Item 9a

GREATER MANCHESTER PLANNING & HOUSING COMMISSION

Date: 13 SEPTEMBER 2018

Subject: RIGHT TO BUY

Report of: STEVE RUMBELOW, CHIEF EXECUTIVE ROCHELDALE COUNCIL AND GM LEAD CHIEF EXECUTIVE PLANNING & HOUSING

PURPOSE OF REPORT
To brief members on the Government’s Right to Buy policy and examine the impact on Greater Manchester.

RECOMMENDATIONS
Members are asked to;

• Note the contents of the paper;
• Discuss implications and potential messages for a response to the Social Housing Green Paper expected to be published shortly by Government;
• Consider whether the commissioning of further work by districts to develop more detailed financial analysis is justified;
• Establish if Greater Manchester Housing Providers are planning to undertake any work on this, perhaps particularly in relation to Large Scale Voluntary Transfer organisations; and
• Note the copy of the letter to the Secretary of the State from the Portfolio Lead for Housing, Homelessness and Infrastructure on the matter, appended to this report.

CONTACT OFFICER:
1. BACKGROUND

1.1 This paper provides an overview of the Government’s Right to Buy policy and examines the impact on Greater Manchester, both in terms of levels of social housing stock and the financial implications.

1.2 It is surprisingly difficult to provide a complete and long-term view of the Right to Buy policy in Greater Manchester. This is in part due to the lack of published financial data on the policy readily available at a Greater Manchester level, as well as the changes to the collection and reporting of housing data over time. This report sets out the relevant evidence that is available, covering the following topic areas:

- Affordable housing delivery in Greater Manchester (this combines social rent, affordable rent, intermediate rent, shared ownership and affordable home ownership delivery);
- Social stock levels across Greater Manchester;
- Sales and the income received from homes sold through Right to Buy in Greater Manchester; and
- Affordable rent conversions in Greater Manchester.

2. RIGHT TO BUY POLICY OVERVIEW AND DEFINITIONS

2.1 The statutory Right to Buy (RTB) scheme was first introduced by the Housing Act 1980. The Act gave qualifying council tenants the right to purchase their home at a discounted rate. The scheme has been subject to various amendments over the intervening years, including several changes to the qualifying period as a tenant and the level of discount available.

2.2 Prior to 2012, the discount that could be applied in the purchase of a public sector (‘council’) home was:

- 35% of the value of a house, plus 1% for every year (more than the qualifying five years) the tenant had lived there, up to a maximum of 60%
- 50% of the value of a flat, plus 2% for every year (more than the qualifying five years) the tenant had lived there, up to a maximum of 70%.

2.3 However, these discounts were subject to a cap, which was set at £26,000 in the North West.\(^1\)

2.4 The Coalition Government’s 2012 policy Reinvigorating the Right to Buy aimed to increase the uptake of RTB, primarily by increasing the level of discount available to tenants. Discount caps were raised to £75,000 (£100,000 in London), and were set to increase each year in line with inflation.\(^2\) Currently, the maximum discount available is £80,900, three times the previous maximum level of discount available to tenants in the North West.\(^3\)

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\(^{1}\) House of Commons Library Briefing, Incentivising the Right to Buy (RTB), June 2014

\(^{2}\) Ibid.

\(^{3}\) MHCLG Right to Buy: Buying Your Council Home, accessed 18 July 2018
2.5 The qualifying period for RTB was reduced to three years through the Deregulation Act 2015. Those who have been tenants for three years are eligible for the 35% or 50% discount on their property, and the additional increases in discount continue to apply after five years as a tenant.

2.6 Furthermore, the policy stated that homes sold through the RTB would be replaced on a one-for-one basis, by allowing councils to retain a portion of RTB receipts to fund replacement homes. However, it is important to note that the one-for-one replacement policy is at a national level, in that it is acknowledged by Government that there may be some areas where one-for-one replacement is not possible at a local level. Specifically, the Government’s 2011 consultation document Reinvigorating the Right to Buy, stated that lower values in the North West mean one-for-one replacement is unlikely in the region.

