehicles funding asks; and
- Continue stakeholder engagement and awareness raising with both groups in scope of the Clean Air Zone and the general public.

## **8 Recommendations**

- k) note progress made to date;
- l) 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;

- 
- m) 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;
  - n) delegate authority to Deputy Chief Executive, Helen Lockwood 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;
  - o) note that the report to determine the timings for commencing the consultation will be received in the Spring of 2020;
  - p) note the outstanding need to secure a clear response from the Government on clean vehicles funding asks;
  - q) note that Highways England have not been directed to act in relation to tackling NO<sub>2</sub> 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 NO<sub>2</sub> exceedances that are not being addressed by the Highways England plan;
  - r) delegate authority to Deputy Chief Executive, Helen Lockwood 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 JAQU and note their Publication status;
  - s) delegate authority to Deputy Chief Executive, Helen Lockwood in consultation with the Cabinet Member for Neighbourhood Services to determine any further technical reports for formal submission to JAQU; and
  - t) note that the Cabinet Member for Neighbourhood Services will co-sign a letter from the GM Authorities to the Transport Secretary asking them to bring forward the launch of a statutory consultation to strengthen rules on vehicle idling.

## 9 Options/Alternatives

9.1 Agree to the recommendations as outlined in the report

9.2 Not to agree the recommendations

## 10 Preferred Option

10.1 The preferred option is to note the report update and agree the approach as outlined to enable compliance with air quality limits within the earliest possible time.

## 11 Financial Implications

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- 11.1 It is currently anticipated that the implementation, contract arrangements and administration of the Clean Air Plan/Zone will be undertaken by the Greater Manchester Combined Authority and will be funded via government grant and fines income. As such there are no direct financial implications for the Council at this stage. However, the Council will need to review the implications of Clear Air Zone charges on both its directly operated fleet and any commissioned services that rely on vehicles subject to the proposed charges.

(James Postle)

## 12 **Legal Services Comments**

- 12.1 Legal matters are addressed in the body of the report. The approach and preferred option suggested are consistent with that of The Council's partner Authorities as outlined in the report. ( Colin Brittain)

## 13 **Co-operative Agenda**

- 13.1 This work will require close working with businesses and general road users to modify behaviors which improve air quality across the region.

## 14 **IT Implications**

- 14.1 None

## 15 **Property Implications**

- 15.1 None

## 16 **Procurement Implications**

- 16.1 None

## 17 **Environmental and Health & Safety Implications**

- 17.1 There are proven health risks attached to poor air quality therefore this work is aimed at improving health impact for all.

## 18 **Equality, community cohesion and crime implications**

- 18.1 A full Equality Impact Assessment will be undertaken as part of the overall submission of a final business case.

## 19 **Equality Impact Assessment Completed?**

- 19.1 In progress

## 20 **Key Decision**

- 20.1 Yes

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21 **Key Decision Reference**

21.1 NEI-19-19

22 **Background Papers**

22.1 The reports in Appendix 1, save for those marked with an asterisk, will be published once they have been approved. Upon publication, copies of these reports will be available at: [www.CleanAirGM.com](http://www.CleanAirGM.com).

22.2 Those reports marked with a single asterisk (\*) are unfinished documents and will remain unpublished until the beginning of the consultation.

22.3 As such, it is considered that the reports referred to above fall within the exception under regulation 12(4)(d) EIR and that, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information. Subject to the comments at 9.10 in relation to report number 11, all the reports referred to above will be made public shortly and in any event prior to public consultation so there will be an appropriate opportunity for public scrutiny of them. It is not considered that the public interest would be served by disclosing at this stage drafts which are incomplete.

22.4 In addition, reports numbers 4 and 11, marked with a double asterisk (\*\*) contains commercial or industrial information in respect of which confidentiality is provided by law to protect a legitimate economic interest, and disclosure would adversely affect that confidentiality. As such, it is considered these reports fall within the exception under regulation 12(5)(e) EIR and that, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

23 **Appendices**

Appendix One - Summarises the purpose and contents of the additional supplementary technical Evidence Notes that are required to be formally submitted to JAQU to accompany the OBC and in response to the Minister's feedback.

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## Appendix One

- 23.1 This appendix summarises the purpose and contents of the additional supplementary technical Evidence Notes that are required to be formally submitted to JAQU to accompany the OBC and in response to the Minister's feedback.
- 23.2 Pursuant to the Ministerial Direction, and in discussions with the government's Joint Air Quality Unit (JAQU) GM has updated analysis that addresses issues raised around the behavioural assumptions used and provided assurance that the proposed Clean Air Zone will deliver compliance in the shortest possible time, and that compliance cannot be achieved earlier than 2024, such analysis includes:
- exploring whether measures targeted at the last remaining exceedance locations following implementation of a CAZ in 2021 would achieve compliance quicker;
  - updating the behavioural assumptions used to model the impact of a CAZ, following the Technical Independent Review Panel's suggestions;
  - providing further sensitivity testing on vehicle upgrade assumptions; and
  - demonstrating that a Greater Manchester CAZ D cannot bring forward compliance, including outlining the delivery challenges discussed for a GM wide CAZ D.
- 23.3 In response 29 Evidence Notes, have been produced, namely:
1. GM CAP Data, Evidence and Modelling: post-OBC approach
  2. GM CAP: Next steps for data collection and the development of analytical tools
  3. GM CAP: Analysis of the freight market
  4. GM CAP: Analysis of the coach market \*\*
  5. GM CAP: ANPR Surveys: Summary of Initial Findings
  6. GM CAP: Behavioural response assumptions and available data sources\*
  7. GM CAP: LGV and HGV Operational Cost Models\*
  8. GM CAP: HGV Behavioural Responses Note\*
  9. GM CAP: LGV Behavioural Responses Note\*
  10. GM CAP: Taxi Behavioural Responses Note\*
  11. GM CAP: Analysis of Bus Upgrade Options to Deliver Air Quality Compliance\*\*

