

BIRMINGHAM CITY COUNCIL

CABINET

TUESDAY, 31 DECEMBER 2019 AT 00:00 HOURS
IN EMERGENCY EXECUTIVE REPORT, [VENUE ADDRESS]

A G E N D A

3 - 24

**1 COMMONWEALTH GAMES - NATIONAL EXPRESS DEPOT
RELOCATION**

Emergency Executive Report.

Birmingham City Council

Report to the Interim Chief Executive

30 December 2019



Subject: Commonwealth Games – National Express Bus Depot relocation

Report of: Ian MacLeod, Interim Director, Inclusive Growth
Rebecca Hellard, Chief Finance Officer

Relevant Cabinet Member: Cllr Ian Ward, Leader
Cllr Tristan Chatfield, Cabinet Member for Finance and Resources

Relevant O & S Chair(s): Cllr Mariam Khan, Learning, Culture and Physical Activity; Cllr Tahir Ali, Economy and Skills; Cllr Penny Holbrook, Housing and Neighbourhoods, Cllr Sir Albert Bore, Resources.

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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Perry Barr, Aston		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1 Executive Summary

- 1.1 This report seeks the Chief Executive's emergency approval to decisions which need to be approved and implemented ahead of the next scheduled Cabinet meeting, in line with powers set out at para 6.6 of Part B of the Council's constitution, which state that In an emergency an executive decision may be agreed by the Chief Executive following consultation with the Leaders of the Political Groups. Part E: Scheme of Delegations

provides further details, and the approach detailed in section 5 of this report reflects the requirements of the constitution and para 6.9i of Part B of the Council's Constitution immediate decision implementation, "If the interests of the Council are jeopardised unless an executive decision is implemented immediately then the Chief Executive in consultation with the Leader may designate such executive decision as so urgent that its implementation cannot wait until the expiry of the call-in period."

- 1.2 This report updates part of the £492.6m Full Business Case (FBC) approved under delegation on 6th June 2019 to deliver the Perry Barr regeneration scheme and seeks approval for elements relating to the relocation of the National Express bus depot to facilitate Games and legacy development.
- 1.3 Cabinet approved the Outline Business Case for this programme in June 2018 setting out the proposal for the Commonwealth Games Village and the wider Perry Barr regeneration programme. Although decision 2.7 of the June 2018 Cabinet report delegated to the Leader and the Cabinet Member for Finance and Resources, jointly with the then Corporate Director, Economy and the Chief Finance Officer the approval of the Full Business Case and the authorities necessary to deliver the projects contained within the Outline Business Case, given the extent of variation from the FBC figures it is considered that this decision would normally require Cabinet authority.

2 Recommendations

- 2.1 That the Chief Executive, under the powers set out at Para. 6.6 and Para 6.9i of Part B of the Council's constitution:
 - (i) Approves the acquisition by BCC of the existing National Express bus depot as shown edged black on the plan at Appendix 1 to this report (the existing site).
 - (ii) Approves the disposal of land comprising the replacement bus depot to WM Property Holdings Ltd (WMPH) and West Midlands Travel Limited (WMT) (WMPH/WMT) as shown edged black on the plan at Appendix 2 to this report (the replacement site).
 - (iii) Authorises entering into a sale and development funding agreement with an initial cost cap of £12.5m and a long-stop cost cap of £15.5m to enable the delivery of the replacement bus depot.
 - (iv) Authorises the City Solicitor to negotiate, execute and complete all necessary legal documents to give effect to the above recommendations.
 - (v) In consultation with the Leader designates these decisions as so urgent that its implementation cannot wait until the expiry of the call-in period.

3 Background

- 3.1 On 15th 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). Cabinet subsequently approved a further report on 26th June 2018 which delegated authority to the then Corporate Director, Economy to negotiate the acquisition of all interests in land to deliver the CWG Village and the wider Perry Barr Regeneration Programme.

