

BIRMINGHAM CITY COUNCIL

RESOURCES O&S COMMITTEE – PUBLIC MEETING

1400 hours on Monday 8 April, Committee Room 6

Present:

Councillor Sir Albert Bore (Chair)

Councillors: Muhammad Afzal, Meirion Jenkins, Josh Jones, Zaheer Khan, Narinder Kaur Kooner, Ewan Mackey and Paul Tilsley

Also Present:

Councillor Robert Alden

Councillor Gary Sambrook

Councillor Sharon Thompson, Cabinet Member for Homes and Neighbourhoods

Councillor Ian Ward, Leader

Philip Andrews, Head of Operational Property Management

Guy Chaundy, Senior Service Manager, Housing

Julie Griffin, Acting AD, Housing

Clive Heaphy, Chief Finance Officer

Andrew Hood, Development Manager

Colette McCann, Head of Housing Development

Guy Olivant, Major Developments Lead, Development and Commercial Team

Jayne Bowles, Scrutiny Officer

Emma Williamson, Head of Scrutiny

1. NOTICE OF RECORDING/WEBCAST

The Chairman advised the meeting to note that this meeting will be webcast for live and subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2. DECLARATIONS OF INTERESTS

None.

3. APOLOGIES

None.

4. ACTION NOTES – 21 MARCH 2019

(See document 1)

RESOLVED:-

The action notes of the 21 March 2019 meeting were agreed.

5. REQUEST FOR CALL IN: DRIVING HOUSING GROWTH – LAND APPROPRIATION REPORT

(See documents 2, 3 and 4)

Councillor Ian Ward, Leader, Councillor Sharon Thompson, Cabinet Member for Homes and Neighbourhoods, Councillor Robert Alden, Councillor Gary Sambrook, Philip Andrews, Head of Operational Property Management, Guy Chaundy, Senior Service Manager, Housing, Julie Griffin, Acting AD, Housing, and Andrew Hood, Development Manager, attended for this item.

Councillors Robert Alden and Gary Sambrook gave the following reasons for the request for call-in, with the issues relating mostly to the Wyrley Birch allotments, Burford Road playing field and Short Heath Road playing field:

2 – the decision appears to be inconsistent with any other form of policy approved by the full Council, the Executive or the Regulatory Committees – there were a number of inconsistencies with policy set out by Councillor Alden:

- It is Council policy to build on brownfield sites before greenfield sites not identified within the Birmingham Development Plan (BDP) and these sites are not listed for building on in the BDP. As the sites do not form part of the Council's published five year housing land supply, they are not needed to meet the housing need of the City and so do not have to be built on for the City to be able to meet its housing need;
- None of the sites mentioned are identified as needed to meet housing needs of the city (SHLAA 2018 version);
- The Birmingham Development Plan (BDP) contains a number of policies, including those relating to green corridors, flood alleviation and minimum requirements for open spaces that are contradicted by this decision. The proposals remove green sites from neighbourhoods with low amounts of green spaces per head, and one site (Short Heath playing field) is used for flood alleviation.
- Building on playing fields is contrary to the Playing Pitch Strategy – which states that such fields should be protected, even if they are in a poor state.

4 – the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision – Perry Common councillors were not consulted on the Short Heath site, despite it bordering that ward and a number of the users coming from that ward. There has been no consultation with Education officers to determine if the land is needed for the increase in school places (in relation to the magnet site, Stockland Green). There also appears to have been an inconsistent approach as consultation was undertaken differently at different sites. Details of meetings with residents are not given.

5 – the Executive appears to have overlooked some relevant consideration in arriving at its decision – this relates back to criteria two and considerations around green corridors, flood alleviation and minimum requirements for open spaces.

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 – this relates to the fact that a number of sites have been previously proposed and then withdrawn. Also there are particular issues around the Wyrley Birch allotment site and engagement with the Witton Lodge Community Association (WLCA), which is set out in more detail below.

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 risk register does not list each risk separately with mitigations for each, and other mitigations are not adequately addressed. There were different figures for numbers on the housing waiting list and the number of houses to be built presented at the public meeting from those in the Cabinet report.

