



Audit and Risk Management Committee

24th January 2022

REPORT TITLE:	Regeneration Programme - Legal Services Capacity and Risk Management
REPORT OF:	Director of Law & Governance (Monitoring Officer)

REPORT SUMMARY

The Audit and Risk Management Committee is asked to consider the risk profile of the Council's Legal Service in its support of the Council's regeneration ambitions following referral of the issue from the Economy, Regeneration and Development Committee.

The Wirral Plan 2021-2026 sets out the Council's vision to secure the best possible future for our residents, defined by the community prosperity we create and supported by our excellent people and services. This proposal directly supports the following key themes within that plan:

- A prosperous inclusive economy where local people can get good jobs and achieve their aspirations; and
- Safe, vibrant communities where people want to live and raise their families.

This matter has no specific ward implications.

RECOMMENDATION/S

That the Audit and Risk Management Committee receives the contents of this report.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

- 1.1 The Audit and Risk Management Committee is asked to consider the risk profile of the Council's Legal Service in its support of the Council's regeneration ambitions.
- 1.2 There are a number of external reports in this area, in respect of this Council and others, that have highlighted problems pertinent to the evaluation of legal governance and commercial risks and delivery of key and large scale projects and programmes. The relevant comments and recommendations of the two reports concerning this Council and of published reports instigated by the Secretary of State (best value reports) and external audit (public interest reports) of others and the consultancy and operational response to them, are highlighted in this report.
- 1.3 The comments and recommendations have been picked up by the Council, in seeking to meet the legal resource needed in this area and the skills gap that adopting a regeneration programme of this scale and size creates, in acting to bolster the in-house resource for direct services and governance and seek specialist support in managing external legal services.
- 1.4 The approach to resourcing legal support to the various commercial negotiations, procurement exercises and land, development and funding agreements and transactions that will comprise the Left Bank Regeneration Programme has been to develop an 'intelligent client' model for general counsel. Following a procurement process conducted in 2021, this model is supported by a strategic legal partner to better enable the Council to put in place specialist and other support from the wider legal marketplace.
- 1.5 A key component of the approach is forward planning amongst the various professional officers to identify commercial and legal issues in advance and create legal briefs to respond to need and to manage legal delivery, costs and risk. Reporting on this process is to be the subject of a matrix to now be regularly presented to the Economy Regeneration and Development (ERD) Committee, a copy of which is attached as an Appendix B to this report. A copy of this report will likewise be provided to the next ERD Committee.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 This report is provided to inform the Audit and Risk Management Committee and is at the request of Economy, Regeneration and Development Committee.

3.0 BACKGROUND INFORMATION

- 3.1 The ERD Committee meeting of 26th October 2021 made a referral to Audit and Risk Management Committee to consider the risk profile of the Council's

Legal Department in its support of the Council's regeneration ambitions. The ERD Committee also requested regular updates on legal risk and project profile, for which the first of these is attached for this Committee's consideration.

- 3.2 The debate and corporate risk profile raised at the ERD Committee centred on the LGA 'Planning Improvement Peer Challenge – Follow Up Review of July 2020'. This was due to the peer review being referenced on a slide presentation of the timeline to delivery, so was the basis of Member questions and comment, but is far wider than that. There are separate external events that are pertinent to the evaluation of risk and delivery of planning and regeneration.
- 3.3 The risks associated with the broader regeneration programme have been identified via a series of external reports for Wirral and of key comparable councils and events. These are referenced below, in reverse date order, which then provides context for the Committee's consideration and the management response:
- (i) Wirral Council External Assurance Review;
 - (ii) Liverpool City Council Best Value Review;
 - (iii) Wirral Council Planning Peer Review (LGA) Follow up;
 - (iv) Nottingham City Council external audit (Grant Thornton) public interest report – council owned company; and
 - (v) Camden LBC external audit (Grant Thornton) public interest report – council owned development LLP and company)
- 3.4 Key comments are reported below, in reverse date order. A separate multi-council audit is being undertaken in response to the report into the significant events resulting in the Liverpool CC report concerning regeneration projects and legal input..
- 3.5 Wirral External Assurance Review (August 2021)
- 3.5.1 The External Assurance Review was commissioned by the Secretary of State and included a Governance report submitted in September 2021. The Council has accepted the comments and recommendations and produced a plan to implement them, an action endorsed by full Council. In the report it is stated in section 7 (Capacity and/or Capability to Improve) that:

“An area of risk, however, is ensuring that there is sufficient financial and legal expertise assigned to the very complex and fast moving delivery and investment vehicles in regeneration. Pleasure at seeing external funding secured and schemes progressing after many years of false starts may be bringing a degree of optimism that clouds a rigorous and healthily sceptical view of the financial risks.”

