

**Land and Asset Management
Committee**

10th March, 2016 at 5.15 pm
at the Sandwell Council House, Oldbury

Present: Councillor Gavan (Chair);
Councillors Costigan, P Hughes and Taylor.

Apologies: Councillors Edis, Eling and Moore.

Observer: Councillor Sandars.

1/16 **Minutes**

Resolved that the minutes of the meeting held on 1st October, 2015 be confirmed as a correct record.

2/16 **Exclusion of the Public**

Resolved that the public and press be excluded from the rest of the proceedings to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 relating to the financial or business affairs of any particular person (including the authority holding that information).

Key Decisions

3/16 **Disposal of Council Owned Car Park – Union Street, West Bromwich (Key Decision Ref. No. LAM012)**

Consideration was given to the disposal of the Council owned car park at Union Street, West Bromwich.

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Following a review by Highway Services, a number of public car parks had been identified which were under-utilised or no longer required and potentially available for disposal/lease.

The Council had no strategic interest in the car park at Union Street, West Bromwich, although the land may be of interest to the private sector and it was therefore recommended to declare the car park surplus to the Council's requirements and to seek authority to dispose of, or lease, the site.

Resolved to recommend to Cabinet:-

- (1) that the Council owned public car park at Union Street, West Bromwich, as shown on Drawing No. SAM/49460/001, be declared surplus to the Council's requirements and the Director - Governance be authorised to dispose of the freehold interest or grant a lease on terms and conditions to be agreed by the Director - Regeneration and Economy;
- (2) that the Director - Governance be authorised to enter into, or execute under seal where necessary, any other legal documentation in connection with the disposal of the land or grant of a leasehold interest referred to in (1) above on terms to be agreed by the Director – Regeneration and Economy.

4/16

Disposal of Land off Hall Green Road and Needwood Grove, West Bromwich (Key Decision Ref. No. RE1024/LAM014)

At its meeting on 23rd May 2012, the former Asset Management and Land Disposal Cabinet Committee authorised disposal of the freehold interest in approximately 3.4 hectares of community open space land off Hall Green Road and Needwood Grove, to Christ Church Limited, the owner of approximately 5.7 hectares of land adjoining the site known locally as the former T & S Elements site (Minute No. 28/12 refers).

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The land owned by Christ Church Limited and the land owned by the Council were both heavily contaminated and the intention was that Christ Church would undertake to remediate both parcels of land and then residentially develop the whole site. Christ Church did not undertake the works and instead sold its interest in the land to Mar City Homes Limited.

Mar City Homes Limited wished to pursue development of both areas of land and had asked the Council to dispose of its freehold interest in the land originally purchased for disposal to Christ Church.

Outline planning consent had been obtained for residential development of the site and Mar City was currently consulting residents on detailed proposals for development, which included starter homes and larger family homes. In addition, the company intended that public open space would run throughout the development, providing an excellent setting for a family orientated housing scheme, which the company believed would be of great benefit to the area.

Sale of the land to Mar City would allow for development of the Council's land which, due to its location and adverse ground conditions, would not be developable in isolation.

Resolved to recommend to Cabinet:-

- (1) that Minute No. 28/12 (2), (3) and (4) of the Asset Management and Land Disposal Cabinet Committee taken on 23rd May 2012, in relation to disposal of land at Needwood Grove, West Bromwich, be not proceeded with;
- (2) that the Director – Governance be authorised to dispose of the freehold interest in approximately 3.48 hectares of land off Hall Green Road and Needwood Grove, West Bromwich, as shown on Plan No. CPD/21900/7, to Mar City Homes Limited, on terms and conditions to be agreed by the Director – Regeneration and Economy;
- (3) that the Director – Governance be authorised to enter into or execute under seal if necessary, any other related documentation in connection with the disposal of the land referred to in (2) above on terms to be agreed by the Director – Regeneration and Economy.

5/16

Leasing arrangements for the occupation of Greets Green Resource Centre, Harwood Street, West Bromwich and adjacent lands (Key Decision Ref. No. LAM015)

Consideration was given to a request received from the Confederation of Bangladeshi Organisations Limited for the grant of a 25 year lease of the Greets Green Resource Centre at the former housing office off Harwood Road, West Bromwich, including a parcel of land adjoining which was currently part of an amenity space for the local area.

In accordance with existing policy on land and premises for the voluntary and community sector, on 13th October 2010, the Cabinet granted a full repairing lease of the former housing neighbourhood office off Harwood Street, West Bromwich to the Confederation of Bangladeshi Organisations Limited (Minute No. 108/10 refers). The lease was for a term of ten years from July 2011 at a reduced rental. The market rent payable at the time the lease was granted was assessed but, in recognition of the services provided by the organisation and in accordance with policy, a reduced rent was granted.

The Confederation of Bangladeshi Organisations Ltd had requested that its current ten year lease be surrendered and a 25 year lease be granted encompassing the adjoining amenity land. It had further requested that the 25 year lease be granted on the basis of a rent subsidy since the current rent paid for the Harwood Street office could be utilised on service delivery.

In accordance with the voluntary sector policy approved by Cabinet at its meeting on 9th March 2011 (Minute No. 28/11 refers), the grant of a 25 year voluntary body lease was usually only applicable where the voluntary organisation was undertaking capital works to the asset concerned utilising external funding and where that funder required a longer term lease. Under normal circumstances, leases were granted for a maximum period of ten years either on a full repairing or shared repair responsibility.

In this particular case, the organisation had obtained an external grant to fund the construction of the proposed play area and community garden. There were no capital works to be undertaken to the office utilising this grant money but from a management perspective, it would be preferable to encompass the organisation's occupation with one rather than two leases.

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To proceed with the grant of a 25 year lease would, however, be outside the scope of the existing policy and, in these circumstances, it was not possible to deal with the matter in accordance with the powers delegated to the Director – Regeneration and Economy as would be the usual course of action for the grant of the lease to a voluntary sector body. It should be noted that, pursuant to Section 123 (2a) of the Local Government Act 1972, the disposal of the amenity land would require advertisement for two consecutive weeks in a local newspaper circulating in the area. Members of the public would be given the opportunity to make comment with regard to the proposed disposal and any objections and/or comments would be fully considered.

In order to provide long term stability, and in line with other voluntary sector leases where the Council monitored the occupation of the premises (including the rent subsidy) through the agreed statement process, it was proposed that a rent subsidy be granted for the duration of the term.

The community garden project had been included in phase 1 of the Facing the Future Community Partnership strand as an example of how a Council asset could be completely transformed with the energy and vision of a voluntary sector partner.

An initial equality impact assessment screening had been carried out and a full assessment was not required.

Resolved to recommend to Cabinet:-

- (1) that, subject to no adverse comments being received regarding the intention to dispose of the land following advertisement in accordance with Section 123 (2) of the Local Government Act 1972, an exception to the existing policy on land and premises for the voluntary and community sector be made to accommodate the grant of a 25 year of the Greets Green Resource Centre at the former Harwood Housing Office and adjoining land to the Confederation of Bangladeshi Organisations Limited;

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- (2) that subject to (1) above, the Director – Governance be authorised to proceed with the grant of a 25 year full repairing lease of the Greets Green Resource Centre and adjoining land (as shown on Plan No. SAM/22860/005) to the Confederation of Bangladeshi Organisations Limited with a full rent subsidy on terms and conditions to be agreed by the Director - Regeneration and Economy;
- (3) that the Director - Governance be authorised to enter into or execute under seal if necessary any related documentation in connection with the recommendation outlined in (2) above.

(Meeting ended at 5.55 pm)

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