

# Equality Analysis

## Birmingham City Council Analysis Report

<b>EA Name</b>	Phoenix Business Park, Brickfield Road, Tyseley CPO
<b>Directorate</b>	Economy
<b>Service Area</b>	Economy - P&R Planning And Development
<b>Type</b>	New/Proposed Function
<b>EA Summary</b>	The EA considers the impact of the proposed Compulsory Purchase Order in occupiers, businesses and the local community.
<b>Reference Number</b>	EA002067
<b>Task Group Manager</b>	doug.lee@birmingham.gov.uk
<b>Task Group Member</b>	
<b>Date Approved</b>	2018-05-01 00:00:00 +0100
<b>Senior Officer</b>	richard.cowell@birmingham.gov.uk
<b>Quality Control Officer</b>	richard.woodland@birmingham.gov.uk

### Introduction

The report records the information that has been submitted for this equality analysis in the following format.

#### **Initial Assessment**

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

#### **Relevant Protected Characteristics**

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

## 1 Activity Type

The activity has been identified as a New/Proposed Function.

## 2 Initial Assessment

### 2.1 Purpose and Link to Strategic Themes

#### **What is the purpose of this Function and expected outcomes?**

Euro Packaging's global HQ is at 20 Brickfield Road in Tyseley and incorporates manufacturing, distribution, research and development, and offices. Due to the success of the company and the need to diversify into new business areas Euro Packaging have a pressing need to expand at their Tyseley site. The expansion would incorporate a new business line and would create up to 300 new jobs bringing Euro Packaging's workforce at Tyseley up to 780 with the new investment estimated at between £14 - 15 m.

The leasehold owners of the adjacent Phoenix Business Park (also on Brickfield Road) have been approached by Euro Packaging regarding the acquisition of their site to facilitate this expansion. Despite negotiations agreement has not been reached between the two parties and Euro Packaging have approached the City Council to use it's compulsory purchase powers to help facilitate the expansion of their business.

Phoenix Business Park has been sub-divided into 16 plots by the long leaseholders and incorporates a number of occupiers and a range of mainly storage uses including building materials and scaffolding.

If the site is acquired and the Euro Packaging proposals progress the existing occupiers and storage uses on the site would need to relocate. The City Council as acquiring authority will work to relocate the affected businesses in accordance with the compensation code. The long leaseholders of the site (who also operate their business from the site) will also receive financial compensation in accordance with the compensation code.

**For each strategy, please decide whether it is going to be significantly aided by the Function.**

Children: A Safe And Secure City In Which To Learn And Grow	No
Health: Helping People Become More Physically Active And Well	No
Housing : To Meet The Needs Of All Current And Future Citizens	No
Jobs And Skills: For An Enterprising, Innovative And Green City	Yes

### 2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders?	No
Will the policy have an impact on employees?	No
Will the policy have an impact on wider community?	Yes

### 2.3 Relevance Test

Protected Characteristics	Relevant	Full Assessment Required
Age	Not Relevant	No
Disability	Not Relevant	No
Gender	Not Relevant	No

Gender Reassignment	Not Relevant	No
Marriage Civil Partnership	Not Relevant	No
Pregnancy And Maternity	Not Relevant	No
Race	Not Relevant	No
Religion or Belief	Not Relevant	No
Sexual Orientation	Not Relevant	No

## **2.4 Analysis on Initial Assessment**

The proposal is site specific as it directly impacts on the owners and occupants of Phoenix Business Park. To date the long leaseholders of Phoenix Business Park (and who also operate from part of the site) have not provided detailed information on the other occupiers on the site (the site is divided up for a number of different storage uses).

Negotiations with the long leaseholders of the site for the voluntary acquisition of their interest will continue in parallel with the progress of the CPO. The City Council as acquiring authority will also meet and engage with the existing occupiers and businesses on the site to understand their relocation requirements and to help them to relocate. Compensation will also be payable in accordance with the compensation code.

It is currently estimated that there could be between 50 to 100 jobs on the site. However the expansion of Euro Packaging will create approximately 300 jobs that will benefit the local community and ensure that the company can expand it's business from the current site rather than have to consider other locations. The proposed development would also bring an under-utilised site into productive use as well as enhance the local environment (the site is also a former landfill site). Overall it is considered that the Euro Packaging proposals will generate more significant economic, environmental and social benefits for the area than the current use of the site.

There is a legal basis for the City Council using its compulsory purchase powers in section 226 of the Town and Country Planning Act 1990. The proposal is also consistent with national and local planning policy in terms of planning and the use of compulsory purchase powers.

In proposing to use its compulsory purchase powers the City Council has considered the European Convention on Human Rights particularly Article 8 and Article 1. The City Council has considered the effect of the above Articles of the Convention and has decided that, on balance it is in the general public interest and of benefit to the community to make the CPO over and above the interest of the individual's affected.

### **3 Full Assessment**

The assessment questions below are completed for all characteristics identified for full assessment in the initial assessment phase.

#### **3.1 Concluding Statement on Full Assessment**

The powers provided in the amended section 226(1) (a) of the Town and Country Planning Act enables acquiring authorities to exercise their compulsory acquisition powers if they think that acquiring the land in question will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired and it is not certain that they will be able to acquire it by agreement. The acquisition of the long leasehold interest in Phoenix Business Park on Brickfield Road will allow redevelopment to take place and will facilitate the expansion of the adjacent business, Euro Packaging.

As the CPO progresses the City Council will engage with the current occupiers of the site. As the acquiring authority the City Council will also work to relocate the affected businesses (including the long leaseholders) in accordance with the compensation code.

In considering whether to make a CPO the rights of property owners under the Human Rights Act 1998, particularly Article 8, Article 14 and Article 1 of the first Protocol have been taken into account (see Appendix 5). It is considered that any future compulsory acquisition would not constitute an unlawful interference with any of these rights.

From the available information it is considered that the CPO process will not give rise to any illegal discrimination and will support equality of opportunity by optimising the site's economic growth potential. The proposed redevelopment of the site is considered to provide potential benefits that will include opportunities that can be shared by potential job-seekers.

The CPO, by bringing a step closer the commencement of the development, has the potential to impact upon the business owners and employees who currently operate on the site. However the proposed approach of supporting businesses to relocate is expected to minimise this potential impact. It is considered that this approach should enable many of the businesses to successfully relocate.

The timely exercise of CPO powers and measures to inform business owners about the CPO process, will contribute to keeping them informed about this stage prior to commencement of the development. As the CPO progresses it's impact will continue to be reviewed.

### **4 Review Date**

12/06/17

### **5 Action Plan**

There are no relevant issues, so no action plans are currently required.