Request for Call In – Pro-forma – Proposed Amendments

Date: 29.09.25

Please arrange for a meeting of the Economy, Skills and Culture O&S Committee to be called to discuss the following executive decision:

Title: Disposal of Surplus Properties (September 2025)

Taken By: Cabinet Committee - Property

On: 23.09.25

Reason for request:

Criteria	Yes/No	Brief Explanation
(a) Is the Executive decision within existing policy?		
1. the decision appears to be contrary to the Budget or one of the 'policy framework' plans or strategies	Yes	BCC Corporate Plan 2025-28 states *'The continued delivery of our City of Nature 25-year Plan will ensure that our network of green open spaces maximise biodiversity and the delivery of Natural Capital Services, providing climate mitigation, adaptation and health and well-being benefits for communities'* This commitment is not reflected in the report to Cabinet Property Committee and some of the pieces of land which were deemed 'surplus to operational requirements' The National Planning Policy Framework (NPPF) states; *'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:* ***an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements****'* No such assessment was provided to Members in making their decision to declare the sites 'surplus' nor were any criteria provided as to how each piece of land had been selected for disposal.

Criteria	Yes/No	Brief Explanation
2. the decision appears to be inconsistent with any other form of policy approved by the full Council, the Executive or the Regulatory Committees		City of Nature Delivery Plan (May 2022) states; *"We also need to increase the number of publicly accessible green spaces by 400 to achieve this. This will then mean Birmingham will not only be a city of 1000 trades but also a city of 1000 green spaces'* The report to Cabinet Property Committee fails to address how the proposed disposals are consistent with the Delivery Plan, with various pockets of green, public open space, including an entire park of 32,000sq metres included in the list of assets to be declared as 'surplus to operational requirements'.

Criteria	Yes/No	Brief Explanation
3. the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive)	Yes	The decision to dispose of council-owned sites, including green open spaces, appears to be inconsistent with recommendations previously made by the Economy and Skills Overview and Scrutiny Committee, particularly those arising from the Council-Owned Assets Inquiry and subsequent reports. These recommendations emphasised the importance of: • Transparent and inclusive consultation processes • Recognition of community value and social benefit • Joined up working across council departments • Prioritising long-term public interest over short-term financial gain The Executive's decision to declare certain green spaces surplus to operational requirements—without meaningful engagement with affected communities or alignment with these principles—suggests a departure from the scrutiny-led approach previously endorsed by the Council. This undermines the credibility of the scrutiny process and raises concerns about the consistency and integrity of decision-making. (Reference: Council-owned Assets: A report from Overview and Scrutiny 15th March 2022)
(b) Is the Executive decision well-founded?		

4. the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision	Yes	There has been a failure to adequately and/or properly consult in relation to the decision to deem the land 'surplus to operational requirements.' No definition of the word 'surplus' has been provided by BCC, nor have the criteria on which the decision to declare land surplus been provided by BCC in any way that is open and transparent to people affected by the decision. In relation to Queen's Park, Harborne, and Highfield Lane, Quinton, there has been a failure to consult on the declaration to deem the land surplus; there has been no public engagement with users of the park who use the land for recreation and/or enjoyment purposes as the council has not solicited any responses from this group of people in the form of notices on noticeboards, official council channels, social media, literature to local residents or leaflets deposited at Harborne and Quinton libraries. No reasonable consultation on parkland in which the citizens of Birmingham have enjoyed access to public parks for many years, including Queen's Park, Highfield Lane and Bellefield Park / Moilliet Street play area. The council has failed to consult, with only a single email solely to the ward councillors without any other engagement or notification with local communities. The council appear to have failed to consult relevant stakeholders across the city in relation to these proposals, for example: 1. **Inadequate Consideration of the Park's Catchment Area and Usage** The consultation process failed to adequately recognise the geographical context of Queen's Park, which lies on the boundary of Harborne and Quinton wards. The park is heavily utilised by residents of both communities,

		particularly Quinton ward, yet the consultation did not reflect this broader catchment area. This oversight raises concerns about the representativeness and fairness of the engagement process. **2. Failure to Engage with Key Stakeholders** No public advertisement of the council's intention to deem the land surplus to operational requirements. Limiting the nature and scope of the consultation, they have failed to consider different arguments and have therefore come to a conclusion based on limited information particularly in relation to Queen's Park, which has been used since 1906 for various activities including by the local community, and the land at Highfield Lane having been in recent use as a bowling club until 2024. No consultation was undertaken with the **Friends of Queen's Park**, a recognised community stakeholder group with a longstanding commitment to the stewardship and enhancement of the park. Their exclusion from the process undermines the Council's stated commitment to community engagement and collaborative decision-making. **3. Conflicting Council Activity During Consultation Period** At the same time that a consultation process was being undertaken to seek residents views regarding the investment of Section106 contributions for improvements to Queen's Park, another Council department was promoting the disposal of a

