

Present: Councillor McLaren (Vice-Chair, in the Chair)
Councillors Davis (Substitute), Ghafoor, Harkness, S. Hussain
(Substitute), Malik, Rustidge, Sharp and Wahid (Substitute)

Also in Attendance:

Alex Bougatef	Borough Solicitor
Nasir Dad	Director of Environment
Elizabeth Dryden-Stuart	LDF & Urban Design
Jack Grennan	Constitutional Services
Lauren Hargreaves	Senior Planning Policy Officer
Peter Richards	Head of Planning
Elaine Taylor	Cabinet Member for Neighbourhoods

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Aslam (Councillor S. Hussain substituting), Councillor J. Hussain (Councillor Davis substituting), Councillor Kouser (Councillor Wahid substituting) and Councillor Wilkinson.

Apologies were also received from Councillor Goodwin as the Cabinet Member.

2 URGENT BUSINESS

There were no items of urgent business received.

3 DECLARATIONS OF INTEREST

Councillor Ghafoor declared a pecuniary interest in agenda item 6 (Update on proposed planning policy for Houses in Multiple Occupation) and he left the room during the consideration of this item.

4 PUBLIC QUESTION TIME

A public question from Matthew Broadbent was received and read out by the Chair.

“Cllr Taylor has confirmed the Beal Valley-Broadbent Moss masterplan will be an ‘informal planning policy document’ used to inform planning applications, subject to Cabinet approval.

- i) When was it decided to make the masterplan non-statutory, and who decided?
- ii) Given the site’s complexity due to its significant infrastructure needs, proposed major highways work, the need to phase development and the involvement of multiple developers, why was it not pursued as an SPD to make it a binding material consideration?”

The Chair gave the following response to the question.

“Once the Beal Valley and Broadbent Moss masterplan has been finalised, and if officers are content it is a suitable masterplan for the sites, the recommendation to Cabinet will be to “agree” the masterplan, not to “approve” it. This is an

important distinction because it goes to the heart of how the masterplan has been prepared and whether it should be a statutory or non-statutory document.

The wording of PfE policies JPA10 and 12 states: *“Development on the site will be required to: ... Be in accordance with a comprehensive masterplan and design code as agreed by the local planning authority.”* This does not require the council to formally adopt and approve it as a statutory document (such as a Supplementary Planning Document), only that we agree it. As such, it has never been the case that the masterplan was planned to be a formal, statutory document such as an SPD, and there was no “decision” to that effect – it was simply not necessary.

Whilst the masterplan is a complex document, it does not have to be adopted as an SPD in order to be considered as a material consideration on any relevant planning application. Given the above wording of the PfE policies, the decision-maker on any planning application covering any part of the site would first and foremost be looking for a masterplan that has been agreed by the council against which to assess the application. As a result, so long as a masterplan has been agreed by the council, it must be a material consideration against which to assess any application on the sites. An SPD would not achieve anything additional to this, and it would be no more “binding” as a material consideration than an agreed masterplan.”

Councillor Harkness queried why his question had not been asked, and it was noted that the question had been missed and a response would be provided outside of the meeting.

5

WINTER MAINTENANCE /HIGHWAYS

Nasir Dad presented an update on Winter Maintenance and Highways. It was noted that the service was looking at a restructure and that the work the service was doing was integrated with Highways and Transportation. It was noted that over 10,000 enquiries are received annually, and that prioritisation of defects is carried out.

It was noted that 6,000 tonnes of salt and 600 grit bins were ready for use over the winter period. It was noted that the Council has over 47,500 gullies on adopted highways and that the service was more than halfway through the cleaning of them so far. An update on Capital funded projects and programmes was provided, and it was noted that there was a lot of competition for this funding, and that a data led approach would determine which projects were funded.

Members queried the distinction of primary and secondary routes, and it was noted that a map was available on the Intranet to show which routes would come under which categorisation.

Members noted the potholes funding from the government and whether the service was delivering. It was highlighted that the

service had qualified for additional funding, but this would also go toward defects. Members queried whether better surfaces could be used as in some cases, it was the same potholes year on year causing issues. It was noted that the service had to prioritise major issues and that the cost of materials had doubled. It was also highlighted that some materials degraded quicker than others and that weather conditions could also cause issues. Members were also advised that for utilities repairs, checks were carried out twice for defects. Members were informed that inspectors are out daily and that the category of road would determine the frequency by which it is checked for defects.

Members queried whether the council was being proactive around dangerous areas. It was noted that in regard to speeding, no amount of engineering would prevent this, but that traffic safety measures could make a difference.

