

BIRMINGHAM CITY COUNCIL

**CABINET COMMITTEE –
PROPERTY
EXTRAORDINARY MEETING
WEDNESDAY, 13 NOVEMBER
2024**

**MINUTES OF AN EXTRAORDINARY MEETING OF THE CABINET
COMMITTEE - PROPERTY HELD ON WEDNESDAY 13 NOVEMBER
2024 AT 0930 HOURS IN ELLEN PINSENT ROOM, 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 Karen McCarthy, Cabinet Member for Finance

ALSO PRESENT:-

Councillor Robert Alden, Leader of the Opposition (Conservative)
Councillor Deborah Harries (Liberal Democrat) online
Deborah Carter-Hughes, Assistant Director of Legal Services – Corporate Law
Mumtaz Mohammed, Programme Manager
Philip Nell, Director for Property and Investment
Mohammed Sajid, Assistant Director Financial Strategy
Kerry Scott, Housing Delivery Programme Lead
Sushil Thobhani, Head of Law, Property, Planning & Regeneration
Errol Wilson, Committee Team Leader

NOTICE OF RECORDING/WEBCAST

80. The Chair welcomed attendees and advised, and the Committee noted, that members of the press/public may record and take photographs except where there are confidential or exempt items.

APOLOGIES

81. An apology for non-attendance was submitted on behalf of Councillor Sharon Thompson, Deputy Leader and Cabinet Member for Economy and Skills.

DECLARATIONS OF INTERESTS

82. 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.

EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that the reports at Agenda items 5, 6 and 8A contained exempt appendices 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 appendices that may affect the decision to be made or to ask for clarification on a point on the exempt appendices.

Members of the Committee indicated that they have questions to raise in relation to items 5, 6 and 8A which presumably needed to be raised in the private session, however, they would be guided by the Chair.

The legal officer present at the meeting proposed that the Committee move into private session for discussions around items 5, 6 and 8A.

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

83. **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.

AMENDMENT TO YARDLEY BROOK DEVELOPMENT SCHEME TO ENABLE HOUSING DELIVERY

The Committee considered a report concerning the *Amendment to Yardley Brook Development Scheme to Enable Housing Delivery*.

A Member referred to the Commissioners comments concerning potential misunderstandings and if there were misunderstands what could be done. The Chair stated that this was a view shared by the Elected Members. The Director for Property and Investment undertook to request that Corporate Landlord provide an update to the Committee concerning the issue.

EXCLUSION OF THE PUBLIC

It was-

84. RESOLVED:-

That members of the press and public be excluded from the meeting for the exempt items of business under the next agenda item under Section 100A(4) of the Local Government Act 1972 on the grounds that: (i) it involved the likely disclosure of exempt information as defined under paragraph 3 of Part 1 of Schedule 12A of the Act; and (ii) the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

There were a range of matters that were considered during the exempt part of the meeting, and these are set out in full under the private Minutes.

85. RESOLVED UNANIMOUSLY: -

That Cabinet Committee Property:-

- a. Approved the sale of the site (as defined in Appendix 1 to the report) through a Development Agreement route to a Registered Provider with the transaction details as detailed in Exempt Appendix 2 of the report following the approval of the modification of the original contract for the development of housing at Yardley Brook between the Council and the developer;
- b. Noted the land assets have been identified for development and disposal from the Housing Revenue Account (HRA) to provide affordable housing across the city, with the Council retaining 100% Nomination Rights on first lets, and 80% on subsequent lets for the first ten years for those on its housing register. The receipts will be paid into the HRA. This means the Council will be able to relieve pressure from the housing register and receive a capital receipt for the land;
- c. Delegated authority to the Strategic Director for Place, Prosperity, and Sustainability, the Interim Director of Finance (s151 Officer), and the Interim City Solicitor & Monitoring Officer (or their respective delegates)

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to agree the final terms of the transaction, including any non-material amendments of terms; and

- d. Authorised the City Solicitor and Monitoring Officer (or their delegate) to take all steps necessary to prepare, execute, and complete all relevant legal documentation to give effect to the above.