		portion of the park, declaring it surplus to operational requirements. This lack of internal coordination and transparency is deeply concerning, and risks eroding public trust in the Council's governance processes. 4. **Failure to take into account any other usage for the land in question other than to generate capital receipts.** The initial email states *'the resulting transactions will generate capital receipts for the Council. The use of the capital receipts from these assets together with the ongoing revenue saving is intended to support the City Council's Financial Recovery plan to ensure a balanced budget and prioritise the generation of capital receipts.'* It also goes on to state *'Of course, there will be further opportunity for continued engagement with ward members post committee and we would welcome this dialogue through to the eventual disposal/transfer of the identified land or property asset, or as may be appropriate.'* The wording of the email states that the resulting transaction 'will' generate rather than 'may' which heavily indicates that the consultation outcome has already been predetermined. The use of the word 'eventual' also suggests that the decision was predetermined and this process was just a formality. For example; Highfield Lane, Quinton – The consultation consisted of an email sent to ward councillors, giving only seven days to respond, and failed to include the Friends of Highfield Lane and Woodgate Valley

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		Consultative Committee; the land at Highfield Lane forms part of Highfield Recreational Ground which is the gateway to Woodgate Valley. The consultation omitted to consult the users of this piece of land, for example by notices on notice boards, official social media channels or literature to local residents. Appears to have failed to consult in a reasonable or timely manner as it was limited and restricted in scope and consisted solely of notifying ward councillors by email, therefore placing the heavy burden of consultation solely on ward councillors to consult residents without any assistance or support from BCC during what was the summer holiday period.

Criteria	Yes/No	Brief Explanation
5. the Executive appears to have overlooked some relevant consideration in arriving at its decision	Yes	In arriving at its decision to dispose of various council-owned sites, including green open spaces, the Executive appears to have overlooked several material considerations. These include the strategic value of the affected sites to surrounding communities, the ongoing use and significance of these spaces, and the existence of parallel consultations (e.g. Section 106 proposals at Queen's Park) that directly impact the same locations. Additionally, the decision-making process did not adequately account for the environmental, social, and health benefits associated with retaining accessible green infrastructure, nor did it reflect the Council's own commitments under the Council's Corporate Plan and the Birmingham Development Plan. This omission raises serious concerns about the robustness and transparency of the decision.
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	7	The decision to dispose of various council-owned sites, including valued green open spaces, has already generated considerable concern among local residents, community groups, and stakeholders. In particular, proposals affecting sites such as Queen's Park, Harborne and Highfield Lane have prompted objections from ward residents, park users, and established community organisations who were either excluded from the consultation or inadequately informed. The land at Queen's Park has generated over 1200 petition signatures, as well as support from Prof. Carl Chinn. The land at Highfield Lane has also generated over 700 petition signatures. Given the nature of the assets involved and their importance to public wellbeing, recreation, and environmental value, it is reasonable to conclude that the decision is likely to generate further controversy.

Criteria	Yes/No	Brief Explanation
7. 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	Yes	The report presented to the Cabinet committee in support of the proposed site disposals contains material omissions, insufficient detail, and a lack of clarity. Key information—such as the legal status of the land, the outcomes of any statutory consultations, the community value of the sites, and the alignment with existing policy frameworks—was either absent or inadequately addressed. This lack of transparency undermines the principles of informed scrutiny and raises concerns about the robustness of the decision-making process. For example, where garages areas in Quinton have been deemed surplus, some local residents state these garages are included within the title deeds of their properties.
(c) Has the Executive decision been properly taken?		

Criteria	Yes/No	Brief Explanation
8. the decision appears to give rise to significant legal, financial, governance or propriety issue	Yes	The decision to dispose of multiple council-owned sites, including green open spaces, raises significant legal, financial, and governance concerns. Legally, there is a risk of non-compliance with Section 123(2A) of the Local Government Act 1972, which requires proper public consultation before disposing of land classified as public open space. Financially, while the generation of capital receipts may support the Council's recovery plan, the long-term implications—such as the loss of income-generating assets, increased costs from reduced green infrastructure, and reputational damage—have not been fully assessed. Governance concerns arise from the lack of transparency, inadequate stakeholder engagement, and conflicting internal processes, such as simultaneous Section 106 consultations and asset disposal proposals. These issues suggest that the decision may not meet the standards of good governance, due diligence, and public accountability expected under the Council's Corporate Property and Asset Disposal Strategy.

Criteria	Yes/No	Brief Explanation
9. the notification of the decision does not appear to have been in accordance with council procedures	Yes	The notification of the decision to dispose of council-owned sites, including green open spaces, appears to have deviated from established council procedures and statutory requirements. Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012, local authorities are required to ensure that key decisions are: • Properly recorded • Published in advance • Accessible to the public and scrutiny members In this case, there is evidence that the decision was either not adequately publicised, or that the timing and format of the notification did not allow sufficient opportunity for scrutiny or public engagement. This undermines the principles of transparency, accountability, and lawful governance, and may have prevented affected parties from exercising their right to challenge or respond to the decision in a timely manner. At a meeting of the City Council on Tuesday 16th September 2025, in response to a question from a member of the member of the public, Cllr Sharon Thompson, Deputy Leader, stated that in relation to the disposal of land at Queen's Park she had received representations from the local MP. These were not recorded in the report to Cabinet Property Committee.

Councillor

Sam Forsyth

(Signed) (Print Name)

Councillor

Martin Brooks

(Signed) (Print Name)