



Housing & Land Delivery Board

Date	4 th November 2021
Report title	A Public Land Charter: Progress Report
Portfolio Lead	Councillor Mike Bird, Leader, Walsall MBC
Accountable Employees	Gareth Bradford, Director of Housing & Regeneration (Accountable Director) Jemma Hodgson, Head of Strategic Assets, Housing & Regeneration (Senior Reporting Officer) Gurdip Nagra, Strategic Delivery Advisor, Housing & Regeneration (Report Author)
Report has been considered by	The work was commissioned by the Housing & Land Delivery Board of September 2021 and has been discussed at meetings of the Delivery Steering Group and Public Land Taskforce

Recommendation(s) for action or decision:

The Housing Land & Delivery Board is asked to:

- a) **Consider, discuss and contribute** to the development of a Public Land Charter for the West Midlands produced following the Covid19 Portfolio Recovery Plan and a subsequent commission from the Housing & Land Delivery Board in September 2021; and
- b) **Note** the programme and next steps to developing and launching the charter.
- c) **Note** the formation of an officer working group to co-develop the charter alongside the public land taskforce in a similar manner to the approach used successfully for the Design Charter and AMC Charter

1.0 Purpose

- 1.1 The purpose of this paper is to set out the next steps and programme for co-developing a Public Land Charter; to summarise work to date; and to note the formation of an officer working group to work alongside the public land taskforce.
- 1.2 The public land charter will set out key themes and principles which can be adopted and deployed by public sector organisations across the WMCA area in order **to improve the speed, quality and benefits derived from the disposal, management and development of public sector land assets.**
- 1.3 For the purposes of the paper, public land is defined as *'land that is owned or in use by a public sector organisation, or company or organisation in public ownership, or land that has been released from public ownership and on which housing, employment or commercial development is proposed'*.

2.0 Why a public land charter?

- 2.1 The Housing & Land Delivery Board in its Covid19 recovery plan recognised that a more co-ordinated effort by public sector organisations to public land could deliver significant benefits to the organisations themselves, local residents and business.
- 2.2 The Board agreed that a public land charter for the West Midlands should be produced. It should set out the key principles which will help public organisations collectively to exemplify best practice in the disposal and delivery of their land using intelligence, expertise, brokering, funding and creativity. Co-development of the charter with other public and private sector partners was emphasised by the Housing & Land Delivery Board as an essential pre-requisite to its development and implementation.
- 2.3 By working together, vacant and underutilised public land could be targeted more effectively and efficiently through a joined up approach, sharing information and identifying opportunities for additional funding and partnership working.

3.0 Initial work to date

- 3.1 At a workshop on 6th October 2021, members of the Public Land Taskforce reviewed and provided feedback on an initial list of themes and principles for the charter (see Appendix A). It was clear from the first meeting of the taskforce on this item that the themes and principles need to be considered more comprehensively by a wider range of stakeholders and particularly their practical application in different scenarios. Ongoing engagement will be a critical part of shaping the charter.
- 3.2 Initial views have been sought from public sector organisations in the region who will be offered the opportunity to sign up to the Public Land Charter. The draft charter has been well received so far by our partners and a number of suggestions and positive comments have been made.

4.0 Roles and responsibilities

- 4.1 The Housing & Land Delivery Board requested that the charter follow a similar process to that of the Design Charter, the AMC Charter and the Zero Carbon Homes Charter i.e. the approach, utilisation and purpose of the document would be agreed in the same collaborative manner, capturing the expertise of a wide range of stakeholders including, for example, local authorities, other public sector organisations and the private sector

(including those represented on the Public Land Taskforce and the Commercial Property Forum). This co-development and design approach has worked well has produced documents that have secured wide-ranging support and buy-in and been practically effective when implemented.

- 4.2 The public land charter will be developed collaboratively using the combined skills of WMCA, local authorities and other public sector organisations which own land within the WMCA area. Project support will be provided by officers within WMCA. Governance arrangements have been put in place to ensure that there is widespread engagement with all public sector organisations in the region, input from expert advisers and appropriate input and decision-making by Members.
- 4.3 Officer engagement will be through the Housing & Land Delivery Steering Group and WMCA's Strategic Assets Board, supported by additional working groups as necessary. These groups will develop a draft charter for discussion, setting out the proposed key themes and principles, and developing an approach to deliver best practice.
- 4.4 The Public Land Taskforce will act in an advisory capacity to offer insight into the barriers, risks and opportunities in developing and disposing of public land and will champion new ways of working between public and private sectors. Their advice will be taken into consideration in developing the charter and reported to both officer and member-level groups.
- 4.5 Formal decision-making within WMCA will be provided by the Housing & Land Delivery Board. Individual public sector landowners will report separately, through their own individual governance processes, and in this way will decide which assets should be brought forward and when this should be done.