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12. GM CAP: Evidence of the impact of 2021 implementation of a CAZ C (without exemptions)
  13. GM CAP Study: Traffic Impact on Neighbouring Authorities
  14. GM CAP: Local exceedances: Update\*
  15. GM CAP: Implications of the EFT update for GM
  16. GM CAP: Sensitivity testing of a CAZ C in 2023 with revised behavioural response assumptions.\*
  17. GM CAP: Evidence supporting the decision not to progress with a GM-wide CAZ D.\*
  18. GM CAP: Minibus Vehicle Research
  19. GM CAP: Taxi and Private Hire Vehicle Fleet Research
  20. GM CAP: Greater Manchester Specialised Goods Surveys: Results Summary
  21. GM CAP: Sensitivity test: Full Electric Bus Fleet
  22. GM CAP: Addendum to Note 3: GM Comparative Statistics
  23. GM CAP: Summary update of ongoing work on local exceedances\*
  24. GM CAP: Updates to the Modelling Tools post-OBC Submission for the Do Minimum scenario
  25. GM CAP: Modelling the impacts of Sustainable Journeys Measures\*
  26. GM CAP: Analysis of Funds\*
  27. GM CAP: Demand Sifting Tool Operating Manual\*
  28. GM CAP: Taxi and Private Hire Vehicle Operational Cost Model\*
  29. GM CAP: Option for Consultation Modelling Summary\*
- 23.4 In the interests of the ongoing working relationship between the 10 GM authorities and JAQU in developing the GM CAP, all of the above reports have been issued to JAQU in draft form, and are now subject to approval.
- 23.5 The evidence base that will underpin the Full Business Case (FBC) is still being developed. Evidence was supplied to JAQU where it was possible to do so, with the recognition that the Notes represented a work-in-progress and that more work is required to properly understand the implications of the analysis from a policy, delivery, legal and analytical assurance perspective.
- 23.6 Contents of the supplementary Evidence Notes:



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- **‘Note 1: GM CAP Data, Evidence and Modelling: post-OBC approach’** sets out the process being undertaken to deliver the Data, Evidence and Modelling requirements in support of the FBC. It also describes the evidence to be supplied to JAQU and how this responds to the feedback received from JAQU and the Technical and Delivery Independent Review Panels (the T-IRP and D-IRP).
  - **‘Note 2: GM CAP: Next steps for data collection and the development of analytical tools’** provides information about further data collection and the development of tools planned as next steps, namely behavioural research of van drivers and other groups; the development of further Operational Cost Models for other vehicle types; on-street specialized goods vehicle surveys; and the analysis of evidence emerging from the Conversation and other bodies.
  - **‘Note 3: Analysis of the freight market’** describes the number of Heavy and Light Goods Vehicles operating in GM, the compliance status of those vehicles, and the business and usage patterns of those vehicles.
  - **‘Note 4: Analysis of the coach market’** describes the number of coaches operating in GM, the compliance status of those vehicles, and the business and usage patterns of those vehicles. This evidence, and that contained in Note 3, is being used to inform scheme design and to support the development of analytical tools and modelling assumptions.
  - **‘Note 5: GM CAP ANPR Surveys: Summary of Initial Findings’** sets out the results of an ANPR survey conducted in January 2019 at 42 sites across GM. The survey was designed to provide a representative profile of the vehicle fleet operating in Greater Manchester in terms of vehicle type (including fuel used) and age profile, in order to update the previous data used in the OBC with a more comprehensive and robust dataset. The results show that there are not major differences between observed levels of compliance in the overall GM fleet between the 2016 and 2019 surveys. This data set is now being used widely as part of the ongoing work to refine the proposals as part of the FBC development for the CAP.
  - **‘Note 6: GM CAP: Behavioural response assumptions and available data sources’** sets out evidence gathered from a number of sources offering an insight into the vehicle markets in question and how they might respond to the range of measures proposed in the GM CAP. These include Stated Preference surveys that have been carried out by other CAP authorities (Sheffield and Bradford) and shared with GM.
  - **‘Note 7: LGV and HGV Operational Cost Models’** describes a new analytical tool that has been developed in support of the GM CAP allowing the assessment of behavioural responses to a CAZ based on operational costs by vehicle type for HGVs and LGVs. It is proposed that this tool replaces the methodology for assessing behavioural responses as applied in the OBC.
  - **‘Note 8: GM CAP: HGV Behavioural Responses’** sets out what behavioural response assumptions were applied at OBC for HGVs, the revised behavioural assumptions proposed for future analysis based on the HGV Operational Cost Model, and proposed next steps for analysis.



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- **‘Note 9: GM CAP: LGV Behavioural Responses’** sets out what behavioural response assumptions were applied at OBC for LGVs, the revised behavioural assumptions proposed for future analysis based on the LGV Operational Cost Model, and proposed next steps for analysis.
  - **‘Note 10: GM CAP: Taxi Behavioural Responses’** sets out what behavioural response assumptions were applied at OBC for Hackney Cabs and Private Hire Vehicles (PHVs), and consider a possible approach to updating these assumptions based on evidence derived from stated preference surveys carried out in Sheffield. It sets out proposed next steps for analysis, including the development of an Operational Cost Model for Taxis (Hackney Cabs and PHVs).
  - **‘Note 11: Analysis of Bus Upgrade Options to Deliver Air Quality Compliance’** was produced in response to a request from JAQU for analysis scaling the proportion of bus compliance required to deliver compliance. Practically, this approach is very difficult to test in a way that would represent a real-world operational scenario that could be delivered as part of the CAP. Note 11 therefore presents two approaches to understand the influence of buses on compliance with the Air Quality Directive:
    - how many of the GM bus service routes pass the predicted exceedance locations and the number of buses this represents compared with the GM bus operator vehicle fleet.
    - how many of the modelled exceedances would remain if the preferred option (Option 8) excluded bus improvements at all (i.e. a CAZ that did not include buses as a type of vehicle to be charged).
  - **‘Note 12: Evidence of the impact of 2021 implementation of a CAZ C (without exemptions)’** describes analysis carried out by GM to assess the risks of implementing a CAZ C in 2021 without also implementing a two-year sunset period as was proposed in the OBC. The Note sets out analysis of vulnerability by sector, based on the proportion of the fleet that would be non-compliant in 2021 compared to 2023; analysis exploring the risk of market distortion and the potential impact on small businesses; and analysis of the likely availability (or lack of availability) of second-hand compliant vehicles.
  - **‘Note 13: GM CAP Study: Traffic Impact on Neighbouring Authorities’** presents the results of highway modelling carried out to assess the likelihood and potential scale of traffic re-routings to avoid a CAZ.
  - **‘Note 14: GM CAP Local exceedances Update’** sets out GM’s approach to identifying and assessing sites where further measures may be required in order to achieve compliance in the shortest possible time. The Note presents the results of analysis carried out to assess real-world traffic conditions and to compare these to model outputs, and analysis of NO<sub>x</sub> source apportionment and any local conditions affecting concentrations, such as canyons, including checking how accurate the representation of such conditions is in the model itself. It also sets out an update on work carried out to identify possible local solutions.
  - **‘Note 15: Implications of the EFT update for GM’** considers the implications of Emission Factor Toolkit (EFT) version 9.1a, released by JAQU at the end of May

