

REPORT AUDIT TRAIL

CONSULTATION

*This is important as it shows that consultation has been undertaken in the preparation of the report and provides a quick reference point for specific comments, whilst the report will not be publishable if these areas have not been completed by the named persons below. **You must liaise with and receive sign off from the relevant Cabinet Member(s).***

Name/Position	Portfolio/Ward/ Directorate	Date Sent	Date Received	Comments in para:
Councillor Denise Lelliott	Cabinet Member for Jobs and the Local Economy	08/02/24	08/12/23	
Paul Woodcock	Strategic Director for Regeneration and Environment			
Jayne Close, Finance	Finance and Customer Services	02/02/24	05/02/24	6.1
Lesley Tattersall, Legal Services	Legal Services	02/02/24	08/02/24	7.1, 7.2
Amy Leech/ Human Resources	Assistant Chief Executive's Office	02/02/24	05/02/24	
Karen Middlebrook, Procurement	Finance and Customer Services	02/02/24	07/02/24	6.2
Steve Eling, Equalities	Assistant Chief Executive's Office	02/02/24	06/02/24	
Jonathan Marriott, Assets	Finance and Customer Services	02/02/24	05/02/24	

REPORT APPROVAL TRACKING			
Equalities Your report will not be authorised for submission to Cabinet by your Strategic Director if you have not undertaken and included an initial equalities screening. All equalities analysis documents should be included as appendices	Initial Screening completed and included with report	YES	01/02/2024
	Full Assessment completed and included with report	N/A	N/A
Carbon Impact Assessments Carbon Impact Assessments are to be appended to the associated cabinet reports. Carbon Impact Assessments should be sent to climate@rotherham.gov.uk for feedback prior to your report being sent to your Strategic Director for approval.	Carbon Impact Assessment completed and included with report.	YES	01/02/2024
Background information MANDATORY: Insert headings for a few main public documents you have used or referenced to write this report. This is a legal requirement. For Cabinet reports, insert hyperlinks . Do not list private documents.	Cabinet reports Swinton Town Centre Redevelopment: Preferred Proposal and Developer Appointment – January 2020 Swinton Town Centre Redevelopment - Development Brief Appointment of Developer and Disposal.pdf (rotherham.gov.uk) – December 2021		
Appendices If appendices are essential to the understanding of the report, list titles here. Equality Analysis documents should be listed as Appendix 1 for all reports. Ensure that appendices have proper titles.	Appendix 1 Land at Station Street Swinton Town Centre: Appendix 2 Carbon impact assessment Appendix 3 Part A Initial Equality screening		
Cabinet Member Approval You should retain an email confirming the Cabinet Member approval for your records. Strategic Directors should not authorise reports unless Cabinet Members have given sign off	YES Via telephone call and email 08/02/2024	08/02/24	
Report Authorised by Strategic Director	YES/NO (delete as appropriate)	Click here to enter a date.	
Report Authorised for publication by Chief Executive	YES/NO (delete as appropriate)	Click here to enter a date.	

Select report type
Name of Committee

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 16 February 2024

Report Title

Swinton Phase 2 Land Transfer

Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

Assistant Director Approving Submission of the Report

Simon Moss, Assistant Director: Planning, Regeneration & Transport

Report Author(s)

Nicola Glynne-Jones, Project Manager

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Ward(s) Affected

Swinton Rockingham

Report Summary

Following Cabinet approval in January 2020, and an Officer Delegated Decision in October 2020 the Council entered into a development agreement with the preferred bidder, Conroy Brook. This agreement provided for (among other things) the transfer of the Phase 2 land at Charnwood Street, Swinton (as shown in the plan attached as Appendix 1) (“Phase 2”) with the consideration being the carrying out of capital works by the developer to the Council’s retained land.

A waiver of the terms of the Development Agreement is now required to permit the release of the Phase 2 land prior to formal satisfaction of the contractual pre-conditions.

A waiver letter will be exchanged to confirm release of the Phase 2 land upon the completion of the works to the new library.

Recommendations

That the waiver of the Development Agreement pre-condition be granted to permit the release of the Phase 2 land on completion of the new library by 31st March 2024.