5.0 Next steps

- 5.1 As stated above, the next steps in the process are to further develop the charter so that it can be considered by key groups and, ultimately, by the Housing & Land Delivery Board. The programme of work assumes that the charter will be taken to the Housing & Land Delivery Board for consideration in January 2022 and the table below sets out the formal engagement processes along the way which will be supplemented by numerous bilaterals and informal engagement. Meetings of the officer working group will be worked into this programme.

Stage	Date
Draft charter presented at Public Land Taskforce	21 st October 2021
Draft charter presented and comments invited at One Public Estate Board	14 th December 2021
Draft charter is considered by Housing & Land Delivery Steering Group	15 th December 2021
Final draft charter is considered by Housing & Land Delivery Board	19 th January 2022

6.0 Financial Implications

- 6.1 This paper is to consider, discuss and contribute to the development of a Public Land Charter. The charter will be developed through an officer working group, to co-develop the charter alongside the public land task force, similar to the design and AMC Charters.
- 6.2 There are no direct financial implications arising from approval of the Charter by the Housing & Land Delivery Board. There may be, in future, financial implications arising from decisions to progress projects in line with the provisions of the Charter but any such decisions would be subject to WMCA's approved assurance processes.
- 6.3 The Single Commissioning Framework provides a single set of criteria and governance systems that will be applied to all applications for available devolved WMCA Housing, Land and Property Development funds, together with a consistent process and timelines for decision.
- 6.4 All disposals of Land must follow the Disposals policy following approval at Strategic Asset Board.

7.0 Legal Implications

- 7.1 Section 113A(1)(a) of the Local Democracy, Economic Development and Construction Act 2009 gives the CA a power of competence appropriate for the purposes of carrying-out any of its functions. Part 4 of The West Midlands Combined Authority Order 2016 (2016 No 653) confers that the functions relating to any Economic development and regeneration in the constituent councils are exercisable by the CA. Part 3 of The West Midlands Combined Authority (Functions and Amendment) Order 2017 confers the functions corresponding to the functions of the Housing Community Agency has in relation to the combined area.
- 7.2 The contents relate to informal discussions which may or may not lead to the need for further legal input and contractual arrangements. Legal will provide assistance and support as and when requested.

8.0 Equalities Implications

- 8.1 There are no immediate equalities implications in relation to this report. However, individual strategies and delivery schemes will need to take into account local area needs and local stakeholder needs to ensure the schemes developed through the delivery vehicle benefit local residents, including harder to reach groups. To that effect equality impact assessments will need to be conducted to understand demographics, key inequality issues and how investment can help address key inequality gaps. Engagement and consultation with key equality stakeholders is also crucial.

9.0 Inclusive Growth Implications

- 9.1 None at this stage.

10.0 Geographical Area of Report's Implications

- 10.1 The recommendations of this report apply to the whole of the WMCA area.

11.0 Other implications

- 11.1 None.

12.0. Schedule of Background Papers

12.1 None.

Appendix A – Working Draft Public Land Charter Headline Themes and Principles



Theme 1 – Placemaking



Principle 1

- Public sector landowners should use public land as an enabler within town centres and around public transport hubs to support sustainable urban regeneration



Principle 2

- Proposals for public land should have a clear commitment to promote inclusive placemaking, including contributing to the net-zero agenda, promoting health & well-being and increasing accessibility



Principle 3

- Be the national lead on using public sector land to deliver on the levelling up agenda and enable the West Midlands to fulfil its potential



Principle 4 (outline)

- Public sector landowners should be open to ideas, doing things differently and being creative

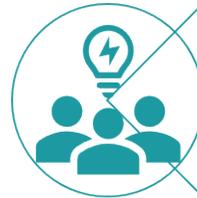


Theme 2 – Partnership Working



Principle 5

- WMCA expects and encourages landowners to use their land efficiently and work collaboratively to achieve more than the sum of their parts at both pace and regional scale



Principle 6

- Public sector landowners should proactively seek out partnerships/joint ventures with the private sector where this can deliver greater outcomes and bring together land assembly



Principle 7

- The private sector will be encouraged to collaborate in a similar way with public sector partners, being prepared to innovate and take a longer-term view.



Theme 3 – Redefining Value



Principle 8

- A consistent, joined-up approach to best consideration should be jointly developed by public sector landowners and influence national policy where change is required



Principle 9

- Public sector landowners should take a consistent approach in measuring the wider benefits from disposals and development



Principle 10

- Public sector landowners should aim for absolute clarity regarding when it is appropriate to accept less than best consideration



Theme 4 – Delivery and implementation



Principle 11

- Public sector landowners should actively consider how their land can contribute to regional ambitions like the delivery of new homes, jobs and commercial floorspace



Principle 12

- Clear objectives and outcomes for public land disposals and development should be stated up front and these objectives should be consistent across different departments



Theme 5 – Future-readiness



Principle 13

- Public sector landowners should take a long-term view to their assets and should consider how best to retain and grow value through them



Principle 14

- Transactions should be viewed in terms of their long-term investment potential, not just immediate capital receipts.



Principle 15

- Public sector landowners should have clear aspirations for their entire estate and have a clear plan for how they will deliver wider benefits in addition to capital receipts