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2019. GM's methodology for calculating traffic emissions applies emissions factors has been derived from DEFRA's Emission Factor Toolkit (EFT) version 8.0, which was originally released in November 2017. Version 9.1a of the EFT contains fleet figures which have resulted from a recent Department for Transport (DfT) project to develop new passenger car fleet projections in light of emerging evidence regarding changes in consumer purchasing behaviour which show a shift away from diesel cars and towards petrol cars, alongside a slowing in overall new car sales.

- **'Note 16: GM CAP: Sensitivity testing of a CAZ C in 2023 with revised behavioural response'** presents the results of a sensitivity test of the impacts of a CAZ C (without any supporting measures) in 2023, applying revised behavioural responses for HGV, LGV, PHV and Hackney Cab. The bus upgrade was assumed as 100% for the purposes of this test. This test was conducted at the request of JAQU.
- **'Note 17: Evidence supporting the decision not to progress with a GM-wide CAZ D'** sets out the options appraisal process applied at OBC and presents further evidence explaining why it is not considered that a GM-wide CAZ D cannot bring forward compliance.
- **'Note 18: Minibus vehicle research'** describes the number of minibuses operating in GM, the compliance status of those vehicles, and the business and usage patterns of those vehicles.
- **'Note 19: Taxi and Private Hire vehicle fleet research'** describes the number of taxis and PHVs licensed and operating in GM and the compliance status of those vehicles. This evidence, and that contained in Note 18, is being used to inform scheme design and to support the development of analytical tools and modelling assumptions.
- **'Note 20: Greater Manchester Specialised Goods Surveys: Results Summary'** sets out the results of on-street surveys carried out at three sites identified in the local exceedances study where freight was a significant contributor of emissions. The surveys provide estimates of vehicle volumes by size, compliance status and industry.
- **'Note 21: Sensitivity test: Full Electric Bus Fleet'** describes the results of a sensitivity test carried out to understand the impact on compliance of a fully electric bus network across GM. This was carried out as a theoretical test at the request of JAQU.
- **'Note 22: Addendum to Note 3: GM Comparative Statistics'** presents the results of analysis carried out at the request of JAQU to test the reasonableness of GM's assumption that the region was typical of the UK in terms of economic and business activity. It acts as an Addendum to Note 3.
- **'Note 23: Summary update of ongoing work on local exceedances'** provides an updated position on the local exceedances project, acting as a follow-up paper to Note 14 which was supplied to JAQU in draft three weeks earlier.
- **'Note 24: '** describes a series of improvements that have been made to the underlying assumptions in the Do Minimum modelling scenario, in particular

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reflecting the release of EFT v9.1a and newly available data on bus services and fleets.

- **‘Note 25: GM CAP: Modelling the impacts of Sustainable Journeys Measures’** sets out the methodology that has been developed to test the impacts of a package of sustainable journeys interventions, and the results of those tests.
- **‘Note 26: GM CAP: Analysis of Funds’** sets out how the available tools have been used to assess the impact of different funding offers in terms of likely uptake and impact on behavioural responses. This analysis has fed into the assessment of the funding offers, alongside other evidence.
- **‘Note 27: GM CAP: Demand Sifting Tool Operating Manual’** describes the **Demand Sifting Tool** and acts as a manual for use, setting out the underlying assumptions and methodology within the Tool. This Note has been developed to meet the TIRP request for further detail on the operation of the Tools.
- **‘Note 28: GM CAP: Taxi and Private Hire Vehicle Operational Cost Model’** describes a new analytical tool that has been developed in support of the GM CAP allowing the assessment of behavioural responses to a CAZ based on operational costs by vehicle type for Hackney Cabs and Private Hire Vehicles. It is proposed that this tool replaces the methodology for assessing behavioural responses as applied in the OBC.
- **‘Note 29: GM CAP: Option for Consultation Modelling Summary’** presents the **results of a series of** tests of the updated Do Minimum scenario and of the full package of measures proposed for consultation for the GM CAP. Tests have been carried out for 2021, 2023 and 2025 and analysis has been carried out to estimate the forecast year of compliance, shown to be 2024 with the proposed package as per the Ministerial Direction. As such, this Note supersedes Note 16, which acted as an early test of a simplified CAZ-only scenario using an interim version of the updated tools.

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## Report to CABINET

# Royton Town Hall – Selection of Contractor

### Portfolio Holder:

Cllr Sean Fielding, Leader of the Council and Cabinet Member for Economy and Enterprise

**Officer Contact:** Emma Barton, Director of Economy

**Report Author:** Matt Gilray  
**Ext.**

**January 2020**

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### Reason for Decision

- Update Cabinet on the development of the project to date
- To approve progress of Royton Town Hall and Library into the next phase of contractor procurement

### Executive Summary

Cabinet have previously approved £2.9m of funding to deliver the refurbishment of Royton Town Hall and Library. Planning permission was granted in April 2019, a cost plan has been produced and the opportunity to tender for the works has been published.

