



## Housing & Land Delivery Board

<b>Date</b>	19 <sup>th</sup> January 2022
<b>Report title</b>	Public Land Charter: For approval
<b>Portfolio Lead</b>	Councillor Mike Bird, Leader, Walsall MBC
<b>Accountable Employees</b>	Gareth Bradford, Director of Housing & Regeneration (Accountable Director) Gurdip Nagra, Strategic Delivery Advisor, Housing & Regeneration (Report Author)
<b>Previous reports</b>	<ul style="list-style-type: none"><li>• September 2020: Work commissioned by Housing &amp; Land Delivery Board</li><li>• March and September 2021: Further consideration by Housing &amp; Land Delivery Board</li><li>• August 2020; February, August, October and December 2021: Consideration by Delivery Steering Group</li><li>• Throughout 2021: Consideration by the Public Land Taskforce and working groups</li></ul>

### Recommendation(s) for action or decision:

The Housing Land & Delivery Board is recommended to:

- a) **Consider and agree** the Public Land Charter as set out in draft in Appendix A (the most up-to-date version of the charter will be shown at the meeting and circulated afterwards to all Board members in readiness for publication);
- b) **Agree** the proposal to formally launch the Public Land Charter in early 2022;

- c) **Agree** that a pilot project should be identified via the Delivery Steering Group to test how the principles of the Public Land Charter could be applied in practice and showcase what can be delivered;
- d) **Note** the excellent support from local authority officers on the Public Land Charter Working Group and industry experts on the Public Land Taskforce in formulating the charter; and
- e) **Delegate** to the Director of Housing & Regeneration, in consultation with the Portfolio Holder for Housing & Land, authority to agree the final version of the charter.

## 1.0 Purpose

- 1.1 The purpose of this paper is to seek endorsement from the Housing & Land Delivery Board of the Public Land Charter co-developed with the Public Land Charter Working Group and industry experts on the Public Land Taskforce.
- 1.2 The Public Land Charter sets 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 Background

- 2.1 The Housing & Land Delivery Board has recognised that a more co-ordinated effort on the part of public sector organisations will maximise delivery from publicly owned assets.
- 2.2 The Board agreed in September 2020 that a Public Land Charter for the West Midlands should be developed to set out a series of key principles which will help us, collectively, to unlock and enable development of land in our region using our intelligence, expertise and creativity, seeking out delivery focused solutions on agreed sites. The intention was that the charter could be endorsed by public sector organisations across the WMCA area. The goal was to improve the speed, quality and benefits derived from the disposal, management and development of public sector land assets.
- 2.3 Co-development of the charter with other public sector organisations was emphasised by the Housing & Land Delivery Board as an essential pre-requisite in taking forward the charter and any subsequent work. The Board asked that that the charter would follow a similar process to that of the Design Charter, the Advanced Manufacturing in Construction 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 approach has worked well in the past producing documents that have secured wide-

ranging support and, therefore, is exactly the approach used here on the Public Land Charter

### **3.0 Work to date**

- 3.1 Discussions on the key themes and principles forming the Public Land Charter took place at the meetings of the Delivery Steering Group held in October and December 2021 and were discussed at the Housing & Land Delivery Board in November 2021; these meetings gave a very clear steer on the intended purpose and added value of the charter. Attached to the papers was an initial list of key themes and principles which were suggested for inclusion in the charter. The draft charter was initially identified by WMCA officers with the support of the Public Land Taskforce, and versions were subsequently discussed and agreed by both Delivery Steering Group and the Housing & Land Delivery Board.
- 3.2 To ensure that there was widespread engagement in the preparation of the charter, the Housing & Land Delivery Board agreed that, as part of the consultation and co-development process, a series of workshops should be held on the charter. The suggested themes, principles and possible format were also shared with a broad group of stakeholders so that they could provide additional comments after the workshops.
- 3.3 The workshops involved a wide range of interests and included representatives from Delivery Steering Group, the Public Land Taskforce and WMCA/TfWM. The purpose of the workshops was to facilitate discussion around the draft charter, advising on the proposed key themes and principles, and developing an approach to deliver best practice.

### **4.0 The Public Land Charter**

- 4.1 The workshops and wider consultations were very helpful in shaping the Public Land Charter. Comments were captured and used to inform the charter attached, in draft, as Appendix A.
- 4.2 In terms of feedback from the workshops, overall there was strong support and a clear consensus for a co-developed Public Land Charter and agreement that a collective, partnership approach between both the public and private sectors would result in the delivery of a number and scale of projects not previously seen at a regional level. Key messages from the workshops which have been incorporated in the draft charter include:
  - The need to embed partnership working, provide clear direction and give confidence to all stakeholders on the intended approach for the disposal and development of public land
  - The benefits of a clear understanding of the practical considerations underlying each of the principles
  - Public sector organisations should proactively seek out long term partnerships/joint ventures with the private sector where this can deliver greater outcomes and bring together land assembly
  - The idea of launching the charter alongside a pilot project to showcase how the principles can be used in practice

- The need for public sector organisations to be transparent about land and assets in their ownership and to collaborate with partners to deliver wider regional benefits that would be otherwise missed; and
- The potential to deliver inclusive growth through the projects using public land assets.

