

Equalities Appraisal: Perry Barr Commonwealth Games Athletes' Village and legacy regeneration

Update 1

March 2019

1. Introduction

- 1.1. An Equality Analysis (EA) report (Reference Number: EA002780) was produced as part of the Commonwealth Games Village and wider Perry Barr regeneration programme Outline Business Case Cabinet Report ("the OBC") (26th June 2018), in line with the City Council's duties under the Equalities Act 2010. The EA report identified; "that there is some potential for the programme to have differential impacts on protected characteristics but that mechanisms are in place to mitigate this."
- 1.2. This paper provides an update on the equalities position, to support the Council's position on the Compulsory Purchase Order ("the CPO") and the Commonwealth Games Athletes' Village and wider Perry Barr regeneration Full Business Case report ("the FBC"). It sets out the potential issues identified and the Council's approach to mitigating any potential differential impacts.
- 1.3. This paper does not address the proposed highway scheme or public transport improvements, and only considers them insofar as the impact of the acquisitions required to deliver those elements of the overall scheme.

Equalities duties

- 1.4. The City Council has a duty under the Equalities Act 2010 ("the Act") to consider the needs of diverse groups when designing and delivering services, so that people can get fairer opportunities and equal services, to consider all the protected characteristics, and to tackle socio-economic inequalities.
- 1.5. The Act protects you from discrimination by; employers, business and organisations which provide goods or services, health and care providers, someone who you rent or buy a property from, school, colleges and other education providers, transport services and public bodies like government departments and local authorities. The Act contains nine protected characteristics which are age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 1.6. The most relevant characteristics in the case of this scheme are age and disability.

2. Background

Perry Barr Regeneration

- 2.1 The scheme for the regeneration of Perry Barr, as set out in the OBC referred above, includes the delivery of the Commonwealth Games Athletes' Village (residential and

Games-time operational uses), highways and public transport works, and site assembly to enable future growth.

- 2.2 The Games village is essential to the successful delivery of the Commonwealth Games, and as such will enable significant benefits to be realised for the city and region as well as for the immediate locality. The residential element of the Village will be developed in line with the planning approval (application number 2018/06313/PA) granted in December 2018 for c. 1400 new homes. The Games-time overlay site will be delivered adjacent to this, on the former BCU campus and adjoining sites. This will be developed post-Games for residential uses, with the Doug Ellis Sports Centre being retained for leisure uses.
- 2.3 The highways works will provide for an improved public realm, public transport priority and cycle routes through the area. It will also enable new housing development to be maximised by unlocking development plots and improving the viability of housing schemes in the area. Rather than through this document the equalities implications of the highways scheme are being considered as part of the approvals process for these works through the City Council's gateway process.
- 2.4 The public transport improvements will provide for better access to rail and bus services, better modal interchange, and a more attractive environment for passengers. These schemes will be delivered through the West Midlands Combined Authority's governance processes, and equalities issues arising directly from these schemes will be addressed through that process.
- 2.5 Wider site assembly will both facilitate the delivery of the schemes outlined above and will enable the delivery of new development to improve the local centre and provide additional housing post-Games.
- 2.6 As such, it is clear that the scheme brings about benefits on the macro level. In developing the key elements of the scheme to full business case the Council will continue to review the equalities implications of each element. For example a separate EA for the highways scheme was carried out to accompany the Outline Business Case to the Council's Cabinet, identifying issues specific to the highways scheme.
- 2.7 The scheme is in line with the city's planning framework for the area set out in the Birmingham Development Plan (BDP) and Aston, Newtown and Lozells Area Action Plan (the AAP), and the emerging Urban Centres Framework (UCF), which builds upon the policies set out in the BDP and AAP. It should be noted that policies set out in these documents have themselves been subject to equalities appraisal, sustainability appraisal, and independent examination.