RTB Receipts

2.7 The income from homes sold through RTB is known as the RTB receipts. Pre-2012, 25% of the value of receipts from RTB were retained by councils, with the remaining 75% going to Treasury (also known as ‘pooled income’).

2.8 However since 2012 the apportionment of RTB receipts has become more complex. Income retained by the local authority is as follows:

- **Administration costs** - a fixed rate of £1,300 outside London (£2,850 in London) to cover transaction costs to the local authority, can also be uplifted to account for withdrawn applications.

- **Attributable debt** - an amount to compensate the council for debt related to the sold property.

- **Assumed Income** - the amount which the council would have expected to receive under the old RTB receipt settlement if the policy had not changed.

- **RTB Buyback allowance** - up to 6.5% of the total remaining may be used to fund 50% of the cost to buy back former RTB properties.

- **RTB receipt** for replacement homes, or ‘net’ receipts - if the council entered into an RTB agreement with Government, then the remaining income may be used to fund replacement homes under certain conditions.

2.9 Treasury retains its Assumed Income, which is income to compensate for the 75% of receipts that would have been expected under the previous pooling system.

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4 Deregulation Act 2015 2015 c. 20 Housing and development Section 28
5 MHCLG, Right to Buy: Buying Your Council Home.
6 MHCLG, Reinvigorating the Right to Buy and one for one replacement, December 2011, para 70.
7 Ibid.
8 MHCLG, Reinvigorating Right to Buy and One for One Replacement: Information for Local Authorities, March 2012.
**RTB Replacement**

2.10 **The remainder of receipts, once administrative costs, costs relating to debt, RTB Buyback and Assumed Income (for both the council and the Government) have been taken into account, is known as ‘net’ receipts, to be used for replacement homes. The conditions for this are as follows:**

- The council must have entered into an RTB agreement with Government to retain the net receipt. If the council does not wish to enter into such an agreement, the receipt will be returned to MHCLG to be redistributed to the Homes England to fund new affordable homes. A MHCLG report in February 2014 stated that 97% of councils had entered into RTB agreements. 

- Under the RTB agreement net receipts must be used to fund no more than 30% of the cost of a replacement home.

- Net receipts cannot be combined with other income sources such as grant funding, to provide new homes. This has recently been revised following the publication of the Government’s Additional Housing Revenue Account Borrowing Programme, which now permits local authorities to combine receipts with Housing Revenue Account (HRA) borrowing. Although this is only for authorities with a HRA (five districts in Greater Manchester).

- Funds must be allocated to replacement housing schemes within three years of the receipt. After this period the council is required to return funds to Government.

**Voluntary RTB**

2.11 **Most housing association tenants do not have the Right to Buy. In 2015, the Government made a commitment to extend Right to Buy to housing association tenants through a Voluntary Right to Buy (VRTB). After an initial pilot with five housing associations in England, a regional pilot is now underway in the Midlands.**

**Preserved RTB**

2.12 **Some housing association tenants may be eligible for ‘Preserved’ Right to Buy. If a tenant was in a secure council tenancy and living in a property when it was transferred from the council to another landlord, then they may have a ‘Preserved’ Right to Buy. Under Preserved RTB, a tenant can buy their home under the scheme in the same way as if they were still a council tenant.**

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9 Ibid
11 Chartered Institute for Housing, National Federation of ALMOs, Local Government Association, *Keeping Pace: Replacing Right to Buy Sales*
13 House of Commons Library Briefing, *Incentivising the Right to Buy (RTB)*, June 2014
Right to Acquire

2.13 Right to Acquire allows most housing association tenants who were not tenants during stock transfers, to buy their home at a smaller discount.

3. RIGHT TO BUY SALES IN GREATER MANCHESTER

3.1 There have been 92,612 Right to Buy sales of local authority and Registered Provider stock in Greater Manchester since its introduction in 1980. The figure below charts these sales and shows a peak in sales up to 1983 after the launch of the policy, again in the late 1980s after some changes to discounts and eligibility criteria, and again in the early 2000s likely in advance of reductions to discounts and further restrictions to eligibility in the 2004 Housing Act.