3.5.2 This has been addressed by an on-going recruitment drive to fill legal vacancies and by the introduction of a strategic legal partner to work closely with the legal team with the methodology as set out later within this report.

3.6 Liverpool City Council Best Value Inspection (March 2021)

3.6.1 Undertaken under the Secretary of State's powers under the Local Government Act 1999, an inspection was undertaken into the affairs of Liverpool City Council. This highlighted a number of risks associated with regeneration and legal services. These issues are well known but at their heart, it is a tale of what can go wrong when a 'just get it done' culture prevails. and, indeed, the author of the report following the inspection has stated there is far more to come out but that could not be included because of ongoing police and internal investigations,

3.6.2 In the context of this report, two comments stand out, which are:

- (i) **“When [Decision Notice]s were produced, they were done at speed based on verbal instructions, putting pressure on legal and finance teams to sign matters off without due consideration and diminishing their ability to be LCC’s gate keepers. When legal and finance teams had the ability to challenge, they were often ignored”**
- (ii) **“The LCC recovery plan will need to build the prominence of Legal Services, and include investment in senior staff, increasing oversight of outsourcing and reducing reliance on external firms for non-specialist matters. Any review and update of the Constitution and SO [Standing Orders] should provide clarity about the full responsibilities of the City Solicitor and MO [Monitoring Officer] role for the benefit of both members and the public alike.”**

3.6.3 Whilst the comparison between the two councils' provision, co-ordination and risk management of property, planning and regeneration affairs is the subject of a separate internal audit report, it is worth noting the several passages that relate to legal and regeneration services and their relationship with development issues that the internal audit has given assurance on in terms of Wirral Council practices. The key recommendations for legal services are set out below, including the response to the Wirral audit comparison.

3.6.4 “Liverpool City Council Summary findings - Legal Services

- (i) Legal services in Liverpool City Council were significantly cut from 2010-14 and resources were stretched leading to the outsourcing of large volumes of work. One Officer estimated that 20-25% of the Regeneration legal work was outsourced and in 2016 Regeneration created a new solicitor post and then went on to create a further solicitor post.
- (ii) In 2018 the Chief Executive moved Legal Services and the City Solicitor/MO from the S151 line management chain to report directly to

him. The MO is also the City Solicitor but there is no specific designation of that role as the Solicitor to the Council in the constitution.

- (iii) The Development team has two qualified lawyers and two skilled legal assistants to cover a substantial amount of work. In 2017 LCC made 44 disposals of property and maintained an average of 35 disposals a year over the review period. However, Legal Services had a reputation for being 'slow' and struggled to keep up with the volume of work.
- (iv) Officers often procured at speed and went to legal firms they had worked with before, creating a small pool of preferred firms and solicitors. It led to occasions where both LCC and the developer were using the same firm.
- (v) On occasion the first time Legal Services became aware of outsourcing was when they were required sign off a [Officer Decision Notice] or to witness the Authority's seal and such outsourcing resulted in an absence of copies of external legal files and formal documentation.
- (vi) It was common practice for internal Legal Services to be presented with reports for "sign off" seemingly at the last possible moment, with emphasis on the political support behind any proposal."

3.6.5 Summary of Wirral Council's Response to Liverpool City Council report/Findings

Assurance provided by the Director of Law and Governance (Monitoring Officer) that:

- (i) The significant cut of legal services in previous years took the Service to well below that required to manage the workloads, leading to an over reliance on outsourcing, poorer corporate governance, unsatisfied client officers and unmet demand, similar to that at LCC. This has been recognised and a service redesign and investment took place in 2018/19, with recruitment in 2019/20 onwards and a trainee programme introduced to seek to address this.
- (ii) The redesign places 4 Principal Lawyers (3 appointed) to manage teams in related disciplines supported by a Consultant Lawyer and Practice Manager. Recruitment of Principal Lawyers (managers) has created a more 'business partner' focussed set of services. However, a high number of vacancies remain an issue and a pressured environment remains, particularly in respect of regeneration and safeguarding, with continuing reliance on less economic or effective use of outsourcing and/or locums as a result.
- (iii) The practice of direct instruction from other departments, including Regeneration, was ceased in 2017/18 with the appointment of the current Director of Law & Governance. To enforce this, Senior Leadership Team issued an instruction that direct outsourcing would be a disciplinary matter. Invoices for all legal work are signed off by the instructing lawyer before payment.

