

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	CABINET	
Report of:	Strategic Director Economy	
Date of Decision:	14 February 2017	
SUBJECT:	HOUSING CLEARANCE PROGRAMME	
Key Decision: Yes	Relevant Forward Plan Ref: 002861/2017	
If not in the Forward Plan: (please "X" box)	Chief Executive approved	<input type="checkbox"/>
	O&S Chairman approved	<input type="checkbox"/>
Relevant Cabinet Member(s) or Relevant Executive Member:	Councillor Peter Griffiths – Cabinet Member Housing & Homes	
Relevant O&S Chairman:	Councillor Victoria Quinn – Housing and Homes	
Wards affected:	Kings Norton, Brandwood, Sparkbrook, Sutton Trinity, Washwood Heath and Bartley Green	

1. Purpose of report:
<p>1.1 To seek approval for the rehousing of up to 2,665 tenants, the acquisition of 106 privately owned dwellings and the demolition of 1,175 dwellings. This approval is sought on the basis that the properties proposed to be cleared are obsolete and financially unviable.</p>
2. Decision(s) recommended:
<p>It is recommended that Cabinet:</p> <p>2.1 Approve the acquisition of 106 privately owned dwellings and the clearance of 1,175 dwellings, as set out in the Full Business Case, detailed in APPENDIX 1.</p> <p>2.2 Authorise the use of compulsory purchase orders (CPO) to acquire such land as is necessary within the areas identified in the plans in APPENDIX 3, such powers to be exercised under either Section 17 of the Housing Act 1985 or Section 226 of the Town and Country Planning Act 1990 as appropriate for the developments which the CPO will be required to implement.</p> <p>2.3 Delegate to the Acting Strategic Director of Economy and the Cabinet Member Housing and Homes, approval to authorise the acquisition under section 17 of the Housing Act 1985 or section 226 (1) (a) Town and Country Planning Act 1990, of any third party interests within the areas identified in the plans in Appendix 3.</p> <p>2.4 Authorise the Acting Strategic Director of Place to cease lettings and commence the priority rehousing from properties identified in APPENDIX 3.</p> <p>2.5 Note that the procurement of such contracts as are needed to undertake clearance of the properties included in this report will follow in due course.</p>

- 2.6 Authorise the Director of Property to pay statutory and discretionary Home Loss payments and negotiate disturbance compensation to qualifying tenants and home owners.
- 2.7 Authorise the Acting City Solicitor to serve Initial Demolition Notices on the Council tenants residing in the properties identified in APPENDIX 2 based on the intention to demolish and to serve Final Demolition Notices and comply with all associated statutory requirements.
- 2.8 Authorise the Acting City Solicitor to take any steps/enter legal agreements needed to bring the above into effect including, but not limited, to: negotiate, execute and complete all necessary legal documentation to give effect to the above recommendations, and in relation to any in principle CPO, to carry out preparatory work (including land referencing) required prior to the making of such an order.

Lead Contact Officer(s):	Clive Skidmore, Head of Housing Development
Telephone No:	303 1667
E-mail address:	clive.skidmore@birmingham.gov.uk

3. Consultation

3.1 Internal

All relevant Ward Members and Executive Members for the Districts within the wards affected by these clearance proposals have been consulted and feedback has been supportive of the city council proposals. The Acting Strategic Director Place and other relevant Senior Officers from the Economy, and Place Directorates have been consulted and are supportive of the report proceeding for an executive decision.

- 3.1.2 Officers from City Finance, Legal Services and Birmingham Property Services have been involved in the preparation of this report.

3.2 External

Local residents have been consulted on the demolition proposals and the majority of residents are supportive of the proposals to clear these properties in most cases. Residents' consultation took place in the form of questionnaires, home visits and drop-in events in the areas concerned, during September and October 2016. There was a very high response rate of 77%, with over 90% of respondents supporting the demolition proposals. A lower level of support from residents was achieved in the case of the ten properties at Bartley Green and Ward End.

The full details of the results of the resident's consultation are in APPENDIX 10

4.	Compliance Issues:
4.1	<u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u>
4.1.1	The demolition proposed in this report will facilitate the development of new homes for a growing city which is a key objective of the City Council. The development of new affordable housing within the City is in accordance with the objectives of the Housing Revenue Account (HRA) Business Plan 2017+.
4.1.2	Fairness to tackle inequality and deprivation, promote social cohesion across all communities in Birmingham, and ensure dignity, in particular for our elderly, and safeguarding for children – by providing new affordable homes, apprenticeships and bursary programme placements.
4.1.3	Prosperity - to lay the foundations for a prosperous City, built on an inclusive economy – by stimulating the construction industry through the Council's housing building programme.
4.1.4	Democracy - to involve local people and communities in the future of their local area and their Public Services – by consulting communities about proposals for new development and ensure that new homes meet local needs and localised targeting of training, education and employment initiatives to complement the house-building programme.
4.1.5	<u>Birmingham Business Charter for Social Responsibility (BBCSR)</u> There are no direct implications for compliance with the BBC4SR, however contracts which are let in due course as a result of these proposals for demolition and construction of new homes will include a mandatory requirement that will form part of the conditions of contracts
4.2	<u>Financial Implications</u>
4.2.1	The total cost of rehousing, CPO, acquisition and demolition is estimated at £29.8m, which will be incurred between 2017/18 and 2023/24. This total is made up of £4.4m revenue expenditure, funded from HRA income, and £25.4m capital expenditure, which is funded from within the overall Public Sector Housing Capital programme financing over the seven year period.
4.2.2	The new proposed clearance programme will be carried out alongside the existing approved clearance programme. The estimated remaining cost of the existing approved clearance programme is £14.9m, which will be incurred between 2017/18 and 2022/23. The details of the total programme are set out in Appendix 1 and summarised in the table below.

	2017/18	2018/19	2019/20	2020/21 to 2023/24	Total
	£m	£m	£m	£m	£m
Proposed Clearance Programme					
Revenue Expenditure	0.4	0.7	0.8	2.5	4.4
Capital Expenditure	2.0	4.6	4.3	14.5	25.4
Total	2.4	5.3	5.1	17.0	29.8
Existing Clearance Programme					
Revenue Expenditure	0.4	0.1	0.0	0.0	0.5
Capital Expenditure	8.9	1.9	3.3	0.3	14.4
Total	9.3	2.0	3.3	0.3	14.9
Total Revenue Expenditure	0.8	0.8	0.8	2.5	4.9
Total Capital Expenditure	10.9	6.5	7.6	14.8	39.8
Grand Total	11.7	7.3	8.4	17.3	44.7

Funding for both revenue and capital expenditure elements of the existing and proposed programmes are included within the HRA Business Plan 2017+, as summarised in Appendix 1.

4.3 Legal Implications

4.3.2 Power to acquire land is found in section 123 Local Government Act 1972. The legal powers under which a local authority may make a compulsory purchase order to acquire land for housing contained within section 17 Housing Act 1985 or, if there are additional non-housing uses proposed in any redevelopment then section 226 (1) (a) Town & Country Planning Act 1990. The case for the potential use of such powers is set out in appendix 6 along with relevant human rights considerations in appendix 8.

4.4 Public Sector Equality Duty

An equality assessment No. EA001676 is attached. This demonstrates that there are no disproportionate impacts on residents within the protected categories.

The Equality Assessment is included in Appendix 5.

5. **Relevant background/chronology of key events:**

5.1 The Council owns over 62,000 homes, with the average age of these properties being over 65 years. There are a number of drivers which mean that the Council needs to review the future of these properties and demolish a proportion of them. There is an ongoing need to improve and modernise the Council's housing stock, and inevitably there are properties within the stock which have reached the end of their useful life and cannot be economically improved. Some properties suffer from inherent structural defects which are financially not viable to address, whilst others fail to meet resident's aspirations in the 21st century or may open up access to a larger site if they are demolished. The current clearance programme was approved in 2012, and is

substantially completed, with 688 properties having been demolished between 2012 and 2017, and a further 411 properties from this programme carried forward for demolition in future years. Of these 411 properties, 310 are void pending demolition.

- 5.2 This report makes proposals for the demolition of properties within the HRA which have been selected for clearance taking account of the following criteria:
- Major structural defects;
 - High level of financial non-viability;
 - Failure to meet the aspirations of residents;
 - Potential to free up a larger regeneration opportunity;
 - Continuation of an existing major regeneration programme.
- 5.3 The Council has developed an Asset Management Model which identifies groups of properties and ranks those groups in terms of their financial impact on the HRA. A review has been undertaken on specific properties in those property groups which have the highest negative impact on the HRA to assess their financial viability over a 30 year period. This information, together with a qualitative assessment of housing assets, informs the proposed clearance programme in this report. The resultant cleared land will provide sites for the building of new, more energy efficient, council homes and homes for sale.
- 5.4 A master planning and consultation exercise for Druids Heath is already in progress and it is anticipated that proposals for further clearance will be submitted to Cabinet in late 2017. The proposals in this report include 670 properties for clearance at Druids Heath, including 79 privately owned properties. This report seeks specific approval for the clearance and demolition of Heath House as a first step in the regeneration of this area. Specific addresses for the remainder of the properties to be cleared at Druids Heath (including confirmation of the number of properties affected) will be included in the future Cabinet report.
- 5.5 A detailed and comprehensive programme of consultation has been undertaken with residents who are potentially affected by the clearance proposals set out within this report, including door knocking, face to face and telephone interviews. This consultation succeeded in achieving responses from 77% of affected residents, with overall 90% of those in favour of the clearance of their properties. A lower level of support from residents was achieved in the case of the ten properties at Bartley Green and Ward End.
- 5.6 Appendix 2 gives details of the individual properties which are proposed for clearance within this report. Following approval of this report, rehousing of residents from the properties in question will start from April 2017. Empty properties will be demolished and new homes will be constructed on the cleared sites through the BMHT programme. The detailed proposals for each site will be the subject of future reports to the appropriate decision maker.
- 5.7 Residents affected by clearance are entitled by law to financial compensation. Tenants are entitled to a homeloss payment set by statute at £5,800 per household. Owner occupiers are entitled to receive the market value of their property plus 10%. Both tenants and owner occupiers are entitled to a disturbance payment of up to £1,500 towards removals and other expenses. Council tenants are offered an alternative Council property.