### Recommendations

Cabinet is recommended to:

1. Delegate authority to the Cabinet Member for Economy and Enterprise in consultation with the Director of Economy, the Director of Legal Services, the Director of Finance (or their nominees) and the Cabinet Member for Finance to procure, negotiate, re-negotiate award and execute a main contractor for the works.

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**Royton Town Hall and Library Update****1 Background**

- 1.1 Purpose built for the local board in 1880, Royton Town Hall is a municipal building constructed in a free style of architecture and includes a domed roof and clock tower topped by a copper cupola. The building has had accommodation added to the original building footprint over the years with extensions to the rear, which has materials and scale not sensitive to the original design.
- 1.2 Royton library was built shortly after and is located adjacent to the Town Hall building, meaning the 2 buildings are 'semi-detached' in appearance. Together the buildings house;
  - Library facilities
  - Office space for the District Team
  - Desk space for GMP / PCSO's
  - A meeting room used by Councilors and Community groups
- 1.3 The buildings are in a dilapidated state of internal finish and are only partially occupied. A feasibility exercise was carried out that sought to identify alternative uses that were commercially viable and brought the buildings back to full use.
- 1.4 Relocating the library from next door, making better use of the "main" town hall building and using the area vacated by the library for commercial use appears to be the most logical opportunity for the future of the building. The commercial rental income from the vacated library would then offset some of the revenue / running costs of the refurbished Town Hall, housing the new library.
- 1.5 This would best involve demolishing the later rear extension and redressing the rear elevation as well as remodeling / reconfiguring the external area immediately behind.
- 1.6 In September 2018 Cabinet approved spend of £2.9 m and resolved to progress a scheme to remodel and refurbish Royton Town Hall and Library.

**2 Current Position**

- 2.1 Following extensive consultation with the building users, the Elected Members, Royton Historical Society and other stakeholders a design solution was reached that best reflected the heritage value of the building. A planning application was submitted and in April 2019, Planning Committee granted Planning Permission for the scheme.
- 2.2 Over the past 6 months more detailed design have been drawn up and a cost plan finalised meaning the Council will shortly be able to tender the works.
- 2.3 As the cost of the works is over the threshold for Delegated Decisions the appointment of the contractor would normally be a Cabinet Decision, however,

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given the timescales involved in obtaining Cabinet approval it would be prudent to delegate the decision to the appropriate Portfolio Holder and Officers.

### **3 Options/Alternatives**

- 3.1 Option 1 - Authorise Cabinet to Delegate authority to the Cabinet Member for Economy and Enterprise in consultation with the Director of Economy, the Director of Legal Services, the Director of Finance (or their nominees) and the Cabinet Member for Finance to procure, negotiate, re-negotiate award and execute a main contractor for the works.
- 3.2 Option 2 – do nothing. This means the selection of contractor would have to go through full cabinet causing delays to the project.

### **4 Preferred Option**

- 4.1 The preferred option (option 1) is for Cabinet to approve the recommendations as outlined above.

### **5 Consultation**

- 5.1 Regular updates have been, and continue to be provided through the Royton Town Hall Project Board which has representation from the following departments:

- Legal
- Finance
- Procurement
- Heritage, Libraries and Arts
- District Partnerships
- Property
- Corporate Governance

### **6 Financial Implications**

- 6.1 There is a budget allocation of £3m (including £0.6m for contingencies) in the Capital Programme for the remodel and refurbishment of Royton Town Hall and Library.
- 6.2 Should the tender cost be within the cost envelope of £2.4m plus contingency there will be sufficient budget available to fund the refurbishment works.
- 6.3 A risk register is maintained to monitor and mitigate against the risks / contingencies which will continue throughout the build. Any cost pressures which arise will be addressed at the project board and when required reported back to Capital Investment Programme Board (CIPB).

(Matthew Kearns – Senior Accountant)

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## 7 **Legal Services Comments**

- 7.1 The procurement exercise and any subsequent award must be carried out in accordance with the provisions of the Council's Contract Procedure Rules, the Financial Procedure Rules and the provisions of all relevant legislation through an open, fair and transparent process with input from the Council's Procurement Team and legal officers where required (Rebecca Boyle).

## 8. **Co-operative Agenda**

- 8.1 The main contractor for the works will be selected following a tender exercise. Returned tenders will be evaluated against a scoring matrix covering a range of criteria, including their approach for achieving local spend (within a 10 and 20 mile radius) and local employment.

## 9 **Human Resources Comments**

- 9.1 No comments received.

## 10 **Risk Assessments**

- 10.1 No comments received.

## 11 **IT Implications**

- 11.1 No comments received.

## 12 **Property Implications**

- 12.1 The property implications have been covered in the main body of this report.

## 13 **Procurement Implications**

- 13.1 A procurement strategy has been drafted in consultation with the client team and provides detail on the procurement and contracting route. The procurement process will be carried out in full compliance with Council CPRs and any relevant external legislation. A recommendation report will be submitted for approval once a preferred contractor has been identified.

Dan Cheetham, Procurement.

## 14 **Environmental and Health & Safety Implications**



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14.1 No comments received.

15 **Equality, community cohesion and crime implications**

15.1 At the heart of the projects is the desire to enhance to community cohesion and promote equality. Facilities will have an ongoing programme of events that reflects the rich social and cultural mix of Oldham. These inclusive programmes will be held in safe and secure buildings that will have security measures that will include unobtrusive CCTV cameras.

16 **Equality Impact Assessment Completed?**

16.1 No.

17 **Key Decision**

17.1 Yes

19 **Background Papers**

19.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

Report to Cabinet 17<sup>th</sup> September 2018

19.2 File Ref : Report to Cabinet 17<sup>th</sup> September 2018  
Name of File : Royton Town Hall and Library  
Records held in Civic Centre, Oldham  
Officer Name : Matt Gilray  
Contact No : 0161 770 1663

20 **Appendices**

20.1 None

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## **CABINET REPORT**

# **DISPOSAL OF LAND AT BLACKSHAW LANE, ROYTON. (Royton South Ward)**

## **Asset No: L02076**

**Portfolio Holder:** Cllr S Fielding - Cabinet Member (Economy and Enterprise)

**Senior Responsible Officer:**

Helen Lockwood – Deputy Chief Executive – People and Place

**Report Author:**

Nikolaj Dockree – Senior Consultant Surveyor – Unity Partnership

**27 January 2020**

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**Reason for Decision**

To recommend the disposal of the Freehold interest in the above asset. This is an expansion in the existing authority to dispose of the Long Leasehold interest from 2015.

