

# **BIRMINGHAM CITY COUNCIL**

## **CABINET COMMITTEE – PROPERTY**

**WEDNESDAY, 13 MARCH 2024 AT 09:00 HOURS**  
**IN ELLEN PINSENT ROOM (RECONVENED MEETING), COUNCIL**  
**HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB**

### **A G E N D A**

#### **1 NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

#### **2 APOLOGIES**

To receive any apologies.

#### **3 DECLARATIONS OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

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4 **MINUTES**

To confirm and sign the Public and Private Minutes of the meeting held on the 20 December 2023.

5 **EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC**

a) To highlight reports or appendices which officers have identified as containing exempt information within the meaning of Section 100I of the Local Government Act 1972, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.

b) To formally pass the following resolution:-

**RESOLVED** – That, in accordance with Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of those parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information.

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6 **SALE OF THE BRASSHOUSE, 50 SHEEPCOTE STREET, BIRMINGHAM B16 8AJ**

Report of Strategic Director – Place, Prosperity & Sustainability

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7 **PROPOSED SALE OF SURPLUS FREEHOLD PROPERTY ASSETS TO EXISTING TENANTS**

Report of Strategic Director Place, Prosperity and Sustainability

8 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

# BIRMINGHAM CITY COUNCIL

<p><b>CABINET COMMITTEE PROPERTY MEETING WEDNESDAY, 20 DECEMBER 2023</b></p>
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**MINUTES OF A MEETING OF THE CABINET COMMITTEE PROPERTY  
HELD ON WEDNESDAY 20 DECEMBER 2023 AT 0900 HOURS IN  
COMMITTEE ROOM 2, COUNCIL HOUSE, VICTORIA SQUARE,  
BIRMINGHAM, B1 1BB**

**PRESENT:** - Councillor John Cotton, Leader in the Chair

Councillor Jayne Francis, Cabinet Member for Housing and Homelessness  
Councillor Brigid Jones, Cabinet Member for Finance and Resources  
Councillor Sharon Thompson, Deputy Leader

**ALSO PRESENT:-**

Councillor Robert Alden, Leader of the Opposition, (Conservative)  
Councillor Deborah Harries, (Liberal Democrat)  
Kathryn James, Assistant Director of Investment and Valuation  
Rob King, Property Sales Manager  
Philip Nell, Director for Property and Investment  
Marie Rosenthal, Interim City Solicitor & Monitoring Officer  
Mohammed Sajid, Assistant Director Financial Strategy  
Sushil Thobhani, Head of Law, Property, Planning & Regeneration  
Mandeep Marwaha, Committee Services

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**NOTICE OF RECORDING/WEBCAST**

1. The Chair welcomed attendees and advised, and the Committee noted, that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**APOLOGIES**

2. An apology for absence were submitted on behalf of Deborah Cadman, Chief Executive.
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**DECLARATIONS OF INTERESTS**

3. The Chair reminded Members that they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at the meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Any declarations will be recorded in the minutes of the meeting.

There were no interests declared.

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**EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC**

The Chair advised that the report at Agenda item 11 contained an exempt appendix within the meaning of Section 100I of the Local Government Act 1972.

The Chair then enquired whether there were any matters that Members would like to raise on the exempt appendix that may affect the decision to be made or to ask for clarification on a point on the exempt appendix.

Councillors Alden and Jones indicated that they may have questions to raise in relation to this item which presumably needed to be raised in the private session, however, they would be guided by the Chair.

The Interim City Solicitor and Monitoring Officer proposed that the Committee move to a private session for discussions around item 11, appendix 2 – Proposed Reserve Values (Auction Sales).

The Chair agreed with the proposal to move into a private session and make the decision in when the meeting returned to the public session.

4. **RESOLVED:-**

That, in accordance with Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting during consideration of those parts of the agenda designated as exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the

## **Cabinet Committee – 20 December 2023**

proceedings, that if members of the press and public were present there would be disclosure to them of exempt information.

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### **MEMBERSHIP OF THE COMMITTEE**

5. **RESOLVED:-**

That the membership of the Committee was noted.

**Labour Group (3):-**

Councillor John Cotton (Leader) (Chair)  
Councillor Sharon Thompson (Deputy Leader),  
Councillor Brigid Jones (Cabinet Member),  
Councillor Jayne Francis (Cabinet Member)

**Observers (no voting rights)**

**Conservative Group (1):-**

Councillor Robert Alden

**Liberal Democrat Group (1):-**

Councillor Deborah Harries

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### **TERMS OF REFERENCE**

The following schedule was submitted:-

(See document No. 1 of the agenda pack)

6. **RESOLVED:-**

That Cabinet Committee Property noted the Terms of Reference for the Cabinet Committee – Property which was approved by Cabinet on 12 December 2023.

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### **SALE OF 150 CHURCH LANE, HANDSWORTH**

The Leader highlighted this Item was no longer coming to the Cabinet Committee Property meeting and officers would provide an explanation of the reasoning.

The Assistant Director of Investment and Valuation notified the Committee the report was currently going through the approval process as a Cabinet Member report via the Investment Strategy therefore, advice had been provided that it was not appropriate to make the decision at this Committee.

**Cabinet Committee – 20 December 2023**

The same reasons applied to item 8 – Sale of Unett Street, Hockley.

**7. RESOLVED:-**

That Cabinet Committee Property noted that the item on the Sale of 150 Church Lane, Handsworth would be taken as a Cabinet Member decision, using existing delegations, rather than a decision made by Cabinet Committee Property.

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**SALE OF UNETT STREET, HOCKLEY**

The Leader informed the Committee, officers had already highlighted the reasons as to why this item was no longer on the agenda. The Officers comments had been noted by the Committee.

**8. RESOLVED:-**

That Cabinet Committee Property noted that the item on the Sale of Unett Street, Hockley would be taken as a Cabinet Member decision, using existing delegations, rather than a decision made by Cabinet Committee Property.

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**SALE OF 337 – 339 SOHO ROAD, HOCKLEY**

The Assistant Director of Investment and Valuation informed the Members, at present the report was not in a position to share with Committee. On this basis, the report would be deferred to the next meeting.

**9. RESOLVED:-**

That Cabinet Committee Property noted that the item on Sale of 337 – 339 Soho Road, Hockley be deferred to a future meeting of the Committee.

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**SALE OF ELEGANCE SUITE, GREAT FRANCIS STREET**

The Assistant Director of Investment and Valuation informed the Members, at present the report was not in a position to share with Committee. On this basis, the report would be deferred to the next meeting.

**10. RESOLVED:-**

That Cabinet Committee Property noted that the item on Sale of Elegance Suite, Great Francis Street be deferred to a future meeting of the Committee.

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**11. PROPOSED SALE OF SURPLUS FREEHOLD PROPERTY ASSETS BY PUBLIC AUCTION**

At 0905 hours, the Committee moved into a private session.

**EXCLUSION OF THE PUBLIC**

**12. RESOLVED:-**

That, in view of the sensitive nature of the discussion due to take place relating to item 11 – Exempt appendix 2 – Proposed Reserve Values (Auction Sales), the public be now excluded from the meeting.

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**(Note: Minute 13 is in private)**

**14. The private minutes of the 20 December 2023 were reviewed by the Legal Team and the sections that were not commercially sensitive have been placed back into the public minutes. These were as follows:**

The Director for Property and Investment informed members the exempt appendix 2 contained a list of 35 properties which were a part of the Disposal Programme. In 2019, these properties had been identified for disposal under the previous strategy. It was intended these properties would go to auction on 08 February 2024.

Members raised the following questions and made the subsequent comments;

- Lot No.2 – Four Dwellings Children Centre Quinton Road - Further questions were raised around the council's land registry titles and how this would be checked.
- Members queried what assessment had been undertaken to see if individual properties would be better off being mortgaged rather than sold i.e. would it be better to borrow against the assets?
- Members requested further information in future reports i.e. how much income is generated from selling the properties as this would assist with the budget setting. The Chair agreed that a dashboard or an overview of the financial position would be useful for the Committee to have oversight.
- Properties listed on New John Street - Several properties were listed on New John Street for sale. Members queried if the row of properties in the street were vacant.
- A question was raised around tenancy agreements and contractual implications.

In response to members questions, the Property Sales Manager, Head of Law, Property, Planning & Regeneration, Assistant Director for Financial Strategy, Director for Property and Investment and Assistant Director of Investment and Valuation made the following points:

- A report went to Cabinet regarding the surplus properties in September 2022. Therefore, the assets were able to proceed to auction straightaway.
- Sales of properties would be checked through the Head of Law, Property, Planning & Regeneration and his team. Due diligence checks would take place whilst compiling the document packs for submission to auctions.

## **Cabinet Committee – 20 December 2023**

- Local authorities were prohibited, under Local Government Act 2003 from mortgaging their properties. Details around borrowing, loans and savings were shared with Members of the Committee by the Assistant Director of Financial Strategy.
  - As part of the wider strategy refinancing had been considered however, currently the borrowing rates were high. There was a possibility this may reduce over the next two years.
  - Auctioneers in Birmingham will be used for the 08 February auction and auctioneers in London too as some specialist sales will be involved later.
  - Some properties had tenancy agreements in place. Further information would be shared with the Committee. Members were advised that as these properties were being sold at auction the Lessees had the right to bid. The Council had a duty to ensure the best consideration had been obtained when selling the properties. These were long leasehold.
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### **RE-ADMITTANCE OF THE PUBLIC**

#### **(The Committee moved back to Item 11 on the agenda)**

At 0922 hours, following discussions on item 11 – Exempt appendix 2 – Proposed Reserve Values (Auction Sales), the Committee moved back into the public meeting.

*(Note: Due to the number of questions raised by members, these have been grouped in a section within the minutes followed by responses by officers).*

- Concerns were raised around the reports preventing the provision for request for call-in. It was queried if this would be standard practice for reports coming to the Committee and if sufficient timescales would be built into reports. A special form was suggested to be made available to allow individual items from the full set of properties to have the ability for a request for call in to be submitted. This would avoid any delays to the rest of the properties listed within the reports.
- Furthermore, the report did not contain a section on comments from Ward Councillors. It was highlighted, property related reports that went to Cabinet contained a section on ward consultation which were found to be constructive and would allow decisions to take place smoothly without objections.
- In reference to Lot 1, Sandcastle Day Nursery, there was concerns around a nearby school where there was a lot of traffic and congestion by the dual carriage way. It was not safe to drop off the children therefore it was suggested this site could be potentially used to drop children to school safely. In addition, there was concerns around rats within the building and near the school. It was queried if there were alternatively ways to address this rather than through environmental health to avoid the issue getting worse. A query was also raised whether this property was subject to grant funding in the past which may need to be repaid in the event of its sale as there was no indication of this in the Land Registry records.
- This site was surrounded by both a nursery and primary school. It was queried if a covenant was required on the site preventing this from being



## **Cabinet Committee – 20 December 2023**

converted to an HMO or exempt accommodation in the future. The Council had applied this previously to specific sites and this should be considered on this site as well as for Lot 2, Four Dwellings Children Centre.