The Executive responded and the following points were made:

- It is incorrect to say only brownfield sites should be developed ahead of greenfield sites.
- When the BDP was published, the city's housing need was assessed at 89,000 units; that number has been going up ever since. The BDP said Birmingham could accommodate 59,000 units within the city boundary, and the rest outside through duty to co-operate. If only brownfield sites were considered for development, the City Council would not be demonstrating a five year land supply, so would be susceptible to developers putting proposals in for other areas.
- Currently, the city was achieving 24% social housing, the aspiration in the BDP is 35% hence bringing forward these sites which include 1200 new units, 65% of which could be for social rent. There are currently 12,500 people on the council's housing waiting list.
- Many of the sites included are not public open space but unattached playing fields; though the distinction is not always clear to the public. The Burford Road development would create public open space. All unattached playing field sites are subject to Secretary of State approval before development can take place, as are allotment sites.
- The Education department have determined that the unattached playing field sites are surplus to requirements.
- The sites are all subject to planning permission, which would consider the issues such as green corridors, flood alleviation and minimum requirements for open spaces. There would also be further detailed consultation as part of that process.
- The policy is to consult with ward councillors but the Leader is content for neighbouring ward councillors to be consulted in parallel as the developments are taken forward.

- Members queried if the council was setting a precedent that developers could then exploit to develop on green belt, as it had broken its own rules on this. The Leader denied that rules would be broken and said that all processes would be followed for each site.
- Clarification was requested in appropriations for development by Birmingham Municipal Housing Trust (BMHT) or other purposes. Andrew Hood confirmed that the sites are for BMHT, with one exception: the Wyrley Birch allotment site, where the City Council will continue to have discussions with the WLCA.
- Before the start of the formal meeting, the committee heard from members of the Witton Lodge Community Association (WLCA) about their on-going dialogue with the City Council. Councillor Bore summarised the discussion in the meeting: that discussions had been on-going since 2016, that WLCA put forward a request for Community Asset Transfer but no formal response had been received. WLCA had agreed to further develop ideas to take forward the proposal to expand the housing offer following discussions with Cabinet Members and officers. A Memorandum of Understanding had been drafted but in October 2018 there seemed to be a change in attitude as to the end use of that site. The Cabinet report then put forward the site for development for BMHT, including a site plan put forward by the WLCA (commissioned at their expense).
- The matter of the land valuation was also raised, and why that was so high.
- Councillor Sharon Thompson outlined the discussions, stating that they had been awaiting a robust plan from the WLCA to take matters forward. If that was still the intention, then discussions would continue. The land value will be the subject of an independent assessment.
- Members noted that there had clearly been a breakdown in communication on this matter, and that the City Council needed to be better at engaging with partners.
- The difference in land values between the Short Heath site and Wyrley Birch, of £1m despite being around about the same size, needed to be explained (e.g. it may be due to flood issues but this should be identified in the report).

RESOLVED:-

The Committee voted to call in the decision by four votes to three on the grounds that:

- 4 – the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision – the lack of, or inconsistency in, consultation applied to a few of the sites, but in particular there were clearly issues with engaging with the Witton Lodge Community Association on the Wyrley Birch site;*
- 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 – this relates to the fact that a number of sites have been*

previously proposed and then withdrawn. Also the difference in land values between the two sites needed further explanation, especially as the City Council was responsible for both putting the land forward for development and for valuing it. As much transparency as possible is needed.

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 risk register does not list each risk separately with mitigations for each, and other mitigations are not adequately addressed. There were different figures for numbers on the housing waiting list and the number of houses to be built presented at the public meeting from those in the Cabinet report.

6. COMMONWEALTH GAMES FUNDING UPDATE

(See document 5)

Clive Heaphy, Chief Finance Officer, and Guy Olivant, Major Developments Lead, Development and Commercial Team, attended for this item.

The following points were raised:

- This paper focuses on other funding opportunities and options which would potentially fill shortfalls or mitigate the Council's own contributions;
- Most of the options would require primary legislation;
- Members had concerns about the viability of a workplace parking levy, hotels tax and airport tax with the following specific points being made:
 - Workplace parking levy – the funding has to be spent on transport infrastructure so would not deal with the issue of the hole in revenue funding for the games;
 - Hotels tax – would need to be a nationwide initiative and therefore require primary legislation;
 - Airport tax – would need agreement from partners and could put the airport at risk in terms of competing with other airports;
- The Chair suggested that a report be brought back to Committee in June and the Executive be invited to attend to give their views as to how we might square off the budget around the CWG;
- The Chief Finance Officer said that all future monthly financial monitoring reports would include a section on CWG funding;
- Members thanked Guy Olivant for the two very clear reports which had been brought to Committee.

RESOLVED:-

CWG Funding to be included as a regular item on the work programme in the new municipal year and the Executive to be invited to attend in June.

7. RESOURCES O&S COMMITTEE WORK PROGRAMME

(See document 6)

RESOLVED:-

The Work Programme was noted.

8. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)

None.

9. OTHER URGENT BUSINESS

A question was raised regarding the current position with the Amey contract and the Chief Finance Officer responded that in view of the fact that this was a commercially sensitive matter he would be happy to come back and brief Members in a private session.

10. AUTHORITY TO CHAIRMAN AND OFFICERS

Agreed.

The meeting ended at 1613 hours.