**Executive Summary**

This report summarises the background to previous attempts to sell the subject land and following the most recent unsuccessful auction,

**Recommendations**

It is recommended that the Council:

- Dispose of the Council freehold interest via a tender exercise.
- Authorise the Deputy Chief Executive in consultation with the Portfolio Member (Economy and Enterprise) to accept the highest tender received.

## **DISPOSAL OF LAND BLACKSHAW LANE**

### **1. Background**

- 1.1. The subject land (shown edged red in Appendix I) extends to approximately 0.635 hectares (1.57 acres). The land has been designated as a Phase 1 Housing allocation in the joint core strategy and development management policies, development plan document, adopted in November 2011.
- 1.2. An application to dispose of the land pursuant to Schedule 1 of the Academies Act 2010 was approved by the Secretary of State for Education (Education Funding Agency) on the 28<sup>th</sup> September 2012.
- 1.3. Given that the subject land could be considered Public Open Space, in accordance with the provisions of the Local Government Act 1972 it was necessary for the Council to undertake a statutory procedure and advertise its' intention to dispose of the land and thereafter to consider any objections that may arise prior to potentially declaring the land surplus to the Council's requirements and making it available for disposal. By the closing date specified in the adverts four objections were received. These objections were considered and noted in accordance in the Land and Property Protocols.

### **2. Current Position**

- 2.1. Following a marketing exercise in 2014, offers were received for the site. This was reported to Cabinet in January 2015, on the basis of a 250 year lease at a peppercorn.
- 2.2. The transaction did not proceed because the developer sought to alter the terms of their tender including delaying the process and reducing their offer. This led officers to withdraw the site from the market with the asset remaining in Council ownership.
- 2.3. It is now proposed to put the site back to the open market on the basis of a freehold disposal and as a consequence a further approval from Cabinet is required.
- 2.4. To support the proposed sale of the land, an outline planning application has been re-submitted. If this is subsequently approved, then the land will be marketed with the benefit of any such consent.
- 2.5. Furthermore in July 2018, the Government published a House of Commons Briefing Paper relating to Leasehold and Commonhold Reform, which amongst other things outlined the Government's intention to legislate and prohibit the creation of new long leasehold tenancies on houses. The report highlights London and the North West as areas with particularly high proportions of leasehold Sales and identifies Oldham as one of the areas with the highest proportion of leasehold residential sales.

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Interestingly the latest briefing paper mentions that when giving evidence to the Housing, Communities and Local Government Select Committee on the 4 February 2019, the Minister, Heather Wheeler, said that the number of new build houses being sold on a long lease “have absolutely dropped dramatically”.

### 3. **Options/Alternatives**

In terms of how the Council now wishes to proceed it has the following options:

#### 3.1. **Option 1**

To retain the land: This option is not recommended for the following reasons:

- Retention of the site is contrary to the Council’s continuing commitment to good Asset Management i.e. to seek wherever possible to make best use of its land and property assets, which in this case would be a disposal.
- The Council would also be giving up the opportunity to realise a capital receipt as well as development of new houses which would attract a New Homes bonus.

#### 3.2. **Option 2**

To dispose of the land on either an unconditional or conditional tender basis. As part of this option, authority to approve the preferred tender is recommended to be delegated to the Deputy Chief Executive in consultation with the Portfolio Member (Economy and Enterprise). The tender will be based on the following:

- Freehold sale.
- A “Buy Back” option with a deadline included if the site has not been developed within 3 years.
- Payment of the Council’s professional fees equivalent to £25,000
- A non-refundable deposit of 10% payable at the point of exchange of contracts which is to occur within six weeks of acceptance of the preferred tenderer’s offer.

In the event the tender exercise is not successful due to a change in terms by the developer, Officers can, with the approval of Deputy Chief Executive in consultation with the Portfolio Member (Economy and Enterprise), withdraw from negotiations and either re-tender the site or enter the site into the next available auction.

#### 3.3. **Option 3**

To dispose of the land at auction either via Pugh & Co as previously or via an alternative National firm of Auctioneers to be approved by the Director of Economy, which may offer more widespread coverage and interest in what is considered to be a high value / prime residential development opportunity. The recommended terms of sale are to be as follows:

- Freehold.

- 
- A “Buy Back” option included if the site has not been developed with 3 years.
  - Payment of the Council’ professional fees equivalent to £25,000.

The authority to agree the reserve is to be delegated to the Director of Economy. This will be set before the auction.

#### 4. **Preferred Option**

- 4.1. The preferred option / recommendation is to approve **OPTION 2**.

#### 5. **Consultation**

- 5.1. Royton South Ward Councillors have been consulted.

#### 6. **Financial Implications**

##### 6.1. **Capital Implications**

- 6.1.1 The proposal would be a disposal of asset number L02076.

- 6.1.2 Any profit or loss on sale will be reflected in the balance sheet of the Authority and will not impact directly on the financial position of the Council.

(Jit Kara)

##### 6.2 **Revenue Implications**

- 6.2.1 The Council does not hold specific revenue budgets for the asset and is not currently incurring expenditure on the asset. It is intended that the Council will recoup £25k to cover Council costs.

(Jamie Kelly)

#### 7. **Legal Services Comments**

- 7.1. By virtue of Section 123 of the Local Government Act 1972 the Council has the necessary statutory powers to dispose of its land. On a disposal of its land the Council are under a statutory obligation to obtain the open market value and the best consideration that can reasonably be obtained.