- (iv) Embedding the concept of Legal Services as 'intelligent client', in supporting the Council, regulating communication and best value management of outsourcing, is key to the current design. This was reinforced by a report commissioned from Trowers and Hamlins, a nationally recognised external solicitors in support of the considerable amount of regeneration work forecast. Additional modelling is underway, as a result of the 2020 report.
- (v) At Wirral, the equivalent role to the Liverpool City Council City Solicitor is the Director of Law and Governance and the equivalent to the Assistant City Solicitor is the Head of Legal Services (Deputy Monitoring Officer). Both are in post and are stable positions within the Authority's structure. The previous and current version of the Council's Constitution recognise the role of the Monitoring Officer, designated as Director of Law and Governance and which post is appointed to by full Council. The post is a full member of Senior Leadership Team and reports directly to the Chief Executive.
- (vi) There remains separation of responsibility and management between regeneration and legal services, with a 'head of profession model', meaning separate sign-off is required by Legal Services, providing a sense check in any land negotiations.
- (vii) The new committee structure places greater emphasis on the discipline of report writing and timescales. The delegation levels in respect of land and the necessity for committee reports and published officer decisions require increased governance input.

Assurance provided by the Assistant Director – Human Resources and Organisational Development that:

- (i) The legal services function has been reviewed in the past 12-18 months and this included an external review and recommendations about models of delivery and resources required.
- (ii) Significant investment was agreed to add capacity to the legal department with a range of posts required and with the aim to meet the demands of the Regeneration Directorate and to reduce the spend in relation to external legal advice in a number of areas. Recruitment to some legal posts in Local Authorities does present some challenges and further work is ongoing to recruit to vacant posts in the structure.

Internal Audit comment that:

- (i) Internal Audit acknowledges and supports the work being undertaken in Legal Services to redesign and recruit the vacant posts within the service.
- (ii) It should be ensured that the recommendations made by the external law firm in support of the regeneration work forecast and additional modelling are implemented within the timescales agreed.

3.7 Wirral Planning Peer Review follow up (July 2020)

3.7.1 The LGA peer review of the previous year contained a recommendation 10 that the Council should “Ensure appropriate governance to take risk aware approach regarding legal and procurement processes to deliver growth”. The follow up process in July 2020 reported that:

“There has been little progress on this issue. The Peer Team have to report that there remain serious concerns about how the Council’s Legal team continues to support the Wirral Growth agenda and reference is made to the situation deteriorating. This is one of the key risks to the Council achieving its ambitions moving forward.”

3.7.2 The detailed excerpt was as follows:

‘The Council has failed to make progress on tackling issues in the quality of support from Legal Services to the substantial and demanding regeneration and growth agenda in Wirral. In relation to Wirral’s regeneration needs, investors and partners describe the position as getting worse not better. They say the attitude, tone and approach of the Council’s Legal Service is combative and inefficient. The peer team consider this a key risk to delivering on the Borough’s land use and regeneration issue and this needs immediate attention.’(para 1.8)

“While noting that the Council’s governance focus will have been on the creation of the new committee system, nevertheless there has been no clear demonstration of progress in relation to this recommendation.

“We reported last year that we had received strong messages from partners in relation to their concerns about the role of the Council’s legal and procurement services in facilitating land and development agreements and delivering planning decisions. The peer team have to report that serious concerns remain in relation to how the Legal Department continues to support the Wirral growth agenda and the Regeneration and Place Directorate. From what we were told, internally but also especially by external partners, there appears to be a lack of support from Legal Services which has the potential to de-rail the growth agenda. For example, investors and partners remain very concerned how the Legal Department interfaces with them and the time taken to deal with issues.

“Worryingly, in relation to Wirral’s regeneration needs, investors and partners describe the position as getting worse not better. They say the attitude, tone and approach is combative and inefficient. While in general partners reported an improving change in corporate culture and approach and in the Council’s reputation, this issue is impacting negatively in relation to confidence. We recognise that there have been moves to outsource legal work on some regeneration schemes to external commercial lawyers. However, such work still has to be commissioned and coordinated through the Legal Department.

“This is one of the key risks to the Council achieving its ambitions moving forward and requires the direct attention of the Chief Executive to resolve if it

is not to have a major impact on the Council's ability to secure the necessary funding. The peer team therefore repeat what we said before that we have serious concerns as to how this could impact on your growth agenda and the delivery of major regeneration schemes."