- In reference to site 25, 455 Yardley Wood Road, appeared to be currently running as a nursery. It was queried if engagement had taken place with existing tenants to ensure they had been well informed.
- A clear process to be made available for all Members on what needs to take place as part of the process of selling assets. This suggestion was seconded by the Leader, and it was suggested a briefing session in addition to a briefing note take place for Members. This would ensure Members had the opportunity to ask questions and have clarity on the process and their rights to be involved in the process.
- Decisions could not be based on not having enough time left to sell the property as this would encourage the process not to undertake due diligence due to time.
- Lot 1 and 2 had been vacant for several years, it was queried what had the building been used for whilst they were vacant and why they were being sold now?

In response to Members questions, Interim City Solicitor and Monitoring Officer, Director for Property and Investment and the Property Sales Manager made the following points:

- The governance of the programme was important to the Local authority and Members. The Asset disposal programme was a very large programme to address the position the Council was currently in. Birmingham City Council had to demonstrate to Government for the purposes of its application for a capitalisation directive that it could achieve this programme. There were over 500 properties to dispose of over the next 12 months. A clear governance arrangement had to be in place to ensure Members were involved. However, to fulfil the wider financial obligations the Council had to balance the budget over the coming years.
- A pipeline of properties was currently being developed which was a huge set up as external legal colleagues would assist in developing the packs. The progress would be reported to members. Once the pipeline was established, consultation with Ward Members would take place early in the process.
- Call In was recognised as an issue. This was a constitutional right for members to request a Call In. Executive key decisions were subject to a call in unless it was an urgent item. Discussions would be taking place with the Chair of Overview and Scrutiny around waiving the Call-In rights. This would be considered where required, however, the programme was very complex and large. Emergency meetings of the Committee would take place where required.
- Lot 1, Sandcastle Day Nursery – EdSI colleagues had advised dialogue had taken place with the school. Details around the lease were shared with the Committee. The proposal for the drop off facility was discussed, however, the Nursery did not have the financial capability to facilitate the drop off area. Similarly, the Council do not have the budget to support this. With regard to the issue of the need to repay any grant, this would normally have been the subject of a restriction at the Land Registry if there was such an obligation.

## **Cabinet Committee – 20 December 2023**

Also, due diligence would be carried out as part of preparing the particulars for sale.

- A standard provision can be placed for future use of the sites which would be enforced by planning laws. Details were shared on this matter.
- Covenants can be enforced against original parties, however, their transmissibility to successors was dependant on different circumstances. A chain of Indemnity covenants would be in place (this is placed on the new owner to observe the covenant).
- Lot 1 and 2 was declared as surplus last year via Cabinet and in the interim, these were considered for Affordable Housing Development Plan and were deemed unviable together with Birmingham Municipal Housing Trust (BMHT). The Corporate Landlord Programme would elevate a lot of the problems. Details around this was shared with the Committee.

The Leader suggested a note to be shared with the Committee on covenants placed onto sites and properties a number of issues may arise in the future.

### **15. RESOLVED: -**

That Cabinet Committee Property:-

- (i) Authorised the Director of Property & Investment to conclude the sale of the Council's freehold property interests at a minimum of the reserve values listed in Exempt Appendix 2 by public auction on 8th February 2024.
- (ii) Authorised the Director of Property & Investment, where deemed appropriate, to set individual reserve prices in excess of £200,000; and
- (iii) Authorised the City Solicitor to prepare, negotiate, execute, and complete all relevant legal documentation to give effect to the above.

**This decision was not Subject to Call in.**

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### **16. OTHER URGENT BUSINESS**

The Interim City Solicitor and Monitoring Officer requested for the committee to meet monthly with the option to meet urgently when requested. This was noted by the Committee.

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The meeting ended at 0939 hours.

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CHAIRPERSON

**Birmingham City Council**  
**Cabinet Committee Property**

29 February 2024



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**Subject:** Sale Of the Brasshouse, 50 Sheepcote Street,  
Birmingham B16 8AJ

**Commissioner Review**

The recommendations are supported. It is important in all property disposals to set clear trigger dates to ensure that all deals are brought to a timely conclusion.



# Birmingham City Council

## Report to Cabinet Committee - Property

29 February 2024



**Subject:** Sale Of the Brasshouse, 50 Sheepcote Street,  
Birmingham, B16 8AJ

**Report of:** Strategic Director for Place, Prosperity, and Sustainability –  
Paul Kitson

**Relevant Cabinet Member:** Cllr John Cotton - Leader of the Council

**Relevant O & S Chairs:** Councillor Jack Deakin, Finance and Resources,  
Councillor Akhlaq Ahmed, Economy and Skills

**Report Author:** Azmat Mir MRICS Registered Valuer  
Head of Valuation and Sales  
0121 303 3298 / azmat.mir@birmingham.gov.uk

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Ladywood		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 011780/2023		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Exempt Appendices 2, and 3 contain sensitive commercial information on the sale price and valuation. Exempt information Schedule 12A of the Local Government Act 1972 (as amended) paragraph 3. Information relating to the financial or business affairs of any particular person (including the council)		

## 1 **Executive Summary**

- 1.1 This report seeks authority for the sale of the surplus Council owned land and property "The Brasshouse", 50 Sheepcote Street, Birmingham, B16 8AJ by the grant of a new lease, at a premium.
- 1.2 The subject property has a site area of 2762 sqm approximately and is shown edged bold on the attached plan at Appendix 1.

## 2 **Recommendations:**

- 2.1 Authorises the Assistant Director of Investment & Valuation to conclude a conditional on planning sale of the surplus Council owned property, "The Brasshouse", 50 Sheepcote Street, Birmingham, B16 8AJ ("the Property") as shown edged bold on attached plan at Appendix 1, and extending to 2762 sqm, by the grant of a new 250 year lease to the Purchaser" as detailed in Exempt Appendix 2.
- 2.2 Notes that the purchaser will also pay a contribution towards the Council's surveyor and legal costs, as detailed in Exempt Appendix 2.
- 2.3 Authorises the City Solicitor to prepare, negotiate, execute and complete all relevant legal documentation to give effect to the above.

## 3 **Background**

- 3.1 The Property is situated within a locality of residential and commercial uses close to the city centre. The property is currently vacant, having most recently been used by the Council as office accommodation.
- 3.2 The Property was declared surplus by Cabinet on 22<sup>nd</sup> March 2016, under a report entitled "Disposal of Surplus Properties".
- 3.3 The property was under consideration for development by the Council's Birmingham Municipal Housing Trust (BMHT) for a period until the property was again released for sale due to it being considered unviable to deliver housing at this location.
- 3.4 Following the appointment of marketing agents, Jones Lang Lasalle, the property was offered for sale to the open unrestricted market by informal tender with a closing date of 9<sup>th</sup> June 2021. The outcome of this tender process was reported to Cabinet on 14<sup>th</sup> December 2021. Unfortunately, despite best endeavours the buyers were unable to progress their purchase due to withdrawal of their funding source.
- 3.5 Following a review of market sentiment and demand for development opportunities of this type, the decision was taken to remarket the property, again by informal tender with a closing date of 5<sup>th</sup> July 2023.
- 3.6 Tenders were invited on either an unconditional or conditional (subject to planning only) basis, and detailed planning guidance was produced to support and inform the process.

- 3.7 Under the terms of a conditional sale the Purchaser will be required to proceed to an exchange of contracts within six weeks of acceptance of the offer, with completion to take place upon the obtaining of satisfactory planning consent, within 18 months of exchange to allow for an appeals process.
- 3.8 The outcome of the tender process, tenders received and recommendations for sale are detailed at Exempt Appendix 2 and in Jones Lang Lasalle's Disposal Strategy Report at Exempt Appendix 3, which also includes an estimate of value of the Property, pre-sale.
- 3.9 The proposed sale represents best consideration and has been validated by Jones Lang Lasalle and the Assistant Director of Investment & Valuations, based upon analysis of the bidders' proposals. The offer represents the least risk to the Council in terms of deliverability and overall conditionality.

#### **4 Options Considered and Recommended Proposal**

- 4.1 **Option 1 - Do Nothing.** The Council is under no obligation to proceed with the proposal and would suffer no reputational consequences if it did not proceed. It would not, however, be in line with the aims of the Property Strategy or the external advice obtained to support delivery of the Strategy. The negotiated capital receipt would not be realised at this time and would not be available to fund the City Council's transformation programme and there would be no guarantee of a future opportunity.
- 4.2 **Option 2 – Property Retained for Reuse and / or Development by the Council.** In accordance with the Council's surplus property procedures, the property prior to being offered for sale on the open market, has been considered for potential internal reuse, and / or development by the Council to support its business priorities, with no interest expressed or identified.
- 4.3 **Option 3 – Proceed with Agreed Transaction.** It is recommended to proceed with the transaction outlined in this report, in line with the aims of the Property Strategy and the external advice obtained to support delivery of the Strategy, to deliver a capital receipt to fund the Council's transformation programme and remove the Council management obligation.

#### **5. Consultation**

- 5.1 The transaction is recommended by the Council's external agent Jones Lang Lasalle as detailed in the Disposal Strategy Report at Exempt Appendix 3.
- 5.2 The Ladywood ward members have been notified of the proposed sale of this property.

#### **6. Risk Management**

- 6.1 To meet the expectations of the prevailing property market, the Council has committed to deliver this sale in accordance with delivery milestones set out in the particulars of

sale. Failure to meet these milestones would result in a potential loss of the capital receipt.

## **7. Compliance Issues:**

### **7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

7.1.1 The proposed sale transaction and generation of a capital receipt supports the Financial Plan 2021-2025 by generating resources and thus helping to achieve a balanced budget.

7.1.2 It is consistent with the City Council Financial Plan 2020-2024 and Financial Plan 2021-2025 as the additional income helps the Council to meet the aspirations to be

- Prosperous: through continued economic growth, tackling unemployment, attracting inward investment and infrastructure, and maximising the opportunity of the Commonwealth Games.
- Inclusive: through empowered citizens, looking after vulnerable children, supporting young people to fulfil potential, and promoting diversity, opportunities, and culture.
- Safe: through tackling of anti-social behaviour & hate crime, housing provision and addressing homelessness, and improving living environments, civic pride & culture.
- Healthy: through the tackling health inequalities, encouraging and enabling physical activity and healthy living, quality of care, and helping to support mental health
- Green: by improving the cleanliness of our city and its streets, improving the environment and air quality, carbon reduction and enabling an inclusive green transition.