- 7.2. The process of disposal by way of an informal tender will ensure that there is a competitive edge to all bids received for the property. By requesting that the successful bidder enters into a conditional building agreement subject to acceptable planning permission being obtained before the legal ownership is transferred the process will endeavor to ensure that the land can be developed at the earliest opportunity.

- 7.3. The Council’s Land and Property Protocols have been observed. (Rebecca Boyle)

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8. **Co-operative Agenda**

8.1. The reduction and / or efficiency improvement of the Council's property portfolio is fully aligned with the Council's Cooperative agenda.

9. **Human Resources Comments**

9.1. None.

10. **Risk Assessments**

10.1. None.

11. **IT Implications**

11.1. None.

12. **Property Implications**

12.1. Property Implications are fully covered within this report.

(Rosalyn Smith)

13. **Procurement Implications**

13.1 Strategic Sourcing note the recommendations outlined in this report. The formal process deployed by the service has had regard to value for money principles and competition. (Nicola Wadley)

14. **Environmental and Health & Safety Implications**

14.1. N/A

15. **Equality, community cohesion and crime implications**

15.1. None

16. **Equality Impact Assessment Completed?**

16.1. No.

17. **Key Decision**

17.1. Yes.

18. **Key Decision Reference**

18.1. ECEN-22-17.

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19. **Background Papers**

- 19.1. The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

File Ref: L02067

Name of Files: Blackshaw Lane, Royton

Records held at Unity Partnership (Property Services), Henshaw House, Cheapside, Oldham OL1 1NY

Officer Name: Rosalyn Smith

Contact No: 0161-770-1948

20. **Appendices**

- 20.1. Appendix 1 – Location Plan



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**APPENDIX 1 – LOCATION**

6357m<sup>2</sup>

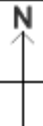
Creator: GT



Production Date: 30<sup>th</sup> April 2019

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## **CABINET REPORT**

### **DISPOSAL OF LAND AT WARD LANE, DIGGLE. (Saddleworth North Ward)**

**Asset No: L00987**

**Portfolio Holder:** Cllr Sean Fielding - Cabinet Member (Economy and Enterprise)

**Officer Contact:** Helen Lockwood – Deputy Chief Executive – People and Place

**Report Author:** Nikolaj Dockree – Senior Consultant Surveyor – Unity Partnership. Ext. 4146

**27 January 2020**

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#### **Reason for Decision**

To recommend extending the existing authority to now include the sale of the Council's freehold interest in the above asset.

#### **Executive Summary**

This report summarises the background to previous attempts to sell the subject land and following the most recent auction that the Council now seeks to dispose of freehold interest in this asset.

#### **Recommendations**

It is recommended that the Council:

- Dispose of the Council freehold interest via a tender exercise.
- Authorise the Deputy Chief Executive in consultation with the Portfolio Member (Economy and Enterprise) to accept the highest tender received.



## **DISPOSAL OF LAND AT WARD LANE, DIGGLE.**

### **1. Background**

- 1.1. The subject land (shown edged red in Appendix I) extends to approximately 0.397 hectares (0.98 acres). It has most recently been let as grazing land.
- 1.2. There has been a number of previous attempts to dispose of this land and the background to these is summarised in the following.
- 1.3. Given that the subject land could potentially have been considered as Public Open Space in accordance with the provisions of the Local Government Act 1972, it was deemed prudent for the Council to undertake a statutory procedure and advertise its' intention to dispose of the land and thereafter consider any objections that may arise prior to potentially declaring the land surplus to the Council's requirements and making it available for disposal.
- 1.4. In response to the advertisements placed in the Oldham Chronicle on the 5<sup>th</sup> & 12<sup>th</sup> February 2013
- 1.5. Following receipt of outline planning permission for residential development the site was advertised for sale in December 2014. Tenders were received and these were reported to Cabinet at its meeting on the 23<sup>rd</sup> February 2015.
- 1.6. This tender did not progress because the bidder sought to reduce their offer by 50% at which point Officers recommended that the Council should withdraw from the sale and re-market the site.
- 1.7. In 2017, Officers received approval from Cabinet to re-market the site on the basis of an informal tender exercise.
- 1.8. The land was re-offered for sale on the open market on the basis of a 250 year lease with a 10% non-refundable deposit. The closing date for receipts of tenders was set for 12 Noon on Monday 3<sup>rd</sup> October 2017.
- 1.9. The bids were reported to Cabinet in December 2017 with a recommendation to proceed with the highest bid.
- 1.10. Following acceptance of the tender from the preferred bidder, the purchaser sought to amend the terms of the tender, more particularly, seeking a freehold purchase with a fully refundable deposit. When Officers were unable to agree this, the purchaser withdrew from the transaction. In an attempt to salvage the sale, negotiations between senior Officers and the developer continued, but proved to be unsuccessful and as such, Officers again recommended that the Council should withdraw from the sale and place the asset into the next available auction via Pugh & Co.
- 1.11. At the Auction and in line with the authority in place from the Cabinet report, the asset was offered for sale on 19<sup>th</sup> July 2018 on the basis of a 250 year lease.

- 
- 1.12. The asset did not sell as the reserve (recommended by the auctioneer and subsequently approved by the then Director of Economy & Skills was not met.

2. **Current Position**

- 2.1. It is now proposed to put the site back to the open market on the basis of a freehold disposal and as a consequence a further approval from Cabinet is required.
- 2.2. In parallel, as part of the post Auction feedback, the Auctioneer cited the long lease as being a constraint and if the freehold had been offered the level of interest would have been considerably higher.
- 2.3. To support the proposed sale of the land, an outline planning application has been re-submitted. If this is subsequently approved, then the land will be marketed with the benefit of any such consent.
- 2.4. Furthermore, in July 2018, the Government published a House of Commons Briefing Paper relating to Leasehold and Commonhold Reform, which amongst other things outlined the Government's intention to legislate and prohibit the creation of new long leasehold tenancies on houses. The report highlights London and the North West as areas with particularly high proportions of leasehold Sales and identifies Oldham as one of the areas with the highest proportion of leasehold residential sales.