3.8 Actions in Response

3.8.1 The Council's Legal Services has responded through a restructure and investment in staff and cultural approach through 2018-20 as noted above.

3.8.2 In particular, an external report on meeting the challenge of the Council's legal capacity and capability to deliver the programme was completed in August 2020, commissioned from Trowers and Hamlins ('the legal resourcing report'). This set out the following immediate to short term recommendations:

- “1. The Council has realised that a significant issue is not being able to identify what legal inputs are required for each project. Because of that the Council cannot easily seek external legal support as it doesn't know what support to ask for. That means that, before focusing externally, the immediate task is to identify those needs. Recommendation – identify the detailed needs for each project or linked work stream.
2. The plans for practical implementation of the next phase of projects cannot happen until the right team of professional advisers is in place. As a solution capable of immediate implementation we recommend creating a [team approach] to identify, assess and manage the current and approaching work streams.
3. The team can then work alongside Council colleagues to identify each work stream and quickly recommend what is needed from a commercial, legal, funding, timing and governance perspective.
4. The team and needs recommendations will then allow the Council to better articulate its legal requirements and move towards fulfilling its 'intelligent client' role. With the legal inputs of each project clear the Council can only then approach the numerous methods for procuring external support.
5. We are instructed that [an external property consultant] is currently preparing the detailed list of all of the projects that the Council is to embark upon. Once properly assessed we can then jointly recommend what legal services input will be required. Without this crucial step there is a real risk that highlighted projects will stall and suffer abortive costs or loss of allocated funding.
6. This early stage assessment also serves a useful political purpose. It will show members and relevant officers that the Council is taking sensible steps to create a sustainable implementation plan. That ability to reflect an honest assessment of its capabilities and the ability for professional advisers, both internally and externally, to have critical

friend conversations will promote a useful buffer against the results of the poor peer reviews.

7. The team must then be able to give professional and independent views as to the merits of each project including any perceived risks.”

3.8.3 Two key comments made to be actioned were:

- “Without experienced lawyers overseeing the regeneration projects the Council faces unnecessary risks, avoidable delays, commercial decisions which have not been fully risk assessed or worse, acting beyond the authority of the relevant officers. This in turn creates significant economic, political, social and reputational risks.”; and
- The Council has realised that a significant issue is not being able to identify what legal inputs are required for each project. Because of that the Council cannot easily seek external legal support as it doesn't know what support to ask for. That means that, before focusing externally, the immediate task is to identify those needs.”

3.8.4 These recommendations and the actions in response were the subject of a report to the Local Plan Advisory Group of September 2020, made up of interested Members and containing each political group leader. These plans have been enacted upon in the following period by Legal Services and by Regeneration Services, and are now in place, as described below.

3.8.5 The response has been to continue to develop an intelligent client model within the Council's in-house service to properly understand the projects and programme to:

- deliver upon the projects and programmes;
- provide assurance to the Council and to its members and the statutory governance officers;
- ensure that the right legal support is in-place through the appointment of the correct level of external specialists;
- ensure that communication of advice and services is understood to and from the Council as client and advisors;
- appoint a lead principal lawyer to manage the programme and be the keystone for the intelligent client role; and

in so doing enable the team to manage delivery, risk and costs

3.8.6 The role of the intelligent client is described as “key to the legal success of major projects. The management of external law firms is a central part of a general counsel role within an organisation. The absence of an intelligent client role to ask the right questions for the client organisation, to understand and test the answers, to see the gaps or to interpret those answers for the purposes of the culture and understanding of the organisation has, we understand, led to several failures. This is in addition to the ability to

challenge, understand and properly manage costs. The intelligent client role must be an embedded role within the organisation to fully achieve the requirements. In the case of local authorities, this role must also be able to meet the expectations of the Monitoring Officer and the requirements of local government law. This, again, means the supporting external law firms must have this skill set as well as the full range of regeneration related services. To ensure that the Council is not being over ambitious or overreaching its capabilities, the proper mix of client and adviser support needs to be in place.”

3.8.7 The Regeneration and Place officers, through and with the assistance of external consultants and Homes England, have produced a list of projects to consider in terms of funding, land ownership, procurement and development needs, which has allowed the better risk management of input to forthcoming projects.

3.9 Strategic Legal Partner

3.9.1 During this period there have been as many as eight separate legal firms instructed on eleven projects at any one time, which is not helpful to the overall understanding of the needs of the programme or of managing on delivery and costs management. To meet the primary capability needs in procuring and managing such a large scale set of legal projects, the legal team has with the assistance of the procurement team sought to obtain the services of a strategic legal partner.

