

BIRMINGHAM CITY COUNCIL**PUBLIC**

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| Report to: | CABINET | |
| Report of: | CORPORATE DIRECTOR OF ECONOMY | |
| Date of Decision: | 13th September 2017 | |
| SUBJECT: | WHOLESALE MARKET RELOCATION | |
| Key Decision: Yes | Relevant Forward Plan Ref: N/A | |
| If not in the Forward Plan: (please "X" box) | Chief Executive approved | X |
| | O&S Chair approved | X |
| Relevant Cabinet Member(s) or Relevant Executive Member | Councillor Ian Ward - Deputy Leader of the Council | |
| Relevant O&S Chair: | Councillor Zafar Iqbal - Economy, Skills and Transport Councillor Mohammed Aikhlaq – Corporate Resources and Governance | |
| Wards affected: | Perry Barr/Nechells/Aston/Springfield | |

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| 1. Purpose of report: |
| 1.1 The purpose of this report is to provide an update on the relocation of tenants to the new Wholesale Market and the financial implications associated with the move. |
| 1.2 This matter was not included in the Forward Plan because ongoing negotiations have been protracted and the in principle settlement has only recently been reached. |

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| 2. Decision(s) recommended: |
| It is recommended that Cabinet :- |
| 2.1 Notes this report and that the accompanying private report recommends additional financial support for market traders, to facilitate their relocation to the new market. |

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| Lead Contact Officer(s): | Simon Garrad |
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3. Consultation

3.1 Internal

- 3.1.1 The City Solicitor and Chairs of Corporate Resources and Governance and Economy, Skills and Transport Overview and Scrutiny Committees have been consulted on and approved the submitting of this report to the 13th September 2017 Cabinet meeting.
- 3.1.2 Members of the Project Board and Group that includes the Corporate Director Place, Assistant Director of Property, Assistant Director Development and senior officers from Corporate Finance.

3.2 External

- 3.2.1 Council officers have been engaging with the existing tenants and their representatives, the Birmingham Wholesale Fresh Produce Association (BWFPA) in regular meetings. The proposal contained within this report has been agreed, in principle between parties.

4. Compliance Issues:

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

- 4.1.1 The decisions recommended in this report will support the Council's Vision and Forward Plan 2017.
- 4.1.2 The relocation of the Wholesale Market supports the delivery of the Birmingham Smithfield Masterplan; Birmingham Development Plan; The Big City Plan, and the Greater Birmingham and Solihull Local Enterprise Partnership Enterprise Zone Investment Plan.

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

- 4.2.1 There are no financial implications arising from the recommendation in this report. The financial implications of the proposed additional financial support for traders are fully detailed in the accompanying private report.

4.3 Legal Implications

Legal powers for Wholesale Markets operation are contained in Section 50 of the Food Act 1984 and Section 111 of the Local Government Act 1972. The City Council is not under any legal obligation to operate a Wholesale Market. The City Council has the authority to hold, acquire and dispose of land under Sections 120-123 Local Government Act 1972.

4.4 Public Sector Equality Duty

The Equality Assessment has been previously carried out under the Equality Duty. There are no specific groups that are adversely affected by this proposal, however officers have confirmed in the previous Cabinet reports that if there is an adverse impact upon City Council employees, if required, a separate Equalities Analysis will be carried out in relation to any potential impact upon employees and conducted in accordance with Birmingham City Council Human Resources policies and procedures.

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| 5. | Relevant background/chronology of key events: |
| 5.1 | On the 20 th January 2014 Cabinet approved a Full Business Case to enter into an agreement for a long lease with IM Properties for a purpose built wholesale market at the Hub, Witton. The new market has been constructed and the Council has let 84% units on either 10 or 15 year leases to tenants currently trading from the city centre site. All of the tenants currently trading from the existing market have surrendered their leases or are on agreements which the Council can terminate to provide the Council with vacant possession for the Smithfield development. |
| 5.2 | The financial detail in respect of this is fully covered in the private report. |

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| 6. | Evaluation of alternative option(s): |
| 6.1 | The alternative options are covered in the private report. |

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| 7. | Reasons for Decision(s): |
| 7.1 | The recommendation for additional financial support on the private agenda is made in order to facilitate the opening of the new market. |

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| Signatures | <u>Date</u> |
| Councillor Ian Ward Deputy Leader of the Council | |
| Waheed Nazir Corporate Director, Economy | |

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| List of Background Documents used to compile this Report: |
| <ol style="list-style-type: none"> 1. Wholesale Markets Full Business Case For Relocation - Report to Cabinet, 20th January 2014 2. Variation to Wholesale Markets Business Case - Report to Cabinet, 28 July 2014 3. Variation to Wholesale Markets Business Case - Report to Cabinet, 27 July 2015 4. Capital and Treasury Management Monitoring Quarter 2 (July to September 2016) - Report to Cabinet, 27 July 2015 |

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| List of Appendices accompanying this Report (if any): |
| Nil |

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 at 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 the standard 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:

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| 1 | <p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none">(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 | <p>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:</p> <ul style="list-style-type: none">(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 | <p>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.</p> |
| 4 | <p>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:</p> <ul style="list-style-type: none">(a) tackle prejudice, and(b) promote understanding. |
| 5 | <p>The relevant protected characteristics are:</p> <ul style="list-style-type: none">(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 |