Whilst there have been further iterations of the briefing paper published in December 2018, February and May 2019, to date legislation has not yet been introduced, though it is considered this poses a significant risk to purchasers of leasehold development sites and Officers consider this has had an impact on the marketability of the Ward Lane site.

Interestingly the latest briefing paper mentions that when giving evidence to the Housing, Communities and Local Government Select Committee on the 4 February 2019, the Minister, Heather Wheeler, said that the number of new build houses being sold on a long lease "have absolutely dropped dramatically".

- 2.5 In view of the above Officers recommend that the Council revises its strategy for the sale of the Ward Lane site and seek to dispose its freehold interest subject to, where possible, appropriate safeguards to ensure that the development proceeds.

3. **Options/Alternatives**

In terms of how the Council now wishes to proceed it has the following options:

3.1. **Option 1**

To retain the land: This option is not recommended for the following reasons:

- Retention of the site is contrary to the Council's continuing commitment to good Asset Management i.e. to seek wherever possible to make best use of its land and property assets, which in this case would be a disposal.

- 
- The Council would also be giving up the opportunity to realise a capital receipt as well as development of new houses which would attract a New Homes bonus.

### 3.2. **Option 2**

To dispose of the land on either an unconditional or conditional tender basis. As part of this option, authority to approve the preferred tender is recommended to be delegated to the Deputy Chief Executive in consultation with the Portfolio Member (Economy and Enterprise). The tender will be based on the following:

- Freehold sale.
- A “Buy Back” option with a deadline included if the site has not been developed within 3 years.
- Payment of the Council’s professional fees equivalent to £25,000
- A non-refundable deposit of 10% payable at the point of exchange of contracts which is to occur within six weeks of acceptance of the preferred tenderer’s offer.

In the event the tender exercise is not successful due to a change in terms by the developer, Officers can with the approval of Deputy Chief Executive in consultation with the Portfolio Member (Economy and Enterprise), withdraw from negotiations and either re-tender the site or enter the site into the next available auction.

### 3.3. **Option 3**

To dispose of the land at auction either via Pugh & Co as previously or via an alternative National firm of Auctioneers to be approved by the Director of Economy, which may offer more widespread coverage and interest in what is considered to be a high value / prime residential development opportunity. The recommended terms of sale are to be as follows:

- Freehold.
- A “Buy Back” option included if the site has not been developed with 3 years.
- Payment of the Council’ professional fees equivalent to £25,000.

The authority to agree the reserve is to be delegated to the Director of Economy. This will be set before the auction.

## 4. **Preferred Option**

- 4.1. The preferred option / recommendation is to approve **OPTION 2**.

## 5. **Consultation**

- 5.1. Saddleworth North Ward Councillors have been consulted.

## 6. **Financial Implications**

### 6.1. **Capital Implications**

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6.1.1 There are no immediate capital implications from this report, however the proposed disposal will be a disposal of asset number.

6.1.2 Any profit or loss on sale will not impact on the revenue position of the Council but will be reflected in the Balance Sheet.

(Jit Kara)

## 6.2 Revenue Implications

6.2.1 The Council does not hold specific revenue budgets for the asset and is not currently incurring expenditure on the asset. It is intended that the Council will recoup £25k to cover Professional Fees.

(Jamie Kelly)

## 7. Legal Services Comments

7.1. By virtue of Section 123 of the Local Government Act 1972 the Council has the necessary statutory powers to dispose of its land. On a disposal of its land the Council are under a statutory obligation to obtain the open market value and the best consideration that can reasonably be obtained.

7.2. The process of disposal by way of a tender will ensure that there is a competitive edge to all bids received for the property. By requesting that the successful bidder enters into a conditional building agreement subject to acceptable planning permission being obtained before the legal ownership is transferred the process will endeavor to ensure that the land can be developed at the earliest opportunity.

7.3. The Council's Land and Property Protocols have been observed. (Rebecca Boyle)

## 8. Co-operative Agenda

8.1. The reduction and / or efficiency improvement of the Council's property portfolio is fully aligned with the Council's Cooperative agenda.

## 9. Human Resources Comments

9.1. None.

## 10. Risk Assessments

10.1. TBC.

## 11. IT Implications

11.1. None.

## 12. Property Implications



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12.1. Property Implications are fully covered within this report.

(Rosalyn Smith)

13. **Procurement Implications**

13.1 Strategic Sourcing note the recommendations outlined in this report. The formal process deployed by the service has had regard to value for money principles and competition.  
(Nicola Wadley)

14. **Environmental and Health & Safety Implications**

14.1. N/A

15. **Equality, community cohesion and crime implications**

15.1. None

16. **Equality Impact Assessment Completed?**

16.1. No.

17. **Key Decision**

17.1. Yes.

18. **Key Decision Reference**

18.1. ECEN-22-17.

19. **Background Papers**

19.1. The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

File Ref: L00987

Name of Files: Ward Lane, Diggle

Records held at Unity Partnership (Property Services), Henshaw House, Cheapside, Oldham OL1 1NY