- 5.8 Progress is implementing the proposals set out in this report will be reported back to Cabinet in the annual HRA Business Plan review each February.

6. Evaluation of alternative option(s):

Five potential alternative options have been identified –

1. **Reduce the scale of the proposed clearance or carry out no clearance at all.** The consequences of this approach would be an increased financial pressure to the HRA, as most of the properties identified for clearance require greater levels of investment than the rental income derived from them.
2. **Increase the scale of the proposed clearance programme.** This approach would provide more land for replacement homes, but would reduce the Council's ability to meet demand for social housing and may not be affordable within the HRA.
3. **Demolish the same number of properties, but select different properties.** This may result in lost opportunities to make the best use of existing council housing, and represent an additional financial pressure on the HRA if financially viable properties are demolished whilst less viable properties are retained.
4. **Accelerate the proposed clearance programme and deliver it within a shorter timescale.** This would result in the rehousing of affected tenants and owner-occupiers being substantially more difficult to achieve, and would make it more difficult to meet the needs of households on the Council Housing Waiting List (including those currently in temporary accommodation). The need for CPO in some cases means that assembly of some sites cannot be accelerated.
5. **Deliver the programme over a longer period.** This option would require short term investment costs where there are structural issues and would result in further financial pressures to the HRA as the additional rent generated would not be sufficient to fund the additional investment required.

7. Reasons for Decision(s):

- 7.1 The clearance programme proposed in this report will remove properties from the HRA which are obsolete and financially unviable.
- 7.2 Clearance of these properties will provide land or improve the development potential of land that can be developed for new, higher quality family homes that better meet the current and future housing needs of the citizens of Birmingham and contribute to the creation of sustainable communities.

Signatures	<u>Date</u>
Councillor Peter Griffiths, Cabinet Member Housing and Homes 	
Waheed Nazir Strategic Director Economy	

List of Background Documents used to compile this Report:
<ol style="list-style-type: none"> 1. COUNCIL HOUSING ASSET MANAGEMENT PLAN 2012-17 - POST SUBSIDY REFORM – CABINET REPORT 26 SEPTEMBER 2011 2. Clearance of Properties at the FORDROUGH /HOULDEY ROAD - CABINET REPORT 26 January 2016 3. MOVING FORWARD THE MEADWAY REGENERATION PROGRAMME – CABINET REPORT 16 March 2015 4. Clearance of Properties at 140 - 142 SHARD END CRESCENT and 445 – 431 THE HEATHWAY, B34 7AD – Chief Officer Approval 27 December 2015 5. Housing Revenue Account (HRA) Business Plan 2017+.

List of Appendices accompanying this Report (if any):
<ol style="list-style-type: none"> 1. Full Business Case 2. List of Clearance Properties 3. Plans of Clearance Area 4. Risk Register. 5. Equality Assessment 6. Justification for Compulsory Purchase Order. 7. Planning and Policy Context of Proposal. 8. Article 1 and Article 8 of the European Convention on Human Rights 9. Stakeholder Management Plan 10. Resident Consultation Results 11. Project Milestones

Full Business Case (FBC)			
1. General Information			
Directorate	Economy	Portfolio/Committee	Housing
Project Title	Housing Clearance	Project Code	Various
Project Description	<p>The project is to clear obsolete properties from a number of locations across the city. These are –</p> <p>Kings Norton – clearance of four tower blocks and 251 low rise properties in support of the long running regeneration programme.</p> <p>Druids Heath – clearance of Heath House, plus in principle approval to the clearance of an additional number of homes (up to 622) as part of a major regeneration of this outer city estate;</p> <p>The Poplars – clearance of financially unviable older peoples housing which fails to meet residents aspirations;</p> <p>Properties at Alfred and Beach Roads, Sparkbrook – clearance of properties which are in need of substantial structural works and are not economical to repair;</p> <p>Properties at Monmouth Road, Bartley Green – clearance of properties to create a larger site for development of new homes;</p> <p>Properties at Ward End Park Road – clearance of properties to enable access to a larger development site.</p>		
Links to Corporate and Service Outcomes	<p>The demolition proposed in this report will facilitate the development of new homes for a growing city which is a key objective of the City Council. The development of new affordable housing within the City is in accordance with the objectives of the Housing Revenue Account (HRA) Business Plan 2017+.</p> <ul style="list-style-type: none"> • Fairness to tackle inequality and deprivation, promote social cohesion across all communities in Birmingham, and ensure dignity, in particular for our elderly, and safeguarding for children – by demolishing obsolete homes which do not meet residents' aspirations and replacing them with new high quality homes. • Prosperity - to lay the foundations for a prosperous City, built on an inclusive economy – clearance of obsolete stock will create opportunities for 		

	redevelopment and stimulate the construction industry.		
	<ul style="list-style-type: none">Democracy - to involve local people and communities in the future of their local area and their Public Services – communities have been consulted about the proposals to redevelop their homes, and the planning of new developments will provide opportunities for local people to be involved in shaping the future of their neighbourhood.		
Project Definition Document Approved by	n/a	Date of Approval	
Benefits Quantification- Impact on Outcomes	Measure		Impact
	Demolition of 1,064 HRA properties and 101 private dwellings in Kings Norton, Druids Heath, Sparkbrook and Sutton Coldfield.		Demolition of obsolete and non-viable properties
	Demolition of 10 properties in Washwood Heath and Bartley Green		6.32 acres of land released for housing development
	Demolition of 28 HRA bedsits /flats and one house in Sutton Coldfield		0.85 acres of land released for housing development in Sutton Coldfield
	Demolition of 407 HRA properties and 11 leaseholders at Kings Norton		Approximately 16 acres of land released for housing development in Kings Norton
	Demolition of 37 HRA properties and 11 leaseholders at Sparkbrook		0.42 acres of land released for housing development in Sparkbrook
	Demolition of 591 HRA properties and 79 owner occupiers at Druids Heath		Up to 26 acres of land released for housing development in Druids Heath
Project Deliverables	The Project will deliver: A 7 year Demolition Programme for clearance of elements of the city’s housing stock <ul style="list-style-type: none">10 city tower blocks – demolish 467 dwellingsKings Norton 5 phase of the area regeneration scheme – demolish 251 low-rise dwellingsDruids Heath area regeneration scheme– demolish 370 low-rise dwellings.The Poplars, Sutton Coldfield – Demolish 28 Bedsits& Flats and 1 House		

	<ul style="list-style-type: none"> • Sparkbrook Maisonettes- Demolish 48 Bedsits & Flats • Bartley Green - Demolish 8 Flats • Washwood Heath - Demolish 2 Houses <p>Acquire private properties, using Compulsory Purchase Powers if necessary, by 31 March 2023:</p> <ul style="list-style-type: none"> • 10 city tower blocks – acquire 12 properties • Kings Norton 5 phase of the area regeneration scheme – acquire 11 properties • Druids Heath area regeneration scheme – acquire 67 properties (approximate). • Sparkbrook Maisonettes – acquire 11 properties • Bartley Green – acquire 5 properties <p>Provide opportunities for the reconfiguration of the city's housing stock by releasing 51.6 acres of development land, by 31 March 2023, to meet the needs of communities in the future:</p> <p>The totals are:</p> <ol style="list-style-type: none"> 1. The demolition of 1175 dwellings over 7 years 2. Rehousing of up to 2138 council tenants 3. The acquisition of 106 private properties
Scope	The scope of the project includes rehousing of tenants and owner occupiers, acquisition of third party interests, application for CPO, and demolition.
Scope exclusions	<ul style="list-style-type: none"> • Subsequent redevelopment of the sites • Procurement.....
Dependencies on other projects or activities	<ul style="list-style-type: none"> • Availability of suitable accommodation to allow the rehousing of affected tenants and owner occupiers
Achievability	<ul style="list-style-type: none"> • The Council has a track record of successfully rehousing residents from approximately 200 properties per annum, using CPO powers where necessary and proceeding with demolition to create sites ready for the development of new homes.
Project Manager	Colette McCann, Senior Service Manager (Investment & Development), Economy
Budget Holder	Rob James, Service Director (Housing), Place
Sponsor	Clive Skidmore, Head of Housing Development and Regeneration, 0121 303 1667
Project Accountant	Guy Olivant: Head of City Finance - Housing
Clearance Project Board Members	Colette McCann, Justin Brennan, Tina Rowlands, Allyson Marke Wilson, Nick Ward, Jane Cornell, Ian Chaplin, Adrian

	Jones, Stuart Hancox		
Head of City Finance (HoCF)		Date of HoCF Approval:	

FINANCIAL TABLES

NEW CLEARANCE PROGRAMME

	Year 1 2017/18	Year 2 2018/19	Year 3 2019/20	Year 4 2020/21	Year 5 2021/22	Year 6 2022/23	Year 7 2023/24	Total
	£000	£000	£000	£000	£000	£000	£000	£000
HOUSING REVENUE ACCOUNT								
Void Pending Demolition Costs	327	376	406	410	433	274	0	2,226
Council Tax	95	291	407	448	470	363	136	2,210
Total Expenditure	422	667	813	858	903	637	136	4,436
Housing Revenue Account Income	(422)	(667)	(813)	(858)	(903)	(637)	(136)	(4,436)
PUBLIC SECTOR HOUSING CAPITAL								
Rehousing Costs	1,262	1,300	1,459	1,497	1,535	927	0	7,980
Acquisition Costs	621	2,023	1,614	1,457	2,178	1,972	0	9,865
Removal Costs	2	7	5	5	7	6	0	32
Demolition Costs	0	1,123	1,195	1,367	1,652	1,286	667	7,290
CPO Costs	110	110	0	0	0	0	0	220
Total Capital Expenditure	1,995	4,563	4,273	4,326	5,372	4,191	667	25,387
Funding from Public Sector Housing Capital Account	(1,995)	(4,563)	(4,273)	(4,326)	(5,372)	(4,191)	(667)	(25,387)