- 3.2 The relocation of the National Express Bus Depot is a critical plot necessary to enable the assembly of the site for the non-residential part of the Games-time Village. It is also important to the legacy regeneration of Perry Barr as it unlocks legacy residential development by relocating the non-conforming use to a site which is not suitable for residential development, thereby making more efficient use of land. The site will accommodate around 135 new homes and without it, the delivery of around 100 further homes on the site of the Oscott Gardens student accommodation would be difficult to achieve.
- 3.3 The replacement site comprises:
- (i) Vacant land in BCC freehold ownership.
 - (ii) The existing JobCentre which is in the freehold ownership of BCC and leased to the Department for Works and Pensions. This leasehold interest will be surrendered upon completion of a surrender and relocation agreement.
 - (iii) Leacy MG Ltd, a car parts retail and wholesale business – the property is in freehold ownership of BCC and leased back to the occupier for a period to 21st February 2020.
 - (iv) Anduff Car Wash, which will be vested using CPO powers on 16th March 2020.
 - (v) The George Ellison land, which will be vested using CPO powers on 16th March 2020.
 - (vi) An unregistered strip of land, which will be vested using CPO powers on 16th March 2020.
- 3.4 The relocation of the existing site is contingent upon the relocation of the Aston Lane JobCentre. The delivery on the ground of the new JobCentre scheme is well progressed – the site has been cleared, planning permission has been granted, and procurement is underway. A detailed programme is in place to deliver the new JobCentre, relocate their provision, demolish the existing JobCentre, and develop the new bus depot, to a timescale that enables the Games-time site to be assembled.
- 3.5 To give effect to the series of moves set out above, BCC needs to enter into a sale, relocation and development funding agreement with WMPH and WMT. This agreement covers the following:
- (i) Transfer by BCC of the freehold properties comprising the replacement site described in 3.3 above to WMPH and WMT. In the case of the JobCentre and Leacy's properties the transfer will be subject to the existing leases also described at 3.3.
 - (ii) Transfer by WMPH and WMT of the existing site to BCC, with a temporary leaseback to WMPH and WMT to enable the ongoing operation of the depot at the existing site, expiring on 31st December 2021, with an extended term of 28 February 2022 if delays result from BCC's action or inaction.
 - (iii) A sale and development funding agreement between BCC and WMPH/WMT, the details of which are addressed in Section 4.

- 3.6 With the exception of the sale, relocation and development funding agreement as described in paragraph 3.5 of this report, approvals are either already in place or delegated to the Director, Inclusive Growth to allow the relocation of the Bus Depot to take place. Early approval of the sale, relocation and development funding agreement is necessary to ensure that the relocation can take place within the timescales required for the delivery of the Commonwealth Games.
- 3.7 The costs associated with the delivery of this acquisition, along with the costs for demolition and remediation of the site, were set out in the FBC for the Perry Barr programme approved in June 2019. Additional detail developed since then identifies a significantly increased cost in relation to the construction of the new depot. A revised FBC for the overall programme is being prepared to address this and other changes to the programme, and is anticipated to be considered by Cabinet in February 2020. This report seeking the acquisition of the National Express site is being brought ahead of the revised FBC in order to reduce programme risk given the short time available for the delivery of the overall scheme.
- 3.8 It should be noted that the relocation is not a like-for-like re-provision. The facility at the existing site includes a traditional covered garage, which will not be replicated. However there will be more office and workshop floorspace. The new facility will also be suitable to accommodate Sprint buses.
- 3.9 The details of the legal agreement for sale and development funding between BCC and WMPH/WMT were finalised on Monday 23rd December. This information, including costs, was required to enable the completion of this report. The report could not, therefore have been brought sooner.
- 3.10 The delegation under which the FBC was approved is not considered to be applicable to the decisions requested through this report. As such in the normal course of events this would be a decision for Cabinet. However, awaiting the next Cabinet meeting would result in an unacceptable delay to the programme.
- 3.11 In the unlikely event that the development of the Commonwealth Games Village does not proceed at the Perry Barr site, the relocation of the bus depot will still contribute to site assembly required to facilitate the regeneration programme in the area in line with the vision set out in the Birmingham Development Plan.

4 Options Considered and Recommended Proposal

- 4.1 The use of an Emergency Report has been carefully considered. The options available were as follows:
- 4.1.1 **To utilise the provisions of the constitution to ensure the decisions and actions necessary were not delayed, and that the Council and its partners could continue to deliver in line with the required timescales.** This has the potential to give rise to criticism, but the impact of delay to the programme is a greater risk to the Council.
- 4.1.2 **To delay the programme in order to seek Cabinet authority.** The next available Cabinet Meeting is 21st January 2020. Waiting until then to seek authority would have the effect of delaying the delivery of the replacement bus

depot and significantly jeopardising the delivery of the Games-time village. This would be reputationally damaging to the City, particularly with Games partners. It would also give rise to financial risks, with the City having to meet additional costs arising from its action or inaction.

