



Disposal of Surplus Properties – Brindley Drive Car Park

Call In by the Resources O&S Committee

1 Request for “Call-In”

- 1.1 On 22 May 2019 Cabinet took a decision to:
 - 2.1 *Declares the land and property assets listed in Appendix 1 [of the Cabinet report] surplus to Council requirements and authorise their subsequent sale as detailed.*
 - 2.2 *Notes that in accordance with existing surplus property procedures no internal re-use of the properties listed in Appendix 1 [of the Cabinet report] has been identified.*
 - 2.3 *Subject to disposals progressing notes the proposed use of receipts from the sale of Investment Portfolio assets in line with the Council's approved Property Strategy 2018/19-2023/24, and the proposed mitigations for budgeted net income foregone in respect of the sale of non-portfolio assets as detailed in sections 7.3 of [the Cabinet] report.*
 - 2.4 *Notes that approval of final sale terms for those assets being offered as part of Prospectus 2 will be the subject of further reports to Cabinet.*
 - 2.5 *Authorises the City Solicitor where necessary, to advertise the permanent loss of public open space and consider any objections in accordance with Section 123(2a) of the Local Government Act 1972.*
 - 2.6 *Authorises the City Solicitor to negotiate, execute and complete all necessary legal documents to give effect to the above recommendations.*
- 1.2 A request for Call-In was made to the Resources Overview and Scrutiny (O&S) Committee by Councillors Debbie Clancy and Ewan Mackey on 22 May 2019.
- 1.3 The Resources O&S Committee considered the request for call-in at its meeting on 12 June 2019. At the meeting the Committee heard from Councillor Ian Ward (Leader), supported by Kathryn James (Assistant Director, Property) and Rob King (Property Sales Manager).

2 Request for Call-In

- 2.1 Councillor Ewan Mackey set out the reasons for the request for Call-In, and stated that the issues related solely to the **Brindley Drive car park**, which is a well-used car park by theatre and concert goers, and closing this could ultimately lead to a cultural calamity for this city. He proposed that the following call-in criteria applied:



- 4 – *the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision* – the REP, CBSO, Town Hall/Symphony Hall and the library had told the councillors that none of them had been consulted. These are key city council partners, with council representatives on their boards. They have expressed a high level of concern that the closure would have a negative impact on their customers, and this should be considered by Cabinet before coming to a final decision.
- 5 – *the Executive appears to have overlooked some relevant consideration in arriving at its decision* – the report states that an equality impact assessment was “not applicable” and that no groups will be adversely affected, but closing the car park would disproportionately affect the elderly, those with disabilities and pregnant women who would find it more difficult to walk or to use public transport. No service users were consulted as part of the equalities assessment.
- 6 – *the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do* – venues were not consulted, therefore their customers were not aware;
- 8 – *there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council* – this refers to the incomplete consultation, and that legal requirements have not been fulfilled with regards to the Equalities Act.

3 Executive Response

3.1 In response to the points made the Leader responded that:

- There was no requirement for consultation with the bodies mentioned above; there are other users of those car parks that could also have been consulted. If the City Council had consulted, would those organisations have had the data to show how many patrons were using that car park?
- There is data to show that the car park is under-used and there is a surplus of parking spaces in that area of the city. It is also a long term aim of the City Council to reduce car usage, which a study said would not be achieved if there is an over-supply of spaces (there is an excess of 8,000 spaces in the city centre, and an over-supply of 2,100 spaces in the Broad Street area. This car park has 610 spaces). The long term aim is to encourage more sustainable modes of travel. However, this was not the experience of councillors or the venues.
- The Cabinet report also states that a study undertaken by Atkins recommended that this car park would require major investment; and the council is not in a position to prioritise major capital spend here so that would have the effect of the car park being used less and less. Also, retention would expose the council to increasing risk and liabilities.



- With regards to the equalities assessment, the council needs to demonstrate that impacts can be mitigated; the tram coming to Centenary Square is one such mitigation. The Leader stated that an assessment was not necessary, but members were strongly of the view that one should have been carried out nonetheless. What had been done was inadequate and did not mention mitigations such as the tram.

- 3.2 Members asked about the consultation, and whether the loss of the car park will impact on the viability of the organisations, their business plans and therefore the business rates the council receives. It was noted that the car park does not have a lift and has limited spaces for disabled users (and an earlier ICC assessment had identified a shortage of disabled parking), and was also felt to be unsafe by some when used by councillors last year.
- 3.3 It was also noted that the Paradise car park will come into operation next year, before the Brindley Drive car park closes, and will be the nearest to these venues and will have 500 spaces. Also, revenue from advertising hoardings was not included in the financial assessment.

4 The Committee Resolution

- 4.1 The Committee resolved to call-in the decision for reconsideration by Cabinet **only in respect of the decision to sell Brindley Drive car park**, by a unanimous vote of members present. The call-in arises because of deficiencies in the report presented to Cabinet, focused on the following criteria 4, 5 and 8, as set out below:

- 4 – the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision* – relevant stakeholders were not consulted and the City Council does not have information on the impact the closure might have on those venues;
- 5 – the Executive appears to have overlooked some relevant consideration in arriving at its decision* – the equalities impact assessment was not completed thoroughly and the mitigations cited in the meeting were not included in the report;
- 8 – there is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council* – the report did not contain pertinent information including details of the condition of the car park and why it would require significant investment and the fact that the opening of the Paradise car park next year would provide additional car park spaces and would be close to many of the venues mentioned.

- 4.2 I therefore formally ask the Cabinet to reconsider its decision, taking into account the points set out above.

Councillor Sir Albert Bore

Chair, Resources Overview and Scrutiny Committee