

# Public Document Pack

## CABINET

28/02/2022 at 6.00 pm



**Oldham**  
Council

**Present:** Councillor Shah (Chair)  
Councillors Chadderton, Chauhan, Jabbar, Moores, Mushtaq,  
Roberts and Stretton

1           **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Ahktar.

2           **URGENT BUSINESS**

There were no items of urgent business received.

3           **DECLARATIONS OF INTEREST**

Councillor Chauhan declared an other registerable interest at Item 17 of the agenda by virtue of a directorship, he left the room and took no part in the debate or decision making thereon.

4           **PUBLIC QUESTION TIME**

There were no public questions received.

5           **MINUTES OF THE CABINET MEETINGS HELD ON 24TH  
JANUARY 2022 AND 14TH FEBRUARY 2022**

RESOLVED – That the minutes of the Minutes of the Cabinet meetings held on 24th January 2022 and 14th February 2022 be approved

6           **PRUDENTIAL BUILDING**

Consideration was given to a report of the Director of Economy which sought approval to serve a Repairs Notice pursuant to section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and thereafter to make a Compulsory Purchase Order under Section 47, to ensure the proper preservation of a listed building within Oldham town Centre, by enabling its redevelopment and improvement by the Council, to bring the heritage asset back into use and to halt its current decline.

It was reported that Cabinet approval was sought to acquire and proceed with the redevelopment of the former Prudential Assurance Building on Union Street, Oldham into a business incubation hub as part of the Future High Street Fund (FHSF) programme.

Confirmation of FHSF funding was received in June 2021. The project aimed to deliver new and additional office accommodation for the digital creative media sector through the conversion of a currently abandoned and dilapidated Grade II Listed building in Oldham town centre and forms a key component of the Creating a Better Place strategic framework and underpinned by the town centre vision.

Cabinet approval was obtained in January 2020 for the Council's "Creating a Better Place" strategic programme. The programme was reviewed in August 2020 to confirm alignment with the borough's economic recovery in response to Covid-19 and a renewed focus on building more homes for our residents,

creating new jobs through town centre regeneration, and ensuring that Oldham is a great place to visit with lots of family friendly and accessible places to go.

This report provided a progress update (on the January 2020 Cabinet approval) on the project to bring the Prudential Assurance Building into use, sets out the latest position with regard to costs and funding, the process of acquiring the building and makes recommendations for securing project delivery.

Options/alternatives considered

Option1 – Not to approve

Option 2 – To approve the recommendations within the report

RESOLVED – That the Cabinet would consider the commercially sensitive information at Item 13 of the agenda before making a decision.

7

### **SECURING AFFORDABLE HOUSING INTERIM PLANNING POSITION PAPER**

Consideration was given to a report of the Director of Economy which sought approval to adopt and publish the Securing Affordable Housing Interim Planning Position Paper.

This Interim Planning Position Paper provided an update to Policy 10 on Affordable Housing of Oldham's Joint Core Strategy and Development Management Development Plan Document (Joint DPD). The paper set out the council's position in relation to:

- the dwelling threshold to which Policy 10 applies.
- First Homes; and
- Vacant Building Credit.

The paper would be used when assessing planning applications and development proposals requiring affordable housing. It must be read alongside Policy 10 Affordable Housing of the Joint DPD, adopted by the council 9 November 2011.

The Securing Affordable Housing Interim Planning Position Paper had been prepared to reflect recent changes to national planning guidance. The paper provided an interim position to Policy 10 of the joint Core Strategy and Development Management Development Plan Document, adopted in November 2011, until such a time as the approach could be incorporated into the Local Plan review.

The recent changes to national planning guidance that need to be reflected through this Interim Planning Position Paper were:

- Paragraph 64 of the National Planning Policy Framework (NPPF) states that:
  - the provision of affordable housing should not be sought for residential developments that are not major developments (so development where 10 or more homes will be provided, or where the site has an area of 0.5ha or more).
  - to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a

proportionate amount (defined in footnote 30 as being equivalent to the existing gross floorspace of the existing buildings). This does not apply to vacant buildings which have been abandoned.

- On the 24 May 2021 a Ministerial Statement was published setting out the Government's plans for the delivery of First Homes requiring a minimum of 25% of all affordable housing homes secured through developer contributions to be First Homes - a national threshold which should be applied for England. These First Homes are for discounted market sale and:
  - must be discounted by a minimum of 30% against the market value;
  - must be sold to a person or persons meeting the First Homes eligibility criteria;
  - on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
  - after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).

The Ministerial Statement also set out transitional arrangements for how First Homes should be translated into local plans and considered as part of the decision-making process. Where local plans do not benefit from transitional arrangements (such as where they are not at Submission or Publication stage) the local planning authority should make clear how existing policies should be interpreted in the light of First Homes requirements using the most appropriate tool available to them.