**EXISTING APPROVED CLEARANCE
PROGRAMME**

	Year 1 2017/18	Year 2 2018/19	Year 3 2019/20	Year 4 2020/21	Year 5 2021/22	Year 6 2022/23	Year 7 2023/24	Total
	£000	£000	£000	£000	£000	£000	£000	£000
HOUSING REVENUE ACCOUNT								
Void Pending Demolition Costs	57	3	0	0	0	0	0	60
Council Tax	347	47	5					399
Total Expenditure	404	50	5	0	0	0	0	459
Housing Revenue Account Income	(404)	(50)	(5)	0	0	0	0	(459)
PUBLIC SECTOR HOUSING CAPITAL								
Rehousing Costs	405	87	64	0	0	0		556
Acquisition Costs	6,578	1,145	1,601	0	0	0		9,324
Removal Costs	60	87	87	0	0	0		234
Demolition Costs	1,762	493	1,483	100	100	100		4,038
CPO Costs	183	80	55	0	0	0		318
Total Capital Expenditure	8,988	1,892	3,290	100	100	100	0	14,470
Capital Financing								
HRA Revenue Contributions	(6,264)	(1,734)	(2,934)	(100)	(100)	(100)	0	(11,232)
Grant	(2,724)	(158)	(356)	0	0	0	0	(3,238)
Total Capital Financing	(8,988)	(1,892)	(3,290)	(100)	(100)	(100)	0	(14,470)

TOTAL HRA EXPENDITURE	826	717	818	858	903	637	136	4,895
TOTAL HRA INCOME	(826)	(717)	(818)	(858)	(903)	(637)	(136)	(4,895)
TOTAL CAPITAL EXPENDITURE	10,983	6,455	7,563	4,426	5,472	4,291	667	39,857
TOTAL CAPITAL FINANCING	(10,983)	(6,455)	(7,563)	(4,426)	(5,472)	(4,291)	(667)	(39,857)

Appendix 2 -SCHEDULE OF PROPERTIES IDENTIFIED FOR CLEARANCE

NEW CLEARANCE PROGRAMME

	Year 1 2017/18	Year 2 2018/19	Year 3 2019/20	Year 4 2020/21	Year 5 2021/22	Year 6 2022/23	Total
Housing Revenue Account Properties							
Kings Norton - High Rise	0	42	42	41	42	0	167
Kings Norton - Low Rise	95	16	40	50	39	0	240
Druids Heath - High Rise	48	48	48	48	48	48	288
Druids Heath - Low Rise	0	48	50	58	73	74	303
The Poplars	20	9	0	0	0	0	29
Beach and Alfred Road	13	12	12	0	0	0	37
Monmouth Road	0	3	0	0	0	0	3
Ward End Park Road	0	2	0	0	0	0	2
Total Housing Revenue Account	176	180	192	197	202	122	1,069
Owner Occupier Properties							
Kings Norton - High Rise	0	0	0	0	0	0	0
Kings Norton - Low Rise	3	4	2	1	1	0	11
Druids Heath - High Rise	2	2	2	2	2	2	12
Druids Heath - Low Rise	0	8	10	12	19	18	67
The Poplars	0	0	0	0	0	0	0
Beach and Alfred Road	3	4	4	0	0	0	11
Monmouth Road	0	5	0	0	0	0	5
Ward End Park Road	0	0	0	0	0	0	0
Total Owner Occupier	8	23	18	15	22	20	106
Total Properties	184	203	210	212	224	142	1,175

EXISTING APPROVED CLEARANCE PROGRAMME

	Year 1 2017/18	Year 2 2018/19	Year 3 2019/20	Year 4 2020/21	Year 5 2021/22	Year 6 2022/23	Total
Housing Revenue Account	81	6	0	0	0	0	87
Owner Occupier	12	2					14
Total Properties	93	8	0	0	0	0	101
TOTAL HOUSING REVENUE ACCOUNT	176	180	192	197	202	122	1,069
TOTAL OWNER OCCUPIER	20	25	18	15	22	20	120
TOTAL PROPERTIES	196	205	210	212	224	142	1,189

The Large Panel System Blocks (LPS)

The Council has fifty LPS blocks. These blocks are potentially structurally defective and may require expensive investment works in order to remedy such structural issues as are identified. This report includes a proposal to demolish ten of these blocks.

The clearance of the four LPS blocks in Kings Norton will open up a significant site for future housing development, linking into other strategic area improvements that are already in progress.

Six blocks have been identified for clearance at Druids Heath, where there is the most concentrated level of LPS Blocks in the city, with 15 blocks throughout the area. This report includes a specific proposal to clear Heath House, with the remaining five blocks to be identified as part of the estate master-planning that is already underway.

King Norton – Three Estates

The clearance and redevelopment programme at Kings Norton is well underway following the Big Change proposal approved by Cabinet in 2007. To date some 300 properties have been demolished and over 300 new homes built on the estate. 264 properties for which approval for clearance has already been given by Cabinet as part of the 2012-17 programme will be cleared between 2017 and 2019. Future clearance is proposed on 240 unviable Council owned homes on the Pool Farm Estate and 11 owner occupied homes, in addition to the 4 LPS blocks identified above. Action will mainly be concentrated on low-rise flats, most of which are of non-traditional construction, with the defective structural issues associated with this type of construction.

Druids Heath

Druids Heath has been identified as an area that requires significant investment and regeneration. There is a need to improve the character and quality of the physical environment of the estate as a whole.

The area is currently the subject of a study, where clearance and retention issues are considered across the whole stock.

The aim of this study is, in the first instance, to produce a Master plan and an Option Investment Strategy which will be supported by a minimum of 3 option appraisals, a viability statement and a Housing Revenue Account Investment Plan. This information will be used to inform strategic investment decisions of the City Council, Homes & Communities Agency and Partner Agencies.

In addition to the six LPS blocks mentioned above, this report is seeking approval for the clearance of 370 low-rise properties, including 11 leaseholder properties. The addresses of these properties will be identified following the masterplanning exercise and will be included in the future Cabinet report.

Sheltered Housing – The Poplars

The Poplars sheltered housing scheme occupies a location in Sutton Coldfield and includes 24 bedsits 4 flats & 1 house. The Poplars scheme has suffered from chronic under-occupation for a number of years, even though it sits within an area of Sutton that has a high housing demand. This is due to the very small size of the individual bedsit flats which do not meet residents' aspirations in the 21st century.

Of the 28 units, there are currently 18 empty. There is low demand for bedsits generally on the housing waiting list and this type of accommodation is particularly difficult for people with a physical disability, as they are unable to manoeuvre wheelchairs and walking frames around parts of the accommodation. A lack of a suitable lift at The Poplars compounds the problem for users of the first floor.

Maisonettes in Alfred & Beach Road

There are structural issues with the four blocks of flats on Alfred & Beach Roads, Sparkbrook which make these blocks financially unviable. There is a relatively high percentage of owner occupation at the blocks with 11 of the 48 properties owned by leaseholders. Cleared land at The Poplars, Alfred and Beach Road will be available for future development.

Clearance to enable Housing Growth

A vacant site of 1.21 acres is situated to the rear of properties on Ward End Park Road (Ward End) and could be suitable for a housing development, if access can be provided. The demolition of numbers 59 & 61 will be the most effective way of providing access to release this development land.

At Monmouth Road, Bartley Green, clearance of four high rise blocks has already taken place. However the redevelopment of this site is compromised by the presence of eight low rise flats. The demolition of the remaining four properties in Della Drive (2 to 5) and four properties in Penrith Croft (2 to 5) would release a 5.11 acre site for housing development.

It is therefore proposed to include the Ward End Park and Monmouth Drive sites in the Clearance Programme to enable housing development schemes to proceed.

Bartley Green Ward

Private Properties

Della Drive: 2, 5

Penrith Croft: 2, 4, 5

Total number of private properties in Bartley Green Ward: 5

HRA Properties affected:

Della Drive: 3, 4

Penrith Croft: 3

Total Number of HRA properties affected: 3

Total number of private and HRA properties affected in Bartley Green Ward is: 8

Brandwood Ward

Private Properties:

Heath House: 39, 41

Total number of private properties in Brandwood Ward: 2

HRA properties affected

Heath House: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51

Total number of HRA properties affected: 48

Total number of private and HRA properties affected in Brandwood Ward is: 50

Note: A detailed list of properties to be demolished in Druids Heath Estate will be available once the master-planning exercise is completed in 2017.

Kings Norton Ward Area 1

Private Properties:

Gildas Avenue: 37, 59, 78

Total number of affected private properties in Kings Norton Ward Area 1 is: 3

HRA Properties:

Bentmead Grove: Block 1, flat 1, 2, 3, 4, 5, 6, block 3, flat 1, 2, 3, 4, 5, 6, block 5, flat 1, 2, 3, 4, 5, 6, block 7, flat 1, 2, 3, 4, 5, 6

Sisefield Road: 1, 3, 5, 7

Gildas Avenue: 25, 27, 29, 31, Block 33, flats 1, 2, 3, 4, 5, 6, Block 35, flats 1, 2, 3, 4, 5, 6, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 61, 63, 65, 67, 20, 22, 24, 26, 28, 30, 38, 40, 42, 44, 46, 48

70, 72, 74, 76, 80, 82, 84, 86, 88, 96, 98, 100, 102

Barratts Road 59, 61, 63, 65

Little Hill Grove: 25, 27, 29, 31, 40, 42, 44, 46

Total number of affected HRA properties in Kings Norton Ward Area 1 is: 95

Total number of private and HRA properties affected in Kings Norton Ward Area 1 is: 98

Kings Norton Ward Area 2

Private properties:

Sisefield Road: 86, 88, 90, 92

Total number of private properties affected in clearance area year 2 is 4

HRA properties affected:

Barratts Road: 6, 8, 10, 12, 18, 20, 22, 24

Sisefield Road: 72, 74, 76, 78, 126, 128, 130, 132

Total number of HRA properties affected: 16

Total number of private and HRA properties in Kings Norton Ward Area 2 is: 20

Kings Norton Ward Area 3

Private properties:

Barratts Road: 44

Little Hill Grove: 5

Total number of private properties affected: 2

HRA properties affected:

Barratts Road: 32, 34, 36, 38, 40, 42, 46, Block 48, flats 1, 2, 3, 4, 5, 6, Block 50, Flats 1, 2, 3, 4, 5, 6, Block 52 Flats 1, 2, 3, 4, 5, 6

