

BIRMINGHAM CITY COUNCIL

**CABINET COMMITTEE –
PROPERTY MEETING
WEDNESDAY, 26 JUNE 2024**

**MINUTES OF A MEETING OF THE CABINET COMMITTEE - PROPERTY
HELD ON WEDNESDAY 26 JUNE 2024 AT 1500 HOURS IN COMMITTEE
ROOM 2, COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1
1BB.**

PRESENT: - Councillor John Cotton, Leader in the Chair

Councillor Majid Mahmood, Cabinet Member for Environment and Transport
Councillor Karen McCarthy, Cabinet Member for Finance
Councillor Rob Pocock, Cabinet Member for Transformation, Governance & HR

ALSO PRESENT:-

Councillor Robert Alden, Leader of the Opposition (Conservative)
Councillor Deborah Harries, (Liberal Democrat)
Ian Chaplin, Head of Service
David Harris, Assistant Director, Corporate Landlord
Kathryn James, Assistant Director of Investment and Valuation
Philip Nell, Director for Property and Investment
Mohammed Sajid, Assistant Director Financial Strategy
Sushil Thobhani, Head of Law, Property, Planning & Regeneration
Errol Wilson, Committee Team Leader

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.

APOLOGIES

2. Apologies for absence were submitted on behalf of the Deputy Leader, Councillor Sharon Thompson and Councillor Jayne Francis, Cabinet Member for Housing and Homelessness for their inability to attend the meeting.

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An apology for absence was also submitted on behalf of Deborah Carter-Hughes.

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.

Councillor Majid Mahmood, Cabinet Member for Environment and Transport declared his interest in item 10 and left the room before the item was discussed. He then returned to the meeting after the decision was taken concerning the item.

MINUTES

4. **RESOLVED:** -

The Public and Private Minutes of the meeting held on the 28 March 2024, having been previously circulated, were confirmed and signed by the Chair.

EXEMPT INFORMATION – POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that the reports at Agenda items 7, 8, 9 and 10 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 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 7 and 8 which presumably needed to be raised in the private session, however, they would be guided by the Chair.

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The legal officer present at the meeting proposed that the Committee move into private session for discussions around items 7 and 8.

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.

5. 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.

ROLE, FUNCTIONS AND MEMBERSHIP OF THE CABINET COMMITTEE – PROPERTY

6. The Committee Members noted the role, functions and membership of the Committee.
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SALE OF LAND AT FOX STREET, BIRMINGHAM, B5 5AD

The Committee considered a report concerning the sale of land at Fox Street, Birmingham, B5 5AD.

Councillor Robert Alden stated that the Equalities Impact Assessment (EIA) copy that he was emailed was blank but that it was uncertain whether this may have been an error. He added that the site which was covered in the site map was close to where Curzon Street came in. He sought assurance that this was delivering best value for the Council given that this was a prime location in the City Centre.

The Assistant Director of Investment and Valuation advised that in terms of where the site was providing best value Jones Lang Lasalle have marketed the site, and we were recommending the highest bid from the development partner which was an unconditional bid which would ensure that deposit would be received in four weeks by the City Council and the balance within eight weeks. She undertook for Members to be sent a copy of the EIA.

EXCLUSION OF THE PUBLIC

It was-

- 7. RESOLVED:-**

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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 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.

8. RESOLVED UNANIMOUSLY: -

That Cabinet Committee Property:-

1. Authorised the Assistant Director of Investment & Valuation to conclude an unconditional sale of underutilised Council owned land at Fox Street, Birmingham, B5 5AD (“the Property”) as shown edged bold black on the attached plan at Appendix 1 to the report and extending to 1497.33 sqm by the grant of a new 255-year lease to the Purchaser as detailed in Exempt Appendix 2/3/4 to the report;
 2. Noted that the purchaser will also pay a contribution towards the Council’s surveying and legal costs, as detailed in Exempt Appendix 2/3/4 to the report;
 3. Authorised the Assistant Director of Investment and Valuation to revert to the under bidders in the event of a failure to complete and proceed to completion; and
 4. Authorised the City Solicitor to prepare, negotiate, execute, and complete all relevant legal documentation to give effect to the above.
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SALE OF CAR PARK AT STANIFORTH STREET, BIRMINGHAM, B5 5DN

The Committee considered a report concerning the sale of property at Staniforth Street, Birmingham, B5 5DN.

EXCLUSION OF THE PUBLIC

It was-

9. 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 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.