3.2 The ‘reinvigorated’ scheme in 2012 did not lead to a significant spike in sales as observed in previous years. This is in part due to the challenges for potential buyers in accessing affordable mortgage finance following the 2008 recession as well as the reducing proportion of social stock eligible for Right to Buy.

Figure 1: Right to Buy sales in Greater Manchester, 1980-81 to 2016-17

Source: MHCLG Live Table 685 and Local Authority Housing Statistics (LAHS); Homes England Private Registered Provider Social Housing Stock in England: Statistical Data Return (SDR)

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14 This dataset combines MHCLG Live Table 685 for historic RTB sales, the LAHS and SDR to provide a total view of Right to Buy sales for stock owned by local authorities and Registered Providers. Data is available for the SDR from 2011-12 so does not capture Registered Provider stock sold under Right to Buy before this time.
3.3 Right to Buy sales by Greater Manchester local authority are outlined in the table below. Manchester, Wigan and Salford have had the highest number of sales across the period, which is not surprising given the higher number of local authority owned properties.

### Table 1: Right to Buy sales in Greater Manchester by district, 1980-81 to 2016-17

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<thead>
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<td>2,979</td>
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<td>Manchester</td>
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<td>7,008</td>
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<td>1,641</td>
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<td>Oldham</td>
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<td>1,951</td>
<td>47</td>
<td>389</td>
<td>5,879</td>
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<td>Rochdale</td>
<td>1,890</td>
<td>2,266</td>
<td>1,094</td>
<td>2,516</td>
<td>135</td>
<td>643</td>
<td>8,544</td>
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<td>Salford</td>
<td>3,002</td>
<td>3,049</td>
<td>993</td>
<td>3,430</td>
<td>33</td>
<td>683</td>
<td>11,190</td>
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<td>Stockport</td>
<td>1,827</td>
<td>1,649</td>
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<td>1,557</td>
<td>32</td>
<td>347</td>
<td>6,060</td>
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<td>Tameside</td>
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<td>817</td>
<td>0</td>
<td>0</td>
<td>204</td>
<td>5,380</td>
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<td>Trafford</td>
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<td>1,575</td>
<td>749</td>
<td>1,038</td>
<td>0</td>
<td>251</td>
<td>5,105</td>
</tr>
<tr>
<td>Wigan</td>
<td>3,885</td>
<td>2,828</td>
<td>1,194</td>
<td>3,172</td>
<td>94</td>
<td>711</td>
<td>11,884</td>
</tr>
<tr>
<td><strong>Greater Manchester</strong></td>
<td><strong>24,435</strong></td>
<td><strong>26,234</strong></td>
<td><strong>11,123</strong></td>
<td><strong>24,576</strong></td>
<td><strong>545</strong></td>
<td><strong>5,699</strong></td>
<td><strong>92,612</strong></td>
</tr>
</tbody>
</table>

Source: MHCLG Live Table 685 and LAHS; Homes England SDR

**Social stock in Greater Manchester**

3.4 There are currently 259,500 homes owned by local authorities and registered providers in Greater Manchester, which at 22% of all housing stock, is above the national average of around 18%.

3.5 Whilst there have been small reductions in the total number of stock owned by local authorities and housing providers in recent years, the number of social rented homes has decreased at a higher rate. In Greater Manchester there are 5% less social rented stock in 2016-17 than in 2012-13; this is higher than in England as a whole (3%). These trends are shown in figure 2.

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15 Ibid.
Figure 2: Social rented and total stock owned by local authorities and registered providers in Greater Manchester, 2012-13 to 2016-17

The chart below shows this change for the Greater Manchester districts. Over the period Manchester had the highest reduction in the number of total (-1,338) and social (-3,063) stock. However Trafford had the greatest percentage reduction in social stock, with 11% less socially rented stock in 2016-17 than five years earlier, followed by Bolton (-9%).