Little Hill Grove: 1, 3, 7, Block 15, Flats 1, 2, 3, 4, 5, 6

Hillmeads Road: Block 68, Flats 1, 2, 3, 4, 5, 6

Total number of HRA properties affected: 40

Total number of private and HRA properties in Kings Norton Ward Area 3 is: 42

Kings Norton Area 4

Private Properties:

Hillmeads Road: 37

Total number of private properties affected in clearance area 4 is 1

HRA properties affected:

Hillmeads Road, Block 29, Flats 1, 2, 3, 4, 5, 6, Block 31, Flats 1, 2, 3, 4, 5, 6, 33, 35, 39, Block 41, Flats 1, 2, 3, 4, 5, 6, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, Block 67, flats 1, 2, 3, 4, 5, 6

Heathside Drive: Block 78, Flats 1, 2, 3, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121

Total number of HRA properties affected in clearance area year 4 is 50

Total number of private and HRA properties in Kings Norton Ward Area 4 is: 51

Kings Norton Ward Area 5

Private Properties

Arrow Walk: 7

Total number of private properties affected in clearance area 5 is 1

HRA Properties affected:

Arrow Walk: Block 1, flats 1, 2, 3, 4, 5, 6, Block 3, flat 1, 2, 3, 4, 5, 6, no. 5, 9, 11

Hillmeads Road: 1, 3, 38, 40, 42, 44, Block 46, Flats 1, 2, 3, 4, 5, 6, Block 48, Flats 1, 2, 3, 4, 5, 6

Walkers Heath Road: 103, 105, 119, 121, 123, 125

Total number of HRA properties affected: 39

Kings Norton Ward High Rise

Private Properties: Nil

HRA Properties affected:

Lavender House: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43

Heather House: Flat 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43

Burdock House: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43

Barberry House: Flats 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43

Total number of HRA properties affected: 167

Sparkbrook Ward

Private Properties

Beach Road: 11, 21, 31, 37, 39a, 45, 45a, 47, 57

Alfred Road: 23, 25

Total number of private properties affected in Sparkbrook Ward is: 11

HRA properties affected

Beach Road: 15, 17, 19, 23, 25, 27, 29, 33, 35, 37a, 39, 41, 41a, 43, 43a, 47a, 49, 49a, 51, 51a, 53, 53a, 55, 55a, 57a, 59, 59a

Alfred Road: 1, 3, 5, 7, 9, 11, 15, 17, 19, 21

Total number of HRA properties affected is: 37

Total number of private and HRA properties affected in Sparkbrook Ward is: 48

Sutton Trinity Ward

Total number of private properties affected in Sutton Trinity Ward: NIL

HRA properties affected

Poplar Avenue: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 43

Total number of HRA properties in Sutton Trinity Ward is: 29

Total number of private and HRA properties affected in Sutton Trinity is: 29

Washwood Heath Ward

Total number of private properties in Washwood Heath Ward: NIL

HRA properties:

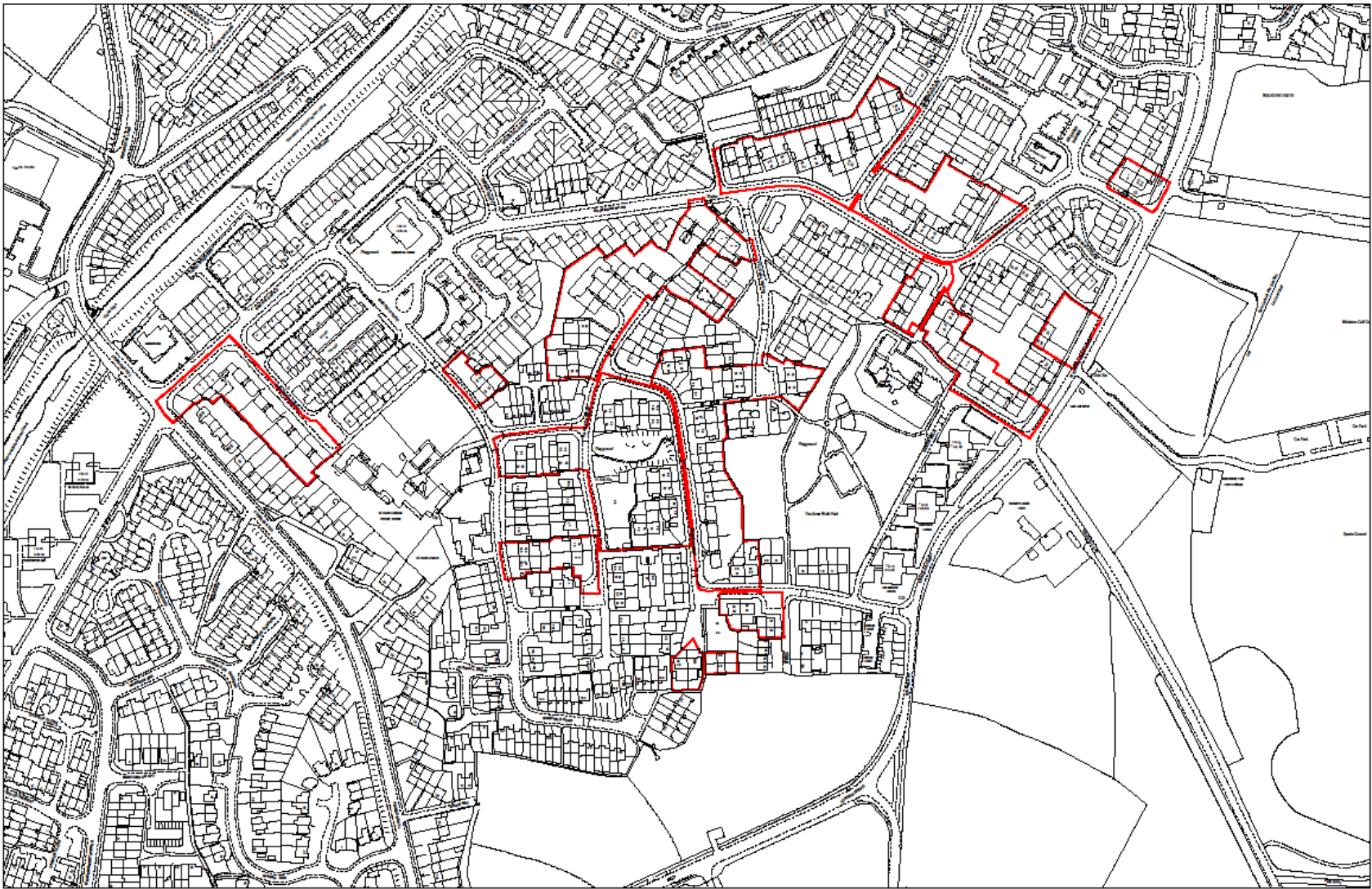
Ward End Park Road: 59, 61

Total number of HRA properties in Washwood Heath Ward: 2

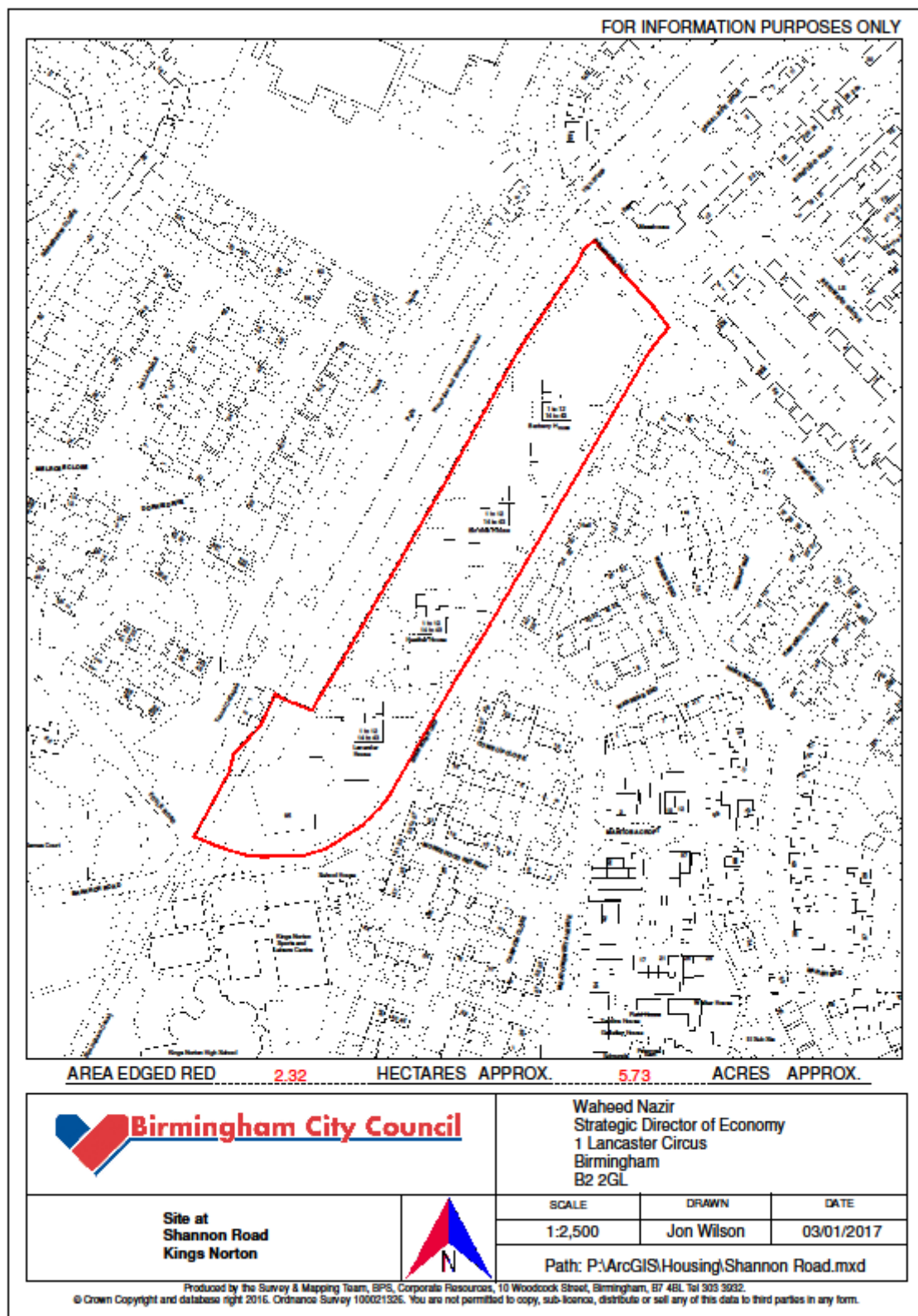
Total number of private and HRA properties affected in Washwood Heath Ward is 2

