

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

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

Report of: ASSISTANT DIRECTOR OF PROPERTY (INTERIM)

Date of Decision: September 2018

SUBJECT: SALE OF LAND AT KINGS ROAD KINGS HEATH
BIRMINGHAM

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: Brandwood & Kings Heath

1. Purpose of report:

- 1.1 To note the surplus declaration of the Council's freehold interest in land fronting Kings Road Kings Heath, and the intention to conclude solus negotiations with the proposed developers of adjoining privately owned land, for the sale of the land.
- 1.2 The subject land is shown edged black on the enclosed plan at Appendix 1 extending to 0.30 hectares (0.74 acres).
- 1.3 An accompanying Private report contains confidential information on the negotiated sale.

2. Decision(s) recommended:

The Leader and Corporate Director Economy are recommended to:

- 2.1 Note the surplus declaration and freehold disposal of land fronting Kings Road Kings Heath as shown edged black on attached plan at Appendix 1.
- 2.2 Approve solus negotiations for the sale of the land with the proposed developers of adjoining privately owned land, as special purchasers.

Lead Contact Officer: Rob King – Business Centre Manager
Birmingham 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.

3.1.4. Officers from Legal Services, City Finance, and other relevant officers from the Economy, Place Directorates have been involved in the preparation of this report..

3.1.5 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.

3.2 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?

4.1.1 The proposal contributes towards the strategic outcomes outlined in the 'Council Plan and Budget 2018+', specifically to help deliver a balanced budget and contribute to the Councils plan to rationalise its 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 of surplus assets will generate capital receipts for the Council to help support the Council Plan and Budget 2018+, and contribute to key business priorities.

4.2.2 As the land to be sold is within the HRA, then the receipt may be used either for public sector housing investment or to meet wider Council priorities. In the latter case, an equivalent reduction to the HRA Capital Financing Requirement will also be required.

4.3 Legal Implications

4.3.1 The power to acquire, dispose and manage assets in land and property is contained in Sections 120 and 123 of the Local Government Act 1972, and Section 32 of the Housing Act 1985, in respect of land held for housing purposes.

4.4 Public Sector Equality Duty

4.4.1 The Public Sector Equality Duty statement is included in this report. An Equality Assessment Ref EQUA77 dated 7th August 2018, is attached as Appendix 3. The assessment confirms there is no adverse impact and that a full Equality Assessment is not required for the purpose of this report.

5. Relevant background/chronology of key events:

- 5.1 The subject land comprises a derelict area of land fronting Kings Road Kings Heath, and is currently held by the Housing Revenue Account (HRA).
- 5.2 The proposed buyer has successfully agreed terms for the acquisition of the privately owned land shown hatched on the enclosed plan, and intends to seek planning consent for the comprehensive redevelopment of private and Council owned land in the form of 41 residential dwellings.
- 5.3 In order to maximise their proposed scheme development outputs it is essential for the proposed developer to acquire all land ownerships, and for all landowners to work collaboratively.
- 5.4 A report detailing the outcome of the solus negotiations with the buyer for the sale of the Council's land holding is included on the private agenda.

6. Evaluation of alternative option(s):

- 6.1 A sale of the subject land and its sale will remove an ongoing management liability to the Council.
- 6.3 Not to proceed with the sale would mean that the subject land would remain under-utilised and the opportunity to realise a capital receipt, and maximise the housing development potential of the land would be missed.

7. Reasons for Decision(s):

- 7.1 To note the property's surplus status and approve solus negotiations for the sale of the subject land with the proposed developers of adjoining privately owned land, as special purchasers.

Signatures

Dates

Cllr Ian Ward – Leader of the Council

.....

.....

Waheed Nazir – Corporate Director Economy

.....

.....

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):

1. Appendix 1 - Site Plan
2. Appendix 2 – Ward Member Consultation Record
3. Appendix 3 - Equality Assessment

Report Version 2

Dated 2 August 2018

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