7.1.3 Whilst the property is not specifically identified in the approved Birmingham Property Strategy 2018-2023, the recommendations of this report fully support the Strategy's aims.

## **7.2 Legal Implications**

7.2.1 Sections 120-123 of the Local Government Act 1972 authorises the Council to acquire, appropriate and dispose of land. The disposal power in Section 123 of the Local Government Act 1972 is subject to the best consideration test. The Assistant Director of Investment & Valuations has confirmed that the recommended sale, as detailed in Exempt Appendices 2 and 3, represents best consideration and satisfies the Council's obligations under Section 123 of the Local Government Act 1972.

7.2.2 Section 1 of the Localism Act 2011 contains the Council's general power of competence, which is circumscribed only to the extent of any applicable pre-commencement restrictions and any specific post-commencement statutory restriction of the power, and Section 111 of the Local Government Act 1972 contains the Council's ancillary financial and expenditure powers in relation to



the discharge of its functions, including the disposal and acquisition of property.

7.2.3 The Local Government Act 2003 and guidance issued under it authorises the Council's investment management functions.

7.2.4 Exempt information: Schedule 12A of the Local Government Act 1972 (as amended) Paragraph 3. Information relating to the financial or business affairs of any particular person (including the Council). Exempt Appendices 2 and 3 are considered to contain commercially sensitive information of a financial or business nature, which if disclosed to the public could be prejudicial to a named person, individual or company and in the public interest to keep exempt.

7.2.5 The Council's in-house Legal team will complete all legal matters associated with the transaction.

### **7.3 Financial Implications**

7.3.1 The transaction will generate a capital receipt for the Council, as set out in Exempt Appendix 2. The use of the capital receipt from this asset is intended to support the City Council's Financial Recovery Plan to ensure a balanced budget and prioritise the generation of capital receipts.

7.3.2 As confirmed in paragraph 3.9 the Assistant Director of Investment & Valuations and external advisors consider this proposed sale represents best consideration based upon analysis of the bidders' proposals.

7.3.3 The purchaser will pay a contribution towards the Council's professional costs related to the disposal as detailed in Exempt Appendix 2.

7.3.4 Upon exchange of contracts the purchaser will pay a nonrefundable deposit as set out in Exempt Appendix 2.

7.3.5 The purchase price, including any contribution to the Council's costs, is exclusive of VAT.

### **7.4 Procurement Implications**

7.4.1 N/A

### **7.5 Human Resources Implications**

7.5.1 Internal resources are used to evaluate and execute the transaction and external consultants have been used to provide an independent assessment of value and sale recommendation.

## **7.6 Public Sector Equality Duty**

7.6.1 An Equality Assessment has been carried out EQUA764 dated 26<sup>th</sup> September 2023 and is attached at Appendix 4. This identifies no adverse impacts on any groups protected under the Equality Act 2010.

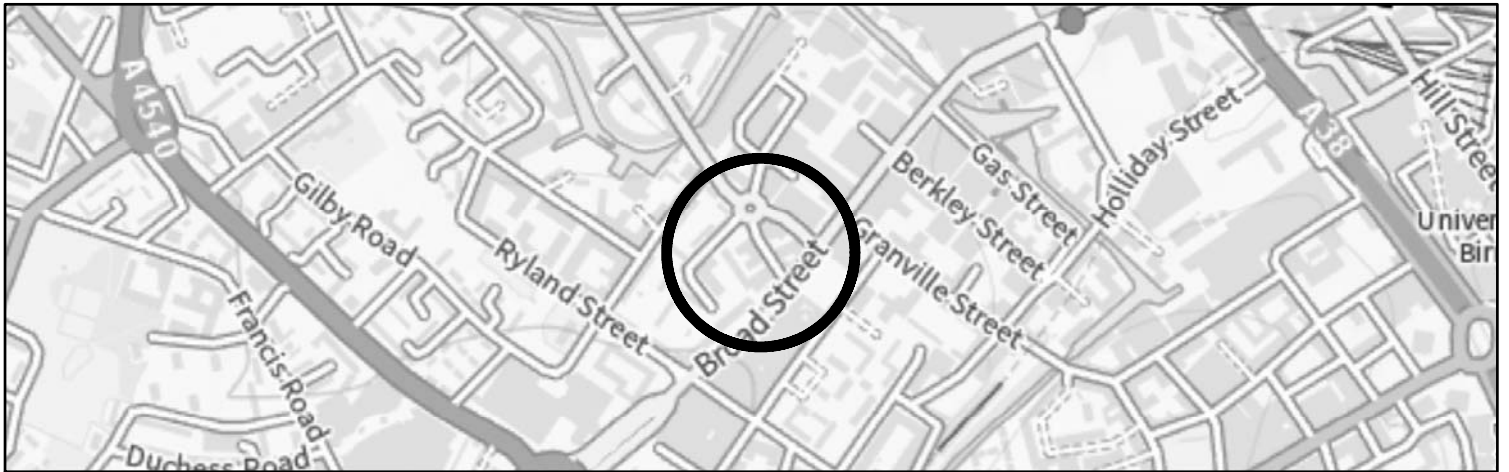
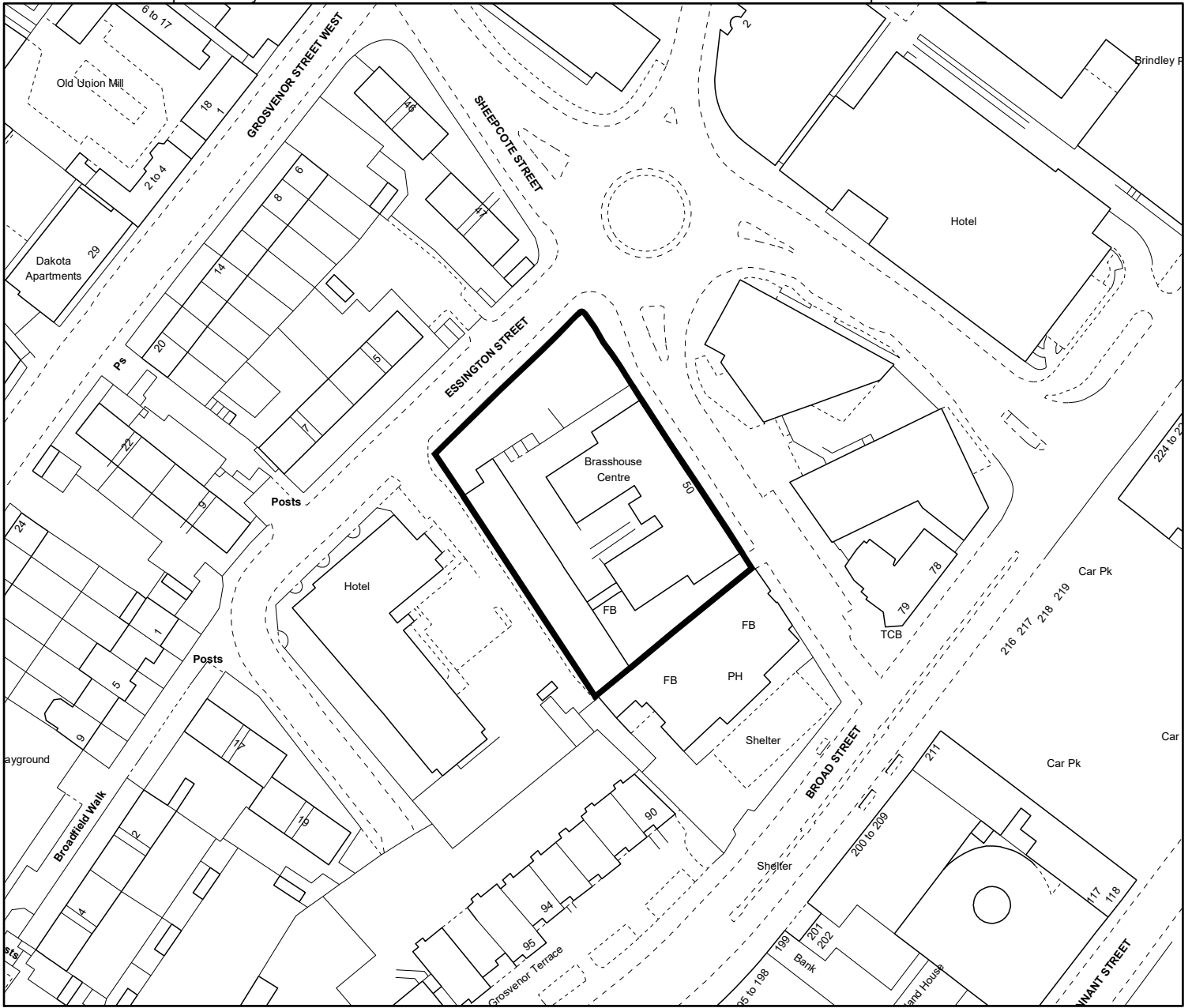
## **8. Appendices**

8.1 List of Appendices accompanying this Report (if any):



- Appendix 1 – Sale of the Brasshouse - Site Plan
- Exempt Appendix 2 – Sale of Brasshouse Recommendation Report
- Exempt Appendix 3 – Brasshouse Disposal Strategy Report by Jones Lang Lasalle
- Appendix 4 – Equality Impact Assessment EQUA000764

## **9 Background Documents**

- Disposal of Surplus Properties (Approved by Cabinet – March 2016)
- Property Strategy (Approved by Cabinet – November 2018)
- Sale of The Brasshouse, 50 Sheepcote Street, Birmingham B6 8AJ (Approved by Cabinet – December 2021)



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 <b>Birmingham</b> City Council		Kathryn James Assistant Director Property Inclusive Growth Directorate 10 Woodcock Street Birmingham, B7 4BG		
<b>BRASSHOUSE CENTRE</b> <b>50 SHEEPCOTE STREET</b> <b>LADYWOOD</b>		Scale (Main Map)	Drawn	Date
		1:1,250	Bharat Patel	26/10/2021
		Page 19 of 48 O.S.Ref SP0586SE		





## EQUALITY IMPACT ASSESSMENT

Cabinet Committee Property Report (29/2/24)- Sale Of the Brasshouse, 50 Sheepcote Street, Birmingham, B16 8AJ

Reference: EIA000764

Date: 08/02/2024

Submitted by: [Azmat.mir@birmingham.gov.uk](mailto:Azmat.mir@birmingham.gov.uk)