- 4.2 Hosting the Games has given Birmingham the opportunity to attract and secure additional funding for the area to maximise the regeneration potential of the works. The Council has the following options:

4.2.1 **To continue with the regeneration of Perry Barr as agreed by Cabinet at Full Business Case stage and progressed by this report, thereby delivering the transformational housing growth, highways, and public transport improvements.**

This includes the requirements for the Athletes' Village, the delivery of which is heavily supported by the wider interventions. This will deliver an improved environment within the Perry Barr centre and act as a catalyst to generate further development opportunities and deliver future growth in the area.

4.2.2 **To limit the development work undertaken in Perry Barr by not relocating the bus depot.**

This would mean a review of the Games-time village, and the approach to legacy development. It may be the case that the Council would be unable to meet the requirements of the grants secured, and would have to accommodate some of the cost of the works from internally generated resources, putting additional pressure on the budget.

- 4.3 It is recommended that this report is approved, to enable the timely and planned regeneration of Perry Barr and unlock further development in the area.

5 Consultation

- 5.1 In line with the requirements of the Constitution, in relation to the use of an Emergency Report and the immediate implementation of the decisions, the following approach has been taken:

5.1.1 The Leaders of the Political Groups have been consulted.

5.1.2 The Leader of the Council has been consulted and is supportive.

5.1.3 The City Solicitor and Chief Finance Officer have been consulted and are supportive.

5.1.4 The decisions and recommendations herewith shall be reported to the next scheduled meeting of Cabinet.

- 5.2 There is ongoing dialogue with Ward Councillors for Perry Barr and Aston to keep them up to date on progress of the development of the residential scheme and its potential to regenerate the wider area. All Members have been invited to briefing sessions, and a Members Advisory Board is in place.

- 5.3 Briefings have been provided to MPs across the City and Region as part of briefings on the Commonwealth Games.

- 5.4 Officers from Planning, Highways, Transport and Connectivity, Housing, Procurement, Birmingham Property Services, Legal Services, Commonwealth Games Directorate, and Finance have been involved in the preparation of this report.

- 5.5 Opportunities for the regeneration at Perry Barr are set out in the Birmingham Development Plan and Aston, Newtown and Lozells Area Action Plan, both of which were subject to extensive consultation.
- 5.6 A Residents' Liaison Group has been established to ensure local people are kept informed of progress of schemes in the area. Responses to principles of regeneration have been positive and local people welcome the improvements it will bring to the area.
- 5.7 The freeholders and leaseholders of properties which are directly affected by this element of the scheme have been engaged, and this is continuing.
- 5.8 Significant local stakeholders have been consulted on proposals for the regeneration of Perry Barr including Transport for West Midlands (TfWM) and the West Midlands Combined Authority (WMCA).
- 5.9 The Commonwealth Games Organising Committee is being kept informed on an on-going basis as part of the updates provided at Capital Projects Board and is supportive of the recommendations of this report.

6 Risk Management

- 6.1 The risks of making this emergency decision have been considered. The risk to the programme should the decision not be made in advance of the next Cabinet Meeting are such that the decision has been made to proceed with this approach.
- 6.2 Risks associated with the implementation of the decisions will be managed within the Birmingham 2022 Programme Risks, Issues and Dependencies (RID) Management Protocol. This dynamic approach to RID management is embedded within project delivery and includes clear lines of escalation.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The proposed development at Perry Barr is in line with the Council's plans for growth as set out in the Birmingham 2031 Development Plan. The Village forms the first phase of significant proposals for Perry Barr.
- 7.1.2 This proposal is also consistent with the Council's Vision and Forward Plan 2018 key priorities:
 - Birmingham is an aspirational city to grow up in – the regeneration of Perry Barr will lead to a step change in the local Neighbourhood and ensure a safe, warm, sustainable and connected environment in which our children can thrive;
 - Birmingham is a great city to live in – the Council is committed to the development of enough high-quality new homes to meet the needs of a growing city, and the proposals within this report seek to support housing growth in the city;
 - Birmingham is an entrepreneurial city to learn, work and invest in – activity within the construction sector, as unlocked by the recommendations of this report, will create jobs and apprenticeships in the city, and activity in the supply chain industries, supporting the local economy through the Birmingham Business Charter for Social Responsibility;

- Birmingham is a fulfilling city to age well in – the links between health and housing are well recognised. The recommendations of this report unlock the delivery of the Games and its legacy resulting in (i) new homes which are designed to high standards, affordable for residents and will offer a higher quality of life leading to better health outcomes, and (ii) a range of health and wellbeing opportunities being delivered through the emerging legacy programme;
- Birmingham residents gain the maximum benefit from hosting the Commonwealth Games – the improved housing, transport provision and environment in Perry Barr will provide benefits to Birmingham residents.