In the main Policy 10 Affordable Housing of the Joint DPD remains appropriate and the Council will continue to apply Policy 10 when determining relevant planning applications for residential development. However, since adoption of the Joint DPD, national planning guidance has revised the threshold to which the policy should be applied and further guidance is required on the application of First Homes and Vacant Building Credit. These changes were summarised in the report.

#### Options/Alternatives

Option 1 - To adopt and publish the Securing Affordable Housing Interim Position Paper. The Interim Planning Position Paper should be used as a material consideration in the assessment of relevant planning applications and development proposals.

Option 2- To not adopt and publish the Securing Affordable Housing Interim Planning Position Paper. Development Management will be unable to use the Interim Planning Paper in determining relevant planning applications and development proposals.

RESOLVED – That the Securing Affordable Housing Interim Planning Position Paper be adopted and used as a material consideration when assessing relevant planning applications and development proposals.

**THE NEW CHADDERTON PARTNERSHIP AND  
CHADDERTON NEIGHBOURHOOD AREA:  
DETERMINATION OF AREA AND FORUM APPLICATIONS**

Consideration was given to a report of the Director of Economy which sought approval to designate Chadderton neighbourhood area (comprising Chadderton South, Chadderton North and Chadderton Central wards), to designate The New Chadderton Partnership as a neighbourhood forum in accordance with the Town and Country Planning Act 1990 (the Act) and the Neighbourhood Planning (General) Regulations 2012 (the Regulations); and to publicise those designations. This would allow The New Chadderton Partnership forum to begin to prepare a neighbourhood plan for the neighbourhood area of Chadderton (and / or a neighbourhood development order).

It was reported that the Council had received an application for the designation of “The New Chadderton Partnership” forum and an application to designate the Chadderton neighbourhood area (comprising Chadderton North, Chadderton Central and Chadderton South wards).

Having a neighbourhood area and forum designation would mean that the New Chadderton Partnership could begin to prepare a Neighbourhood Plan for the neighbourhood area of Chadderton or a Neighbourhood Development Order for a specific part of the neighbourhood area.

A Neighbourhood Plan should support the strategic development needs set out in the Local Plan and must address the development and use of land, but it can allow bespoke policies to be prepared that address specific planning issues within the neighbourhood area.

The Localism Act had also given communities the ability to grant planning permission through Neighbourhood Development Orders (NDOs). A NDO can grant planning permission for specific types of development in a specific neighbourhood area.

An NDO can:

- Apply to a specific site, sites, or wider geographical area;
- Grant planning permission for a certain type or types of development; and
- Grant planning permission outright or subject to conditions.

Option/alternatives considered

The only alternative to the recommendations at the top of this report is to not designate Chadderton (comprising Chadderton South, Chadderton North and Chadderton Central wards) as a neighbourhood area and to not designate The New Chadderton Partnership as a neighbourhood forum and to publish the decision document and a refusal statement (setting out the reasons for not agreeing to designate the neighbourhood area and forum). The Council must set out clear reasons for the decision in line with the Act and Regulations. Not designating

will mean that The New Chadderton Partnership forum will not be able to prepare a neighbourhood plan for the neighbourhood area of Chadderton (and / or neighbourhood development order). There is no basis for this alternative, as both the neighbourhood area and forum applications have been made in accordance with all relevant legislation and are reasonable.

RESOLVED – That approval be given to designate Chadderton (comprising Chadderton South, Chadderton North and Chadderton Central wards) as a neighbourhood area, to designate The New Chadderton Partnership as a neighbourhood forum and to publicise those designations.

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### **THE FORMER WH SHAWS OFFICE AND CLOCK TOWER BUILDING, DIGGLE - OPTIONS APPRAISAL**

Consideration was given to a report of the Director of Economy which sought approval to confirm expenditure of the financial allocation made in the capital programme towards works relating to the former WH Shaws office and clock tower building, Diggle. In addition a delegation was sought to the Executive Director of Place and Economic Growth and Director of Legal Services to progress appointments for priority works as set out in this report. The former WH Shaws office and clock tower building was a significant heritage asset which forms the gateway to the new Saddleworth School. As part of the Council's recently approved Creating a Better Place agenda, the Grade II building had been transferred to the Council's corporate estate. Following a structural and a building survey, an options appraisal had been completed.

The option that was recommended has been formed on the basis that a viable long term use for the building was still to be determined and that the overall condition of the building was poor and would continue to deteriorate without further action beyond holding repairs.

There was currently a capital allocation for works to the Diggle clocktower held as part of the Corporate Landlord Backlog Maintenance Capital Programme.