Source: MHCLG LAHS; Homes England SDR
3.7 As well as Right to Buy, the loss in social rented homes is in part due to Government policy encouraging housing providers to convert existing social rented stock to Affordable Rent, which can be up to 80% of market rents, to help fund new affordable homes. Inside Housing report these conversions to be around 102,000 nationally since the policy was introduced in 2012. In Greater Manchester around 6% of local authority and housing provider stock (14,933 homes) is now Affordable Rent, which is slightly higher than in England as a whole (5%).

Affordable homes delivery in Greater Manchester

3.8 Figure 4 sets out the delivery of affordable homes in Greater Manchester since 1991-92. It shows that in the long term, over 48,000 affordable dwellings have been provided in Greater Manchester since 1991-92, from a peak of 3,990 affordable homes completed in 1995-96, to 790 homes provided in 2003-04. It is important to note that this measure captures the Government’s definition of affordable housing which is the sum of social rent, affordable rent, intermediate rent, shared ownership and affordable home ownership. This data is available from 1991-92 onwards, and does not distinguish the number of social rent homes delivered.

16 See https://www.insidehousing.co.uk/comment/comment/social-rented-housing-is-disappearing-at-a-time-we-need-it-most--54239
17 Source: MHCLG LAHS and Homes England SDR
3.9 Using the Government’s measure of affordable homes, the number of completions in Greater Manchester have fluctuated in recent years, with a higher level of delivery in 2014-15, and a lower level in 2015-16. This is largely due to the 2011-15 Affordable Homes Programme coming to an end in this year. Completions have risen from 820 in 2015-16 to 1,550 in 2016-17, however they are still significantly below the completion rates from 2014-15.

**Figure 4: Total additional affordable dwellings, Greater Manchester, 1991-92 to 2016-17**

Source: MHCLG Live Table 1008C

**Changes to social stock in Greater Manchester**

3.10 Though the data is not available to show the direct impact of RTB on social housing provision, we can measure its affects against affordable housing provision. Figure 5 compares the additions to affordable housing stock against the losses through RTB.

3.11 Using this data, a varied picture is shown in Greater Manchester, with a net overall gain in affordable housing between 1992-93 and 1998-99. This switched to net losses from 2000-01 before a return to net gain from 2008 onwards (excluding 2015-16). This is unsurprising given the lower number of Right to Buy sales following the recession, with difficulties in accessing mortgage finance.
4. **RIGHT TO BUY RECEIPTS IN GREATER MANCHESTER**

4.1 In Greater Manchester over £77m of discount has been awarded to local authority tenants purchasing their homes through RTB between 2011-12 and 2016-17. Wigan has seen the highest amount awarded at £26.5m over the period. At a national level, the discounts allowed totals £3.5bn.

4.2 The average RTB discount awarded was over £41,500 in 2016-17 in Greater Manchester. This is an increase of 63% on the average discount seen in 2011-12, which is less than half of the national rate of increase. Stockport has seen the highest increase over the period, at 111%.
Table 2: Right to Buy sales of local authority stock

<table>
<thead>
<tr>
<th>Area</th>
<th>Total discounts allowed 2011-12 to 2016-17 (£000s)</th>
<th>Average discount per Right to Buy sale</th>
<th>% change in discount 2011-12 to 2016-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolton</td>
<td>£0</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Bury</td>
<td>£7,746</td>
<td>£25,750</td>
<td>£30,154</td>
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<tr>
<td>Manchester</td>
<td>£20,196</td>
<td>£25,360</td>
<td>£31,741</td>
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<td>Oldham</td>
<td>£76</td>
<td>-</td>
<td>-</td>
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<td>Rochdale</td>
<td>£1,643</td>
<td>£25,277</td>
<td>-</td>
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<tr>
<td>Salford</td>
<td>£5,551</td>
<td>£25,500</td>
<td>£36,333</td>
</tr>
<tr>
<td>Stockport</td>
<td>£15,540</td>
<td>£25,583</td>
<td>£47,514</td>
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<tr>
<td>Tameside</td>
<td>£0</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Trafford</td>
<td>£0</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Wigan</td>
<td>£26,542</td>
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<td>£39,063</td>
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<td>England</td>
<td>£3,471,503</td>
<td>£26,686</td>
<td>£51,790</td>
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</table>