7.2 Legal Implications

7.2.1 The provisions for Emergency Reports are set out at Paras 6.6 of Part B of the Council's constitution.

7.2.2 Para 6.9i of Part E of the Council's constitution provides for the immediate implementation of decisions.

7.2.3 Section 1 of The Localism Act 2011 contains the City Council's general power of competence.

7.2.4 Section 111 of the Local Government Act 1972 contains the Council's financial powers in relation to the discharge of its functions.

7.2.5 Sections 120-123 of the Local Government Act 1972 contains the Council's land acquisition and disposal powers.

7.3 Financial Implications

7.3.1 The costs associated with the relocation of the depot at the existing site are set out in the table below.

	£
Development agreement cost cap	12,500,000
Longstop cost cap (in addition to the above)	3,000,000
Capped development costs	15,500,000
SDLT on the replacement site	328,177
Buyers design and project management costs	339,844
Buyers surveyor's costs	65,000
Buyers legal fees and disbursements	31,500
Items for payment on completion	764,521
SDLT on acquisition of the existing site	94,500
BCC surveyor's costs	1,000
BCC legal costs	6,000
BCC costs	101,500
GROSS ACQUISITION COSTS	16,366,021

- 7.3.2 The FBC as approved under delegation allocated funding for land acquisitions, with SDLT payments and professional fees consistent with the costs identified above. However there is a significant increase in the cost of constructing the replacement depot (the capped development funding costs of £15.5million as identified in the above table), which was originally identified as £2million. The original allocation was based on limited information and a number of assumptions and exclusions. The increase of £13.5million is a result of full details being provided, and costs being rebased to align with development timescales.
- 7.3.3 The original cost estimate was provided by an external consultant and work will be undertaken in due course to understand why the estimate proved to be so inaccurate.
- 7.3.4 It is understood that the existing National Express depot is opted to tax, as are a number of the components of the replacement site. Where possible options to tax the remaining parts of the replacement site will be considered in order to optimise the Council's VAT recovery position.
- 7.3.5 A revised FBC is being prepared reflecting the details outlined in this report and other changes to the programme. This will be presented to Cabinet for approval in February 2020. All costs will be managed within the overall cash envelope approved through the revised FBC.
- 7.3.6 The contract with WMPH/WMT allows for BCC to scrutinise the development costs through an open book mechanism.
- 7.3.7 The estimated demolition and remediation costs relating to both the existing and replacement sites were considered as a part of the FBC approved in June 2019, and have not varied materially in the intervening period.

7.4 Procurement Implications

- 7.4.1 BCC is not procuring the development of the bus depot, but will be fully briefed through a detailed stakeholder briefing.
- 7.4.2 The procurement of the replacement JobCentre building is subject of a separate report.

7.5 Human Resources Implications

- 7.5.1 The Council is providing support, skill and expertise from within existing resources.

7.6 Public Sector Equality Duty

- 7.6.1 The equalities implications for the development of the Commonwealth Games Village were set out in the report to Cabinet dated 14th November 2017. A specific Equalities Appraisal for the Perry Barr Regeneration Programme was carried out in June 2018 and updated in March 2019, as attached at Appendix 3. The same continues to apply. No material considerations were identified and continue to apply to the report recommendations as they do not have any adverse impact on the protected characteristics and groups under the Equality Act 2010. It is not considered that a further Equalities Appraisal is required.