#### Option/alternatives considered

Options 1 Full Build Repair – Without a clear end-use for the building, this is not considered a viable option.

Option 2 - Envelope Repair – A programme that would aim to introduce the provision of mains services into the building and refurbish the external fabric of the building to meet modern design standards, providing long term protection to the building interiors – allowing the building to be mothballed whilst an appropriate end use is identified. This will require the appointment of an appropriate design team to develop and manage the works.

Option 3 Holding Repairs - These repairs would be the minimum necessary to stabilise the rate of deterioration of the building and would include the roof and gutters, drying out the building and stabilising environmental conditions within. Holding repairs by their very nature address the most important defects in the building. However, these have a limited longevity as they do not

address the core issues of continued deterioration. They are likely to require continued attention in the challenge against a continually degrading building fabric. Unless the building is to be disposed of on the open market, this option is not advisable.

RESOLVED – That the Cabinet would consider the commercially sensitive information at Item 14 before making a decision.

10

### **STREET LITTER BIN REPLACEMENT PROGRAMME**

Consideration was given to a report of the Director of Environmental Services which sought approval for the expenditure of capital funding to purchase new street litter bins as part of the boroughwide replacement programme.

It was reported that Oldham Council currently had some 1172 public street litter bins servicing the whole Borough, dispersed across each of its district centres, corridor gateways, main roads, estates. Parks, cemeteries, and countryside areas also contain litter bins; however, these bins were not included in this figure. The current make-up of these bins covers a wide variety of styles, sizes, and types each having an impact which affects frequency of service and resources are assigned to this operation.

The existing street bins were coming to the end of their working life and therefore in need of urgent replacement. A report was drafted identifying the need to undertake a largescale replacement program, including a review of how bin servicing needed to change and align with the new style and increased size of the proposed replacement bins.

The report was submitted and approved by Cabinet in August 2021 giving officers the authority to tender for the replacement street bins and as such tenders had now been received and evaluated.

Tender documents were drafted and placed on the e-procurement portal 'The Chest' on 23rd July 2021 with a closing date of 7th September 2021.

3 bids were received and evaluated in line with the criteria outlined in the documentation.

#### Options/Alternatives considered

Option 1 - To award the purchase of Street bins to the highest scoring bidder This represents the most economically advantageous tender as the bins offered match the specification outlined along with a competitive price.

Option 2: To not award, as a result, the existing bins will no longer be fit for purpose and require removal. An alternative procurement exercise will need to be undertaken extending the timescales and potentially leaving the borough without

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

11

### **CHANGING FUTURES**

Consideration was given to a report of the Director of which provided details of the 'Changing Futures Programme'. It was reported that the programme was a £64 million joint initiative by the Department for Levelling Up, Housing & Communities (DLUHC) and The National Lottery Community Fund (TNLCF).

The fund was for local organisations to work in partnership to better support those who experience multiple disadvantage, including but not limited to homelessness, substance misuse, mental health issues, domestic abuse, and contact with the criminal justice system. The programme sought to make an impact at the individual, service and system level and build learning to influence future programmes and policy in this area. Greater Manchester applied for and was selected as one of the 15 areas in the country to form part of 'Changing Futures' and had been awarded £4.7m over 3 years (up to March 2024). There were four innovation areas in the GM programme; Oldham, Manchester, Rochdale and Wigan each with an individual locality delivery and development plan.

Oldham Council had been working with partners, including the voluntary and community sector, for several years, to understand how system barriers affect some resident's ability to engage effectively with services and this would form the main basis of the Oldham programme.

While the main focus of the programme in Oldham would be on a wide group of people with multiple disadvantage, there would also be an additional focus, 'The Oldham lens' that would build upon the work to date to develop a peer-led offer enabling women to better access the support they need. This included addressing some of the barriers they face whilst building resilience to reduce the likelihood of them needing to be involved with those services again.

This programme is subject to a tight deadline to implement the service element to meet DLUHC requirements. The following options are being proposed to put the service in place. Full details of the options were in the main body of the report.

#### Options/alternatives considered

Option 1 - Commence Procurement Exercise: To undertake a procurement exercise to identify the most appropriate provider(s) of the Changing Futures service in Oldham.

Option 2 - Host the Changing Futures service in-house: To initially host the Changing Futures service, in-house, at Oldham Council using seconded staff from the council, the local voluntary and community sector, and other providers. Although initially hosted by Oldham Council, the design and implementation of the service will be done collaboratively with the community and voluntary sector and other providers. During the programme work will be undertaken to transfer hosting of the service to the voluntary and community sector when appropriate.

Option 3 - Withdraw from the 'Changing Futures' programme: To withdraw from the programme as there is insufficient time to establish the service element of the programme to meet DLUHC requirements.

