

INITIAL SCREENING – STAGE 1 (See Guidance information page 5)

As a public authority we need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity

Please complete the following questions to determine whether a Full EINA is required.

Name of policy, strategy or function: COMPULSORY PURCHASE ORDER AUTHORITY – PARADISE CIRCUS.	Ref:
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Is this a:	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Function <input checked="" type="checkbox"/> x	Service <input type="checkbox"/>
Is this:	New or Proposed <input type="checkbox"/>	Already exists and is being reviewed <input type="checkbox"/>	Is Changing <input type="checkbox"/>	

1. What are the main aims, objectives of the policy, strategy, function or service and the intended outcomes and who is likely to benefit from it

This function relates to the making of a Compulsory Purchase Order (CPO) to acquire a number of private land ownerships to enable the comprehensive redevelopment of this 8 acre site (Paradise Circus) located in Birmingham City Centre. The redevelopment Paradise Circus will deliver a mixed use scheme of up to 170,012 sq. metres development.

The redevelopment of the site for a commercial led mixed use redevelopment, which the CPO is intended to facilitate, is in accordance with national and local planning policy specifically the National Planning Policy Framework 2012, the Unitary Development Plan (saved policies 2008) and the emerging Birmingham Development Plan. It also fits with the Big City Plan (2011) which is a non-statutory planning document that sets a 20 year vision for the City Centre.

The City Council is using its CPO powers to enable the implementation of this comprehensive development scheme. The development will be delivered by a Joint Venture Company to which these arrangements are subject to separate approvals process.

2. Explain how the main aims of the policy, strategy, function or service will support the current Equality Duties? (Due to be replaced April 2011)

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|--------------------------------------|---|
| 1. Promote equality of opportunity? | 5. Promote positive attitudes towards disabled people? |
| 2. Eliminate discrimination? | 6. Encourage participation of disabled people? |
| 3. Eliminate harassment? | 7. Consider more favourable treatment of disabled people? |
| 4. Promote good community relations? | |

The objectives for the re-development of the land at Paradise Circus were considered and set out as follows:

1. To secure a world class re-development of the Site, the next major commercial development site in Birmingham, and a key development outside of London.
2. To create an exemplar, sustainable development.
3. To develop a collaborative working environment with stakeholders within a framework to enable the delivery of the re-development.
4. To support private sector investment and facilitate Enterprise Zone funding into the scheme.
5. To attract/retain key end users to secure economic growth in the City of Birmingham and the Local Enterprise Partnership area.

As illustrated by the objectives, Birmingham City Council have identified that the aims of the project not only address the immediate and long term issues of the Site but also the wider implications for the economy and prosperity of the City and region.

3. Does your policy, strategy, function or service affect:

Service users	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Employees	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Wider community	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Please provide an explanation for your 'Yes' or 'No' answer

The relevant legal powers for the CPO are contained in Section 226(1) (a) of the Town & Country Planning Act 1990 (as amended), Section 13 of the Local Government (Miscellaneous Provisions) Act 1976, and The Human Rights Act 1998. These contain statutory requirements to ensure that equalities issues are fully considered.

The Council considers that the use of Compulsory Purchase Powers will enable this comprehensive scheme in line with the tests set out in Ministerial Circular 06/04, namely:

- a) A compelling case in the public interest - the development proposals would deliver a significantly improved local centre and associated facilities, contributing to wider economic, social and environmental benefits for Birmingham City Centre and the surrounding business district.
- b) Public benefit would outweigh the loss suffered by individual owners (who will receive compensation for their loss).
- c) There are clear proposals for the acquisition – an outline planning consent exists and the developer is taking active steps to implement this.
- d) Availability of resources - the compulsory purchase order will be made on behalf of the developer, which has sufficient resources to undertake development.
- e) No impediment to implementation – the scheme has the benefit of planning approval and a signed S106 agreement.

In addition to the above in making a CPO the City Council have to have regard to Human Rights as relevant to purchase of private land interests. Section 6 Human Rights 1998 Act prohibits public authorities from acting in a way which is incompatible with the Convention on Human Rights.

The main articles of the Convention which are of importance in circumstances where the City Council is considering making a CPO are Article 8 - the right to respect for private and family life and his/her home and Article 1 of the First Protocol - the protection of property.

In the case of both of these Articles (and indeed other provisions in the Convention) the City Council has been conscious of the need to strike a balance between the rights of the individual and the interests of the public. In light of the significant public benefit that would arise from the implementation of the proposed redevelopment the City council has concluded that it would be appropriate to make the Order. It does not regard the Order as constituting any unlawful interference with individual property rights.

