

## **The Executive**

### **Minutes of the meeting held on 2 June 2010**

Present: Councillor Leese – in the Chair  
Councillors Amesbury, Andrews, J Battle, Evans, Keegan, N Murphy, S Murphy, S Newman, and Priest.

Also present as Members of the Standing Advisory Panel:  
Councillors: Ankers, Ashley, R Battle, Donaldson, Firth, Grant, Hassan, A Khan, Longsdon, Pearcey, Shannon, Smith and Wheale.

#### **Exe/10/44 Minutes**

##### **Decision**

To approve the minutes of the Executive meeting held on 24 March 2010 as a correct record.

#### **Exe/10/45 Capital Programme Increases**

A report concerning requests to increase the capital programme was submitted. We agreed to make two changes under delegated powers. Taken together these changes will increase the capital budget by £705,000, financed by a grant and an external contribution.

##### **Decisions**

We agreed to:

1. New East Manchester - Central Park South Remediation: To increase the capital budget by £380,000 in 2010/11, funded by NWDA grant.
2. Corporate Services - Arndale Bridge: To increase the capital budget by £325,000 in 2010/11, funded from external contribution.

#### **Exe/10/46 Co-operative Estate Redevelopment**

(Councillor S Murphy in the Chair)

In May 2008 we agreed in principle the investment of up to £20m of Council funds into the development of a new quarter in the city centre, anchored by the Co-operative Group (the Co-op), to drive regeneration in the north city centre area and support the ongoing growth and development of the regional centre (Minute Exe/08/87). In July 2009 we considered and approved a Development Framework for the area after public consultation (Minute Exe/09/82).

The Chief Executive submitted a further report to advise us of the joint working between the City Council and the Co-op on the redevelopment of the Co-op estate. The report also sought our confirmation of the £20m commitment by the City Council.

Since July 2009 work had continued with the Co-op to develop the key regeneration priorities and infrastructure improvements required for the area around the Co-op head office and also subsequent phases of development that may take place over the medium to long-term across the entire estate. A Project Board, comprising the City Council's Chief Executive and senior representatives from the Co-op, had been meeting regularly to oversee the project, the regeneration objectives, and to take forward priority actions. Planning permission for the head office had been granted and the enabling works by the Co-op were now well underway.

The Project Board was now in a position to take forward the first phase of works. Those works, along with the scope of work to be carried out over subsequent phases, were to be set out in a Development Agreement that was being prepared. The Agreement would set out the Co-op's commitment to retain its primary employment base in the City Centre for the next 10 years and include penalty clauses if they failed to meet their obligations. As part of this agreement the City Council will work with the Co-op to deliver the public realm and highways works.

The report proposed that from the in-principle allocation of £20m, the City Council contribute £12m towards the development of public spaces, focused on creating a sense of place and world-class environment and achieved by delivering the highest quality of public realm, improved pedestrian linkages and new high quality open spaces. It also proposed that a maximum of £8m be allocated to a contribution towards infrastructure work, primarily focused on the narrowing of Miller Street. If the costs of the infrastructure works exceeded £8m then the Co-op would fund the excess. If the final costs of the public realm works were less than the proposed £12 million, then the additional funds released would be allocated to further phases of public realm improvements. The detailed costs of both these elements of the development were still being finalised.

The report also explained that the City Council would continue to work with the NWDA to achieve the maximum match funding for the council's investment in the regeneration and place-making elements of the scheme through ERDF funding, to off-set the costs of our contribution, and support the delivery of other public realm priorities within the City Centre.

In order to achieve the regeneration objectives it would be necessary for the City Council to transfer its land interests in the redevelopment area to deliver the required highways improvements and public realm. The City Council was to receive market value for its land holdings. In addition, the City Council would be entitled to overage on a pro-rata land ownership basis where plots are developed after allowing for costs and a priority return to the Co-op and developer. The Development Agreement was to set out the parameters for these arrangements.

It was the intention of the Project Board that the design team for the public realm works be appointed through an international open and competitive procedure. This procedure was to be run jointly between the City Council and the Co-op, with the

scope of the specification for this team's work being the entire redevelopment area, to ensure a consistent approach to the look and feel of the area.

We supported these proposals, being satisfied that they are in the interests of promoting the social, economic or environmental well being of the area and having regard to the Council's Community Strategy. We asked the Chief Executive to report on progress in due course.

