

## **BIRMINGHAM CITY COUNCIL**

### **PUBLIC REPORT**

<b>Report to:</b>	<b>Leader of the Council and the Corporate Director, Economy</b>
<b>Report of:</b>	<b>Assistant Director of Property (Interim)</b>
<b>Date of Decision:</b>	<b>9<sup>th</sup> January 2019</b>
<b>SUBJECT:</b>	<b>Disposal of the Witton Community Centre, 150 Deykin Avenue, Witton B6 7BU</b>
<b>Key Decision:</b>	<b>No</b>
<b>If not in the Forward Plan:</b>	<b>Relevant Forward Plan Ref: N/a</b>
<b>(please "X" box)</b>	<b>Chief Executive approved <input type="checkbox"/></b>
<b>Relevant Cabinet Member(s) or Relevant Executive Member:</b>	<b>O&amp;S Chair approved <input type="checkbox"/></b>
<b>Relevant O&amp;S Chair:</b>	<b>Councillor Ian Ward, Leader of the Council</b>
<b>Wards affected:</b>	<b>Cllr Tahir Ali – Economy and Skills Aston</b>

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

- 1.1 To note the surplus declaration and disposal of Witton Community Centre, 150 Deykin Avenue, Birmingham B6 7DU, shown edged in black on the site plan attached as Appendix 1.
- 1.2 An accompanying private report contains confidential information on the sale

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

The Leader of the Council, jointly with the Corporate Director, Economy are recommended to:-

- 2.1 Note the surplus declaration and freehold disposal of the Witton Community Centre as shown edged black on attached plan at Appendix 1.

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### **3. Consultation**

#### **3.1 Internal**

- 3.1. Both Ward Members for Aston have been consulted and are supportive of the report moving forward to an executive decision (See Consultation Matrix in Appendix 2).
- 3.1.2 Officers from City Finance, Legal and Governance and Children and Young People have been involved in the preparation of this report.

#### **3.2 External**

There has been no external consultation for this transaction.

### **4. Compliance Issues:**

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

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 delivery of the Council's core vision and priorities set out in the Council's Vision and Forward Plan 2017. This will be achieved by generating capital resources for the City Council.

#### **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.

#### **4.3 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.

#### **4.4 Public Sector Equality Duty (see separate guidance note)**

- 4.4.1 A copy of the Equality Act 2010 – Public Sector Duty statement is appended as Appendix 3. An initial screening has been completed and no adverse impacts on protected groups have been identified; the Equality assessment is attached as Appendix 4.

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

- 5.1 The Witton Community Centre is located on the site of the Deykin Avenue Junior and Infant School. It forms part of the Children and Young People property portfolio, but has been determined as surplus to their operational requirements a number of years ago. It was therefore leased to an external party for use as a community centre since 2011. The School has confirmed that they are content for the land to be sold provided that restrictions are placed on future development of the site (for example, windows not to overlook the school).
- 5.2 The Witton Community Centre has been leased since September 2011 to a profit-making organisation which provides a range of community based services from the building, such as training to upskill local people looking to enter the job market.

**6. Evaluation of alternative option(s):**

- 6.1 Option 1 - Do nothing and continue to lease the premises.
  - 6.1.1 A new lease would retain the existing income stream detailed in the private version of this report. However, it would also dis-incentivise further investment in the building and leave this community asset in City Council ownership.
- 6.2 Option 2 – Sell the freehold on the open market (rather than restrict sale to the current occupier)
  - 6.2.1 This would mean a market price would be determined by the market and not by a valuation. However, the Council would lose control over community use in the building, and if unsuccessful the tenant would have to find alternative accommodation.
- 6.3 The premises are not eligible for a Community Asset Transfer because, although community work is carried out, the occupier is a profit making organisation rather than a charity and the premises sit within the Commercial Portfolio.

**7. Reasons for Decision(s):**

- 7.1 To progress the proposed transaction to transfer this asset to the organisation that occupies it and realise capital resources for the City Council.

Signatures	Date
Councillor Ian Ward Leader of the Council	.....
Waheed Nazir Corporate Director, Economy	.....

**List of Background Documents used to compile this Report:**

Relevant Officer's file(s) on the matter, save for confidential documents

**List of Appendices accompanying this Report:**

- 1. Plan
- 2. Consultation matrix
- 3. Equality Assessment

### **APPENDIX 3 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