

Decisions taken by the Property / Regeneration Briefing on Monday, 14 December 2020

Agenda Item No	Topic	Decision
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Part A – Items considered in public

A4	Leasehold Reform Act 1967 - Review of Disposal Practices	<p style="text-align: center;"><u>Salford City Council - Record of Decision</u></p> <p>I, Paul Dennett, City Mayor, in exercise of the powers contained within the City Council constitution do hereby approve the proposal to cap the professional fees payable by individual purchasers who wish to acquire the freehold interest in their properties from the City Council under the provisions of the Leasehold Reform Act 1967 to the sum of £250</p> <p>The Reasons are: The recommended disposal strategy for sales via the LRA would enable they City Council to adopt best practice whilst aligning with Government’s recommendations in advance of new legislation being adopted.</p> <p>Assessment of Risk: Low</p> <p>The source of funding is: N/A</p> <p>Legal Advice obtained: David Green, Head of Regeneration.</p> <p>Financial Advice obtained: Paul Hutchings, Finance Manager</p>
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		<p>Documents have been used to assist the decision process.</p> <p>Report of the Strategic Director for Place submitted to the Property/Regeneration Briefing on 14 December 2020</p> <p>Contact Officer: Alexander Cox, Graduate Surveyor Tel No: 0161 779 4837</p> <p>This decision is not subject to consideration by another Lead Member /Strategic Director</p> <p>The appropriate scrutiny panel to call-in the decision is the Growth and Prosperity Scrutiny Panel.</p> <p>Signed: Paul Dennett City Mayor Date: 14 December 2020</p> <p>-</p> <hr/> <p>This decision was published on Monday, 14 December 2020. This decision will come in force at 4.00 pm on Monday, 21 December 2020 unless it is called-in in</p>

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		accordance with the Decision-Making Process Rules
A5	Community Asset Transfer Policy	<p align="center"><u>Salford City Council - Record of Decision</u></p> <p>I, Paul Dennett, City Mayor, in exercise of the powers contained within the City Council constitution do hereby approve the proposed revised Community Asset Transfer Policy for Salford City Council.</p> <p>The Reasons are the Community Asset Transfer Policy (CAT) is the process where an interest in and/or the management of Council assets (buildings and land) can be transferred to the Community and Voluntary Sector (VCS). The purpose of the transfer is to support and develop communities within Salford and help deliver positive change.</p> <p>The transfer of physical assets to community groups allows the council to provide practical financial support in a structured way. The assets will support the delivery of services by a correctly constituted community group and ensure that existing assets are best used to support wider Council policies and the Great 8.</p> <p>The CAT lays out a transparent framework under which a physical asset, owned by the Council, can be transferred to community and how any application will be considered.</p> <p>Assessment of Risk: Low</p> <p>The source of funding is: N/A</p> <p>Legal Advice obtained: Tony Hatton, Shared Legal Service</p>

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		<p align="right">Financial Advice</p> <p align="center">tained: Alex Archer, Finance Manager</p> <p>Background documents used to assist the decision process.</p> <ul style="list-style-type: none"> • Property Asset Strategy • Strategic Asset Management Plan • Salford Estates Strategy • Report of the Strategic Director for Place submitted to the Property/Regeneration Briefing on 14 December 2020 <p>Contact Officer: James Kington Tel No 07855146516</p> <p>This decision is not subject to consideration by another Lead Member/Strategic Director</p> <p>The appropriate scrutiny committee to call-in the decision is the Growth and Prosperity Scrutiny Panel.</p> <p>Signed: Paul Dennett City Mayor Date 14 December 2020</p> <p>-</p>

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		<p>This decision was published on Monday, 14 December 2020.</p> <p>This decision will come in force at 4.00 pm on Monday, 21 December 2020 unless it is called-in in accordance with the Decision-Making Process Rules.</p>
A6	Unicorn Public House, Barton - Asset of Community Value Application	<p align="center"><u>Salford City Council - Record of Decision</u></p> <p>I Paul Dennett, City Mayor, in exercise of the powers contained within the Salford City Council Constitution do hereby decline the Asset of Community Value nomination concerning The Unicorn Public House, Liverpool Road Eccles and accordingly include it on the list of land nominated by unsuccessful community nominations for a period of five years.</p> <p>The Reason being that the nomination has failed to meet all three of the following criteria set out within the Localism Act 2011:</p> <ul style="list-style-type: none"> a) The application comes from a Qualifying Group (as defined in the Act). b) That the asset to which the application refers has in the recent past a principle use which furthers the communities’ social wellbeing or social interests. c) The asset is realistically likely to further the communities’ social wellbeing or social interests in the future.