## **Decisions**

1. To note the progress that has been made to date between the City Council and the Co-operative Group (the Co-op) in taking forward the regeneration framework for the Co-op estate and the creation of a new commercial quarter in the north of the City Centre.
2. To confirm the City Council's commitment to invest £20m into key elements of the development that will create a sense of place for this new quarter and high quality environment.
3. To authorise the Chief Executive, the City Treasurer and City Solicitor, following consultation with the Chair of the Executive and Executive Member for Finance and Human Resources, to negotiate and complete the Development Agreement in order to implement the proposals set out in the report and determine the allocation of the funding.
4. To approve an increase to the Council's Capital Programme by £20m to enable the delivery of both the infrastructure works and public realm works, funded from the resources held in the Capital Fund.
5. To recommend that the Council approves the increase in the Capital Programme as set out above.
6. To authorise the Head of Corporate Property in consultation with the City Treasurer, to negotiate and agree the terms for the disposal of the Council owned land to the Co-op who require this to deliver highways improvements and public realm, by way of a long lease at market value and to instruct the City Solicitor to complete the documentation accordingly.
7. To delegate authority to the Chief Executive, in consultation with the Chair of the Executive, to select a public realm design team as part of a joint process with the Co-op and in accordance with OJEU processes.
8. To request that a further report be submitted to the Executive at key milestones in due course.

(Councillors Amesbury, Andrews, J. Battle, S. Murphy, and S. Newman declared they had a personal and prejudicial interest in this item of business and that a dispensation had been granted to them by the Standards Committee to enable them to speak and vote in respect of any issues arising in meetings of the Executive regarding the Cooperative Complex regeneration proposals (Minute ST/09/7).

Councillors Ashley, Donaldson, Keegan, Leese, and Smith declared they had a personal and prejudicial interest in this item of business and withdrew from the meeting.)

### **Exe/10/47 Chorlton Park – BIG Lottery, Tripartite Deed of Dedication and Project Management Agreement**

Chorlton Park is classed as a district park with a variety of facilities including a Sure Start Centre, bowling green and pavilion, floodlit tennis courts, multi-use sports area, junior grass football pitches, visitors centre with toilets, and an under 5's and 8-13 play area. The Chorlton Park Regeneration Group, which is a constituted group made up of members of the local community acting in the same way as a traditional friends group, has submitted a successful bid for £100,000 funding to the BIG Lottery. The bid had been submitted after extensive public consultation and in partnership with the Council's Leisure Services to develop the park's existing play space for 8-13 year olds. There was also to be a contribution of £10,000 from the Leisure Services revenue budget.

A report from the Director of Neighbourhood Services explained the details of the proposed development, and the benefits that would arise from it. It also explained in detail the legal agreements that would be needed to allow the scheme to proceed.

#### **Decisions**

1. To support the proposals for the development of a play area for 8 – 13 year olds.
2. To support the proposals set out in this report to approve the entering into of a Tripartite Deed of Dedication and Management Agreement between the Council, the Big Lottery and the Chorlton Park Regeneration Group.
3. To delegate authority to the Head of Leisure in consultation with the City Solicitor to agree the detailed terms of the agreements.
4. To authorise the City Solicitor to complete the necessary documentation in relation to the above.
5. To approve the increase in the Capital Programme in the sum of £110,000.

### **Exe/10/48 Appointment of Substitute Deputy Leader**

#### **Decision**

To appoint Councillor Sue Murphy pursuant to Article 7.4 (e) of Part 2 of the Constitution as substitute Deputy Leader to act in the place of the Leader if for any reason the Leader or Deputy Leader are unable to act.

## **Exe/10/49 Delegation of Executive Functions to Council Officers**

Section 14(2) of the Local Government Act 2000 (the LGA 2000) (as amended) provides that where a Council operates the Leader and Cabinet form of Executive that the City Council has adopted, then it is for the Leader of the Council to allocate responsibility for the exercise of all of the Council's executive functions. The Leader may decide to discharge any of the Council's executive functions personally, or may arrange for the discharge of any of the Council's executive functions by:

- the Executive;
- by another member of the Executive;
- by a Committee of the Executive; or
- by an officer of the Council.

Section 14(3) of the LGA 2000 (as amended) provides that where the Leader has arranged for the discharge of any of the Council's Executive functions to be delegated to the Executive, then (unless the Leader directs otherwise), the Executive may arrange for the discharge of any of the Council's executive functions that have been delegated to it by:

- a Committee of the Executive; or
- by an officer of the Council.