3.9.2 A summary description of the specification that went to market was as follows:

“The Council to date has had a piecemeal approach to the commissioning of external legal required to support several regeneration projects that are already ongoing. The Director of Law and Governance is concerned that this piecemeal approach will, when scaled up, lead to duplication and increased cost. There is a need for a targeted manageable response to meet the needs of Wirral’s regeneration requirements as a whole.

The Council has a need to develop its role as "intelligent client". The role of the intelligent client is key to the legal success of major projects. The management of external law firms is a central part of a general counsel role to:

- ask the right questions;
- understand and test the answers;
- see the gaps or to interpret those answers for the purposes of the culture and understanding of the organisation;
- challenge, understand and properly manage costs.

The Council needs support in developing its intelligent client role in the form of a single strategic legal partner:

- to assist in the development of strategic advice as to the resourcing of projects and a developing road map for future projects including an

analysis of resource requirements and a robust approach to risk management;

- to advise the Council on the briefs on which it should be seeking to issue with invitations to tender for the legal work on various regeneration work streams;
- to assist the Council in managing and monitoring the output of firms that have been appointed to regeneration work streams; and
- to demonstrate added value to the council in the form of training, secondment opportunities, precedent sharing and know how.

An assessment process will need to be devised to create a standardised approach to creating a legal services brief for each project for which external firms can tender. This will help future project management and the approach to any tendering exercises for external legal support. This will also involve input from other professional disciplines including colleagues from procurement, planning, assets, and facilities management.”

3.9.3 The specification went on to describe in greater detail the legal inputs required to inform the legal briefs going to market, concerning the following matters being:

- project governance;
- stakeholder engagement;
- Council approvals and delegated authorities;
- contractual and commercial joint ventures and partnerships,
- funding, planning, commercial property, litigation and dispute resolution; and
- advice on the appropriateness of utilising various procurement frameworks for the onward procurement of substantive advice from external solicitors.

3.9.4 The procurement process ran from early 2021. Group spokespersons from the ERD Committee were invited to the set of interviews with finalist law firms together with officers of Regeneration and Place and the assessing in-house lawyers. The contract was awarded to Trowers and Hamblins LLP (www.trowers.com).

3.9.5 Trowers and Hamblins have begun working with officers to take a view on the forthcoming projects to prioritise required legal input and to prepare specification to go out to the legal market. As projects develop this will include to assist the in-house team in peer reviewing the work undertaken and costs charging.

3.9.6 This procurement exercise for a strategic legal partner also opens up the access, through existing frameworks, for their assistance to undertake direct work:

- (i) where there is an urgent need and to assist the in-house team where there are capacity gaps (including unfilled vacancies), peak flow and skills transfer; and
- (ii) where there is a need for strategic input from a point of understanding.

3.9.7 This process outlined is described in the flowchart attached as **Appendix A** to this report.

3.10 Reporting

3.10.1 A key component of the approach is forward preparation between various professional officers to identify legal issues in advance and create briefs to respond to need and to manage legal delivery, costs and risk. This is to be the subject of regular sharing with the ERD Committee, through a reporting matrix. The first of the reporting matrices is attached to this report as Appendix B. The Legal Brief Matrix with confidential items is attached to this report as Appendix C. The legal costs relating to the reporting Matrix is attached to this report as Appendix D.

3.10.2 Appendices C and D are exempt from publication in accordance with paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (being information relating to the financial or business affairs of any particular person, including the authority holding that information).

3.10.3 It is suggested that the information set out within this report should provide the Committee with assurance that sufficient steps have been taken to enable the Council to proceed with its regeneration programmes with appropriate legal support (whether provided internally or with external solicitors or a combination of both). It is also suggested that proper attention has been given to audit reports relating to other authorities and to the internal reports listed at paragraph 3.3 of this report.

4.0 FINANCIAL IMPLICATIONS

4.1 The cost incurred in the current financial year in terms of both internal and external solicitors and counsel are set out in Appendix D to this report.

5.0 LEGAL IMPLICATIONS

5.1 Adherence to procurement rules (contract standing orders), the Public Contracts Regulations and conflict of interest considerations has been pertinent to these processes to then managing wider legal risk mentioned below.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 As this report is for information there are no substantive ICT Staffing and Assets implications arising out of the proposals set out within this report.