4.3 The format of the charter reflects the discussions to date i.e. a series of key themes supported by specific principles and best practice which will help public sector organisations to identify surplus land and accelerate its delivery.

## **5.0 Next steps**

5.1 Members of the Housing & Land Delivery Board are asked to consider, comment on and endorse the content of the charter attached, in draft, as Appendix A. Members are also asked to agree that authority to agree any minor changes (which do not affect the overall purpose or sense of the document) be delegated to the Director of Housing & Regeneration, in consultation with the Portfolio Holder for Housing & Land.

5.2 Subject to the approval by the Housing & Land Delivery Board, the charter will be made available for individual public sector organisations to take through their own governance processes.

5.3 WMCA, in collaboration with local authority officers and the Taskforce, will explore options for implementing the Public Land Charter including the identification of a pilot project to test how the principles of the charter could be applied in practice and to showcase what can be delivered. Options for potential projects will be considered by the Delivery Steering Group and reported to a future meeting of the Housing & Land Delivery Board for consideration.

5.4 The Public Land Charter is a ground-breaking policy and delivery initiative which merits a launch event involving all partners who sign up to the charter. This would showcase the work of the public sector in the West Midlands, generate interest in the policy initiative and highlight the potential of public sector land, not least by highlighting the positive steps being taken by public sector landowners across the region.

## **6.0 Financial Implications**

6.1 The purpose of this paper is to seek endorsement of the Public Land Charter attached, in draft, as Appendix A.

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 Assets Board.

## **7.0 Legal Implications**

- 7.1 Section 113A(1)(a) of the Local Democracy, Economic Development and Construction Act 2009 gives the Combined Authority 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 Combined Authority. Part 3 of The West Midlands Combined Authority (Functions and Amendment) Order 2017 confers the functions corresponding to the functions of Homes England in relation to the combined area.
- 7.2 It is noted that the Public Land Charter seeks to encourage a collective and co-ordinated approach by public sector organisations with the purpose of achieving maximum delivery from publicly owned assets. This may lead to varied contractual arrangements on individual schemes and legal input should, therefore, be sought as and when required.

## **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 that 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  
Public Land Charter**

<b>Theme</b>	<b>Placemaking</b>
<b>Principle 1</b>	<b>Public Land as an enabler</b> Public sector landowners utilise public land as an enabler, particularly within town and city centres and around public transport hubs, to support local growth, levelling up and sustainable and inclusive urban regeneration.
<b>Principle 2</b>	<b>Public Land supporting Inclusive Growth</b> Proposals for public land have a clear commitment to promote accessible and sustainable placemaking.
<b>Theme</b>	<b>Partnership Working</b>
<b>Principle 3</b>	<b>Public Land as more than the sum of its parts</b> Landowners use their land efficiently and work collaboratively to achieve social impact that is greater than the sum of their parts by delivering at pace and regional scale.
<b>Principle 4</b>	<b>Public Land as an opportunity to develop collaborative partnerships</b> Public sector landowners proactively seek out long-term partnerships and use these to foster cross-sector transparency, collaboration and information sharing.
<b>Theme</b>	<b>Redefining value</b>
<b>Principle 5</b>	<b>A regional approach to Best Consideration</b> Public sector landowners apply a consistent, joined-up approach to best consideration and should aim for clarity around when it is appropriate to accept less than the highest short-term capital receipt.
<b>Principle 6</b>	<b>Consistently quantifying the benefits</b> Public sector landowners take a consistent approach in articulating and measuring the Inclusive Growth benefits from the utilisation, disposal and development of public land.
<b>Theme</b>	<b>Delivery and implementation</b>
<b>Principle 7</b>	<b>Public Land supporting regional ambitions</b> Public sector landowners actively consider how their land can contribute to regional ambitions, including inclusive growth, developing skills, delivery of new homes, sustainable transport and the net zero agenda.
<b>Principle 8</b>	<b>Clear objectives, outcomes and timescales for Public Land</b> Clear objectives, outcomes and timescales for public land disposals and development stated up front and departmental objectives are consistent within organisations.
<b>Theme</b>	<b>Future-readiness</b>
<b>Principle 9</b>	<b>Long-term vision for Public Land to grow value</b> Wherever possible, public sector landowners take a sustainable long-term view of their assets and consider how best to grow value through them.
<b>Principle 10</b>	<b>A holistic view of Public Land portfolios</b> Public sector landowners strive to have clear aspirations for their entire estate and have a robust plan for how they will deliver Inclusive Growth benefits in addition to capital receipts.