



POLICY AND RESOURCES COMMITTEE

Wednesday, 28th July, 2021

REPORT TITLE:	WIRRAL GROWTH COMPANY: BIRKENHEAD PHASE 1: FINAL SITE DEVELOPMENT PLAN
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The report provides for consideration the recommendations of the Economy, Regeneration and Development Committee in respect of Wirral Growth Company: Birkenhead Phase 1: Final Site Development Plan. The full minute of the Economy and Regeneration Committee will be forwarded in due course and the associated Report of the Director of Regeneration and Place is attached.

This matter is being referred to Policy and Resources Committee because in accordance with the Council's Constitution any issue regarding land and property including major acquisition and disposals, which includes reserved decision making concerning any purchase, sale or transfer of a value in excess of, or likely to exceed, £100,000; is reserved to the Policy and Resources Committee

RECOMMENDATION/S

The Policy and Resources committee is recommended to consider the decision made by the Economy, Regeneration and Development Committee on 26 July and determine whether to support the recommendation, 'That the Policy and Resources Committee approves the Formal Site Development Plan for Birkenhead Commercial District Phase 1'.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The implementation of the SDP will directly support the regeneration of Birkenhead which has been a long-term priority for the Council. It supports the Council's ambitions around sustainable development and the generation of a prosperous inclusive economy where people can get good jobs and achieve their aspirations regardless of their background or where they live.
- 1.2 Specifically the delivery of Phase 1 of the plan will result in the construction of circa 150,000 sq.ft (13,900 sq.m) of Grade 'A' office accommodation in two buildings referred to as A1 and A2 with associated quality public realm. The larger of the two buildings A1 measuring 89,591 sq.ft (8,323 sq.m) will be occupied by Council employees while the second building A2 measuring 58,176 sq.ft (5,405 sq.m) will be let on the open market to commercial occupiers.
- 1.3 Through taking the head lease on the first two office buildings and relocating up to 800 administrative staff into the Birkenhead Commercial District the Council will intervene to unlock and drive forward the regeneration of Birkenhead Town Centre.
- 1.4 The draft indicative SDP was approved by Cabinet as part of the approval of the Partnership Business Plan on 24th February 2020. Now that planning permission has been granted, the next stage under the Partnership Agreement is for the formal SDP to be approved. Then any remaining conditions need to be satisfied by the WGC, such as having construction contracts in place, before the option contained in the Supplemental Option Agreement for Milton Pavements will be triggered and the long leases granted to the funder, then leased back to the Council, and construction can commence.
- 1.5 This matter has been referred to Policy and Resources Committee because regarding land and property including major acquisition and disposals, which includes reserved decision making concerning any purchase, sale or transfer of a value in excess of, or likely to exceed, £100,000; is reserved to the Policy and Resources Committee.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Council could choose not to approve the formal SDP. This would then halt the progress of the development of the Birkenhead Commercial District and incur the legal and financial consequences set out at paragraph 5.2. This option is not recommended.
- 2.2 Other options discussed at the Economy, Regeneration and Development Committee will be sent to the Policy and Resources Committee in due course.

3.0 BACKGROUND INFORMATION

- 3.1 The purpose of this report is to seek Member endorsement to the formal Site Development Plan (SDP) for Phase 1 of Birkenhead Town Centre. The plan has been developed by the Wirral Growth Company (WGC) as part of the Partnership Agreement that the Council and MUSE Developments entered into on 19th March 2019. The draft indicative SDP was contained in the Partnership Business Plan and approved by Cabinet on 24th February 2020. Now that WGC has obtained planning permission for Phase 1 of the scheme it is the appropriate time to bring the formal SDP for approval to both partners of the WGC, in accordance with the processes set out in the Partnership Agreement. The proposed SDP (which can be found at Appendix 1 to this report) was approved by the Wirral Growth Company Board at its meeting on 1st July 2021.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are a number of financial matters connected with the delivery of the Site Development Plan. As these are commercially sensitive a detailed financial summary can be found at Appendix 3 of this report.

5.0 LEGAL IMPLICATIONS

- 5.1 In accordance with the Part 3B of Constitution (Committee Terms of Reference), the Policy and Resources Committee has two main areas of responsibility, which is to provide strategic direction to the operation of the Council, including making decisions on policies and co-ordinating spend not reserved to full Council, and to maintain a strategic overview of outcomes, performance, risk management and budgets.
- 5.2 The Policy & Resources Committee is charged by full Council to provide a co-ordinating role across all other service committees and retain a 'whole-council' view of performance, budget monitoring and risk management. In particular, this includes specific responsibility for a decision regarding land and property including major acquisition and disposals, which includes reserved decision making concerning any purchase, sale or transfer of a value in excess of, or likely to exceed, £100,000;
- As part of the matter of business that was the subject of the report to Economy, Regeneration and Development Committee falls under that responsibility reserved to the Policy and Resources Committee, the Economy Committee's resolution is presented as a recommendation.
- 5.3 As the decision in this matter is the subject of a recommendation from another Committee, the Policy and Resources Committee must take into account the resolution of that Committee and give due regard to the guidance and comments made by its members. The Policy and Resources Committee must not, however, consider itself bound by that Committee's recommendations or otherwise fetter its discretion; its Members must come to their own decision. In doing so, the Committee must satisfy itself that it has been provided with all

relevant information or a suitable précis to enable it to comply with its duties and make a lawful decision.

5.4 Other legal considerations are as set out in the annexed report(s).

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 This report is for information only and does not contain any direct resource implications.

7.0 RELEVANT RISKS

7.1 The risks were covered in the original report submitted to the Committee.

8.0 ENGAGEMENT/CONSULTATION

8.1 Engagement and Consultation were covered in the original report submitted to the Committee.

9.0 OTHER IMPLICATIONS (EQUALITY, ENVIRONMENT & CLIMATE)

9.1 Other implications arising from the subject matter were considered as set out in the annexed report(s) and meeting minute.

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APPENDICES

Appendix 1 – SDP Phase 1: Birkenhead Town Centre

Appendix 1 contains exempt information as defined in Schedule 12A of the Local Government Act 1972.

Appendix 2 Social Value Plan Appendix 2 contains exempt information as defined in Schedule 12A of the Local Government Act 1972.

Appendix 3 – Financial Summary Appendix 3 contains exempt information as defined in Schedule 12A of the Local Government Act 1972.

Appendix 4 DLA Piper report contains exempt information as defined in Schedule 12A of the Local Government Act 1972.

BACKGROUND PAPERS

Partnership Agreement made between Council and MUSE Developments dated 19th March 2019 (Exempt)

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet Decision to approve the preferred bidder (MUSE) to form the Joint Venture Company.	28th February 2018
Council Decision to approve the start of consultation for the Master planning of Birkenhead.	26th November 2018
Council Decision to approve the full Business Case for Birkenhead Commercial District.	24th February 2020
Council Decision to approve the design and delivery of the new offices and for Director of Law and Governance and Director of Regeneration to negotiate and enter into appropriate agreements to allow project to be delivered.	27th July 2020