List of Appendices Included

- Appendix 1 Land at Station Street Swinton Town Centre:
- Appendix 2 Carbon impact assessment
- Appendix 3 Part A Initial Equality screening

Background Papers

[Swinton Town Centre Redevelopment: Preferred Proposal and Developer Appointment – January 2020](#)

[Swinton Town Centre Redevelopment - Development Brief Appointment of Developer and Disposal.pdf \(rotherham.gov.uk\) – December 2021](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Disposal of Land at Swinton – Buy-back clause removal Swinton Phase 2 Land Transfer

1. Background

- 1.1 Following Cabinet approval in January 2020, and an Officer Delegated Decision in October 2020 the Council entered into a development agreement with Conroy Brook. This agreement provided for the transfer of Phase 2 with the consideration being the carrying out of capital works by the developer to the Council's retained land.
- 1.2 A waiver of the terms of the Development Agreement is now required to permit the release of the Phase 2 land prior to formal satisfaction of the contractual pre-conditions.
- 1.3 A waiver letter will be exchanged to confirm release of the Phase 2 land upon the completion of the works to the new library.

2. Key Issues

- 2.1 As agreed, within the Development Agreement for the redevelopment works at Swinton, which was signed in March 2023, it states the following:
 - 2.1.1 That the completion date (land draw down) of phase 2 shall be:
Phase 2- 10 working days following the later of:
 - (i) The date of issue of the Certificate of Practical Completion in relation to the Civic Centre Works; and
 - (ii) The date on which the Drainage Easement Condition Satisfaction Date occurs.or such earlier date as shall be agreed between parties.
- 2.2 To facilitate works on the Phase 2 land and completion of a new library, by mutual agreement, the release of Phase 2 land is to be conditional upon the completion of works to the new library at Swinton by 31st March 2024 and no longer on the completion of the drainage easement. Removal of the drainage clause enables the developer to bring forward the phase 2 land for development.
- 2.3 The completion of a drainage easement is a planning condition detailed within planning application RB2021/0030, this will still need to be discharged as part of the wider scheme.
- 2.4 Linking the completion of the library works to the release of phase 2 enables the work to be completed sooner than the Development Agreement currently allows. Since November 2023, Swinton Library has been closed to the public due to safety concerns. Although a temporary provision is in place within the

Swinton Civic Hall, the provision of a full library service is a priority. Demolition of the old library is required prior to the opening of the new library.

3. Options considered and recommended proposal

- 3.1 Not permitting the waiver will delay release of the phase 2 land and its development until the resolution of the drainage easement, with expected solution taking up to 18 months, therefore delaying the completion of the library.
- 3.2 Similarly, linking release of the phase 2 land to the completion of the library brings forward its completion. Early completion of the library is a priority following the closure of the old library due to health and safety concerns.

4. Consultation on proposal

- 4.1 Public consultation took place in January 2019 and formed the basis of the development brief which went to market. Further public consultation was carried out in October 2022 to update the public on the approved plans.
- 4.2 The relevant internal stakeholders have been consulted and have been made aware of the importance of the land to the wider regeneration and redevelopment of the civic buildings in the town centre.

5. Timetable and Accountability for Implementing this Decision

- 5.1 There is a requirement for the delegated decision to be approved by 16th February 2024 to enable the developer have ownership of the land by 31st March 2024.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

- 6.1 There are no direct financial implications arising from the recommendations contained in this report.
- 6.2 There are no significant procurement implications associated with the recommendations detailed in this report. The change proposed would not be deemed to be a significant modification to the contract and therefore permissible within the realms of the Public Contracts Regulations 2015.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

- 7.1 While the development agreement provides that the release of the Phase 2 land is permitted following satisfaction of the 2 specified pre-conditions. It is stated in the agreement that these can be waived by agreement of both

parties. Accordingly, no formal variation of the development agreement is required.

- 7.2 It is considered that waiving the 2 pre-conditions is not a major risk to the Council. Firstly, the waiver will hasten completion of the library works. Secondly, although the drainage easement is required for the development to progress, it is not needed by the Council so it is the developer's choice to take the risk to waive the pre-condition. The Council will, of course, continue to comply with the remainder of the development agreement terms and assist with the grant of the drainage easement.

8. Human Resources Advice and Implications

- 8.1 There are no HR implications within this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no Children and young Peoples implications within this report.

10. Equalities and Human Rights Advice and Implications

- 10.1 An Equalities Assessment has been completed for this report and is attached as appendix 3.

11. Implications for CO2 Emissions and Climate Change

- 11.1 A Carbon Impact Assessment has been completed for this report and is attached at Appendix 2

12. Implications for Partners

- 12.1. There are no specific implications for partners arising directly from this proposal.

13. Risks and Mitigation

- 13.1 There is a risk that without the transfer of land to Conroy Brook to facilitate the completion of the library works, this will result in non-completion of the wider redevelopment and housing scheme.

14. Accountable Officers

Nicola Glynne-Jones, Project Manager
Lorna Vertigan, Head of Regeneration

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Named officer	Click here to enter a date.
Head of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.

Report Author: **Error! Reference source not found.**
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