

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to: THE LEADER OF THE COUNCIL JOINTLY
WITH CORPORATE DIRECTOR,
ECONOMY

Report of: Assistant Director of Property (Interim)

Date of Decision: July 2018

SUBJECT: DISPOSAL OF THE DRUM, 144 POTTERS LANE,
ASTON

Key Decision: No

Relevant Forward Plan Ref: N/A

If not in the Forward Plan: Chief Executive approved ☐
(please "X" box) O&S Chair approved ☐

Relevant Cabinet Member(s) or Councillor Ian Ward – Leader of the Council
Relevant Executive Member:

Relevant O&S Chair: Councillor Tahir Ali - Economy & Skills

Wards affected: Aston

1. Purpose of report:

- 1.1 To note the outcome of an informal tender process for the freehold disposal of surplus Council owned property known as The Drum, 144 Potters Lane, Aston.
- 1.2 The subject property is shown edged black on the enclosed plan having a site area of 0.39 hectares (0.98 acres).

2. Decision(s) recommended:

- 2.1 That the Leader of the Council and the Corporate Director, Economy are recommended to note this report.

Lead Contact Officer(s): Rob King – Property Services
Telephone No: 0121 303 3928
E-mail address: robert.king@birmingham.gov.uk

3. Consultation

3.1 Internal

3.1.1 The Leader of the Council has been consulted regarding the contents of this report and is fully supportive of the report proceeding to an executive decision.

3.1.2 The relevant Ward Members have been consulted and no adverse comments have been received to the reports content. The detail of this consultation is set out in Appendix 2 of this report.

3.1.3 The relevant officers from the Place, Finance and Strategic Services Directorates have been involved in the preparation of this report.

3.2 External

3.2.1 No external consultation has taken place regarding the content of this report.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

4.1 The proposal contributes towards the Council's Vision and Forward Plan 2017 priority of "Jobs and Skills - A Great City to Succeed In" through bringing a significant empty building forward for re-use which will generate economic activity and create jobs. It will also assist to produce a balanced budget as per the Council Plan and Budget 2018+ in delivering a capital receipt and rationalising the Council's property portfolio as part of its asset management programme.

4.2 Financial Implications (How will decisions be carried out within existing finances and Resources?)

4.2.1 The disposal will generate a capital receipt for the Council to help support the Council Plan and Budget 2018+ and contribute to key business priorities. The approved report of the Assistant Director of Property (Interim) to the then Interim Leader of the Council and Corporate Director Economy entitled "Disposal of Surplus Property – The Drum 144 Potters Lane Aston", in November 2017 provided that the releasing service will receive a revenue stream equivalent to 6.4% of the capital receipt generated. The Place Directorate will, subject to business case approval, use this revenue stream in part to fund cultural projects in the Aston and Newtown community. The disposal of the building will remove a revenue liability from the City Council in respect to managing vacant premises.

4.3 Legal Implications

4.3.1 The power to acquire, dispose and manage assets in land and property is contained in Section 120 and 123 of the Local Government Act 1972.

4.3.2 Following the listing of the property as an Asset of Community Value the property has been advertised for sale having specific regards to the provisions of the Community Right to Bid as detailed in the Localism Act 2011, and detailed in section 5.4 of this report.

4.4 Public Sector Equality Duty

4.4.1 The proposed sale of the property was subject to an Equality Assessment no EA001528 dated 8th December 2016, which disclosed that no further Assessment is required for this report.

5. Relevant background/chronology of key events:

5.1 The subject property is shown edged black on the enclosed plan at Appendix 1 of this report. The property comprises a community and events venue of renown on Potters Lane, Aston, occupying a site extending to 0.39 hectares (0.98 acres).

5.2 The building was declared surplus in a report of the Assistant Director of Property (Interim) to the then Interim Leader of the Council and Corporate Director Economy entitled "Disposal of Surplus Property – The Drum 144 Potters Lane Aston", in November 2017. The report also approved the subsequent sale of the property.

5.3 The property has been registered as an Asset of Community Value under the Localism Act 2011.

5.4 The property has subsequently been offered for sale by informal tender to qualifying community

groups only, in accordance with the moratorium provisions in the Localism Act 2011. A tender report detailing the outcome of the tender process is appended to the report on the private agenda.

6. Evaluation of alternative option(s):

- 6.1 Not to proceed would mean not realising a capital receipt, with no alternative internal use for the property identified.
- 6.2 The sale of the property will remove an ongoing management liability to the Council.
- 6.3 The sale of the property will ensure the property is brought back into beneficial use.

7. Reasons for Decision(s):

- 7.1 The disposal will generate a capital receipt that can be reinvested by the City.
- 7.2 The sale of the property will ensure that an under-utilised property will be brought back into beneficial use for the local and wider population.

Signatures

Date

Councillor Ian Ward
Leader of the Council

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Waheed Nazir
Corporate Director, Economy

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List of Background Documents used to compile this Report:

Relevant Officers file(s) save for confidential documents

List of Appendices accompanying this Report (if any):

Appendix 1 – Site Plan

Appendix 2 – Ward Member Consultation Record Sheet

PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in section 4.4 of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

- 1 The Council must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 4 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) tackle prejudice, and
 - (b) promote understanding.
- 5 The relevant protected characteristics are:
 - (a) marriage & civil partnership
 - (b) age
 - (c) disability
 - (d) gender reassignment
 - (e) pregnancy and maternity
 - (f) race
 - (g) religion or belief
 - (h) sex
 - (i) sexual orientation