APPENDIX 3 - Plans

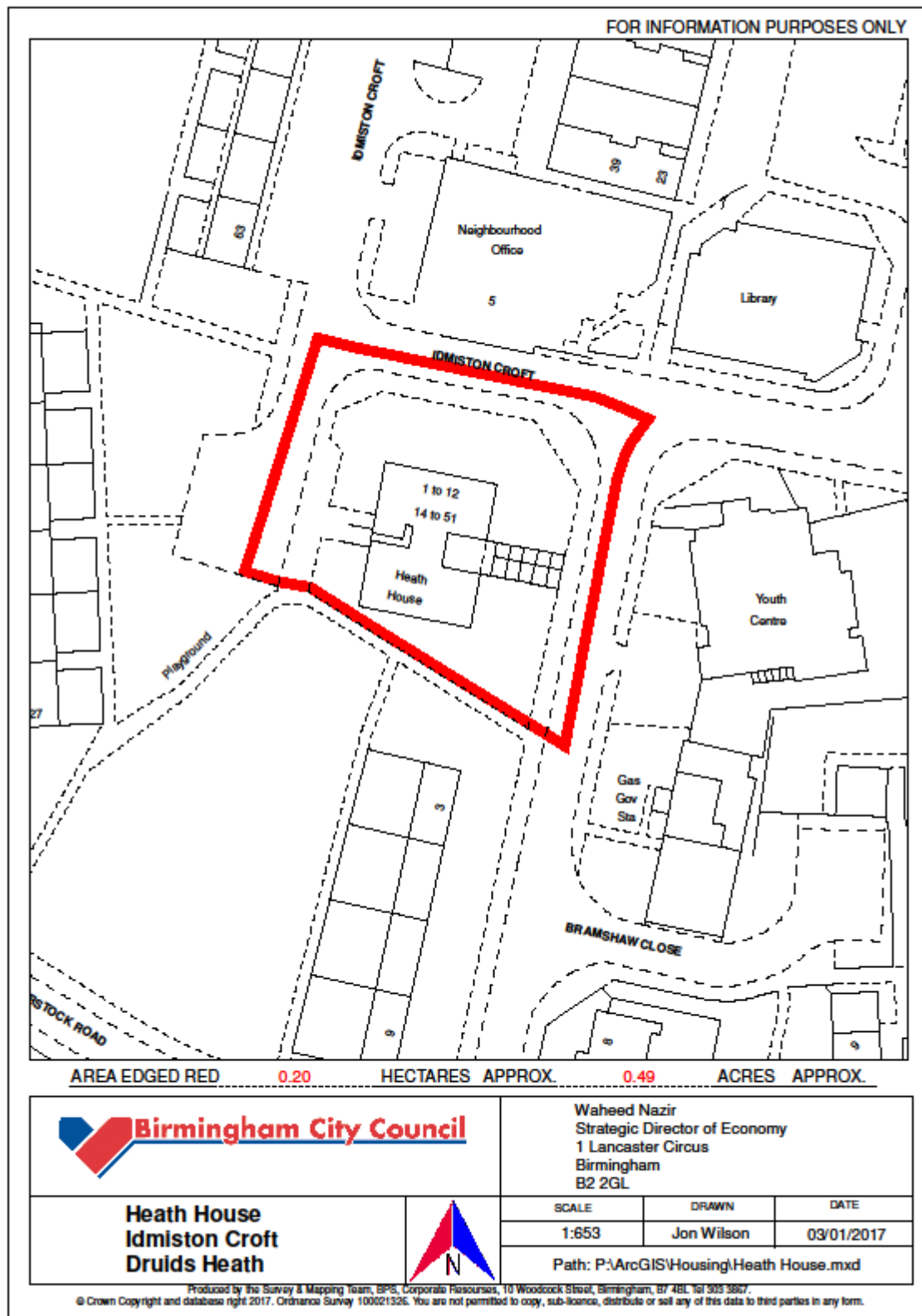
Kings Norton low-rise



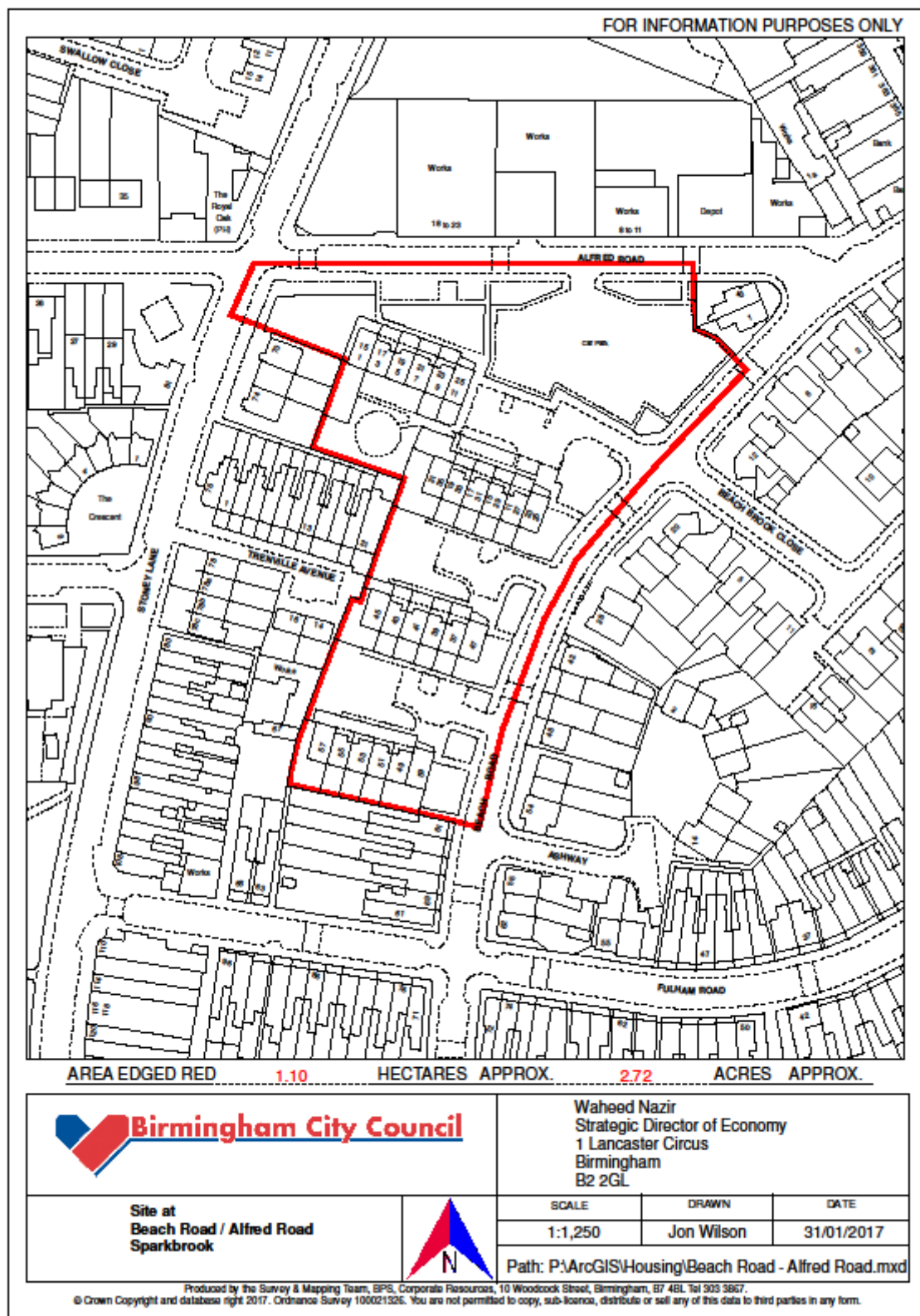
Kings Norton High Rise Blocks



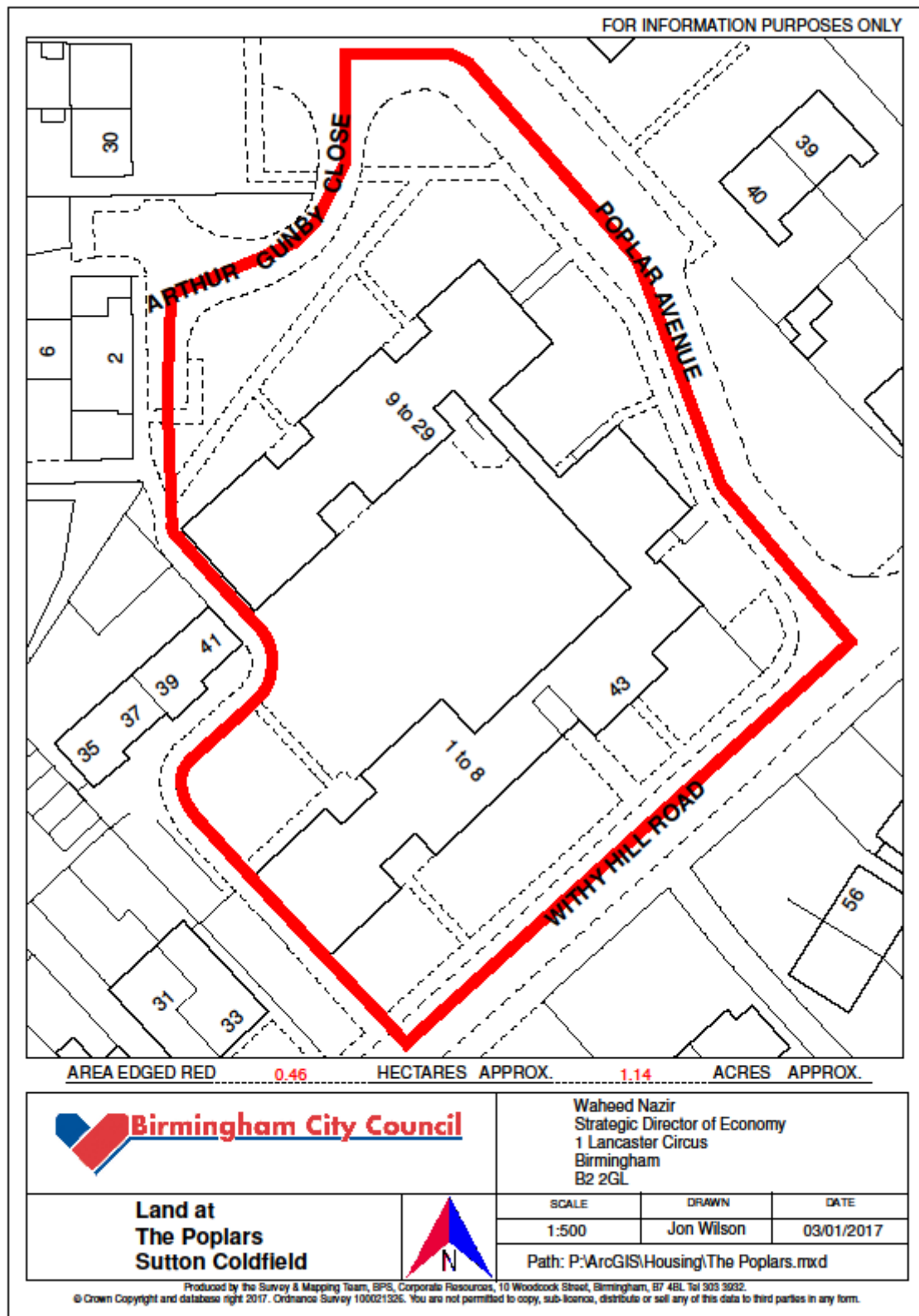
Druids Heath – Heath House



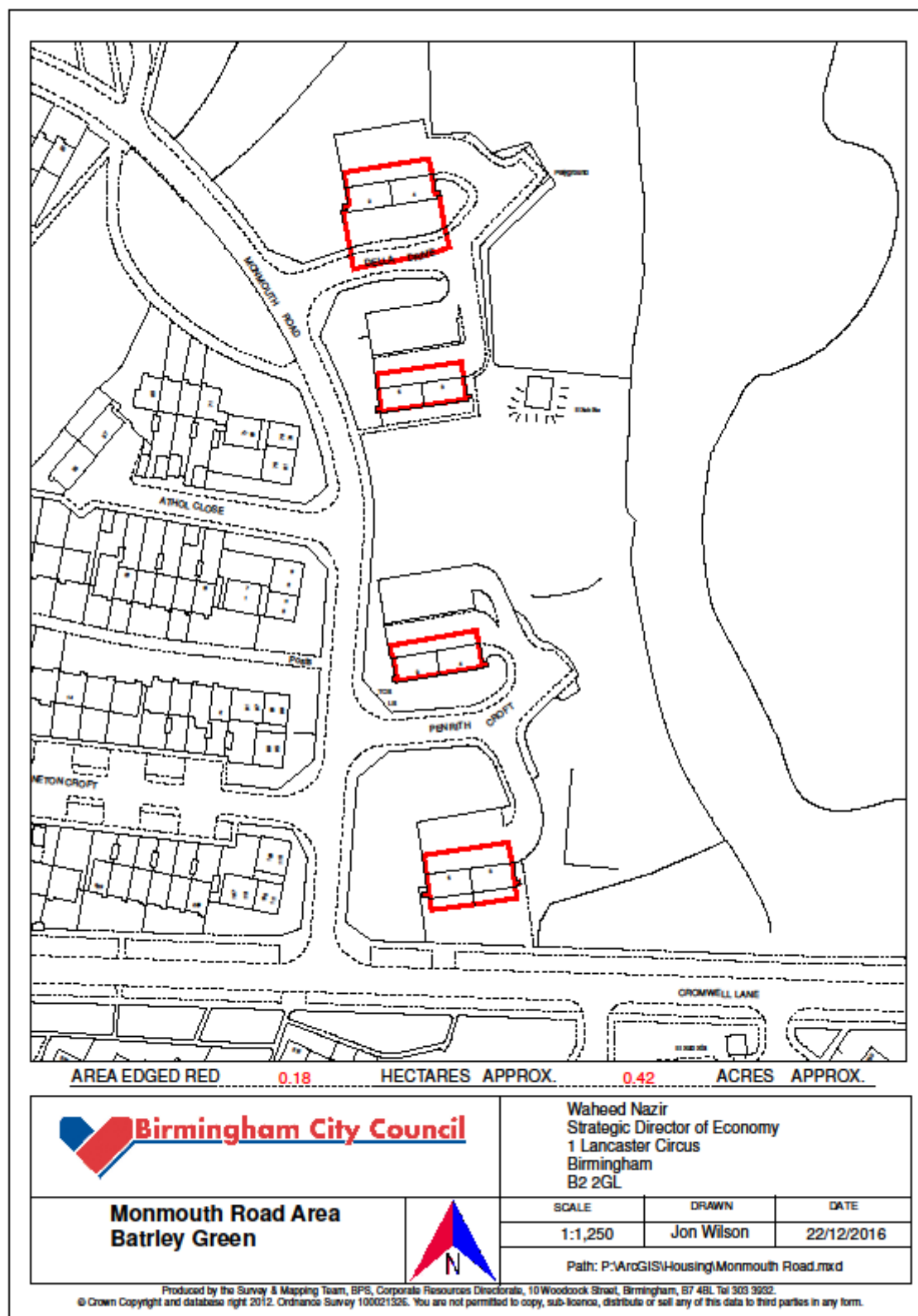
Beach & Alfred Road, Sparkbrook



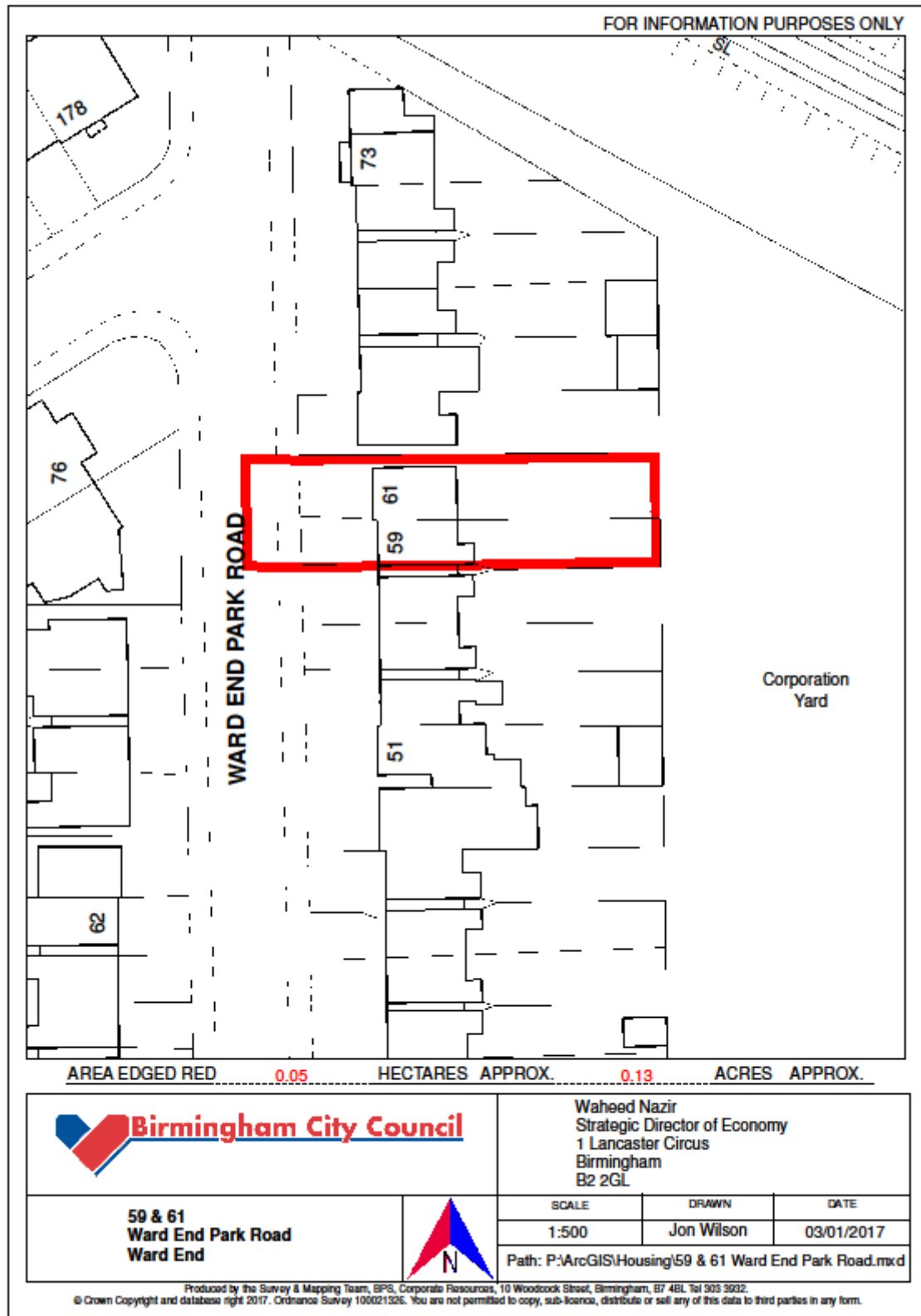
The Poplars, Sutton Coldfield



Bartley Green



Washwood Heath



APPENDIX 4 - RISK REGISTER

Risk	Probability	Impact	Mitigation strategy	Resource implications	Owner
Failure to achieve rehousing of Council tenants	Low	Medium	A rehousing assessment has been carried out which demonstrates that rehousing can be achieved in the timescales.	The cost of rehousing can be met over the period 2017-2023. If rehousing is not achieved, there will be additional costs incurred to the HRA.	Collette McCann, Senior Service Manager
Failure to achieve rehousing of owner occupiers	Medium	Medium	CPO will be actioned at the earliest opportunity.	The cost of acquisitions can be met over the period 2017-2023. If rehousing is not achieved, there will be additional costs incurred to the HRA.	Collette McCann, Senior Service Manager
Failure to deliver clearance and demolition within cost envelope	Low	Medium	The Council has extensive experience in managing such programmes, and robust programme management will ensure costs are controlled.	Projected costs have been included within the HRA Business Plan 2017-23. Should the costs of clearance exceed the projected level, funding will be reallocated from elsewhere within the capital programme for the relevant year (s),	Collette McCann, Senior Service Manager

APPENDIX 5



Equality Analysis

Birmingham City Council Analysis Report

EA Name	Renewal Of City Council Housing Stock
Directorate	Economy
Service Area	P&R Planning And Development
Type	New/Proposed Function
EA Summary	This EA looks at the consultation that has been undertaken to seek the views of the residents affected by the recommendations of the Renewal of City Council Housing Stock Cabinet report.
Reference Number	EA001676
Task Group Manager	shahid.s.iqbal@birmingham.gov.uk
Task Group Member	
Date Approved	2016-12-08 00:00:00 +0000
Senior Officer	clive.skidmore@birmingham.gov.uk
Quality Control Officer	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?