The funding for the Changing Futures Programme was in the form of a grant provided by GMCA of £772,193 for the period August 2021-March 2024.

RESOLVED – To host the Changing Futures intensive support service for adults with multiple dependencies within Oldham Council be agreed The programme would be developed and delivered in partnership with the community and voluntary sector and other partners.



12 **EXCLUSION OF THE PRESS AND PUBLIC**

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

13 **PRUDENTIAL BUILDING**

Consideration was given to the commercially sensitive information in relation to Item 6 – Prudential Building.

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

14 **THE FORMER WH SHAWS OFFICE AND CLOCK TOWER BUILDING, DIGGLE - OPTIONS APPRAISAL**

Consideration was given to the commercially sensitive information in relation to Item 9 – The former WH Shaws office and clock tower building, Diggle - Options Appraisal

RESOLVED – That the recommendations as contained within commercially sensitive report be approved

15 **STREET LITTER BIN REPLACEMENT PROGRAMME**

Consideration was given to the commercially sensitive information in relation to Item 10 - Street Litter Bin Replacement Programme.

RESOLVED – That the recommendation as contained within the commercially sensitive report be approved.

16 **REQUEST FOR APPROVAL TO COLLABORATIVELY COMMISSION A DRUG AND ALCOHOL TREATMENT AND RECOVERY SERVICE WITH ROCHDALE COUNCIL WITH VIEW TO AWARDING A CONTRACT.**

Consideration was given to a report of the Director of Public Health which sought to ensure that Oldham had a high-quality Drug and Alcohol treatment and recovery service to support our residents.

The current Drug and Alcohol treatment and recovery service has been provided by Turning Point since April 2018 as a collaborative commission with Rochdale Council. The contract would end in March 2023.



This paper outlined proposals to recommission the service, with the same collaboration agreement, and proceed to market for procurement of a new service for commencement from 1 April 2023. Oldham Council would be the lead commissioner for the procurement of the service.

RESOLVED – That the recommendations as contained within the report be approved.

17

**A REQUEST TO APPROVE A CONTRACT MODIFICATION AND EXTENSION WITH THE CURRENT PROVIDER FOR ASYMPTOMATIC COMMUNITY OUTREACH COVID-19 TESTING.**

Consideration was given to a report of the Director of Public Health which sought approval to the increase of a contract value for delivery of Oldham asymptomatic community outreach COVID-19 testing provision with the provider.

The contract was based on a payment by result method and the provider had already received payment for the work completed to end of November 2021. Imposed thresholds and restrictions on volumes that the provider could carry out had not been an option when responding to an unprecedented number of positive cases of COVID-19. None of the surge testing requirements could have been predicted, nor could the Council choose to pull back testing at a time of increasing community transmission. In January 2021, Oldham commenced delivery of Targeted Testing at Scale, setting up 4 large asymptomatic test sites in response to the pandemic with uncertainty as to how much financial reimbursement would be available from Department of Health and Social Care (DHSC).

Approval was sought and gained from the Chief Executive using their emergency powers, to proceed to market and award contracts for 2 models 1) a pseudo Dynamic Purchasing System (DPS) where clinical settings such as Pharmacies could deliver onsite testing and 2) a community provider that could move agile within the borough. In line with procurement law, the second of these models relied upon the contract being issued following a successful competitive tender exercise. As such, the council was required to provide an indicative contract value to potential bidders. There was no previous precedent ever set, and no benchmarking available to gauge likely number of tests to be completed within 12-month period. The value was published during the tender exercise as an indicative contract value utilising a payment by results method.

Between 1<sup>st</sup> April 2021 and 31<sup>st</sup> March 2022, all costs generated through both the above models as part of the delivery of Oldham's asymptomatic testing service were covered by DHSC community testing programme. Additional testing outside of these contract values did not incur a financial cost for the Council.

Since the 1<sup>st</sup> April 2021, the testing rate has been evaluated on a weekly basis, in November 2021 when concerns that the community model contract could exceed 1.5 times the published value, there was no option to introduce limitation. Had testing been restricted, the Council would not have been able to

respond to the increased requirements to surge testing with rapidly increasing infection rates associated with the Omicron variant. At this time of consideration for introducing limitations on testing and associated spend, there was a national supply issue of home test kits - the testing provider was able to fill this void. Furthermore, increased demands on testing provision were required in vulnerable settings such as the Home Office's contingency hotel, limiting testing to cap the spend as a method to stay within the approved and published contract value would in these circumstances not have been ethical and has therefore not been possible.

In March 2021, approval was sought and gained to award the contract for 12 months with an option to extend for up to 12 months, but a renewed approval for extension is now sought in view of the higher contract value.

**RESOLVED** – That the recommendations contained within the report be approved.

The meeting started at 6.00pm and finished at 6.17pm