Members asked whether, in regard to gullies, there was a record of gullies that had been missed that ward members would be able to check. It was noted that districts would liaise on this with ward members and that they would get notified of gullies missed. Members were further informed that the gully cleaners were up to ward 11 out of the 20 wards of the borough, and that one gully cleaner would restart at ward number 1 to cover any gullies missed in the first round.

Members noted the traffic calming measures, querying what the budget was for them and how areas were identified. Members were advised that inspectors go out and assess areas, but that police reports and resident complaints also help shape these decisions. In relation to the budget, it was advised that the budget came from capital funding. Nasir advised he would share criteria with members of the Board. Members also queried the sharing of information around collisions and whether this had improved. It was advised that it hadn't improved massively, with information still going to the police and insurance companies, rather than being shared with the Council.

Members noted thanks to the team for their work in Diggle during the recent flooding, and it was noted that this would be passed on to the team.

Members requested the presentation slides in advance of the meeting in future.

Members queried how often grit bins were refilled, and it was advised that it was ad hoc, as and when refilling was needed. Members also queried whether the 28 additional staff were seasonal staff or redeployed from other areas of the council. It was advised that the additional staff were redeployed from other duties.

RESOLVED: That the update be noted.

UPDATE ON PROPOSED PLANNING POLICY FOR

HOUSES IN MULTIPLE OCCUPATION

Councillor Taylor, as Cabinet Member, introduced the item, noting that the public consultation was almost complete and was due to end on Sunday. It was highlighted that over 300 responses had been received so far, which showed the interest of residents in the matter. It was noted that Article 4 was not designed to stop HMOs, and it was highlighted that members should not generalise about residents of HMOs.

Initial consultation feedback was discussed, noting the concerns raised by some residents and the reasons for some respondents to disagree with the introduction of the Article 4 direction.

It was highlighted that confirmation would go to Cabinet on the 15th December and that consultation outcomes would come to Full Council.

The current situation was outlined, as were the proposals in the new Oldham Local Plan including the new specific HMO policy which would apply to HMOs of all sizes and a specific policy for HMOs in Oldham Town Centre.

Members queried the article 4 direction, asking whether the Council could require certain stipulations, such as room sizes, amenities etc. It was advised that this would not be relevant for the article 4 policy but would be more applicable for the licensing process and HMO standards policy.

Members queried whether HMO residents pay Council tax the same, and it was advised that they would fall into the usual categories, with the cost divided by the number of rooms.

It was asked whether delegation would be helpful within the document and it was advised that this would not be in the local plan and was more about the Constitution. Members also asked whether there would be a review of current HMOs as part of the new directive, and it was advised that there would not be.

Members queried the Article 4 Direction and the Local Plan, and it was advised that these would be two different things and that they wouldn't be fully in effect until 2027.

Members noted that the Direction strengthened planning policy. Members also queried whether all C4 HMOs were known to the Council. It was advised that they weren't and that there is no requirement for the Council to be notified, but that most C4 HMOs were known to the Council. It was also highlighted that under the new rules, the Council would know all new HMOs.

RESOLVED: That the update be noted.

TEMPORARY ACCOMMODATION PROCUREMENT EXERCISES - NIGHTLY-PAID AND EMERGENCY ACCOMMODATION

This item was withdrawn, as this relates to a procurement exercise agreed by the Cabinet - and not the detailed performance related to temporary accommodation that we were expecting - and the Chair noted having been assured that officers will be bringing forward a report on TA performance for the Board to scrutinise.

8

WORK PROGRAMME

Members queried why the 8th December meeting was at 3pm, and it was asked whether this could be moved. Members were informed that it would be reviewed outside of the meeting to determine why the meeting was planned for 3pm.

An update to the Work Programme was noted with the Saddleworth Neighbourhood Plan and the Beal Valley items coming to the 8th December meeting, and the Oldham Local Plan item being considered in January.

RESOLVED: That the Work programme be noted with members' comments.

9

KEY DECISION DOCUMENT

The Board reviewed the Key Decision Document.

10

RULE 13 AND 14

It was noted that 2 decisions had been made under Rule 14, namely the Acquisition of a Strategic Asset, and Pride in Place Impact Fund Grant Acceptance.

Members raised concerns with the Strategic Asset decision, noting a desire to call it in to the Scrutiny Board. It was noted that Legal services were looking into this to ensure that due process was followed.

Members noted a belief that this decision should have been brought to the Scrutiny Board, and requested that it be brought to the Board, particularly as concerns had been raised about the Decision.

It was noted that Legal would advise members on the outcome of the legal enquiries.

RESOLVED: That the Rule 14 decisions be noted.

The meeting started at 6.00 pm and ended at 7.40 pm