8 Appendices

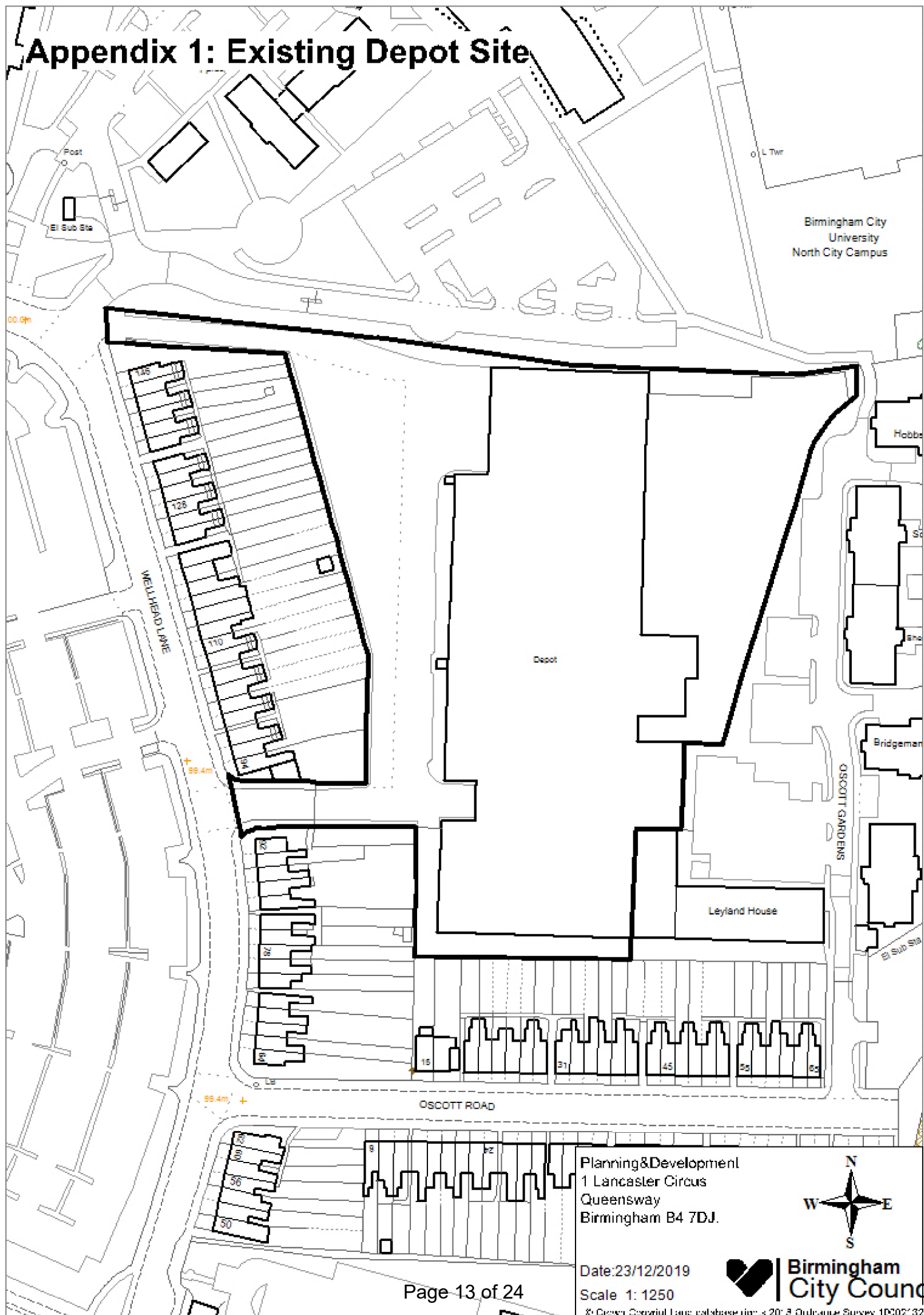
- 1 – Plan of existing depot site
- 2 – Plan of depot relocation site

3 – Equalities Appraisal

9 Background Documents

Report to Cabinet 26th June 2018 – Commonwealth Games Village and the Wider Perry Barr Regeneration Programme

Appendix 1: Existing Depot Site



Planning & Development
1 Lancaster Circus
Queensway
Birmingham B4 7DJ.

Date: 23/12/2019
Scale 1: 1250

Appendix 2: Replacement Depot Site

Wellhead Lane

Job Centre

TCB

Aston Lane

Shelters

North Road

0 100m

Planning & Development
1 Lancaster Circus
Queensway
Birmingham B4 7DJ.

Date: 23/12/2019
Scale: 1:1250

Birmingham City Council

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Equalities Appraisal: Perry Barr Commonwealth Games Athletes' Village and legacy regeneration

Update 1

March 2019

1. Introduction

- 1.1. An Equality Analysis (EA) report (Reference Number: EA002780) was produced as part of the Commonwealth Games Village and wider Perry Barr regeneration programme Outline Business Case Cabinet Report ("the OBC") (26th June 2018), in line with the City Council's duties under the Equalities Act 2010. The EA report identified; "that there is some potential for the programme to have differential impacts on protected characteristics but that mechanisms are in place to mitigate this."
- 1.2. This paper provides an update on the equalities position, to support the Council's position on the Compulsory Purchase Order ("the CPO") and the Commonwealth Games Athletes' Village and wider Perry Barr regeneration Full Business Case report ("the FBC"). It sets out the potential issues identified and the Council's approach to mitigating any potential differential impacts.
- 1.3. This paper does not address the proposed highway scheme or public transport improvements, and only considers them insofar as the impact of the acquisitions required to deliver those elements of the overall scheme.