**EIA Form – About your EIA**

Reference number	EIA000764
Date Submitted	08/02/2024
Subject of the EIA	Sale Of the Brasshouse, 50 Sheepcote Street, Birmingham, B16 8AJ
Brief description of the policy, service or function covered by the EIA	This activity is related to the sale of the Council's Long Leasehold Property interest in the Brasshouse by way of an open market sale by informal tender. Any implications relating to the protected characteristics for existing tenants and citizens will be addressed accordingly. Having undertaken an assessment against each of the protected characteristics it is determined there are no negative impacts requiring further analysis at this stage.
Equality Assessment is in support of...	["Amended policy", "New strategy", "Amended/refreshed strategy "]
How frequently will you review impact and mitigation measures identified in this EIA?	Annually
Due date of the first review	2025-01-17

**Directorate, Division & Service Area**

Which directorate(s) are responsible for this EIA?	["Places, Prosperity and Sustainability"]
Division	Investment and valuation
Service area	Valuation and Sales
Budget Saving	Yes

**Officers**

What is the responsible officer's email address?	Azmat.mir@birmingham.gov.uk
What is the accountable officer's email address?	kathryn.james@birmingham.gov.uk

**Data Sources**

Data sources	["Relevant reports/strategies"]
Data source details	Information internal to the Council has been utilised to prepare this report

**Protected Characteristics**
**Protected Characteristic – Age**

Does this proposal impact people due to their age as per the Equality Act 2010?	No – As this asset is being sold on the open market to a company not any individual.
What age groups are impacted by your proposal?	N/A



Please describe the impact to the age characteristic	N/A
How will you mitigate against any negative impact to the age characteristic?	N/A

#### Protected Characteristic – Disability

Does this proposal impact those people with a disability as per the Equality Act 2010?	No – As this asset is being sold on the open market to a company not any individual.
Please describe the impact to the disability characteristic	N/A
How will you mitigate against any negative impact to the disability characteristic?	N/A

#### Protected Characteristic – Gender

Does this proposal impact citizens based on their gender as per the Equality Act 2010?	No – As this asset is being sold on the open market to a company not any individual.
What genders will be impacted by this proposal?	N/A
Please describe the impact to the gender characteristic	N/A
How will you mitigate against any negative impact to the gender characteristic?	By ensuring when selling the assets consideration of this protected characteristic is not relevant.

#### Protected Characteristic - Gender Reassignment

Does this proposal impact people who are proposing to undergo, undergoing or have undergone a process to reassign one's sex as per the Equality Act 2010?	No – As this asset is being sold on the open market to a company not any individual.
Please describe the impact to the gender reassignment characteristic	N/A
How will you mitigate against any negative impact to the gender reassignment characteristic?	N/A

#### Protected Characteristic - Marriage and Civil Partnership



Does this proposal impact people who are married or in a civil partnership as per the Equality Act 2010?	No – As this asset is being sold on the open market to a company not any individual.
What legal marital or registered civil partnership status will be impacted by this proposal?	N/A
Please describe the impact to the marriage and civil partnership characteristic	N/A
How will you mitigate against any negative impact to the marriage and civil partnership characteristic?	N/A

### Protected Characteristic - Pregnancy and Maternity

Does this proposal impact people covered by the Equality Act 2010 under the protected characteristic of pregnancy and maternity?	No – As this asset is being sold on the open market to a company not any individual.
Please describe the impact to the pregnancy and maternity characteristic	N/A
How will you mitigate against any negative impact to the pregnancy and maternity characteristic?	Consideration will be given throughout the sale process to ensure any matters related to pregnancy and maternity are addressed accordingly.

### Protected Characteristic - Ethnicity and Race

Does this proposal impact people due to their race as per the Equality Act 2010?	No – As this asset is being sold on the open market to a company not any individual.
What ethnic groups would be impacted by this proposal?	N/A
Please describe the impact to the ethnicity and race characteristic	N/A
How will you mitigate against any negative impact to the ethnicity and race characteristic?	N/A

### Protected Characteristic - Religion or Beliefs





Does this proposal impact people's religion or beliefs as per the Equality Act 2010?	No – As this asset is being sold on the open market to a company not any individual.
What religions could be impacted by this proposal?	N/A
Please describe the impact to the religion or beliefs characteristic	N/A
How will you mitigate against any negative impact to the religion or beliefs characteristic?	N/A

### Protected Characteristic - Sexual Orientation

Does this proposal impact people's sexual orientation as per the Equality Act 2010?	No – As this asset is being sold on the open market to a company not any individual.
What sexual orientations may be impacted by this proposal?	N/A
Please describe the impact to the sexual orientation characteristic	N/A
How will you mitigate against any negative impact to the sexual orientation characteristic?	N/A

### Monitoring

How will you ensure any adverse impact and mitigation measures are monitored?	As part of the disposal's strategy officers will be required to ensure full due diligence is undertaken to ensure the sale to the existing tenants is compliant with the Equality Act.
Please enter the email address for the officer responsible for monitoring impact and mitigation	Azmat.mir@birmingham.gov.uk





**Birmingham City Council**  
**Report to Cabinet Committee Property**  
**29<sup>th</sup> February 2024**



**Subject:** **Proposed Sale of Surplus Freehold Property Assets to Existing Tenants**

**Report of:** Strategic Director of Place, Prosperity, and Sustainability – Paul Kitson

**Relevant Cabinet Member:** Councillor John Cotton, Leader of the Council

**Relevant O & S Chairs:** Councillor Jack Deakin – Finance & Resources  
 Councillor Aikhlaq Ahmed – Economy & Skills

**Report author:** Robert King  
 Business Manager – Investment & Valuations  
 0121 303 3928 / robert.king@birmingham.gov.uk

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Balsall Heath West, Nechells, Soho & Jewellery Quarter		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Exempt information schedule 12A of the Local Government Act 1972 (as amended) paragraph 3. Information relating to the financial or business affairs of any particular person (including the council) Exempt Appendix 2 contains sensitive commercial information on the purchase price and valuation.		

## **1 Executive Summary**

- 1.1 This report seeks authority for the sale of the Council's freehold property interests listed in Appendix 1 of this report to the existing commercial tenants.
- 1.2 The subject properties are shown edged bold on individual attached plans at Appendix 3.
- 1.3 The recommendations contained in this, and the Exempt Appendix 2 are fully in line with the Council's wider ambitions and plans for financial stability.
- 1.4 Options for these property interests have been considered and the recommended sale route provides the best outcomes for the City as detailed in this report.

## **2 Recommendations**

- 2.1 Authorises the Assistant Director of Investment & Valuation, in consultation with the Interim Finance Director (s151 Officer) and the City Solicitor, to conclude the sale of the Council's freehold reversionary interest, to the current lessees at the values listed in Exempt Appendix 2.
- 2.2 Notes that the purchaser will pay a contribution towards the Council's surveyor and legal costs, as detailed in Exempt Appendix 2.
- 2.3 Authorises the City Solicitor to prepare, negotiate, execute, and complete all relevant legal documentation to give effect to the above.

## **3 Background**

- 3.1 The subject properties comprise commercial / industrial interests currently held within the Council's Investment Portfolio. The sales are in line with the Council's investment strategy to reduce the number of small assets in its portfolio.
- 3.2 The current property lease, and rent details are shown at Exempt Appendix 2. Individual identification plans showing the properties to be sold edged bold are shown at Appendix 3 of this report.
- 3.3 The sales have been negotiated adopting a marriage value assessment of worth with the Council taking an agreed share of the value released to the lessee on merger of their existing leasehold and freehold interest in addition to the value of its freehold reversionary interest. The settlement figures set out in Exempt Appendix 2 have been agreed with the lessees professional agent and represents best consideration under S123 of the Local Government Act 1972.

## **4 Options Considered and Recommended Proposal**

- 4.1 **Option 1 – Do Nothing.** The Council is under no obligation to proceed with this proposal and would suffer no reputational consequences if it did not proceed. It would not however, be in line with the aims of the Council's Financial Recovery Plan or the Council's investment strategy to reduce the number of small investment assets held. The properties are not allocated for inclusion in any existing strategic planning proposals, nor do they have planning consent for an alternative use and

are therefore not immediate development opportunities. The properties therefore do not have an obvious alternative use which would benefit the Council.

- 4.2 **Option 2 – Proceed with Agreed Transaction.** It is recommended to proceed with the recommendations outlined in this report, in line with the aims of the Council's Financial Recovery Plan.

## 5. Consultation

- 5.1 The Property Disposals Board comprising officers from Investment & Valuation, Finance and Legal Services recommends proceeding with the transaction.
- 5.2 No further external consultation is necessary for these commercial transactions.
- 5.3 Ward members have been notified of the proposed sales.

## 6. Risk Management

- 6.1 There are no immediate risks to the Council from the sale investment interests listed in Appendix 1, as if the proposed transactions do not complete, its interests are protected under the terms of the existing leases.
- 6.2 The 'risk' of not proceeding could only be seen of in terms of a lost opportunity to generate a potential capital receipt and reconciliation of the Council's financial position.
- 6.3 Should the sales not proceed to completion within a defined timescale by the 31<sup>st</sup> March 2024, then the Council's interests will be offered for sale via public auction.

## 7. Compliance Issues:

### 7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The proposed sales will generate a capital receipt supporting the Council's Financial Recovery Plan by generating resources and thus helping to achieve a balanced budget.

### 7.2 Legal Implications

- 7.2.1 Sections 120 - 123 of the Local Government Act 1972 authorises the Council to hold, appropriate and dispose of land. The disposal power in Section 123 of the Local Government Act 1972 is subject to the best consideration test. The Director of Property & Investment has confirmed that the recommended sale, as detailed in Exempt Appendix 2 represents best consideration and satisfies the Council's obligations, under Section 123 of the Local Government Act 1972.
- 7.2.2 Section 1 of the Localism Act 2011 contains the Council's general power of competence, which is circumscribed only to the extent of any applicable pre-commencement restrictions and any specific post-commencement statutory restriction of the power, and Section 111 of the Local Government Act 1972 contains the Council's ancillary powers in relation to the discharge of its functions including the disposal and acquisition of property and incurring of expenditure.

7.2.3 The Local Government Act 2003 and guidance issued under it authorises the Council's investment management functions.

7.2.4 Exempt information: Schedule 12A of the Local Government Act 1972 (as amended) paragraph 3. Information relating to the financial or business affairs of any particular person (including the Council). Exempt Appendix 2 is considered to be exempt as it contains commercially sensitive information of a financial or business nature, which if disclosed to the public could be prejudicial to a named person, individual or company.

### **7.3 Financial Implications**

7.3.1 The proposed sale programme at the values, as set out in Exempt Appendix 2, will generate capital receipts for the Council. The capital receipt will be available to fund the Council's Financial Recovery Plan, providing resources to support delivery of a balanced budget.