7.0 RELEVANT RISKS

- 7.1 The management of risks to the Council come in the form of managing the risks to delivery, as well as managing the commercial and financial risks and the risks for proper governance and legality.
- 7.2 These risks can be managed by having the correct capacity and skill-set available to be 'at the table' and to 'make the deal'. This is distinct from the delivery of restricted legal services or transactional drafting but is about providing the right legal advice to the Council to capture what risks and eventualities there might be, to mitigate those and to make their management a part of the structure of any agreement.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Consultation has not been undertaken on the proposals within this report given that it is essentially for information.

9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.
- 9.2. Whilst there are no equality implications arising from this report, the associated actions arising from the project and programmes that legal services are involved with as described within this report may need to be assessed and any equality issues mitigated in terms of any negative impact that may emerge.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 There are no environment or climate implications arising from the proposals set out within this report

11.0 COMMUNITY WEALTH BUILDING

- 11.1 There are no specific Community Wealth Building implications arising from the proposals set out within this report. It should be noted that social value was a criteria within the selection process of the Strategic Legal Partner.

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APPENDICES

- Appendix A Flowchart setting out the initial process to outsourcing of matter as agreed with Trowers and Hamblins.

Appendix B Legal Brief Matrix.

Appendix C Legal Brief Matrix with confidential items.*

Appendix D Costings information relevant to the Legal Brief Matrix*.

* Appendices C and D are exempt from publication in accordance with paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (being information relating to the financial or business affairs of any particular person, including the authority holding that information).

BACKGROUND PAPERS

Wirral Council External Assurance Review

Liverpool City Council Best Value Review

Wirral Council Planning Peer Review (LGA) Follow up

Nottingham City Council external audit (Grant Thornton) public interest report – council owned company

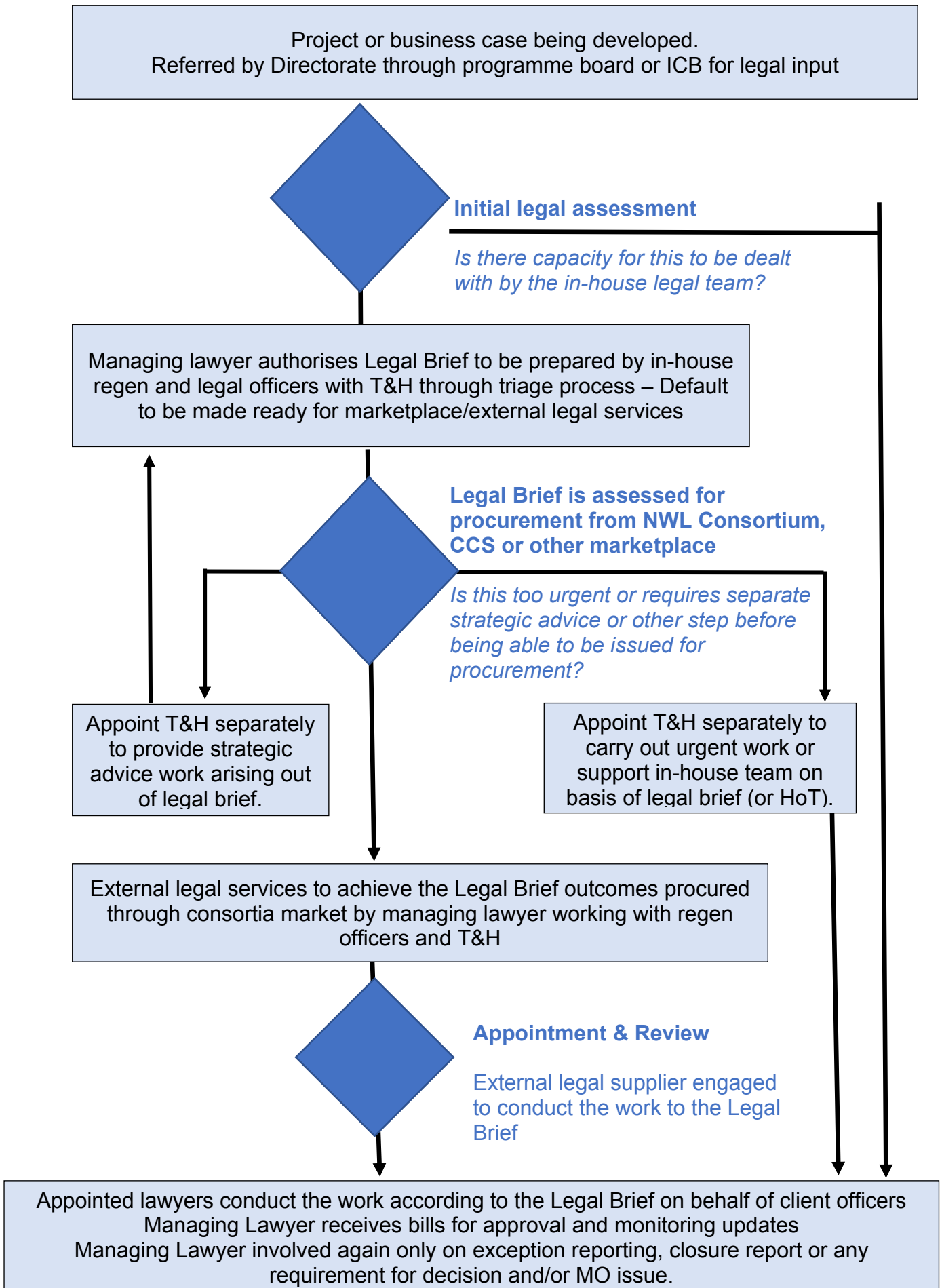
Camden LBC external audit (Grant Thornton) public interest report – council owned development LLP and company