Equalities duties

- 1.4. The City Council has a duty under the Equalities Act 2010 ("the Act") to consider the needs of diverse groups when designing and delivering services, so that people can get fairer opportunities and equal services, to consider all the protected characteristics, and to tackle socio-economic inequalities.
- 1.5. The Act protects you from discrimination by; employers, business and organisations which provide goods or services, health and care providers, someone who you rent or buy a property from, school, colleges and other education providers, transport services and public bodies like government departments and local authorities. The Act contains nine protected characteristics which are age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 1.6. The most relevant characteristics in the case of this scheme are age and disability.

2. Background

Perry Barr Regeneration

- 2.1 The scheme for the regeneration of Perry Barr, as set out in the OBC referred above, includes the delivery of the Commonwealth Games Athletes' Village (residential and

Games-time operational uses), highways and public transport works, and site assembly to enable future growth.

- 2.2 The Games village is essential to the successful delivery of the Commonwealth Games, and as such will enable significant benefits to be realised for the city and region as well as for the immediate locality. The residential element of the Village will be developed in line with the planning approval (application number 2018/06313/PA) granted in December 2018 for c. 1400 new homes. The Games-time overlay site will be delivered adjacent to this, on the former BCU campus and adjoining sites. This will be developed post-Games for residential uses, with the Doug Ellis Sports Centre being retained for leisure uses.
- 2.3 The highways works will provide for an improved public realm, public transport priority and cycle routes through the area. It will also enable new housing development to be maximised by unlocking development plots and improving the viability of housing schemes in the area. Rather than through this document the equalities implications of the highways scheme are being considered as part of the approvals process for these works through the City Council's gateway process.
- 2.4 The public transport improvements will provide for better access to rail and bus services, better modal interchange, and a more attractive environment for passengers. These schemes will be delivered through the West Midlands Combined Authority's governance processes, and equalities issues arising directly from these schemes will be addressed through that process.
- 2.5 Wider site assembly will both facilitate the delivery of the schemes outlined above and will enable the delivery of new development to improve the local centre and provide additional housing post-Games.
- 2.6 As such, it is clear that the scheme brings about benefits on the macro level. In developing the key elements of the scheme to full business case the Council will continue to review the equalities implications of each element. For example a separate EA for the highways scheme was carried out to accompany the Outline Business Case to the Council's Cabinet, identifying issues specific to the highways scheme.
- 2.7 The scheme is in line with the city's planning framework for the area set out in the Birmingham Development Plan (BDP) and Aston, Newtown and Lozells Area Action Plan (the AAP), and the emerging Urban Centres Framework (UCF), which builds upon the policies set out in the BDP and AAP. It should be noted that policies set out in these documents have themselves been subject to equalities appraisal, sustainability appraisal, and independent examination.

The Compulsory Purchase Order (CPO)

- 2.8 The City Council has authority to make acquisitions in the Perry Barr area to deliver the Athletes' Village, associated works, and an ongoing regeneration legacy for Perry Barr. Because there is a limited amount of time to prepare for the Commonwealth

Games, the Council needs to be sure that it can buy the land needed to deliver the proposals within a reasonable time. To do this the council will be using a CPO alongside voluntary negotiations. To provide certainty in the acquisitions process a CPO was made on 7 December 2018. If the council is not able to negotiate a purchase of a property by agreement, a CPO (if confirmed by the Secretary of State) allows the council to buy land even if the owner does not agree. The council is legally obliged to pay a fair price for the property under a CPO, as governed by the Compensation Code. To use CPO powers the council has to show that the use of these powers is justified based on legal tests. It is a statutory obligation to notify everyone affected by a CPO and anyone affected can object and make their case at a Public Local Inquiry if they wish, before the Secretary of State makes a decision.