The Compulsory Purchase Order (CPO)

- 2.8 The City Council has authority to make acquisitions in the Perry Barr area to deliver the Athletes' Village, associated works, and an ongoing regeneration legacy for Perry Barr. Because there is a limited amount of time to prepare for the Commonwealth

Games, the Council needs to be sure that it can buy the land needed to deliver the proposals within a reasonable time. To do this the council will be using a CPO alongside voluntary negotiations. To provide certainty in the acquisitions process a CPO was made on 7 December 2018. If the council is not able to negotiate a purchase of a property by agreement, a CPO (if confirmed by the Secretary of State) allows the council to buy land even if the owner does not agree. The council is legally obliged to pay a fair price for the property under a CPO, as governed by the Compensation Code. To use CPO powers the council has to show that the use of these powers is justified based on legal tests. It is a statutory obligation to notify everyone affected by a CPO and anyone affected can object and make their case at a Public Local Inquiry if they wish, before the Secretary of State makes a decision.

3. Demographics

The local population

- 3.1 Perry Barr district centre at the juncture of three Birmingham City Council wards – Perry Barr, Aston and Birchfield. We are using the demographic data for these wards to give an indication of the population directly affected by the scheme.
- 3.2 The last census was carried out in 2011. Since then there will inevitably have been significant changes in terms of demographics in the area. It should also be noted that ward boundaries were revised in 2018. However, based on the 2011 census (BCC estimates for 2018 wards) the following trends can be noted:
- The proportion of the population aged under 16 is higher than the city average in Aston and Birchfield, and marginally below the city average in Perry Barr.
 - The proportion of the population aged 65 or more is below the city average in Aston and Birchfield, but above the city average in Perry Barr.
 - In 2011, less than 10% of the population in Aston or Birchfield was White British. 52% of the population in Perry Barr was White British.
 - More than half of the population in Birchfield and more than two thirds of the population in Aston was Asian or Asian British.
 - More than a quarter of the population in Birchfield was Black or African or Caribbean or Black British, compared with 13% in Perry Barr and 16% in Aston.
- 3.3 These people will be affected by the scheme, both during delivery and following completion. Given the important role that Perry Barr district centre plays in providing local facilities for the community, it is important that the needs of local people are reflected in the design of the overall scheme.

People directly affected by the CPO

- 3.4 It has been important for the Council to recognise the individual circumstances of those who are directly affected by the CPO. It is not appropriate to provide a detailed

breakdown of those affected as the specific nature of the site boundary means that this would potentially enable individuals to be identified. However, based on the information gathered about the affected parties, and observations made from the engagement work to date, it is possible to identify the following points:

- A range of ethnicities are affected, which is relatively reflective of the make-up of the wider area. This has included people for whom English is not a first language, or with limited English.
- A range of age groups are affected, including children (living in residential properties affected by the Order) and older people (both residents and property owners).
- There are a number of people with disabilities or health conditions.
- In certain parts of the CPO area there are more women affected than men.
- A significant number of business owners affected are from BAME communities, and a number of the businesses cater to BAME communities.
- Tenants, investment owners and owner occupiers are affected.

3.5 These people are affected as a result of the location of their property interests rather than as a result of their specific characteristics. As such, and as the Council considers the acquisition of land here to deliver the scheme to be in the public interest, it is important that the Council mitigate against any potential negative differential impacts on these people.

4. Findings of the Initial Statement

4.1 The Initial Statement addressed the housing and transport infrastructure at OBC stage, as well as the acquisitions. It did not address the policy positions on Perry Barr regeneration or the Commonwealth Games, which were considered through the appropriate processes. It also identified that those affected by the policy would be users/stakeholders as well as the wider community. It found that differential impacts could occur as a result of Disability, Race, and Religion or Belief.

4.2 The Initial Statement recognised that throughout the development of the programme of regeneration, including the Athletes' Village and hosting of the Games, the local community will be engaged. A Perry Barr Commonwealth Games Residents Liaison Group had been established and other community engagement would be carried out on specific proposals. It highlighted that a comprehensive approach to consultation and engagement across the programme would be centrally managed.