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		<p>More specifically, the application does not meet criteria (c), therefore, it is not accepted that The Unicorn Public House is an Asset of Community Value in accordance with the legislation set out within the Localism Act 2011.</p> <p>Options considered and rejected were: To list the Unicorn PH as an Asset of Community Value</p> <p>Assessment of Risk: Low The source of funding: N/A</p> <p>Legal Advice obtained: Robert Irvine 25/11/20, further reviewed 30/11/20 Financial Advice sought: Michelle Cowley 26/11/20</p> <p>The following documents have been used to assist the decision process.</p> <ul style="list-style-type: none"> ▪ Localism Act 2011 (“the Act”) ▪ Assets of Community Value (England) Regulations 2012 ▪ Community Right to Bid: Non-statutory advice note for Local Authorities ▪ Report of the Strategic director of Place to the Property/Regeneration Briefing on 14 December 2020 <p>The relevant documents do not contain exempt or confidential information and are available for public</p>

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		<p>inspection.</p> <p>Contact Officer: Jade Corcoran, Principal Planning Officer Tel No: 0161 779 4881</p> <p>This decision is not subject to consideration by another Lead Member /Strategic Director</p> <p>The appropriate scrutiny panel to call-in the decision is the Growth and Prosperity Scrutiny Panel.</p> <p>Signed: Paul Dennett City Mayor</p>

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		<p>Dated: 14 December 2020</p> <hr/> <p>This decision was published on Monday, 14 December 2020</p> <p>This decision will come in force at 4.00 pm on Monday, 21 December 2020 unless it is called-in in accordance with the Decision-making Process Rules.</p>
A11	Self-Build Residential Development Business Case	<p>SALFORD CITY COUNCIL - RECORD OF DECISION</p> <p>I Paul Dennett, City Mayor, in exercise of the powers contained within the City Council Constitution do hereby:</p> <ol style="list-style-type: none"> 1 Note and approve the amended business case in relation to the 129 units at Brassington Avenue and Ryall Avenue in Ordsall, Clifton Green in Pendlebury and Kara Street in Langworthy and approve the appointment of G and J Seddon Ltd and associated project costs to undertake the delivery of 104 units within the financial envelope included in the detailed business case. 2 Rescind an earlier allocation of land for the future expansion of the Primrose Hill Primary School expansion proposal on part of the Ryall Avenue site on the basis that an alternative expansion space can now be provided. 3 Note and approve the business case in relation to the delivery of 66 units at the Former St Lukes Primary School on Eccles New Rd, Weaste and 45 units at the

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		<p>former Irwell Valley High School in Kersal and approve the appointment of G and J Seddon Ltd and associated project costs to undertake the delivery of the 111 units within the financial envelope included in the detailed business case.</p> <p>4 Note and approve, in principle, the business case in relation to 177 units at Longshaw Drive in Little Hulton. Approval to proceed will be sought once a contractor partner is in place.</p> <p>5 Note the intention to procure a contractor partner to deliver the Longshaw Drive project that approval is given to do so through the Homes England Framework Northwest via a mini competition.</p> <p>6 Provide guidance as to whether, in-principle, the City Council is willing to consider lending monies to the two community led organisations in respect of their elements of the St Lukes, Kara Street and Irwell Valley projects</p> <p>7 Note that short term development finance for the projects will be secured through the council's existing Treasury Management processes.</p> <p>8 Note that the likely most advantageous form of borrowing to meet the City Mayor's housing aspirations on this occasion is from the private financial markets and that the Chief Finance Officer will explore options and provide advice on the most appropriate borrowing facilities and arrangements that will allow the delivery of the 417 units detailed in the report. This is estimated at a borrowing requirement of £33m for the units retained within Derive.</p> <p>9 That the Chief Finance Officer explores the opportunity to facilitate additional borrowing, as may be determined, to assist with the delivery of the City Mayor's future ambitions in relation to the delivery of additional affordable housing as detailed in Appendix 2.</p>

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		<p>10 Authorise the Chief Finance Officer to explore, with the Greater Manchester Pension Fund, the opportunity to secure potential additional benefits arising out of this proposal. Such opportunities to be the subject of a separate report for City Mayoral consideration.</p> <p>11 Note the updated Affordable Housing delivery ambition information presented within Appendix 2 and provide guidance on the proposed way forward.</p> <p>12 Instruct the City Solicitor to progress the implementation of the remaining actions as set out within the “New Derive” report to Cabinet on the 25th August, as summarised within this report.</p> <p>13 Note how the development of these sites is linked to the Derive proposals and the practical actions that will happen to move units from SCC to Derive and associated timings.</p> <p>14 Note and support the proposal to establish a member led Steering Board to oversee the delivery of all activities and recommendations as set out within this report</p> <p>15 Note the intention to procure an Employer’s Agent and Project Manager in accordance with the council’s governance procedures, to support the development and delivery of the 215 units across 5 sites through to completion of construction, with the Strategic Director or City Mayor to approve the award depending on contract value.</p> <p>The Reasons are: The recommendations as set out within the report will assist with the delivery of Affordable Housing within</p>