3. Demographics

The local population

- 3.1 Perry Barr district centre at the juncture of three Birmingham City Council wards – Perry Barr, Aston and Birchfield. We are using the demographic data for these wards to give an indication of the population directly affected by the scheme.
- 3.2 The last census was carried out in 2011. Since then there will inevitably have been significant changes in terms of demographics in the area. It should also be noted that ward boundaries were revised in 2018. However, based on the 2011 census (BCC estimates for 2018 wards) the following trends can be noted:
- The proportion of the population aged under 16 is higher than the city average in Aston and Birchfield, and marginally below the city average in Perry Barr.
 - The proportion of the population aged 65 or more is below the city average in Aston and Birchfield, but above the city average in Perry Barr.
 - In 2011, less than 10% of the population in Aston or Birchfield was White British. 52% of the population in Perry Barr was White British.
 - More than half of the population in Birchfield and more than two thirds of the population in Aston was Asian or Asian British.
 - More than a quarter of the population in Birchfield was Black or African or Caribbean or Black British, compared with 13% in Perry Barr and 16% in Aston.
- 3.3 These people will be affected by the scheme, both during delivery and following completion. Given the important role that Perry Barr district centre plays in providing local facilities for the community, it is important that the needs of local people are reflected in the design of the overall scheme.

People directly affected by the CPO

- 3.4 It has been important for the Council to recognise the individual circumstances of those who are directly affected by the CPO. It is not appropriate to provide a detailed

breakdown of those affected as the specific nature of the site boundary means that this would potentially enable individuals to be identified. However, based on the information gathered about the affected parties, and observations made from the engagement work to date, it is possible to identify the following points:

- A range of ethnicities are affected, which is relatively reflective of the make-up of the wider area. This has included people for whom English is not a first language, or with limited English.
- A range of age groups are affected, including children (living in residential properties affected by the Order) and older people (both residents and property owners).
- There are a number of people with disabilities or health conditions.
- In certain parts of the CPO area there are more women affected than men.
- A significant number of business owners affected are from BAME communities, and a number of the businesses cater to BAME communities.
- Tenants, investment owners and owner occupiers are affected.

3.5 These people are affected as a result of the location of their property interests rather than as a result of their specific characteristics. As such, and as the Council considers the acquisition of land here to deliver the scheme to be in the public interest, it is important that the Council mitigate against any potential negative differential impacts on these people.

4. Findings of the Initial Statement

4.1 The Initial Statement addressed the housing and transport infrastructure at OBC stage, as well as the acquisitions. It did not address the policy positions on Perry Barr regeneration or the Commonwealth Games, which were considered through the appropriate processes. It also identified that those affected by the policy would be users/stakeholders as well as the wider community. It found that differential impacts could occur as a result of Disability, Race, and Religion or Belief.

4.2 The Initial Statement recognised that throughout the development of the programme of regeneration, including the Athletes' Village and hosting of the Games, the local community will be engaged. A Perry Barr Commonwealth Games Residents Liaison Group had been established and other community engagement would be carried out on specific proposals. It highlighted that a comprehensive approach to consultation and engagement across the programme would be centrally managed.

5. Mitigating Equalities Impacts

Residential development

- 5.1 The Birmingham Development Plan identifies a need for significant new housing in Birmingham, and the provision of new housing in Perry Barr will contribute to this. It is not considered that the delivery of new housing here will have a negative impact on any particular group, and in fact there are a number of measures which will have benefits for particular groups, for example older people (through the provision of Extra Care housing), families awaiting housing on the Council's waiting list, and all communities living in the area in terms of improved environment. All schemes will be subject to planning consent which will enable issues to be considered.
- 5.2 The first phase of housing, which will provide the residential element of the Athletes' Village, is being constructed on the former Birmingham City University (BCU) teaching campus, which has been vacant or partly vacant for around 12 months since BCU relocated to the City Centre. The derelict site has attracted anti-social behaviour. The redevelopment of the site has been largely welcomed by local residents and will provide immediate and lasting improvements to the local environment.
- 5.3 The site is largely apartment led (there are 58 houses on the site). This density is appropriate in policy terms for this location, and is also necessary to deliver the Games-time requirements. It will be balanced by a second phase which will be focused on the provision of family housing. Both elements will help meet local and city-wide need.
- 5.4 The phase 1 scheme includes an 'Extra-Care Village' for older adults with differing care needs. All properties across the site will be built to lifetime homes standards which will mean they are accessible for people of all ages and with mobility difficulties. It also improves access to open space for all people in the area.
- 5.5 The development provides for a range of tenures, which will enable accommodation to be available to a range of people. This will include houses which will be let by the Council (through its choice-based lettings approach), shared ownership, private rented accommodation, and units for outright sale.
- 5.6 The Athletes' Village requires land acquisitions, the mitigations in respect of which are outlined below.