Tender submissions (exempt from publication)

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Economy Regeneration and Development Committee.	October 2021

Appendix A



ECONOMY REGENERATION AND DEVELOPMENT COMMITTEE 26 JANUARY 2022

APPENDIX 1



REGENERATION CURRENT AND ANTICIPATED LEGAL REQUIREMENTS 2022/23

6 January 2021

Ongoing Matters Project Title	Regeneration, Development Programme or Project	Type of legal support and request	Regen Team Contact Officer (internal & external)	Legal Manager (in-house officer with conduct)	External Legal Support	Anticipated additional future support	Legal Risk RAG rating*	Comments / notes on progress & issues (<i>non-exempt information</i>)
Birkenhead Commercial District Offices phase 1	Central Birkenhead	Council to occupy building A1. Lease(s) for Occupiers Building A2 will be required. The lease is unconditional	Sally Shah	Matthew Neal.	DLA completed the agreement for lease. Legal Services dealt with the completion of the lease (once it had gone unconditional)	On-going legal support to draft/manage lease issues likely to be generated from Council's management of buildings A1/A2. (A1 included at this stage to cover scenario of both buildings	Green	Managing of buildings A1/A2 will be led by Asset Management with Regeneration support.

					Brabners dealt with the s106 agreement relating to the hybrid planning consent. associated lease.	being let on open market. The removal of the market from the scope of the proposed development may need an amendment the s106 and/or variation of the planning consent which would need legal advice and representation		
Dock Branch Park	Birkenhead Central	Acquisition of land from Network Rail, advice on any liabilities (e.g., highway bridges over the route of the line), land acquisition strategy including potential CPOL advice, land referencing, planning advice and procurement in terms of contractor appointments, subsidy control advice on any	Cathy Palmer	Matthew Neal	Internal at present. Internal legal team are carrying out detailed title investigation of the site.	Support on all legal elements identified. It is anticipated that implementing any land assembly strategy will be dealt with by external firm with advice on the	Green	The area of Dock Branch Park has upwards of 35 third property land interest.

		<p>grant funding agreements and back to back grant funding agreement.</p> <p>Proposal for transport shed with National Museums Liverpool as an end user will need subsidy control advice as well as commercial property support.</p>				brief and procurement approach being obtained from Trowers.		
Egerton Village (WWIF)	Wirral Waters	<p>Grant Funding Agreement between the Council and Peel Land and Property.</p> <p>Subsidy control advice to ensure that the arrangements are lawful.</p>	Alison Pritchard	Colin Hughes	DWF have advised on subsidy control	Grant funding agreement awaited from Peel.	Green	£1.75m WWIF grant approved. Planning permission in place, Peel speaking to potential contractors re start in early 2022 and drawdown of grant commencing late 21/22.
Hind Street Birkenhead	Birkenhead Central	<p>Advice on legal structure for collaboration, with major landowners and other landowners, including site due diligence and land acquisition strategy. Advice also on subsidy control and grant funding. Acquisition of National Grid land</p>	Sally Shah	Matthew Neal	DWF	Formal collaboration agreement, Conditional sale and purchase contract and any necessary compulsory acquisition.	Green	Further grant funding will be required.