7.3.2 The Council will complete the sale of its freehold reversionary interests in the properties listed to generate estimated potential minimum capital receipts as set out in the Exempt Appendix 2.

7.3.3 For each individual sale, the purchaser will pay the Council's reasonable legal costs in addition to surveyor's costs as detailed in Exempt Appendix 2. These sums will be payable on completion of sales.

7.3.4 The Assistant Director of Investment and Valuation has confirmed the agreed sales, negotiated on the basis of taking a share in the marriage value accruing on merger of interests through sale, as detailed in Exempt Appendix 2, demonstrate achieving best consideration under S123 of the Local Government Act 1972.

7.3.5 The sale of these assets will result in a loss of income in the sum of £30,925 per annum. Given the priority to generate capital receipts to support the Council's Financial Recovery Plan, provision for loss of this income is being provided in the Medium-Term Financial Plan as a pressure to rebase the income budget.

7.3.6 The purchase price, including any contribution to the Council's costs, is exclusive of VAT.

### **7.4 Procurement Implications (if required)**

7.4.1 N/A

### **7.5 Human Resources Implications**

7.5.1 Internal resources are currently being used to evaluate and execute these proposed sales.

## **7.6 Public Sector Equality Duty**

7.6.1 An Equality Assessment has been carried out – EIA000364 dated 9<sup>th</sup> February 2024, and is attached at Appendix 4. This identifies no adverse impacts on any groups protected under the Equality Act 2010.

## **8. Appendices**

8.1 List of Appendices accompanying this report:

- Appendix 1 – List of Assets to be Sold.
- Exempt Appendix 2 – Proposed Disposal Values.
- Appendix 3 – Site Plans
- Appendix 4 – EIA000364.

## **9 Background Documents**

9.1 None





Birmingham City Council

**Report to Cabinet Committee - Property**

**Subject: Property Proposed Sale of Surplus Freehold Property Assets to Existing Tenants**

29<sup>th</sup> February 2024

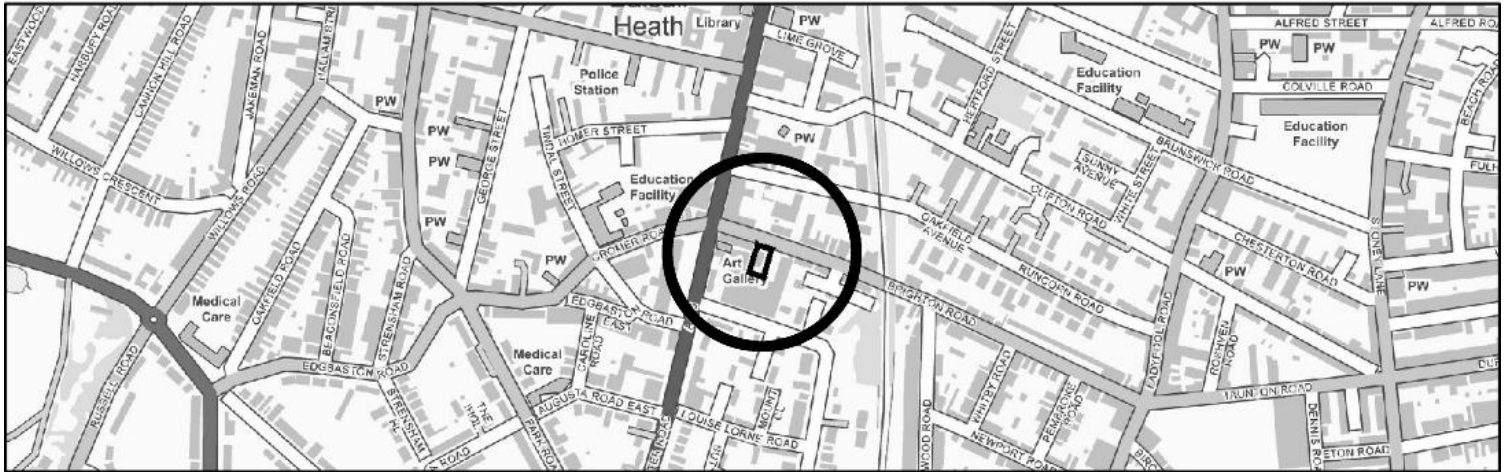
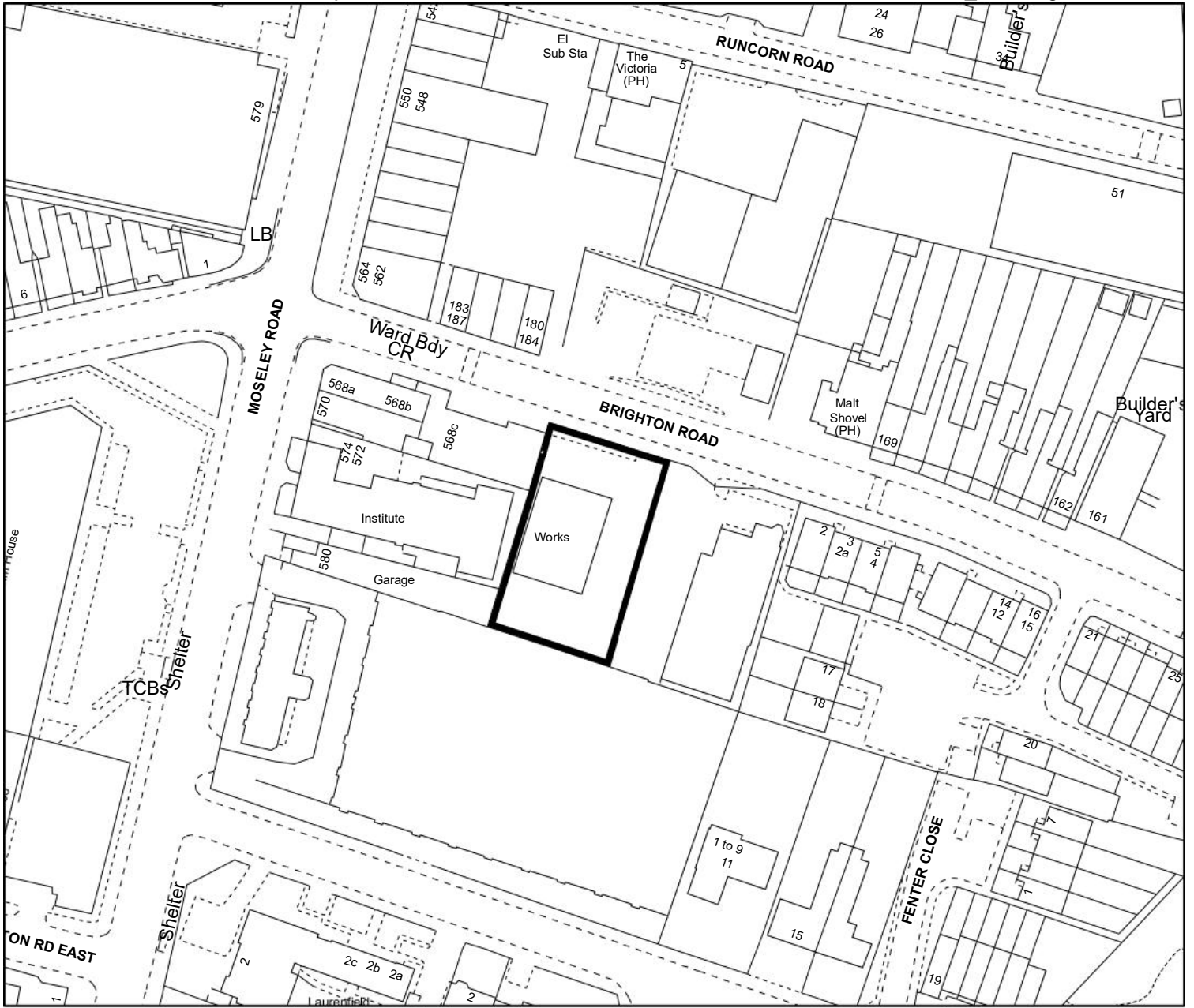


**Subject: Proposed Sale of Surplus Freehold Commercial Property Assets to Existing Tenants**


**Appendix 1 – List of Property Assets to be Sold 2024**

	ADDRESS	Mode of Sale	Description	Proposed Sale Transaction	Ward
	<b>Surplus commercial interests</b>				
1	Land Brighton Road, B12 8PU	<b>Sale to existing tenant</b>	Industrial land and premises occupying a site of approx. 1021sqm (0.25 acres).	Freehold subject to 99year lease from 23rd June 1986 at a ground rent of £8,000 per annum (7-year reviews)	Balsall Heath West
2	Land Brighton Road Birmingham B12 8PU	<b>Sale to existing tenant</b>	Industrial land and premises occupying a site of approx. 280 sqm (0.07 acres)	Freehold subject to 97year lease from 10 <sup>th</sup> June 1988 at a ground rent of £1,600 per annum (7-year reviews)	Balsall Heath West
3	Land Brighton Road Birmingham B12 8PU	<b>Sale to existing tenant</b>	Industrial land and premises occupying a site of approx. 1195sqm (0.29 acres)	Freehold subject to 94year lease from 20 <sup>th</sup> February 1991 at a ground rent of £8,325 per annum (7-year reviews)	Balsall Heath West