AMENDMENT TO LONG NUKE ROAD DEVELOPMENT SCHEME TO ENABLE HOUSING DELIVERY

The Committee considered a report concerning the *Amendment to Long Nuke Road Development Scheme to Enable Housing Delivery*.

The Chair moved that with regard to the recommendations that paragraph 3.3 be amended as follows:

- a) *Notes that the land used for new sports pitches and pavilions will be retained by BCC to be retained and managed by Parks and Leisure;*
- b) *Notes that the pavilions works will be completed in accordance with planning requirements, using contributions from city wide Community Infrastructure Levy (CIL) Section 106 monies and the HRA funding.*

A Member referred to the Commissioners comments around the issue of delegations not being used properly. He requested that when these were investigated that a report be submitted to the Cabinet Committee – Property.

EXCLUSION OF THE PUBLIC

It was-

86. RESOLVED:-

That members of the press and public be excluded from the meeting for the exempt items of business under the next agenda item under Section 100A(4) of the Local Government Act 1972 on the grounds that: (i) it involved the likely disclosure of exempt information as defined under paragraph 3 of Part 1 of Schedule 12A of the Act; and (ii) the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

There were a range of matters that were considered during the exempt part of the meeting, and these are set out in full under the private Minutes.

87. RESOLVED UNANIMOUSLY: -

That Cabinet Committee - Property:-

1. Approved the sale of the site (as defined in Appendix 1 of the report) through a Development Agreement route to a Registered Provider with the transaction details as detailed in Exempt Appendix 2 of the report

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following the approval of the modification of the original contract for the development of housing at Long Nuke Road between the Council and the developer;

2. Noted the land assets that have been identified for development and disposal from the Housing Revenue Account (HRA) to provide affordable housing across the city, with the Council retaining 100% Nomination Rights on first lets, and 80% on subsequent lets for the first ten years for those on its housing register. The land receipt will be paid into the HRA. This means the Council will be able to relieve pressure from the housing register and receive a capital receipt for the land;
3. a) Noted that the land used for new sports pitches and pavilions will be retained by BCC to be retained and managed by Parks and Leisure;

b) Noted that the pavilions works will be completed in accordance with planning requirements, using contributions from city wide Community Infrastructure Levy (CIL) Section 106 monies and the HRA funding.
4. Delegated authority to the Strategic Director for Place, Prosperity, and Sustainability, the Interim Director of Finance (s151 Officer), and the Interim City Solicitor & Monitoring Officer (or their respective delegates) to agree the final terms of the transaction, including any non-material amendments of terms; and
5. Authorised the City Solicitor and Monitoring Officer (or their delegate) to take all steps necessary to prepare, execute, and complete all relevant legal documentation to give effect to the above.

PRIMROSE PHASE 3 KINGS NORTON SITE TO DELIVER AFFORDABLE HOUSING

88. The Chair informed the meeting that this item has been withdrawn.

ADJUSTMENT TO SALE OF PLOTS 6, 7 AND 8 PERRY BARR RESIDENTIAL SCHEME

The Committee considered a report concerning the *Adjustment to Sale of Plots 6, 7 and 8 Perry Barr Residential Scheme*.

EXCLUSION OF THE PUBLIC

It was-

89. **RESOLVED:-**

That members of the press and public be excluded from the meeting for the exempt items of business under the next agenda item under Section 100A(4) of the Local Government Act 1972 on the grounds that: (i) it involved the likely disclosure of exempt information as defined under paragraphs 3, 4 and 5 of

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Part 1 of Schedule 12A of the Act; and (ii) the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

There were a range of matters that were considered during the exempt part of the meeting, and these are set out in full under the private Minutes.

90. RESOLVED UNANIMOUSLY: -

That Cabinet Committee – Property authorised the approval of the recommendations as set out in the Exempt report.

OTHER URGENT BUSINESS

91. There was no item of urgent business

The meeting ended at 1025 hours.

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CHAIRPERSON