Legacy	Wirral Waters	Agreement for lease and negotiation of a deed of variation to deal with amendments of various warranties	Sally Shah	Matthew Neal	DWF dealing with deed of variation.	Drawn down of 50-year lease after 10 years from first occupation. Agreement reached as to warranties as to the condition of the dock wall.	Green	Council acquiring 50-year lease with initial 10-year leaseback to Peel (Legacy).
Maritime Knowledge Hub	Wirral Waters	Forward Funding Agreement/Agreement for Lease and Lease Subsidy Control Procurement advice Tax advice Inter departmental "loan". Operator appointment/market consultation/procurement	Helen Carney	Colin Hughes	DWF on commercial property, subsidy control and procurement and financial structuring and procurement route.	Grant Funding Agreement for SIF grant from LCRCA is awaited pending evidence being supplied of significant commercial interest in leases for the premises being taken up. Transaction will be dealt with internally	Green	£23m development. Council acquiring 250yr lease. Planning anticipated in 21/22, start on site anticipated in early 2022. £2.2m WWIF grant approved. Drawdown of grant commencing 21/22 Soft market testing of interest for future operator of the innovation hub has been completed.

						Procurement and appointment of Operator when scheme nearing completion		Operator appointment is dependent on the project proceeding and Agreement for lease conditions being satisfied. Grant funding has been secured for ERDF: £965,462 LCRCA SIF: £676,146
New Ferry Regeneration Project	New Ferry	Land assembly and CPO advice and transactions	David Ball	Anne Quirk	Not applicable	Commercial property transactions to acquire land by agreement. CPO proceedings for land not so secured	Green	P and R Committee approved in principle a CPO in March 2021 and commencement of procurement process for Development Partner. Report being brought to ERD seeking authority to appoint development partner in Jan 22 arising from competitive dialogue.

Towns Fund projects x 12	Birkenhead	Grant Funding Agreements and any ongoing subsidy control issues.	Bev Staniford	Andrea Lowe	None as of yet.	Potential Subsidy control issues.	Green	Instructions have been provided and matter is progressing.
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Forthcoming Matters Project Title	Regeneration, Development Programme or Project	Type of legal support and request	Regen Team Contact Officer (internal & external)	Legal Manager (in-house officer with conduct)	External Legal Support	Anticipated additional future support	Legal Risk RAG rating*	Comments / notes on progress & issues (<i>non-exempt information</i>)
District Heat Network	Wirral Waters	District Heating Network Birkenhead. Contract to appoint technical, financial and legal consultants to prepare business case with a view to securing approval to proceed with the development of a heat network. It outlines requirements covering technical, legal, financial and commercial disciplines. Whilst some consultancies may be able to provide relevant expertise in more than one area, it is unlikely that one organisation alone	Emma Hopkins	Matthew Neal	Trowers to produce legal brief with substantive work to be carried out by a firm to be procured. .	Grant funding, Subsidy control, regulatory requirements for energy, commercial property transactions,	Not applicable.	Scoping of project needs completing.
Expo Village	Hamilton Park	Development agreement along with commercial property support in terms of land assembly or collaboration (the land is currently partly owned	Cathy Palmer	Matthew Neal	All internal to date.	Other than the identified items, further matters for advice have	Not applicable	Officers currently considering delivery options.

		by the Council and Wirral Methodist Housing Association. Advice on compliance with previous grant funding agreement and potential clawback. Procurement advice on appointment of operator for the Expo. Advice on onward grant funding arrangements to ensure compliance with Towns Fund Grant requirements.				not yet been scoped.		
Land Registry	Waterfront	Acquisition and Heads of Terms, supported by grant funding.	Cathy Palmer	Matthew Neal	None as of yet	Potential land contamination issues and associated warranties or indemnities a part of any commercial property transaction support.	Not applicable.	Heads of Terms have not yet been agreed by ERD / P and R Committee
Sustainability Central Hub	Wirral Waters	Grant funding agreement	Cathy Palmer	Not applicable	Not applicable.	Legal support will be required for Towns Fund grant funding agreement. A decision will be taken in due course as	Not applicable	Site in MEA Park west, part of Towns Fund, grant to Peel L&P – concept stage, requires business case to be developed

						to how to resource that. etc		
Sustainable Urban Drainage scheme land acquisition	Wirral waters	Land Acquisition	Cathy Palmer	Not applicable	Not applicable	Commercial property work to legally acquire the land.	Not applicable.	Landscape scheme on Beaufort Road/Wallasey Bridge Road land needs to be acquired from Network Rail, Peel failed to reach agreement
Woodside Gyratory	Waterfront	Acquisition of land	Cathy Palmer	Matthew Neal	Not yet scoped.	Potential grant funding arrangements.	Not applicable.	Project is at formative stage at present with no substantive legal advice required as of yet.