Source: MHCLG LAHS

4.3 Using published data, it is not possible to provide a complete picture of RTB receipts in Greater Manchester. Local Authority Housing Statistics data used in table 2 above provides the total and average discount per property sold under Right to Buy for local authority owned stock. The Statistical Data Return, which provides data on all social housing registered providers in England, does not provide data at a Greater Manchester level. Many Greater Manchester registered providers operate outside of the city region and it is not possible to isolate Greater Manchester-only stock. Therefore RTB financial data for local authority owned stock is presented here.

RTB replacements

4.4 One-for-one replacement was a key feature of the relaunch of the 2012 reinvigorated RTB scheme, whereby local authorities were promised retention of some RTB receipts to build or acquire new homes (working within Government rules) to replace homes lost on a one-to-one basis.

4.5 Government data shows no social homes have been delivered in Greater Manchester using RTB receipts since this relaunch. Indeed, no work has started on replacement properties funded through RTB receipts since 2012-13. In the same period, over 1,800 social homes have been lost through Right to Buy.

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18 Comparable data not available before 2011-12. Following a Government review, LAHS replaced the housing strategy statistical appendix (HSSA), the business plan statistical appendix (BPSA) and the local authority housing sales monitoring (P1B) forms in order to rationalise the collection of housing data to reduce the burden on local authorities. See - https://www.gov.uk/government/consultations/rationalising-statistics-land-use-change-and-housing-and-regional-data

19 MHCLG Live Table 693
RTB receipts in Salford

4.6 To provide a more detailed and local view of the financial implications of the policy, further analysis has been completed on RTB receipts in Salford as a case study example for Greater Manchester.

4.7 In Salford, tenants purchasing Right to Buy properties have received discounts of £5.85m since 2011-12. At the same time, just over £3m was returned to Treasury and the local authority retained £2.19m in receipts – just 20% of the total value of the asset. This is shown in figure 6 below.

Figure 6: Right to Buy receipts, Salford, 2011-12 to 2016-17

Source: Salford City Council finance data; MHCLG LAHS

4.8 If the same proportions were found in the rest of Greater Manchester, that would suggest tenants received discounts of £77m since 2011-12, whilst Treasury received £40m and local authorities received £29m.

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20 Average annual RTB discount for local authority stock applied to all RTB sales
5 POLICY IMPLICATIONS

5.1 The Right to Buy policy was intended to stimulate home ownership and generate receipts for reinvestment in new homes, and since its launch in 1980, there have been over 90,000 RTB sales in Greater Manchester.

5.2 The imposition of higher discounts on Right to Buy properties in 2012 mean that RTB receipts are lower than pre-2012. In low value areas, such as some parts of Greater Manchester, a discount of up to £81,000 leaves local authorities with very little leftover in terms of sales income.

5.3 After administrative costs, debt and assumed income have been taken into account - including compensating the Treasury for any lost income in comparison to the earlier RTB scheme - the amount of net receipt allotted to local authorities is often too low to replace homes on a one-for-one basis. In some cases no funds may be left over at all. Government’s own figures show that no additional homes have been delivered in Greater Manchester since 2012-13 using RTB receipts.

5.4 As the net receipt can only fund 30% of costs of replacement, this is often not enough income to adequately replace a home sold through RTB, as is the case in Greater Manchester. The restrictions placed on how and when the remaining RTB receipts can be used, means that it may not be practical to accomplish a one-for-one replacement using the receipt. The Government’s recently announced Additional Housing Revenue Account Borrowing Programme may loosen some of these grant restrictions for the five eligible Greater Manchester authorities, however homes provided for by this funding will be eligible for RTB and may be lost in the future. The funding of replacements continues to be challenging, particularly for low value areas and within the context of declining revenue budgets. Local authorities have experienced unprecedented cuts since 2010, and have seen central government funding cut by 49.1 per cent in real terms.21

5.5 This concern is reflected in the 2015 study22 undertaken by the Chartered Institute of Housing. From surveying local authorities to gather experiences of the ‘reinvigorated’ RTB scheme, they found:

The correlation between these average sale prices and the amount of receipts retained is not exact... [but there are] significant variations in the volume of receipts which individual authorities are able to retain and reinvest locally...There were seven [Northern] authorities in our sample who did not retain anything at all from their 2013/14 sales to reinvest and a further 13 who retained less than £10,000 per property.