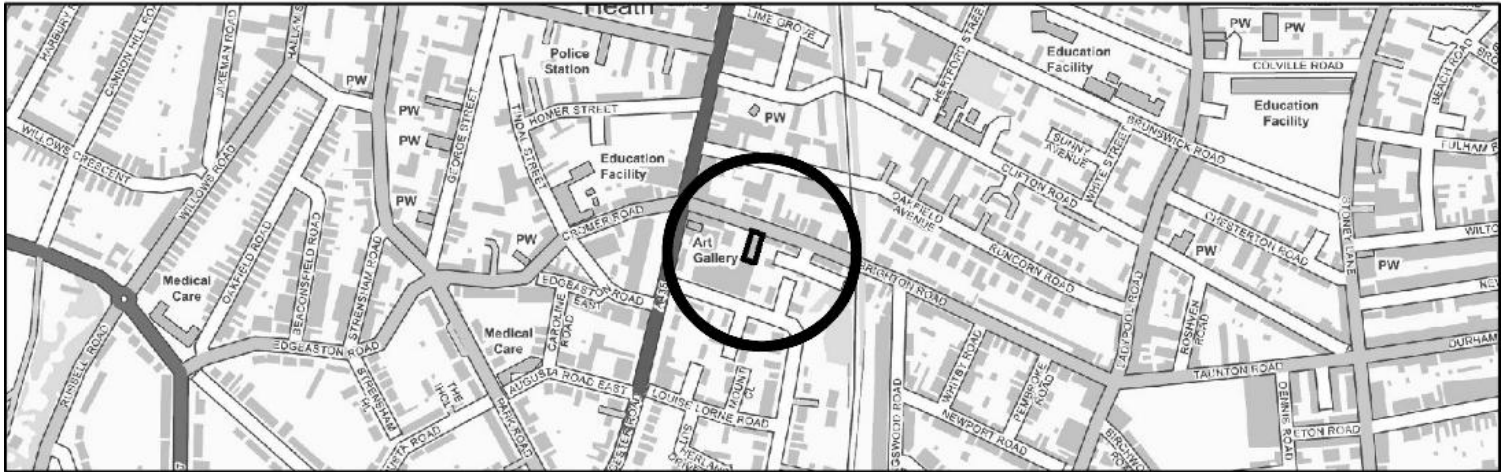
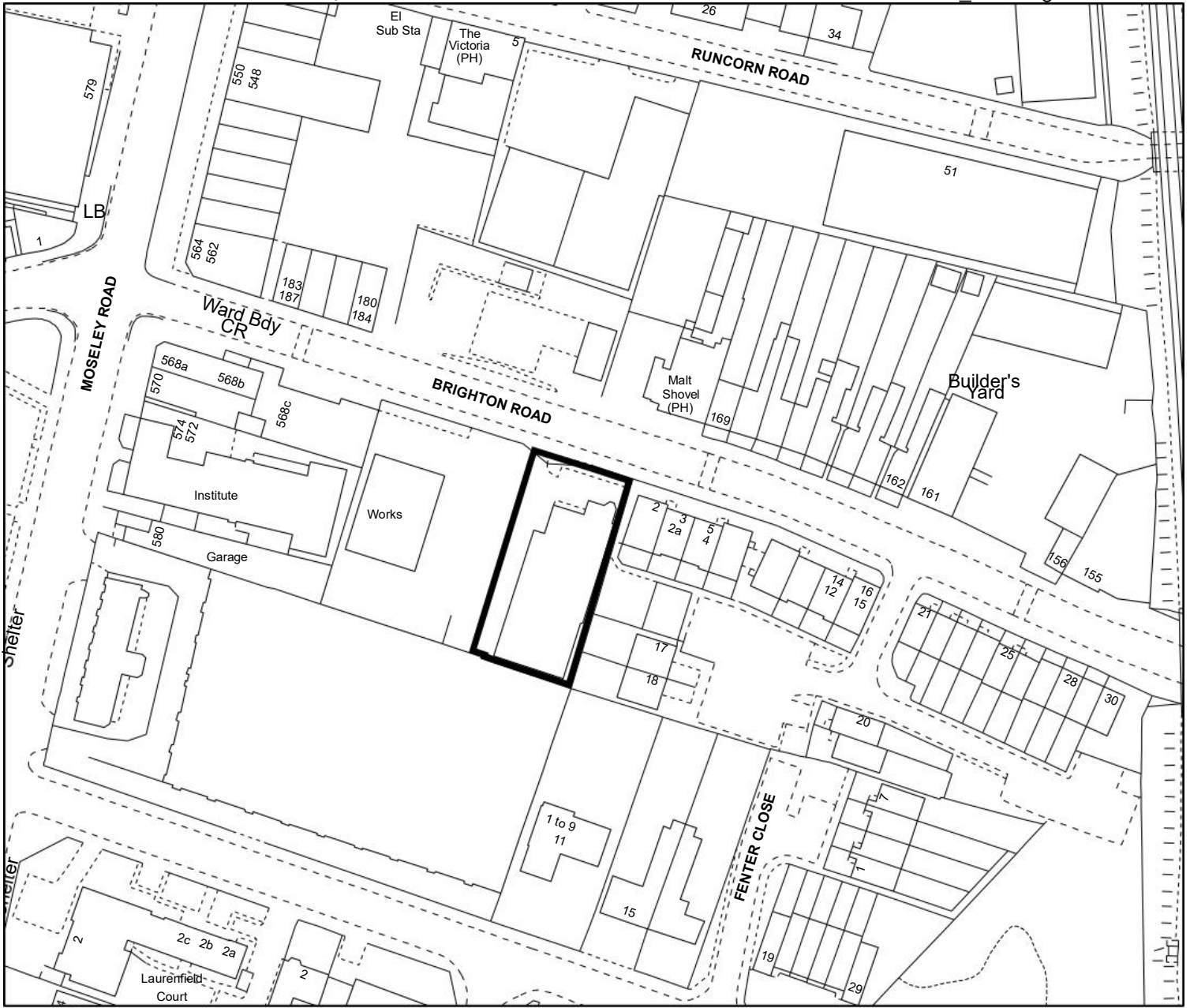
4	Land 41 Icknield Street Birmingham B18 5AY	<b>Sale to existing tenant</b>	Industrial land and premises occupying a site of approx. 1066sqm (0.26 acres)	Freehold subject to 99year lease from 21 <sup>st</sup> November 1985 at a ground rent of £8,000 per annum (7-year reviews)	Soho & Jewellery Quarter
5	Land 7 St James Place Birmingham B7 4JE	<b>Sale to existing tenant</b>	Industrial land and premises occupying a site of approx. 753sqm (0.19 acres)	Freehold subject to 125year lease from 25 <sup>th</sup> December 1988 at a ground rent of £5,000 per annum (7-year reviews)	Nechells



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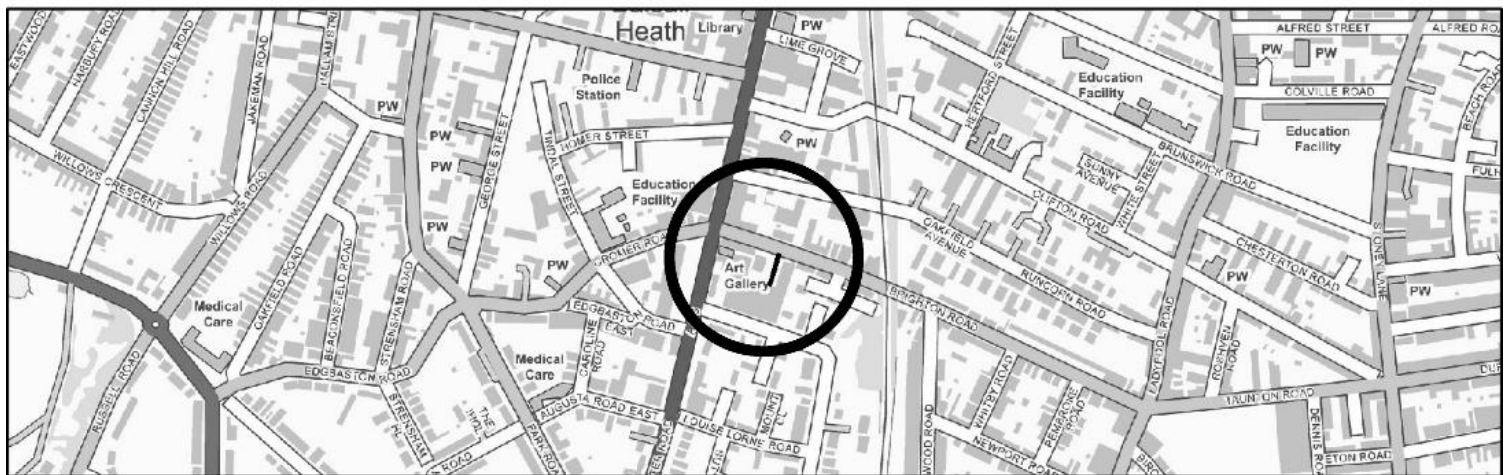
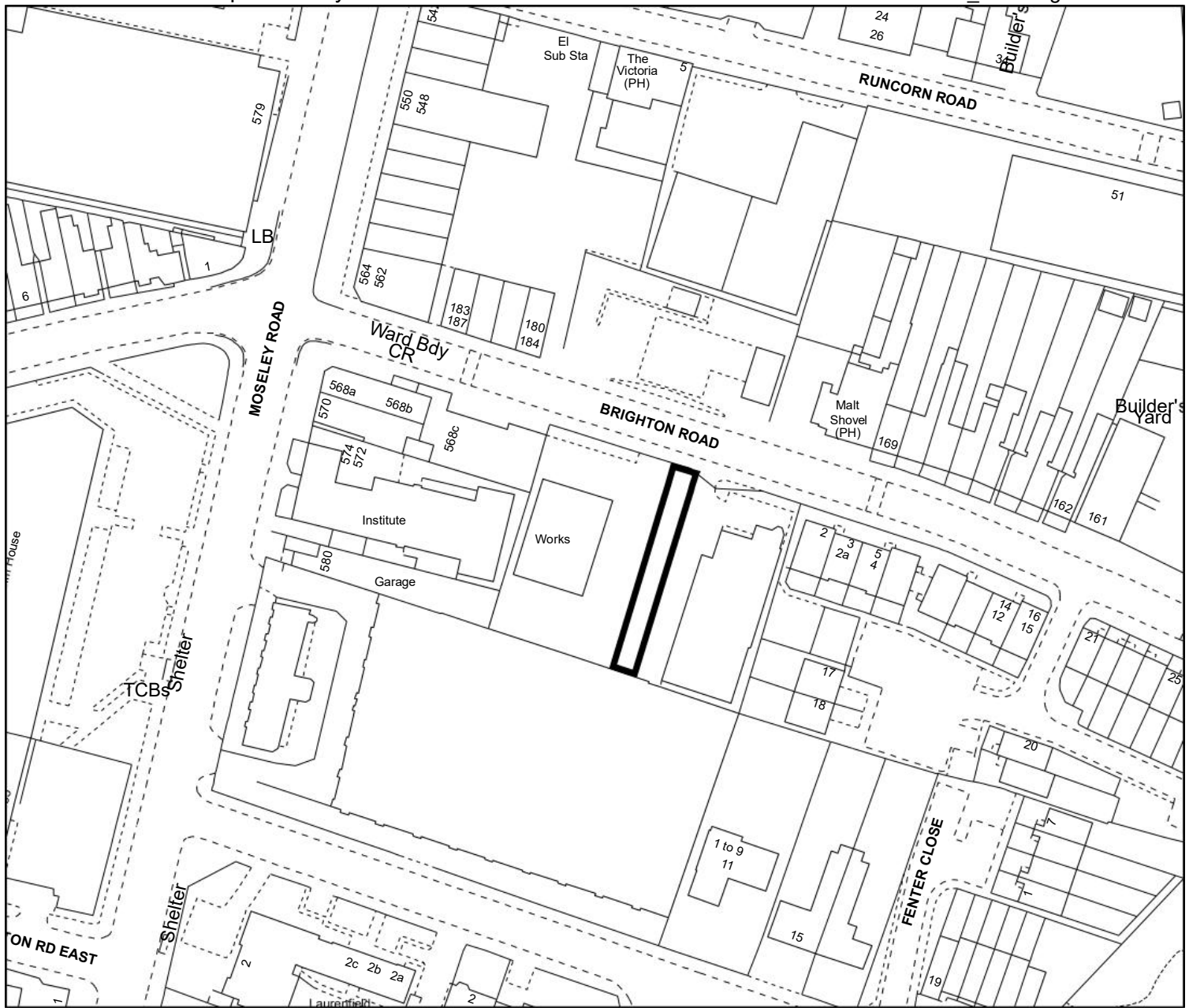
 <b>Birmingham</b> City Council	Kathryn James Assistant Director of Investment and Valuation Place, Prosperity & Sustainability Directorate 10 Woodcock Street Birmingham, B7 4BG		
	Land At <b>Brighton Road</b> Balsall Heath West	Scale (Main Map) 1:1,250 O.S.Ref SP0784SE	Drawn Bharat Patel