The Renewal of City Council Housing Stock Cabinet report will make a decision on the future of 555 properties in Birmingham. The affected 555 properties have been identified through an option appraisal process that focused on the physical and financial viability of the properties as well as input from local housing teams.

The properties are all considered to be low quality and requiring significant amounts of investment in order to make them financially viable and improve their condition to enable sustainability. The report recommends that the 555 properties are replaced with new high quality sustainable homes and to re-house the occupiers of the 555 properties.

The poor condition of some of the stock is not suitable for occupiers who have specific needs and can have an adverse effect on them and in general is simply not a long term solution to the housing needs of the occupiers. The decision will support the aspirations of the occupiers and ties in with the City's strategic themes such as providing more housing as well as the opportunity to improve health and well-being, and creating employment and training opportunities in the future when sites become available for development.

To support this recommendation, consultation was undertaken with the 555 properties affected and the results of the consultation (discussed further in the report) shows that over 90% of respondents are in favour of the recommendations which they believe will help to improve their quality of life.

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

A Strong Economy Yes

Safety And Opportunity For All Children Yes

Children: A City To Grow Up In Yes

Thriving Local Communities Yes

A Healthy City Yes

A Modern Council Yes

2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders? Yes

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 to make a decision on the future of 555 properties across Birmingham affects residents across six Wards in Birmingham; Kings-Norton, Sparkbrook, Brandwood, Bartley Green, Sutton Trinity, and Washwood Heath.

The property-type is varied and included flats within maisonettes, flats within high / medium rise blocks, traditional / non-traditional houses, and sheltered accommodation and the properties were a variety of bedroom sizes ranging from 1 bedroom to 4 bedroom accommodation. Also, the occupation covers a mix of different communities that are to be affected and this is consistent with the current geo-graphical profile of the City. Initial research undertaken confirmed that there were 555 properties in total to be consulted, of which (according to Northgate), 511 were occupied, 44 were void, and there were 29 Leaseholder properties in total.

An extensive consultation was undertaken during September / October 2016, to advise local residents that are affected by the proposal. The consultation involved members of the BMHT team as well as local housing team colleagues. The consultation was undertaken by providing an information pack that contained a detailed information letter about the proposal, the consultation programme, a questionnaire to be completed and returned by resident's, a facts sheet, an equality monitoring form, and a freepost return envelope for the completed questionnaire.

The information pack was posted out to all of the affected residents and this was followed up with on-site drop in sessions that were in the foyer of one of the tower blocks for example, from late morning through to early evening. At the same time as the drop-in sessions, staff undertook door-knocking exercises to provide face-to-face communication for those that were unable to attend the drop-in sessions and to give people further opportunity to express their view(s). This was done on several occasions during a two weeks period, across the wards at differing times to allow opportunity for people throughout the day.

The result of the consultation is as follows:

No. of properties affected Occupied Void Tenant Leaseholder Total responses Yes No Don't know

555 511 44 526 29 393 354 23 16

Total % 92% 7.92% 94.77% 5.22% 76.91% 90.08% 5.85% 4.07%

The result of the consultation shows overwhelming support in favour of the recommendations of the Cabinet Report.

A closer analysis by each of the protected characteristic groups shows no particular pattern that would raise any concern about any adverse impact on any particular group where a particular group is easily identifiable. For example:

- . The Poplars (sheltered block for the elderly) in Sutton Trinity is made up of 29 units but only 9 are occupied. Of the 9 occupied, 6 occupiers were in favour of the proposal and 2 were not in favour.

- . The Maisonette block in Sparkbrook is occupied almost entirely by families from BME communities and of a particular Religious group, and again of the 48 properties there, 41 responded and there were 36 in favour and only four not in favour. There is no particular evidence to suggest that the responses are related to any particular protected characteristic and is more in line with the local community makeup of Sparkbrook and that area of the Ward in particular.

- . The four medium rise blocks in Kings Norton have a higher proportion of single people living there and of the 132 responses from the total 167 flats, 126 people were in favour and only 3 people were not in favour. There is no particular pattern to show if this is because of any of the protected characteristics.

- . The Monmouth Road properties however, reveal a 50/50 split between being in favour and not in favour, however, this is due to the fact that there are only two family houses affected and is too small a sample to draw any particular conclusion - even with the availability of equality monitoring data.

(A full breakdown of the consultation data can be found in appendix 10 of the Cabinet Report).

If the Cabinet report is approved, then the six years re-housing programme will commence. The re-housing process is very thorough and is carried out in accordance with Birmingham City Council's Allocation's Policy which is fully compliant with Equality laws.

The analysis on the initial assessment is that the project will contribute to equality of opportunity by improving Residents standard of housing. Through the development of the scheme and thorough consultation with residents no potential to disproportionately disadvantage any protected group has been identified within the scope of the project.

All of the protected groups in question will benefit from a better quality of housing. If nothing were done then a continued decline in the quality of housing would lead to a number of significant problems, often most acutely felt by protected groups, such as inappropriate accommodation and typologies types as well as health related issues and over-crowding. As such it is felt that there is no need to conduct a full assessment.

3 Full Assessment

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

3 Concluding Statement on Full Assessment

The analysis on the initial assessment is that the project will contribute to equality of opportunity by improving resident's standard of housing. Through the development of the scheme and thorough consultation with residents no potential to disproportionately disadvantage any protected group has been identified within the scope of the project.

All of the protected groups in question will benefit from a better quality of housing. If nothing were done then a continued decline in the quality of housing would lead to a number of significant problems, often most acutely felt by protected groups, such as inappropriate accommodation and typologies types as well as health related issues and over-crowding. As such it is felt that there is no need to conduct a full assessment.

4 Review Date 28/02/17

5 Action Plan -There are no relevant issues, so no action plans are currently required.

APPENDIX 6

THE JUSTIFICATION FOR COMPULSORY PURCHASE ORDER (CPO)

DCLG Guidance on Compulsory Purchase Process October 2015 provides advice to acquiring authorities in the preparation and submission of compulsory purchase orders and the matters that the Secretary of State can be expected to take into consideration when reaching a decision on whether to confirm an order. All of these requirements will need to be met in each case before a CPO can be authorised for either an empty property or a vacant/undeveloped site

A CPO should only be made:

1. where there is a compelling case in the public interest. Each case will need to be examined individually, however bringing forward land for housing development/redevelopment schemes (thereby ensuring that sufficient homes are provided to meet the needs of the city's citizens) is clearly capable of being in the public interest.
2. the Council should be sure that the purposes for which the CPO is made justify interfering with the human rights of those with an interest in the land affected. The Secretary of State confirming the order will take a balanced view between the intentions of the acquiring authority, the concerns of those with an interest in the land affected and the wider public interest. Each case will need to be examined individually, and CPO will only be authorised where the Council has balanced the various interests but considers that the use of compulsory purchase powers in that case is justified.
3. The Council should have a clear idea of how it intends to use the land which it is proposing to acquire. In respect of land for housing purposes, the Council will obtain planning permission for housing development on the site.
4. Resources are likely to be available within a reasonable time-scale to deliver the proposals - the Council has the funding available to fund the acquisition of empty homes and undeveloped sites. Details of the funding available for the specific CPO will be provided prior to the decision to authorise a CPO for a specific site or property.
5. The Council should show that the scheme is unlikely to be blocked by any impediments to implementation. Planning consent will be sought for housing led development.
6. CPO should be a last resort. The Council will endeavour to negotiate voluntary acquisition of a property rather than acquire by CPO if possible. Negotiations will continue after the CPO is made.
7. The CPO should only be made if it will provide qualitative or quantitative housing gain. This information will be provided at the time it is decided to proceed with a CPO
8. The CPO should be in accordance with national and local planning policy. More detail is provided in appendix 7.

9. When using section 226 (1) (a) Town & Country Planning Act 1990 to justify CPO, the acquiring authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility. The redevelopment of vacant and often poorly maintained land to address the shortage of land for new housing will generally contribute to the promotion or improvement of the economic social and environmental well-being within this the City of Birmingham.
10. The Council will have regard to matters relevant under the public sector equality duty in deciding to proceed with compulsory acquisition. In this instance see appendix 5 to this report

Planning and Policy Context

The proposed clearance and redevelopment will be guided by and be in accordance with the following planning policy:

National Planning Policy Framework.

The National Planning Policy Framework (NPPF) (2012) sets out the Government's planning policies, emphasising the promotion of sustainable development and the economic, social and environmental roles that the planning system must play. Key themes in pursuing sustainable development are given as including replacing poor design with better design, improving the conditions in which people live, work, travel and take leisure and widening the choice of high quality homes.

Core planning principles set out in the Framework include seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings, encouraging the effective use of land by reusing land that has been previously developed and promoting mixed use developments.

The Birmingham Development Plan.