5.6 Right to Buy receipts, and the restrictions on their use, are not generating replacement homes for those lost through RTB. Data shows that 5,700 homes have been lost to the RTB policy in Greater Manchester since 2012, and at the same time no replacement homes have been funded through RTB receipts. The

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22 Available at: http://www.cih.org/resources/PDF/Policy%20free%20download%20pdfs/Keeping%20pace%20-%20replacing%20right%20to%20buy%20sales.pdf
sector is losing money through both the discounts awarded to social tenants to purchase their home as well as through money returned to Government to compensate for lost income.
Dear Secretary of State,

I write to you to express my concerns about the impact of the Government’s Right to Buy policy in Greater Manchester which is contributing to an acute shortage of social housing in our city region. As reflected in your Housing White Paper, the UK’s housing market is ‘broken’. We share your commitment to delivering additional homes – safe, decent and affordable homes for our current and future residents. And we welcomed the Prime Minister’s announcement of £2 billion for new social rented housing. Though in practice your recent announcements on this funding, and restrictive eligibility criteria, make this inaccessible for many of our councils.

At the same time, your Right to Buy policy has been significant in constraining supply in the social housing sector. Since its launch in 1980, approaching 90,000 social homes have been lost through Right to Buy in Greater Manchester. We now have 259,500 council and social homes in Greater Manchester, although around 6%, 15,000 homes, have been converted to Affordable Rent which are not truly affordable for many of our residents.

The imposition of higher discounts on Right to Buy properties following the reinvigorated scheme in 2012 mean that in lower value areas, such as some parts of Greater Manchester, a discount of up to £78,000 leaves our local authorities with very little leftover in sales income. With large sums also going back to the Treasury, the need to repay attributable debt, and the restrictions imposed on how we can use even the small sums remaining, this makes it impossible to replace the social rented homes we are losing, especially with the unprecedented cuts in central government funding which we have endured since 2010, at around 50 per cent in real terms. Your own figures show no additional homes have been delivered in Greater Manchester using Right to Buy receipts since 2012/13. The system clearly isn’t working!

To compound things, Inside Housing report that over 40% of homes sold through Right to Buy are now in the private rented sector. Whatever the impact in previous decades, it seems clear that Right to Buy is not entirely stimulating home ownership as originally intended. Instead it is adding to the growing private rented sector. We currently have over 85,000 households on the housing register in Greater Manchester, waiting for a council or social home. We are paying private landlords Housing Benefit for some of the poorest and most vulnerable members of our communities to live in former Right to Buy properties, on less stable tenancies, at higher rents, and often in worse condition than neighbouring homes that remain in the hands of social landlords. We estimate that
around £5m of Housing Benefit is paid to tenants in the private rented sector each week in Greater Manchester.

The forthcoming social housing green paper presents an opportunity to set a new direction. We hope that it examines the lessons from Scotland’s decision to scrap Right to Buy to prevent further loss to the social housing sector. However, if Right to Buy is to be retained, then reform is needed. Your recently announced Additional Housing Revenue Account Borrowing Programme may loosen some of these financial restrictions in spending retained receipts, but this will only potentially benefit our councils with Housing Revenue Accounts. We would welcome the opportunity to pilot a devolved approach in Greater Manchester, including retention of full Right to Buy receipts, to enable us to achieve at least the replacement of every homes that is purchased under Right to Buy, aligned to our understanding of housing need across Greater Manchester. The current approach is failing to deliver for the people of Greater Manchester and urgent action is needed.

Yours sincerely,

Paul Dennett
Salford City Mayor
Greater Manchester Combined Authority Portfolio Lead for Housing, Homelessness and Infrastructure