

# **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:** **12 December 2018**

**SUBJECT:** **COMMONWEALTH GAMES ACQUISITION UPDATE –  
PREMISES AT 115 ASTON LANE, PERRY BARR**

**Key Decision:** **No**

**If not in the Forward Plan:  
(please "X" box)** **Chief Executive approved** ☐

**Relevant Cabinet Member(s) or  
Relevant Executive Member:** **O&S Chair approved** ☐

**Relevant O&S Chair:** **Councillor Ian Ward – Leader of the Council**

**Councillor Tahir Ali - Chair Economy and Skills  
Overview and Scrutiny Committee; Councillor Mariam  
Khan – Chair Learning , Culture and Physical Activity  
Overview and Scrutiny Committee; Councillor Sir  
Albert Bore – Chair Resources Overview and Scrutiny  
Committee.**

**Wards affected:** **Perry Barr**

### **1. Purpose of report:**

1.1 To report the intention and process followed regarding the freehold acquisition of Meridian House, 115 Aston Lane, Perry Barr as shown edged black at Appendix 1.

1.2 An accompanying Private report contains confidential information on the acquisition.

### **2. Decision(s) recommended:**

The Leader and Corporate Director, Economy are recommended to:

2.1 Note this report.

### **Lead Contact Officers:**

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### **3. Consultation**

#### **3.1 Internal**

- 3.1.1 Cabinet approved the report entitled “Commonwealth Games 2022”, on 15<sup>th</sup> August 2017, which authorised the Corporate Director Economy to enter into negotiations and agree all terms for the acquisition of the land interests necessary to deliver the Commonwealth Games village (in consultation with the Cabinet Member).
- 3.1.2 Officers from Legal Services, Procurement, City Finance, and relevant officers from the Economy Directorate have been involved in the preparation of this report.
- 3.1.3 The relevant Ward Members have been briefed on proposals for the Athletes Village of which this acquisition forms part.

#### **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 property acquisitions proposed to enable the Commonwealth Games Athletes Village and the housing legacy will all contribute to the Council’s Core vision and priorities in the Council’s Vision and Forward Plan 2018 for hosting the Commonwealth Games 2022.

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

- 4.2.1 The property acquisition, including Stamp Duty Land Tax and fees for the site, will be met by specific grant funding as a part of the overall funding of the Commonwealth Games Village as set out in the report to Cabinet on 26 June 2018 (Commonwealth Games Village and the wider Perry Barr Regeneration Programme – Outline Business Case).

#### **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. Section 111 Local Government Act 1972, contains the Council’s expenditure power, including the ability to acquire property for the discharge of its functions.

#### **4.4 Public Sector Equality Duty**

- 4.4.1 An Equality Assessment for the CWG project including the voluntary acquisitions of properties required for the CWG was carried out as part of the Cabinet Authority dated 15<sup>th</sup> August 2017. There is no further requirement for an equality assessment as the recommendations for this report have no adverse impact on the protected groups under the Equality Act 2010.

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

- 5.1 On 15<sup>th</sup> August 2017, Cabinet approved the decision for Birmingham to submit a bid to be the Host City for the 2022 Commonwealth Games. As part of supporting the bid, Cabinet also approved the strategy to deliver the Commonwealth Games Athletes Village (the Village), which included authorisation for the Corporate Director, Economy to enter into negotiations and agree all terms for the acquisition of land interests necessary to deliver the Village (in consultation with the Cabinet Member).
- 5.2 The delivery of the Village is a key component in hosting the Commonwealth Games, and will also form part of the legacy offer by providing new housing development in Perry Barr.
- 5.3 During the period of the Games the Village will provide accommodation for circa 6,500 athletes and officials, in new build residential accommodation, together with a range of temporary uses such as dining facilities, transport mall, office, medical and other ancillary supporting infrastructure for operational purposes, which will be removed after the games.
- 5.4 In order to deliver the Village a number of land and property acquisitions have been identified. One key acquisition is that of the current National Express Bus Depot situated on Wellhead Lane. This is integral to the provision of the non-residential temporary overlay area of the Village, which is necessary to support the successful delivery of the Games. Negotiations are underway with National Express to acquire their site and a separate report will come forward. National Express do however require a relocation site and the subject premises have been identified, as part of a wider site further details of which are included at 5.5 below, and are intended for this purpose. The acquisition of the subject premises is therefore also necessary to support the successful delivery of the Games.
- 5.5 The other premises which combine to provide the proposed relocation site are land acquired from Euro Foods Limited (as authorised through the previous report dated 19<sup>th</sup> November 2018), premises to be acquired from Leacy MG Limited and premises known as the IMO car wash.
- 5.6 On review of the development space offered by the assembly of Euro Foods, Leacy MG Ltd and IMO Car Wash, it was deemed by National Express that this would not provide the necessary footprint and development space for the operational requirements of a new depot and a key limitation to the proposal to relocate the bus depot. The inclusion of 115 Aston Lane (Meridian House) however, resolves this matter, and the combined site will present a uniform parcel of land, meeting the requirements of National Express, giving them the development space to build a fit for purpose facility to support their operation going forward.
- 5.7 The Council's agent was instructed to negotiate terms for the acquisition which are now agreed, further details of which are included in the private report.
- 5.8 The premises are subject to a lease to the Secretary of State for Communities and Local Government (SoSCLG) until 31 March 2017. It is the intention that relocation premises be identified for SoSCLG and that the occupational lease will be surrendered 12 months after the completion date.
- 5.9 Demolition and remediation works will be required and will be at the cost of the Council

either undertaken by the Council itself or by National Express as part of their relocation works:

## **6. Evaluation of alternative options:**

- 6.1 A thorough evaluation of alternative sites for the National Express Bus Depot was undertaken by both National Express and by the Council's agent and the subject site was deemed to be the only suitable option by National Express.
- 6.2 Not to proceed with the acquisition of the property would adversely impact on the delivery of the Council's vision and legacy priorities for hosting the Commonwealth Games 2022.

## **7. Reasons for Decisions:**

- 7.1 To progress the delivery of the Commonwealth Games Athletes Village.

### **Signatures**

### **Date**

Cllr 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:**

Cabinet report dated 26 June 2018 Commonwealth Games Village and the Wider Perry Barr Regeneration Programme – Outline Business Case.  
Relevant Officers files save for confidential documents

## **List of Appendices accompanying this Report (if any):**

1. Appendix 1 - Site Plan

## **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