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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.

10. RESOLVED UNANIMOUSLY: -

That Cabinet Committee - Property:-

- a. Authorised the Assistant Director of Investment & Valuation to conclude an unconditional sale of the Council owned Car Park at Staniforth Street, Birmingham as shown edged bold black on the attached plan at Appendix 1 to the report, and extending to 364 2.17 sqm by the grant of a new 255-year lease to the Purchaser as detailed in Exempt Appendix 2 to the report;
- b. Noted that the purchaser will also pay a contribution towards the Council's surveying and legal costs, as detailed in Exempt Appendix 2 to the report;
- c. Authorised the Assistant Director of Investment and Valuation to revert to the under bidders in the event of a failure to complete and proceed to completion; and
- d. Authorised the City Solicitor to prepare, negotiate, execute, and complete all relevant legal documentation to give effect to the above.

SALE OF 10 WOODCOCK STREET, BIRMINGHAM, B7 1BL

The Committee considered a report concerning the sale of property at 10 Woodcock Street, Birmingham, B7 1BL.

The Cabinet Member for Environment and Transport sought assurance that the Ward Members was satisfied with the report going ahead and the Cabinet Committee -Property coming to a decision on it.

The Assistant Director of Investment and Valuation advised that she and the Deputy Leader had met with Councillor Lee Marsham last week and had discussed the concerns he had raised.

Councillor Robert Alden expressed thanks to the officers for what he felt was a sensible route to the disposal that would deliver something that would be of benefit to the city and work with improving the overall of the city.

The Chair stated that all Members of the Committee echoed Councillor Alden's comments.

11. RESOLVED UNANIMOUSLY: -

That Cabinet Committee - Property:-

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1. Authorised the Assistant Director of Investment and Valuation to conclude the sale of the surplus Council asset at 10 Woodcock Street subject to vacant possession being provided for a capital sum as set out in Exempt Appendix 2 to the report;
2. Delegated approval of the final sale terms agreed under (i), including any terms as to payment and holding of a deposit, to the Assistant Director of Investment and Valuation;
3. Noted the purchaser will also pay a contribution towards the Councils surveyor and legal costs, as detailed in Exempt Appendix 2 to the report;
4. Authorised the City Solicitor to prepare, negotiate, execute, and complete all relevant legal documents to give effect to the above; and
5. Noted the feedback from the Economy, Skills and Culture Overview and Scrutiny Committee, and the response, as set out in paragraph 5.6 and Appendix 6 to the report.

SALE OF THE ELEGANCE SUITE, 129 – 142 GREAT FRANCIS STREET, NECHELLS, BIRMINGHAM B7 4QX

Councillor Majid Mahmood, Cabinet Member for Environment and Transport declared his interest in item 10 and left the room before the item was discussed.

The Committee considered a report concerning the sale of the Elegance Suite a property at 129 – 142 Great Francis Street, Nechells, Birmingham, B7 4QX.

Councillor Robert Alden stated that when someone applied for planning permission they had to make a declaration to the Council and requested that it be considered as part of the bidding process if individuals were bidding for openness and transparency as this avoids conflicts of interest down the line.

Councillor Alden referred to the site map and stated that the red boundary goes around what looked like Little Hall Road and enquired whether the Council was proposing to sell the buy the road as well. The officer responded that this was correct as the stretch of road was not highways maintainable as it was a private road.

Councillor Alden queried when the Council did its valuation whether the Council had taken into account a boundary including the road or not and whether the Council took into account the fact that it would become a car park which was an added financial benefit to the purchaser. The officer responded that the valuation took into account the use of the road as a car park.

12. RESOLVED UNANIMOUSLY: -

That Cabinet Committee - Property:-

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- a. Authorised the Strategic Director of Place, Prosperity and Sustainability to conclude an unconditional sale of the Council’s freehold reversionary interest, to the current tenant;
- b. Noted that the purchaser will pay a contribution towards the Council’s surveyor’s and legal costs, as detailed in Exempt Appendix 2 to the report; and
- c. Authorised the City Solicitor to prepare, negotiate, execute and complete all relevant legal documentation to give effect to the above.

Councillor Majid Mahmood, Cabinet Member for Environment and Transport returned to the meeting after the discussion of the item and after the decision was taken concerning the item.

OTHER URGENT BUSINESS

- 13. No item of urgent business was submitted.
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The meeting ended at 1535 hours.

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CHAIRPERSON