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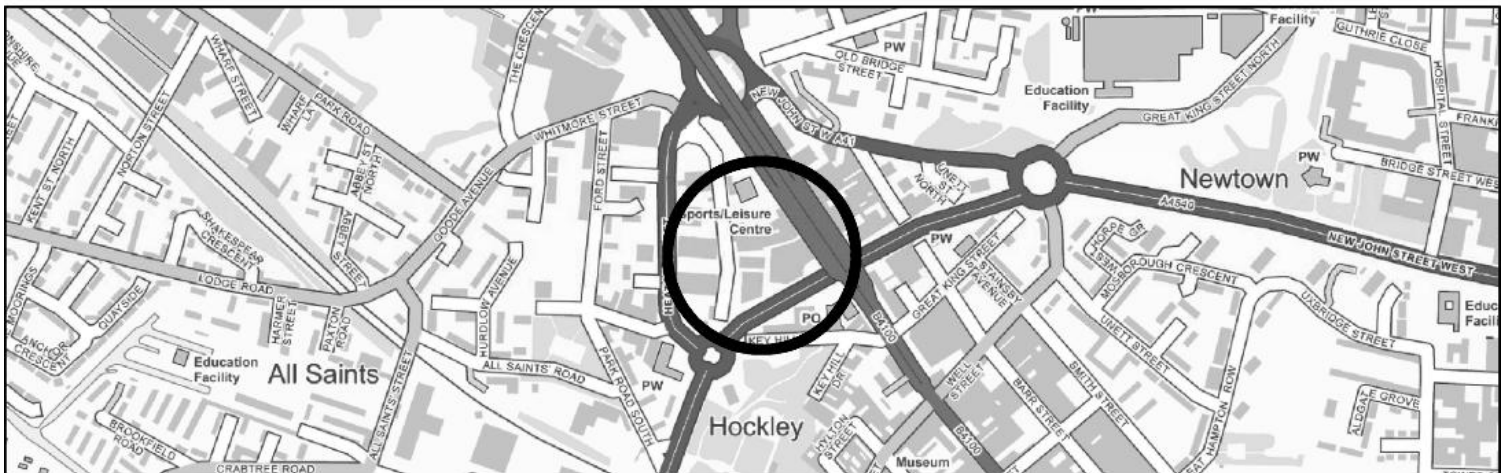
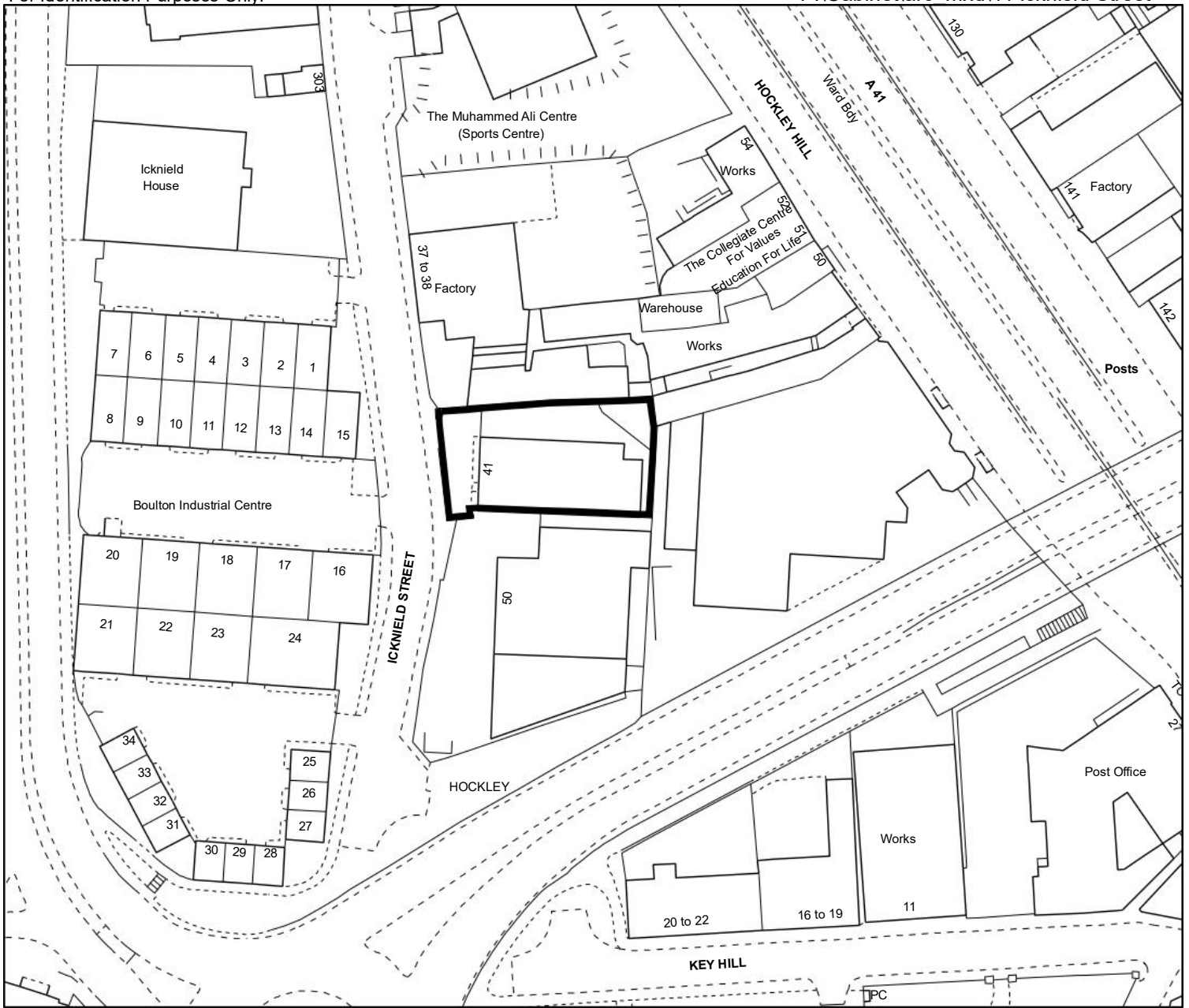
	<h1>Birmingham City Council</h1>	Kathryn James Assistant Director of Investment and Valuation Place, Prosperity & Sustainability Directorate 10 Woodcock Street Birmingham, B7 4BG		
<p><b>Land At Brighton Road Balsall Heath West</b></p>		<p>Scale (Main Map)</p>	<p>Drawn</p>	<p>Date</p>
		<p>1:1,250</p>	<p>Bharat Patel</p>	<p>21/12/2023</p>
		<p>Page 36 of 48 O.S.Ref SP0784SE</p>		