The Birmingham Development Plan (BDP) was subject to Examination in Public during late 2014 and a positive Inspector's report and proposed Modifications received in March 2016. The plan was adopted by the Council in January 2017. The plan sets out a strategy that will guide development, growth and regeneration of the city up to 2031. The plan's key focus is delivering growth to accommodate the projected increase in the city's population by delivering 51,100 new homes, a 5 year supply of 96Ha of employment land and associated facilities and infrastructure to support these levels growth. The plan includes a wide range of policies that promote and support development including the regeneration focussed growth of several key areas of the city. A number of the thematic policies relate to the promotion of sustainable neighbourhoods, the location of new housing, the type size and density of new housing, affordable housing and housing regeneration. Druids Heath and Maypole and Kings Norton Three Estates are two of the areas specifically mentioned in policy TP31 which sets out that the regeneration and renewal of existing housing areas will continue to be promoted to ensure that high quality accommodation and environments are provided in line with the principles of sustainable developments. This policy also sets out that other areas will come forward for regeneration over the plan period.

Design Guidance.

Places for All and Places for Living (supplementary planning guidance adopted in 2001) continue to provide the urban design principles that guide development in the city. Redevelopment proposals following clearance will be prepared within the context of these documents. This includes the promotion of mixed-use development, creation of perimeter blocks with clear definition of public and private realm, and the establishment of quality places with the creation of focal space, attractive streets and an improved environment.

The Kings Norton Planning Framework (Non-statutory framework adopted 2010).

The Planning Framework sets out detailed proposals for the comprehensive regeneration of the Pool Farm, Primrose and Hawkesley Estates. In addition to new housing, the framework proposes improved shopping provision, community facilities, access to local employment opportunities, and environmental and infrastructure improvements. The main details include

- Demolition of approximately 870 poor quality dwellings, replacing them with around 1400 new family homes.
- Improved shopping facilities, including a new local centre fronting onto Redditch Road.
- New road infrastructure to replace the existing Primrose estate layout, including a new route from Redditch Road to Shannon Road to provide better access to / from the estates and the new food store.
- Green space provision will be remodeled and enhanced, including a new 'village green' at Primrose.

ARTICLE 1 AND ARTICLE 8 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

THE HUMAN RIGHTS ACTS 1998 AND THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Section 6 Human Rights 1998 Act prohibits public authorities from acting in a way that is incompatible with the European Convention on Human Rights ("The Convention.") There are 2 main articles of The Convention, which are applicable to the recommendations in this report.

ARTICLE 8

"Everyone has the right to respect for private and family life, his home and his correspondence."

"There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

ARTICLE 1 of the FIRST PROTOCOL

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties. "

Guidance

Article 8 applies where a local authority is considering disturbing residents' private and family lives and removing them from their homes. It may also be relevant where residents who, although not directly affected by removal or dispossession, suffer significant disruption to their lives as a consequence of the authority's actions.

Article 1 of the First Protocol applies where a local authority is considering the use of CPO powers to acquire private interests, and where it is proposing to dispossess residents of their homes.

The approach to be taken to give effect to rights under The Convention is also reflected in paragraph 17 of ODPM Circular 06/2004:-

"A Compulsory Purchase Order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a Compulsory Purchase Order sufficiently justify interfering with the human rights of those with an interest in the land affected, having regard, in particular, to the provisions of Article 1 of the

First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention”.

The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”, i.e. compulsory purchase must be proportionate. Both public and private interests are to be taken into account in the exercise of the Council’s powers. Similarly, any interference with Article 8 rights must be “necessary in a democratic society” i.e. the proposed interference must be necessary. In pursuing a CPO, the Council has to carefully consider the balance to be struck between individual rights and the wider public interest having regard also to the availability of compensation for compulsory purchase.

Consideration of Human Rights Issues

Article 8(1) provides that everyone has the right to respect for his/her property but Article 8(2) allows the State to restrict the rights to respect for the property to the extent necessary in a democratic society and for certain listed public interest purposes e.g. public safety, economic wellbeing, protection of health and protection of the rights of others.

In considering Articles 8 and Article 1 of the First Protocol of The Convention in the context of dispossession and compulsory purchase, it is necessary to answer the following:

Does a right protected by these Articles apply?
Is the interference in accordance with law?
Does the interference pursue a legitimate aim?
Is the interference necessary in a democratic society?

Does a right protected by these Articles apply?

ARTICLE 1 of the FIRST PROTOCOL

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions...”
Clearly the dispossession of an owner of their property through CPO and enforced rehousing will impinge on this right. Also, as a tenancy is a possession under this provision, the rights of tenants must be taken into consideration. The Council must therefore consider all the possible justifications for this interference as detailed in considerations (b), (c) and (d) set out below.

ARTICLE 8

Article 8.1 provides that everyone has the right to respect for his/her private and family life, home and correspondence. Article 8.2 allows the State to restrict these rights to respect to the extent necessary in a democratic society and for certain listed public interest purposes.

The essence of this right lies in the concept of respect for the home as a right to privacy, in the same context as private and family life and correspondence. Article 8.1 does not concern itself with the person’s right to the peaceful enjoyment of their home as a possession; this is dealt with under Article 1 of the First Protocol.

Clearly Article 8 does apply and therefore it is necessary for the Council to consider the possible justifications for the interference (Article 8(2)) as follows:

Is the interference in accordance with law?

There is a clear legal basis for making the CPO under the Housing Act 1985 or the Town and Country Planning Act 1990.

Does the interference pursue a legitimate aim?

The CPO is necessary to ensure the supply of sufficient homes to meet the needs of a growing city.

Is the interference necessary in a democratic society?

This requires a balanced judgement to be made between the public interest and the rights of individuals, and the rights and freedoms of others.

Conclusion

The Council has considered the effect of the above articles of The Convention and 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 individuals affected.

Interference with Convention rights is considered by the Council to be justified. The Council in making this Order has had particular regard to meeting the alternative housing needs of the affected households, and the rights of individuals to compensation in accordance with the Land Compensation Act 1973 (as amended.) and the Land Compensation Act 1961 and Compulsory Purchase act 1965 is considered to be both necessary and proportionate in that the land to be acquired is the minimum to achieve this Scheme's objectives

APPENDIX 9 - Stakeholder Management Plan

Stakeholder	Stakeholder's Interest	Influence Impact	What does the project board expect from the stakeholder	Perceived attitudes and/or risks	Stakeholder management strategy	Responsible
Cabinet Member – Homes and Neighbourhoods	Endorses Full Business Case	High/ Critical	Political support	Supportive	Consult during development stage and provide progress reports during delivery as required	Strategic Director
Affected Residents	Tenants and leaseholders interest	High	Expression of views on proposals	Residents' views heavily support proposal	Consult by post, public open-days, phone & home visits	Development Team, Clearance Team & District Teams
Kings Norton Councillors	Housing Regeneration Area under development within the Three Estates	High	Political support	Supportive	Consult during development stage and provide progress reports during delivery as required	Development Team & Clearance Team
Brandwood Councillors	Druids Heath proposed Housing Development Area.	High	Political support	Supportive	Consult during development stage and provide progress reports during delivery as required	Development Team & Clearance Team

Sparkbrook Councillors	Beach & Alfred Road Maisonettes	High	Political support	Supportive	Consult during development stage and provide progress reports during delivery as required	Development Team & Clearance Team
Sutton Trinity Councillors	The Poplars Sheltered Housing Complex	High	Political support	Supportive	Ensure that Members are kept up to date with progress.	Development Team & Clearance Team
Bartley Green Councillors	Eight flats above shops off Monmouth Drive	High	Political support	Supportive	Ensure that Members are kept up to date with progress.	Development Team & Clearance Team
Washwood Heath Councillors	Two properties	High	Political support	Supportive	Ensure that Members are kept up to date with progress.	Development Team & Clearance Team

APPENDIX 10 - RESIDENTS' CONSULTATION

RESPONSE TO DEMOLITION PROPOSALS		Residential units	Occupied residential units	Response for occupied residential units	Supportive		Not Supportive	Don't Know
		Number	Number	%	Number	%	Number	Number
Kings Norton High-Rise Tower Blocks								
	Barberry	42	42	79.04%	126	94.45%	3	3
	Burdock	42	42					
	Heather	41	41					
	Lavender	42	42					
Druids Heath High-Rise Tower Block		50	47	63.83%	26	86.67%	2	2
Kings Norton – Pool Farm Estate		251	231	74.03%	157	91.81%	7	7
Sparkbrook Maisonettes		48	47	87.23%	36	82.50%	3	2
Sutton Trinity Sheltered Complex		29	9	100%	6	66.67%	2	1
Bartley Green Flats above Garages		8	8	87.50%	2	28.57%	4	1
Washwood Heath Properties		2	2	100%	1	50%	1	
TOTAL		555	511	76.91%	354	90.08%	22	16

APPENDIX 11

PROJECT MILESTONES

	Kings Norton Tower Blocks	Kings Norton Low Rise	Druids Heath High Rise	Druids Heath Low Rise	The Poplars	Beach and Alfred Road	Monmouth Road	Ward End Park Road
Druids Heath Masterplanning completion			September 2017	September 2017				
Issue IDNs	March 2017	March 2017	October 2017 (Beech House March 2017)	October 2017	March 2017	March 2017	March 2017	March 2017
Commence CPO work	April 2017	April 2017	April 2018	April 2018		April 2017	April 2018	
Commence HRA tenants rehousing	April 2018	April 2017	April 2017	April 2018	April 2017	April 2017	April 2018	April 2018
Commence Private Property Acquisitions	April 2018	April 2017	April 2018	April 2018		April 2017	April 2018	
Conclude CPO work	October 2018	October 2018	October 2019	October 2019		October 2018	October 2019	
Conclude HRA tenants rehousing	March 2022	March 2022	March 2023	March 2023	March 2019	March 2020	March 2019	March 2019
Conclude Private Property Acquisitions	March 2022	March 2022	March 2023	March 2023		March 2020	December 2019	
Procurement of Demolition Contractors	June 2019	June 2018	June 2018	June 2019	November 2018	December 2019	November 2018	November 2018
Commence Demolition	October 2019	October 2018	October 2018	October 2019	March 2019	April	March 2019	March 2019
Conclude Demolition	March 2023	March 2023	March 2024	March 2024	March 2020	March 2021	March 2020	March 2020