Article 6 also requires that those whose civil rights may be affected by a decision are given a fair hearing by an independent and impartial tribunal. This is secured by means of the CPO process including holding on an inquiry into any objections which may be made and the ability to challenge any CPO decision in the High Court.

4. Are there any aspects of the policy, strategy, function or service, including how it is delivered, or accessed, that could contribute to inequality? (including direct or indirect discrimination to service users or employees)

Yes ☐

No ☒

Please provide an explanation for your 'Yes' or 'No' answer

Following a series of public and planning consultations in July 2012 Argent Plc submitted an outline planning application for the comprehensive redevelopment of the site. Planning Committee determined the planning application on 20th December 2012 subject to the completion of a Section 106 agreement. This agreement was completed on 8th February 2013 and planning consent granted.

It is considered that statutory requirements, and the Council's existing procedures and practices contain appropriate measures to ensure that inequalities do not occur as a result of this CPO. Detailed development proposals will be brought forward subsequently, and will be assessed appropriately as they emerge.

5. Will the policy, strategy, function or service, has an adverse (negative) impact upon the lives of people, including employees and service users?

Yes ☐

No ☒

Please provide an explanation for your 'Yes' or 'No' answer

In summary the redevelopment scheme is crucial in advancing the continued regeneration of Birmingham City Centre supporting the economic growth and prosperity of the City and enhancing the overall environmental quality and pedestrian connectivity. It will help promote economic social and well being and achieve the following benefits:

1. Transforming permeability for pedestrians providing new and improved links between the City Core and wider area
2. Creation of world class public realm to match significant investment already made in the City Core and Westside Area.
3. A regeneration proposal that will be a catalyst for the continued transformation of the City Centre
4. An improved environment creating a more attractive City Centre
5. Comprehensive package of energy efficiency measures and achievement of CO2 reduction targets.
6. Enhance the economic well being of the City Centre by creating major commercial development opportunities and provide a pipeline of Grade A Office floorspace to enable the City to compete for inward investment and retaining existing businesses and jobs
7. To create an exemplar, sustainable development.
8. The implementation of a high quality landmark mixed-use scheme adding to the vibrancy and vitality of Birmingham City Centre.
9. Enhance the setting and visibility of the listed buildings adjoining the Site

In terms of negative impact, property will be acquired by compulsory purchase. However, it is considered that there is a compelling case in the public interest, and owners will be compensated in accordance with statutory provisions. Every effort will be made to secure voluntary acquisitions, and the Council will only make the Compulsory Purchase Order if negotiations are unsuccessful.

6. Is an Equality Impact Needs Assessment required?

If your answer to question 2 has identified potential adverse impact and you have answered 'yes' to any of the following questions 3, 4, or 5, then you should carry out a Full EINA.

Does the Policy, Strategy, Function or Service require a Full Equality Impact Needs Assessment (EINA)? Yes ☐ No ☒

If a Full EINA is required, before proceeding you should discuss the scope of the assessment with service managers in your service area as well as the Directorate EINA Contact Officer.

If a Full EINA is Not required, please sign the declaration below and forward a copy of the Initial Screening to your Directorate EINA Contact Officer

DECLARATION

A Full EINA is not required, the Initial Screening has demonstrated that the Policy, Strategy, Function or Service is robust; there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

Chairperson:



Sign-off Date:

14/3/13

Summary statement:

On the basis of this screening, there are no direct implications for equalities for the 'in principle' authorisation of the CPO, in addition to those identified in existing statutory procedures.

Potential inequalities are managed by statutory requirements and adherence to BCC procedures to ensure that differing needs etc. will be properly considered monitored and kept under review as the development process moves forward.

Quality check: The screening document has been checked using the agreed audit arrangements in the Directorate:

<p>Name: (Officer/Group carrying out the Quality Check) Satpal Hira</p> <p>Directorate: Corporate Resources Contact number: 0121 303 4185</p>	<p>Date undertaken:</p> <p>March 2013</p>	<p>Screening review statement:</p> <p>On the basis of this screening, there are no direct implications for equalities for the 'in principle' authorisation of the CPO, in addition to those identified in existing statutory procedures.</p>
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EINA Task Group Members

<input type="checkbox"/>	<u>Name</u>	<u>Role on Task Group</u> (e.g. service user, manager or service specialist)	<u>Contact Number</u>
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