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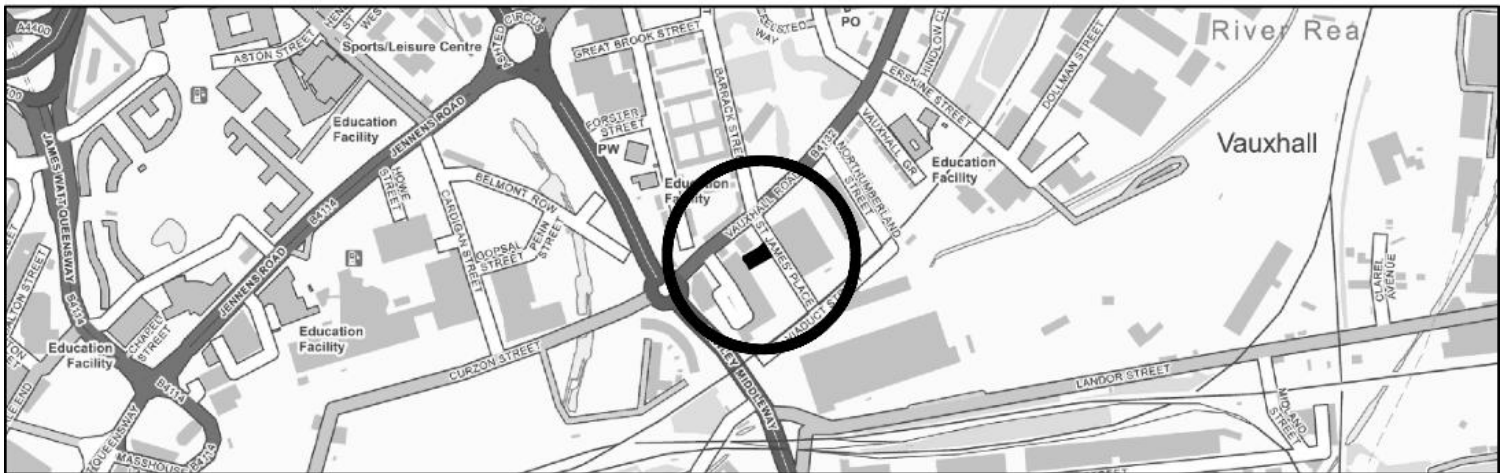
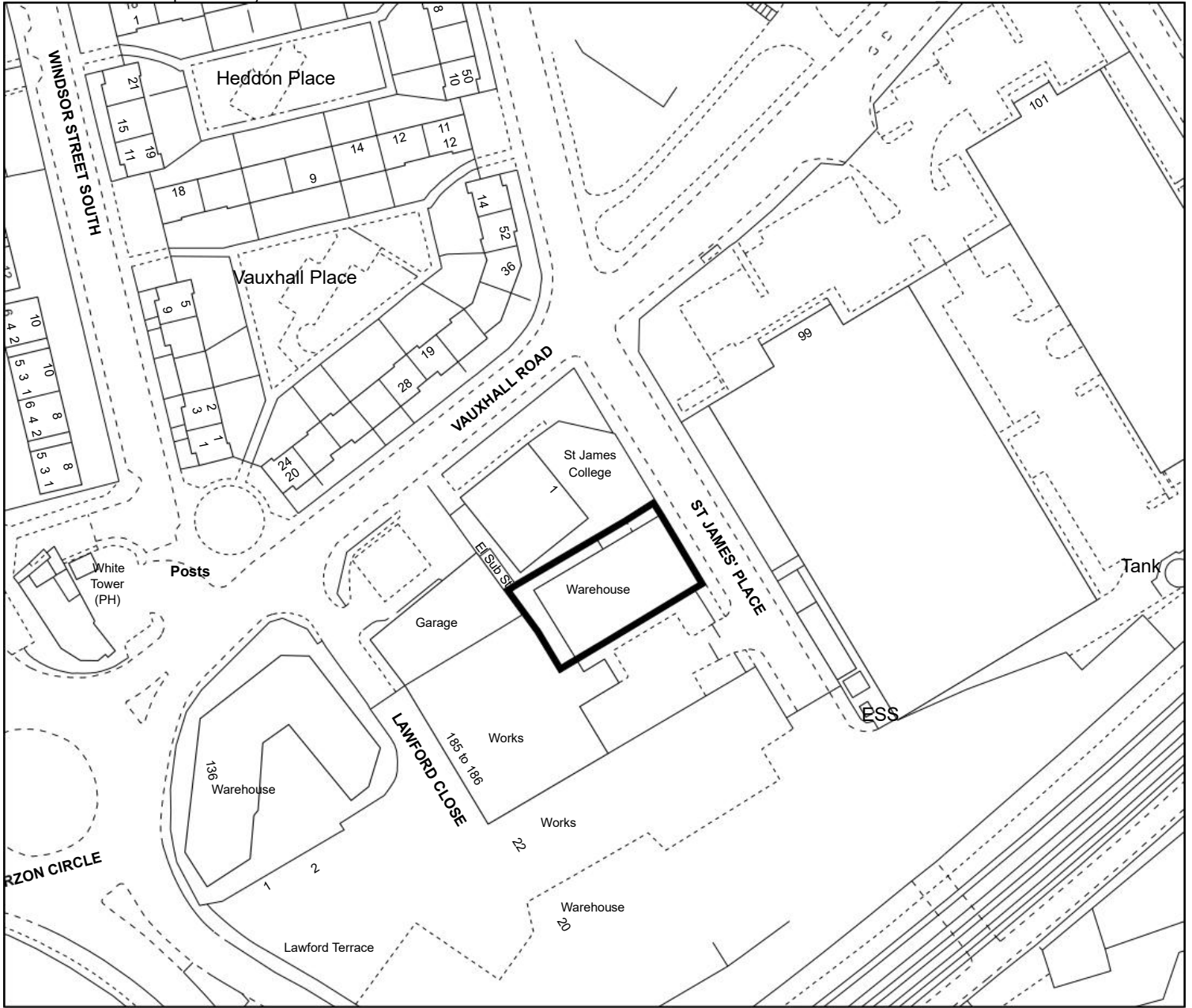
 <b>Birmingham</b> City Council	Kathryn James Assistant Director of Investment and Valuation Place, Prosperity & Sustainability Directorate 10 Woodcock Street Birmingham, B7 4BG		
	Land At <b>Brighton Road</b> Balsall Heath West	Scale (Main Map) 1:1,250 O.S.Ref SP0784SE	Drawn Bharat Patel







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 <b>Birmingham</b> City Council	Kathryn James Assistant Director of Investment and Valuation Place, Prosperity & Sustainability Directorate 10 Woodcock Street Birmingham, B7 4BG		
	Scale (Main Map) 1:1,250	Drawn MI	Date 07/11/2023
<b>41 Icknield Street</b> <b>Soho &amp; Jewellery Quarter</b>	 Page 38 of 48		



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 <b>Birmingham</b> City Council	Kathryn James Assistant Director of Investment and Valuation Place, Prosperity & Sustainability Directorate 10 Woodcock Street Birmingham, B7 4BG		
	7 St James Place Nechells	 Scale (Main Map) 1:1,250 Page 39 of 48	Drawn Bharat Patel





# EQUALITY IMPACT ASSESSMENT

Proposed Sale of Surplus Freehold Property Assets to  
Existing Tenants.

Reference: EIA000364

Date: 09/02/2024

Submitted by: robert.king@birmingham.gov.uk



### EIA Form – About your EIA

Reference number	EIA000364
Date Submitted	09/02/2024
Subject of the EIA	Proposed Sale of Surplus Freehold Property Assets to Existing Tenants.
Brief description of the policy, service or function covered by the EIA	This activity is related to the sale of the Council's Freehold Property interests of a number of assets in a number of wards across the city to existing commercial tenants. Any implications relating to the protected characteristics for existing tenants and citizens will be addressed accordingly. Having undertaken an assessment against each of the protected characteristics it is determined there are no negative impacts requiring further analysis at this stage.
Equality Assessment is in support of...	["Amended policy", "New strategy", "Amended/refreshed strategy "]
How frequently will you review impact and mitigation measures identified in this EIA?	Annually
Due date of the first review	2025-01-17

### Directorate, Division & Service Area

Which directorate(s) are responsible for this EIA?	["Places, Prosperity and Sustainability"]
Division	Investment and valuation
Service area	Valuation and sales
Budget Saving	Yes

### Officers

What is the responsible officer's email address?	robert.king@birmingham.gov.uk
What is the accountable officer's email address?	kathryn.james@birmingham.gov.uk

### Data Sources

Data sources	["Relevant reports/strategies"]
Data source details	Information internal to the Council has been utilised to prepare this report

### Protected Characteristics

#### Protected Characteristic – Age



Does this proposal impact people due to their age as per the Equality Act 2010?	Yes
What age groups are impacted by your proposal?	["20-29 years", "30-39 years", "40-49 years", "50-59 years", "60-69 years", "70-79 years", "80-89 years", "90 years or over"]
Please describe the impact to the age characteristic	No impact as this asset is being sold to existing tenants who are of an adult age.
How will you mitigate against any negative impact to the age characteristic?	N/A

#### Protected Characteristic – Disability

Does this proposal impact those people with a disability as per the Equality Act 2010?	Yes
Please describe the impact to the disability characteristic	The sale of these assets is to an existing tenants and there are no criteria or implications which impact any individual with a disability seeking to acquire this asset.
How will you mitigate against any negative impact to the disability characteristic?	N/A

#### Protected Characteristic – Sex

Does this proposal impact citizens based on their sex as per the Equality Act 2010?	Yes
What sexes will be impacted by this proposal?	["N/A"]
Please describe the impact to the sex characteristic	No – The sale of these assets is not on the basis of gender of the existing tenants. Therefore there are no implications for the purchasers on the grounds of gender seeking to acquire this asset.
How will you mitigate against any negative impact to the sex characteristic?	N/A

#### Protected Characteristic - Gender Reassignment

Does this proposal impact people who are proposing to undergo, undergoing or have undergone a process to reassign one's sex as per the Equality Act 2010?	Yes
-----------------------------------------------------------------------------------------------------------------------------------------------------------	-----



Please describe the impact to the gender reassignment characteristic	The sale of these assets is not on the basis of gender reassignment of the existing tenants. Therefore there are no implications for the purchaser on the grounds of gender reassignment seeking to acquire this asset.
How will you mitigate against any negative impact to the gender reassignment characteristic?	N/A

### Protected Characteristic - Marriage and Civil Partnership

Does this proposal impact people who are married or in a civil partnership as per the Equality Act 2010?	Yes
What legal marital or registered civil partnership status will be impacted by this proposal?	["Surviving partner from civil partnership", "Widowed", "Divorced", "Formerly in a civil partnership now legally dissolved", "Separated, but still in a registered civil partnership", "Separated, but still married", "In a registered civil partnership: Opposite sex", "In a registered civil partnership: Same sex", "Married: Opposite sex", "Married: Same sex", "Never married and never registered a civil partnership", "Single"]
Please describe the impact to the marriage and civil partnership characteristic	The sale of these assets is to an existing tenants and there are no criteria or implications which impact any individual on the basis of their marital status.
How will you mitigate against any negative impact to the marriage and civil partnership characteristic?	N/A

### Protected Characteristic - Pregnancy and Maternity

Does this proposal impact people covered by the Equality Act 2010 under the protected characteristic of pregnancy and maternity?	Yes
Please describe the impact to the pregnancy and maternity characteristic	As these assets are being sold to the sitting tenants the status of the person being pregnant or maternity is not a criteria or factor in undertaking the sale.
How will you mitigate against any negative impact to the pregnancy and maternity characteristic?	N/A

### Protected Characteristic - Ethnicity and Race



Does this proposal impact people due to their race as per the Equality Act 2010?	Yes
What ethnic groups would be impacted by this proposal?	["N/A"]
Please describe the impact to the ethnicity and race characteristic	The sale of these assets is not on the basis of ethnicity or race of the existing tenants. Therefore there are no implications for the purchaser on the grounds of ethnicity or race seeking to acquire these assets.
How will you mitigate against any negative impact to the ethnicity and race characteristic?	N/A

### Protected Characteristic - Religion or Beliefs

Does this proposal impact people's religion or beliefs as per the Equality Act 2010?	Yes
What religions could be impacted by this proposal?	["N/A"]
Please describe the impact to the religion or beliefs characteristic	The sale of these assets is to existing tenants and there are no criteria or implications which impact any individual's religion or beliefs.
How will you mitigate against any negative impact to the religion or beliefs characteristic?	N/A

### Protected Characteristic - Sexual Orientation

Does this proposal impact people's sexual orientation as per the Equality Act 2010?	Yes
What sexual orientations may be impacted by this proposal?	["All other sexual orientations"]
Please describe the impact to the sexual orientation characteristic	As this asset is being sold to the sitting tenant irrespective of their sexual orientation and this is not a criterion which will influence the outcome of the sale.
How will you mitigate against any negative impact to the sexual orientation characteristic?	N/A

### Monitoring



How will you ensure any adverse impact and mitigation measures are monitored?	As part of the disposal's strategy officers will be required to ensure full due diligence is undertaken to ensure the sale to the existing tenants is compliant with the Equality Act.
Please enter the email address for the officer responsible for monitoring impact and mitigation	robert.king@birmingham.gov.uk



**Birmingham City Council**  
**Cabinet Committee Property**

29 February 2024



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**Subject:** Proposed Sale of Surplus Freehold Property Assets to Existing Tenants

**Commissioner Review**

The recommendations are supported and will contribute to the asset disposal target.