5. Mitigating Equalities Impacts

Residential development

- 5.1 The Birmingham Development Plan identifies a need for significant new housing in Birmingham, and the provision of new housing in Perry Barr will contribute to this. It is not considered that the delivery of new housing here will have a negative impact on any particular group, and in fact there are a number of measures which will have benefits for particular groups, for example older people (through the provision of Extra Care housing), families awaiting housing on the Council's waiting list, and all communities living in the area in terms of improved environment. All schemes will be subject to planning consent which will enable issues to be considered.
- 5.2 The first phase of housing, which will provide the residential element of the Athletes' Village, is being constructed on the former Birmingham City University (BCU) teaching campus, which has been vacant or partly vacant for around 12 months since BCU relocated to the City Centre. The derelict site has attracted anti-social behaviour. The redevelopment of the site has been largely welcomed by local residents and will provide immediate and lasting improvements to the local environment.
- 5.3 The site is largely apartment led (there are 58 houses on the site). This density is appropriate in policy terms for this location, and is also necessary to deliver the Games-time requirements. It will be balanced by a second phase which will be focused on the provision of family housing. Both elements will help meet local and city-wide need.
- 5.4 The phase 1 scheme includes an 'Extra-Care Village' for older adults with differing care needs. All properties across the site will be built to lifetime homes standards which will mean they are accessible for people of all ages and with mobility difficulties. It also improves access to open space for all people in the area.
- 5.5 The development provides for a range of tenures, which will enable accommodation to be available to a range of people. This will include houses which will be let by the Council (through its choice-based lettings approach), shared ownership, private rented accommodation, and units for outright sale.
- 5.6 The Athletes' Village requires land acquisitions, the mitigations in respect of which are outlined below.

Communication with those affected by the CPO

- 5.7 To enable the Council to best work with affected parties in the area there has been a significant effort to communicate with all those affected and provide information to enable them to engage in the process.
- 5.8 Those affected by the CPO were contacted in July 2018 and invited to attend drop in sessions to get more information. A number attended or called for more information, and this early contact enabled the Council to better understand the needs of those affected. All attendees were advised about appointing their own agent, how costs would be covered, and given information about the compensation code.

- 5.9 Notice of the Order was served by 'signed-for' to ensure that all affected parties were correctly informed of the making of the Order. The supporting documents relating to the CPO were made available to view in person at two accessible locations: 1 Lancaster Circus, Birmingham, B4 7DJ or within the local area at Doug Ellis Sport Centre, 150 Wellhead Lane, Perry Barr, Birmingham, B42 2SY.
- 5.10 Following the making of the Order, in January 2019, affected parties with residential interests (Wellhead Lane and Birchfield Road), and business interests (Birchfield Road, Aldridge Road, and Aston Lane) were contacted by letter inviting them to attend surgery sessions and providing leaflets with more details of the acquisitions process. Those with interests in affected forecourts (Birchfield Road) were also contacted about the surgery sessions.
- 5.11 A website link was produced to contain information relating specifically to the CPO (<https://www.birmingham.gov.uk/perrybarrcpo>). The website link provided general information on the CPO. The website contained a link to view the Order documentation online including documents titled; BBC1- BCC30. The link also provided a web version of the residential and commercial booklet as well as the residential form. The website link also contained information on the advice surgery sessions including times, dates and contact details on how to book a slot.
- 5.12 Three surgery sessions were held following the making of the Order. These were held at Doug Ellis Sport Centre:
- Tuesday 19 February 2019, 3pm-7pm
 - Thursday 21 February 2019, 9am-2pm
 - Saturday 23 February 2019 10am-3pm
- This ensured that sessions were available at all times of day. Furthermore, all attempts were made to accommodate those who were unable to make these sessions, including meetings at properties in the area during the same week.
- 5.13 21 appointment slots were booked up. These were staffed by representatives from Birmingham City Council Housing and the Council's agents in respect of particular properties, Carter Jonas LLP and Gateley Hamer, and provided a range of advice as required by each attendee. This included guidance about timescales, rehousing and relocation options, compensation, and general support and information. All sessions were well received and attended by a mixture of people affected including those with an interest in the residential properties, commercial properties and forecourts.
- 5.14 In addition, affected parties have been visited at their properties, both for the purposes of valuation and to provide one to one advice as appropriate.