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		<p>the City if approved.</p> <p>Options considered and rejected were:</p> <p>As set out in the assessment of risk, an alternative approach would be to wait until all outstanding matters have been resolved before proceeding but this would put the delivery of affordable homes at risk of delay.</p> <p>Assessment of Risk: Medium – The capital borrowing requirements associated with the delivery of the proposed 417 units is considerable, with the aspirational numbers for the delivery of additional affordable properties over the next 10 years being considerably greater. The report indicates that the business cases for the 417 unit projects will provide a positive financial outcome on the assumptions included within those business cases, There are however a number of matters that need to be resolved before all projects can be considered to be without risk and these are set out within the report.</p> <p>An alternative approach would be to wait until all outstanding matters have been resolved before proceeding with some, or all, of the recommendations as set out however that would have a significant impact on the ability to deliver the schemes at an early date. It will also impact on ability to put in place the arrangements that will help facilitate future affordable housing opportunities and delivery and the structures intended to own and manage those properties.</p> <p>The recommendation to establish a member led steering group with regular reporting on progress and issues to the City Mayor will assist with the management of any current and future risks.</p> <p>The source of funding is: Grant funding and Council borrowing</p>

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		<p>Legal Advice obtained from David Green, Head of Regeneration (Legal): When commissioning contracts for the procurement of goods, services or the execution of works, the council must comply with the Public Contracts Regulations 2015 (PCR) and its own contractual standing orders (CSO's), failing which a contract may be subject to legal challenge from an aggrieved provider. CSO's stipulate that where a suitable framework exists, this must be used unless there is an auditable reason not to do so. In addition, the PCR requires that contracting authorities treat candidates equally and in a non-discriminatory way and act in a transparent manner, failing which the award of a contract may be subject to legal challenge.</p> <p>The report sets out the council's intention to proceed with the procurement process through the Homes England Framework North West. In following the necessary procedures, any potential challenge to the award of a contract to a provider from aggrieved provider will be significantly reduced, assuming always that the tender exercise carried out has been an open and fair one and undertaken in accordance with the tender documents published to set out the procedure and process involved, the scoring and evaluation of bids, including any clarification issues.</p> <p>This will also give some comfort to the council in ensuring that value for money is being obtained and periodically tested with competition maintained.</p> <p>This report and the recommendations in it are far reaching and varied. External lawyers have been appointed and are acting for and advising the council in regard to their proposals as contained in this report and have also reviewed this report.</p> <p>The Shared Legal Service is happy to continue, subject to being instructed to do so, to facilitate the continued provision of advice through the appointed external lawyers and/or as appropriate the shared legal service in regard to any required legal advice/actions arising from the matters raised in this report.</p>

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		<p>Financial Advice obtained from Chris Mee, Strategic Finance Manager:</p> <p>The financial implications of these proposals are set out within the report and outlined in more detail in the accompanying Part 2 report</p> <p>Procurement Advice obtained: Deborah Derbyshire, Category Manager ext. 6244 The original agreement was to appoint Wates through the Scape Framework by direct award for the scheme at Longshaw Drive. Upon completion of stage 1 pre construction it appeared to be too expensive to progress further to stage 2 after a full value for money exercise had been conducted.</p> <p>To continue with the scheme the Homes England Framework will be utilised for stage 2 which is a compliant route to market and therefore conforms with the Procurement Contract Regulations and the Councils Contractual Standing Orders. Going forwards the Homes England is due to expire on 31st July 2021 therefore all procurement activity should be concluded before this date.</p> <p>If the funding is approved for the additional properties, procurement will work with the project lead in exploring the best route to market and utilising an appropriate framework to procure the other schemes.</p> <p>HR Advice obtained: n/a</p> <p>Climate Change Advice obtained: The intention is for the direct delivery of homes to make a positive contribution to the city's efforts in relation to climate change and low carbon. All homes are planned to be built to achieve a low carbon/low energy standard, using a fabric first low carbon/low energy approach across all tenures helping to support policy priorities at a city and GM level for all new builds and ensuring on-going low energy costs for residents.</p>

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		<p>At the moment there are no identified negative implications but individual projects will require a detailed consideration in relation to low carbon/climate change implications.</p> <p>Procurement of the contractors has included reference to social value which allows contractors to consider positive environmental impacts.</p> <p>If current proposals for the fabric first low carbon/low energy approach are scaled down for financial reasons, this will have future consequences around potential retrofitting at a later date and this will be a key consideration to take into account.</p> <p>The following documents have been used to assist the decision process: Report of the Strategic Director for Place submitted to the Property/Regeneration Briefing on 14 December 2020 Appendices 1, 2, 3 With the exception of Appendix 1, the relevant documents contain exempt or confidential information and are not available for public inspection</p> <p>Contact Officer: Peter Openshaw Telephone number: 0161 793 3050</p> <p>This decision is not subject to consideration by another Lead Member The appropriate scrutiny to call-in the decision is the Growth and Prosperity Scrutiny Panel</p>

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A2		