Officer Name: Rosalyn Smith

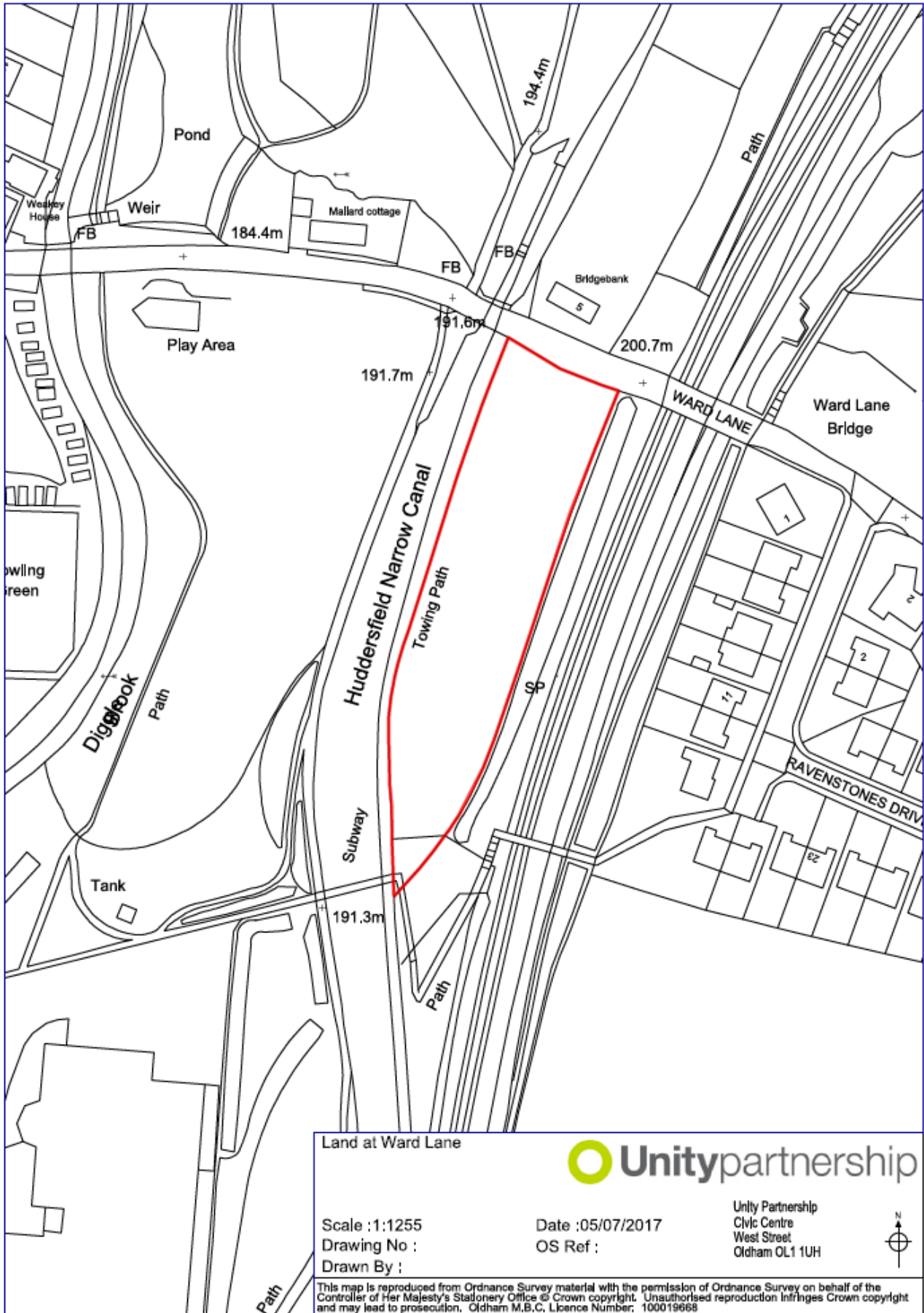
Contact No: 0161-770-1948

20. **Appendices**

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20.1. Appendix 1 – Location Plan

**APPENDIX 1 – LOCATION**



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## Report to CABINET

# PFI - Blessed John Henry Newman College Heating Improvements

### Portfolio Holder:

Cllr Abdul Jabbar MBE, Cabinet Member for Finance and Corporate Services

**Officer Contact:** Helen Lockwood, Deputy Chief Executive

**Report Author:** Natalie Rogers, PFI Relationship Manager  
**Ext. 5686**

**27<sup>th</sup> January 2020**

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### Reason for Decision

To update Cabinet on the preferred option for implementing improvements to the heating system at the Blessed John Henry Newman College.

### Recommendations

It is recommended that the contents of the report are noted only, with a further report setting out the full implications to be discussed under Part B of the meeting and the preferred option agreed.

## 1 Background

- 1.1 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).

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1.2 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.

### 1.3 Heating System

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

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

1.3.3 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 is intended to establish liability for the rectification works. At this time, the adjudicator's decision has been repeatedly delayed from summer 2019 to January 2020.

### 1.4 School's Position

1.4.1 The Head and Governors are extremely frustrated at the longevity of the problems and the inability of various parties to remedy. These matters have impacted on the smooth operation and educational provision of students in their care

### 1.5 Deductions

1.5.1 The remedy of failing to rectify building defects and other performance shortfalls is by way of deducting monies from the monthly Unitary Charge that the Council pays to the Contractor. To date, the Council has levied deductions in respect of the building issues and other service performance shortfalls.

## 2 Current Position

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

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

2.4 The Council can confirm works have been carried out over the Christmas period. It is recognised this is a short-term solution and the longer-term solution required is detailed in the Part B report.

## 3 Options/Alternatives

3.1 There are a number of options available to the Council and these can be summarised as follows;

- 
- **Option 1** - Continue to monitor the contract and levy deductions where applicable.
  - **Option 2** - The Council prepares 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.

#### **4 Preferred Option**

4.1 Option 2 is the preferred option.

#### **5 Consultation**

5.1 Members of the PFI board including Cabinet Member for Finance and Corporate Services, Chair (Deputy Chief Executive), Headteacher and school governors have been consulted.

#### **6 Financial Implications**

6.1 These are detailed in the report due to be considered under Part B of the meeting

#### **7 Legal Services Comments**

7.1 These are detailed in the report due to be considered under Part B of the meeting.

#### **8 Co-operative Agenda**

8.1 The proposal will improve the learning environment for children within the Oldham Borough.

#### **9 Human Resource Comments**

9.1 None

#### **10 Risk Assessments**

10.1 These are detailed in the report due to be considered under Part B of the meeting.

#### **11 IT Implications**

11.1 None

#### **12 Property Implications**

12.1 These are detailed in the report due to be considered under Part B of the meeting.

#### **13 Procurement Implications**

13.1 These are detailed in the report due to be considered under Part B of the meeting.

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**14 Environmental and Health and Safety Implications**

14.1 These are detailed in the report due to be considered under Part B of the meeting.

**15 Equality, Cohesion and crime implications**

15.1 None

**16 Key Decision**

16.1 Yes

**17 Key Decision Reference**

17.1 FCS-24-19



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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