Mitigating language barriers

- 5.15 The letters referred above contained a translation in a number of languages which loosely read; if you would like this letter in another language format, ask someone who speaks English to make a request on your behalf by calling the number on the letter. One translation was provided on request.
- 5.16 The Council also provided a translator for one of the surgery sessions referred above to ensure that the tenants of the property could understand the circumstances of the CPO.

Rehousing

- 5.17 The council has provided a dedicated housing officer to support residential occupiers affected by the Order. This officer has provided advice and support at the surgery sessions and through one to one meetings with affected parties to understand their needs and circumstances including tenancy agreement and type of tenancy, current property type/number of bedrooms, household details and other details such as; medical/disability needs, employment, education or caring responsibilities. Where appropriate this has included supporting residents to register on the Council's choice based lettings portal to enable them to access Council housing. The Council's criteria for accessing housing means that at this point most affected residents would be in 'band 2', but that by summer of 2019, 6 months prior to the property being demolished, they would qualify as 'band 1' – the highest priority.
- 5.18 To support those looking for private rented property in the area the Council's agents are maintaining an up to date list of such properties.

Business relocations

- 5.19 Where appropriate the Council and its agents are supporting affected businesses to identify alternative properties either held by the Council or privately, and has actively made links with local agents to identify opportunities. The Council is also supporting relocating businesses through the provisions of the compensation code. The extent to which a number of these businesses serve the local community, and particularly BAME communities, is recognised, and there is a drive to identify local opportunities to relocate.
- 5.20 Where the Council has made acquisitions and there is a tenant in occupation, there are a number of cases where either a deferred completion or a leaseback arrangement has been agreed to enable businesses more time to relocate and/or freeholders to benefit from the ongoing income.
- 5.21 A feasibility study is underway to consider the provision of temporary units within the Perry Barr centre which would enable businesses to remain in the area in the short term, either prior to relocating elsewhere or to enable them to then move into commercial space resulting from the proposed development in the area.

Impact of the scheme on the wider community

- 5.22 It is recognised that the scheme as a whole requires the loss of commercial and residential space in the short term, and that the implementation of the scheme will cause disruption. Specific mitigation measures will be put in place during the delivery of the various elements of the scheme to ensure that the impact is managed and that, for example, businesses are able to continue operating effectively.
- 5.23 The loss of local facilities such as small shops, restaurants and takeaways, and banking facilities as a result of the scheme is recognised and the Council is working with local businesses to look for relocation opportunities which will minimise the impact of this, and to reprovide key facilities in new developments.
- 5.24 The scheme facilitates the delivery of a new school, adjacent to the Games-time Athlete's Village. This will provide additional secondary school and sixth form places in a mixed, non-religious setting, to meet local demand.
- 5.25 The scheme as a whole will improve accessibility and movement across the area, for all residents and visitors. There will be better access to existing and new open spaces. Public transport will improve access to areas of employment.

6. Conclusions

- 6.1 The residential development in the area serves to provide new housing for the city and the local community, and to do so in a way that benefits the local community.
- 6.2 The Council has been working actively with those impacted by the CPO both in a residential and commercial property capacity. The Council is currently working with existing businesses and is looking to mitigate the impact on existing businesses through considering a scheme to provide temporary units in place of those commercial properties which will be affected as part of the CPO. In addition to this, it is the Council's long term ambition as part of the legacy to deliver mixed use development.
- 6.3 Throughout the process measures are being taken to ensure that those affected by the CPO are given the opportunity to engage with the Council and benefit from appropriate support.
- 6.4 No additional equalities issues have been identified as a result of this paper. The Council will continue to monitor this.