The decision of the Leader of the Council, made at the Annual Meeting of Council on 19 May 2010, was to arrange for the discharge of all of the Council's executive functions to be delegated to the Executive. A report by the City Solicitor set out in full the proposed delegation of those executive functions, as set out in the Council's 2010 Constitution.

### **Decision**

1. To notes the decision of the Leader of the Council made at the Annual Meeting of Council on 19 May 2010 to exercise his power under Section 14(2) of the Local Government Act 2000 (as amended) to delegate the discharge of all of the Council's executive functions to the Executive;
2. To delegate the discharge of all of the Council's executive functions recorded at Part 3, Section A of the Council's 2010 Constitution in accordance with the Scheme of Delegation set out in Appendix 1 of the report.
3. To delegate the discharge of all of the Council's executive functions recorded at Part 3, Section F of the Council's 2010 Constitution, to be delegated as set out in the Council's 2010 Constitution presented to Council at its Annual Meeting on 19 May 2010, but subject to minor amendments to these delegations as listed in Appendix 2 of the report.
4. In relation to the Scheme of Delegation to Officers set out at Section F of the 2010 Constitution, to agree that such delegations include those functions that are designated as "Executive Functions" and those functions that are designated as "General Functions" insofar as these are executive functions.
5. To request the City Solicitor to include Appendix 1 and Appendix 2 to this

Report in the Council's Register of the Delegation of Executive Functions and to update Part 3 Sections A and F of the Council's online copy of the 2010 Constitution to take in the amendments made to these parts of the Constitution.

**Exe/10/50 Assistant Executive Members**

**Decision**

To note the appointments of Assistant Executive Members made under Article 7.7 of the Constitution.

Adult Services	Councillor Naeem Ul-Hassan
Arts and Leisure	Councillor Rosa Battle
Children's Services	Councillor Afzal Khan
Employment and Skills	Councillor Sameem Ali
Environment	Councillor David Royle
Neighbourhood Services	Councillor John Longsdon
Finance & Human Resources	Councillor Jeff Smith

**Exe/10/51 AGMA Executive Board**

**Decision**

To receive the decision notice for the AGMA Executive Board meeting on 30 April 2010.

**Exe/10/52 Exclusion of Public**

A recommendation was made that the public be excluded during consideration of the next item of business.

**Decision**

To exclude the public during consideration of the following item which involved consideration of exempt information relating to the financial or business affairs of particular persons, and public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**Exe/10/53 North West Urban Infrastructure Fund (JESSICA)**

(Public Excluded)

A report was submitted setting out the background to the JESSICA fund in the North West and seeking our approval to submit a bid by 18th June 2010 on behalf of a consortium of partners to access the funding available to the "Rest of the North West" area. JESSICA (Joint European Support for Sustainable Investment in City Areas)

represents a European funding mechanism to promote investment in urban development projects.

The report explained the background to the JESSICA fund, and the extent of the funds that might be available. It also explained the rationale of a bid by the Council on behalf of a consortium of partners, and the potential opportunity there was for this funding to become a key tool and primary catalyst for regeneration and economic development in the sub region for many years to come.

The report explained the urgency required to ensure that a bid was submitted by the 18 June deadline.

## **Decision**

We agreed:

1. to authorise the Chief Executive, City Treasurer and City Solicitor to submit a JESSICA Stage 2 bid to the European Investment Bank for NWUIF Lot 2, as lead member of a consortium with other partners as named in the report, by 18th June 2010;
2. in principle to the financial contributions for match and complementary funding as set out in the report and subject to delegations agreed below;
3. to delegate final approval of the JESSICA Stage 2 Lot 2 bid submission before 18th June 2010 to the Chief Executive and the City Treasurer in consultation with the Leader of the Council and the Executive Member for Finance and Human Resources;
4. to authorise the Chief Executive and City Treasurer to respond to any queries and to negotiate the terms of the City Council's participation in the NWDA JESSICA programme; and
5. that in accordance with paragraph 14 of Part 4, Overview and Scrutiny Procedure Rules of the Council's constitution, and having consulted with the relevant statutory officers, approve the matter as urgent, in that any delay caused by the call-in process, would seriously prejudice the legal or financial position of the Council or the interests of the residents of Manchester and exempt it from call in.

(Councillors Leese, Amesbury, Andrews, J Battle, Keegan, S Murphy, S Newman, Ankers, Ashley, R Battle, Firth, Grant, A Khan, Longsdon, Pearcey, Shannon, and Wheale declared a personal interest in this item of business as members of the Greater Manchester Pension Fund)