



POLICY AND RESOURCES COMMITTEE

Wednesday 1 December 2021

REPORT TITLE:	EXMOUTH STREET, SEAMUS O'DONNELLS
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

This report seeks approval for a recommendation to be made to Policy and Resources Committee to dispose of the Council's freehold interest in land at Exmouth Street, Birkenhead, to the existing lessee that holds a ground lease of the site and owns the operational public house which is sited thereon. The sale will support the Wirral Plan 2021-2026 and its delivery by generating a capital receipt and the further promotion of economic activity

The associated Report of the Director of Regeneration and Place is appended and the full minute of the Economy, Regeneration and Development Committee of 22 November 2021 will be circulated to Members of the Committee in advance of this meeting.

RECOMMENDATION/S

The Policy and Resources Committee is requested to consider the request from the Economy, Regeneration and Development Committee to approve that:

1. The freehold interest of land at Exmouth Street, Birkenhead, (which is held via a ground lease with 56 years unexpired and occupied by an operational public house with a grassed area to one side), be declared surplus to the Council's requirements.
2. Authorisation be given to the Director of Law & Governance, in consultation with the Director of Regeneration & Place to dispose the property to the current lessee, JSM Company Group Ltd for a price of £120,000, plus payment of the Council's legal costs.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 To make best use of the Council's property assets by declaring the land at Exmouth Street, Birkenhead ("the site"), surplus and to generate a capital receipt from the disposal.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Other options have been considered and are included within the minutes of the Economy, Regeneration and Development Committee and the appended report.

3.0 BACKGROUND INFORMATION

- 3.1 Background information is set out within the appended report.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The proposal will result in a one off capital receipt of £120,000 in lieu of an annual income of £1,550. The purchaser has agreed to meet the Council's reasonable legal costs.

5.0 LEGAL IMPLICATIONS

- 5.1 In accordance with Part 3B of Constitution (Committee Terms of Reference), the Policy and Resources Committee has two main areas of responsibility, which is to provide strategic direction to the operation of the Council, including making decisions on policies and co-ordinating spend not reserved to full Council, and to maintain a strategic overview of outcomes, performance, risk management and budgets.
- 5.2 The Policy and Resources Committee is charged by full Council to provide a co-ordinating role across all other service committees and retain a 'whole-council' view of performance, budget monitoring and risk management. In particular, this includes specific responsibility for a decision regarding land and property including major acquisition and disposals, which includes reserved decision making concerning any purchase, sale or transfer of a value in excess of, or likely to exceed, £100,000.
- 5.3 As part of the matter of business that was the subject of the report to Economy, Regeneration and Development Committee falls under that responsibility reserved to the Policy and Resources Committee, the Economy, Regeneration and Development Committee's resolution is presented as a recommendation.
- 5.4 As the decision in this matter is the subject of a recommendation from another Committee, the Policy and Resources Committee must take into account the resolution of that Committee and give due regard to the guidance and comments made by its members. The Policy and Resources Committee must not, however, consider itself bound by that Committee's recommendations or otherwise fetter its discretion; its Members must come to their own decision. In doing so, the Committee must satisfy itself that it has been provided with all relevant information or a suitable précis to enable it to comply with its duties and make a lawful decision.

5.5 Other legal considerations are as set out in the appended report(s).

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 This report is for information only and does not contain any direct resource implications.

7.0 RELEVANT RISKS

7.1 The relevant risks are covered in the original report submitted to the Committee.

8.0 ENGAGEMENT/CONSULTATION

8.1 Engagement and Consultation were covered in the original report submitted to the Committee.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

9.2. Whilst there are no equality implications arising from this report, the associated actions arising from the delivery may need to assess any equality issues and mitigate any negative impact that may emerge.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The property is occupied by third parties and as such the planning and environmental impact would be associated with the occupiers and/or the intermediate landlord/purchaser.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 There are none relevant to this transaction.

REPORT AUTHOR:

Anna Perrett

Senior Democratic Services Officer

APPENDICES

Appendix 1 Full Report

BACKGROUND PAPERS

Registered titles relating to the freehold interest.

The Lease document

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Economy, Regeneration and Development Committee	22nd November 2021