Communication with those affected by the CPO

- 5.7 To enable the Council to best work with affected parties in the area there has been a significant effort to communicate with all those affected and provide information to enable them to engage in the process.
- 5.8 Those affected by the CPO were contacted in July 2018 and invited to attend drop in sessions to get more information. A number attended or called for more information, and this early contact enabled the Council to better understand the needs of those affected. All attendees were advised about appointing their own agent, how costs would be covered, and given information about the compensation code.

- 5.9 Notice of the Order was served by 'signed-for' to ensure that all affected parties were correctly informed of the making of the Order. The supporting documents relating to the CPO were made available to view in person at two accessible locations: 1 Lancaster Circus, Birmingham, B4 7DJ or within the local area at Doug Ellis Sport Centre, 150 Wellhead Lane, Perry Barr, Birmingham, B42 2SY.
- 5.10 Following the making of the Order, in January 2019, affected parties with residential interests (Wellhead Lane and Birchfield Road), and business interests (Birchfield Road, Aldridge Road, and Aston Lane) were contacted by letter inviting them to attend surgery sessions and providing leaflets with more details of the acquisitions process. Those with interests in affected forecourts (Birchfield Road) were also contacted about the surgery sessions.
- 5.11 A website link was produced to contain information relating specifically to the CPO (<https://www.birmingham.gov.uk/perrybarrcpo>). The website link provided general information on the CPO. The website contained a link to view the Order documentation online including documents titled; BBC1- BCC30. The link also provided a web version of the residential and commercial booklet as well as the residential form. The website link also contained information on the advice surgery sessions including times, dates and contact details on how to book a slot.
- 5.12 Three surgery sessions were held following the making of the Order. These were held at Doug Ellis Sport Centre:
- Tuesday 19 February 2019, 3pm-7pm
 - Thursday 21 February 2019, 9am-2pm
 - Saturday 23 February 2019 10am-3pm
- This ensured that sessions were available at all times of day. Furthermore, all attempts were made to accommodate those who were unable to make these sessions, including meetings at properties in the area during the same week.
- 5.13 21 appointment slots were booked up. These were staffed by representatives from Birmingham City Council Housing and the Council's agents in respect of particular properties, Carter Jonas LLP and Gateley Hamer, and provided a range of advice as required by each attendee. This included guidance about timescales, rehousing and relocation options, compensation, and general support and information. All sessions were well received and attended by a mixture of people affected including those with an interest in the residential properties, commercial properties and forecourts.
- 5.14 In addition, affected parties have been visited at their properties, both for the purposes of valuation and to provide one to one advice as appropriate.

Mitigating language barriers

- 5.15 The letters referred above contained a translation in a number of languages which loosely read; if you would like this letter in another language format, ask someone who speaks English to make a request on your behalf by calling the number on the letter. One translation was provided on request.
- 5.16 The Council also provided a translator for one of the surgery sessions referred above to ensure that the tenants of the property could understand the circumstances of the CPO.

Rehousing

- 5.17 The council has provided a dedicated housing officer to support residential occupiers affected by the Order. This officer has provided advice and support at the surgery sessions and through one to one meetings with affected parties to understand their needs and circumstances including tenancy agreement and type of tenancy, current property type/number of bedrooms, household details and other details such as; medical/disability needs, employment, education or caring responsibilities. Where appropriate this has included supporting residents to register on the Council's choice based lettings portal to enable them to access Council housing. The Council's criteria for accessing housing means that at this point most affected residents would be in 'band 2', but that by summer of 2019, 6 months prior to the property being demolished, they would qualify as 'band 1' – the highest priority.
- 5.18 To support those looking for private rented property in the area the Council's agents are maintaining an up to date list of such properties.

Business relocations

- 5.19 Where appropriate the Council and its agents are supporting affected businesses to identify alternative properties either held by the Council or privately, and has actively made links with local agents to identify opportunities. The Council is also supporting relocating businesses through the provisions of the compensation code. The extent to which a number of these businesses serve the local community, and particularly BAME communities, is recognised, and there is a drive to identify local opportunities to relocate.
- 5.20 Where the Council has made acquisitions and there is a tenant in occupation, there are a number of cases where either a deferred completion or a leaseback arrangement has been agreed to enable businesses more time to relocate and/or freeholders to benefit from the ongoing income.
- 5.21 A feasibility study is underway to consider the provision of temporary units within the Perry Barr centre which would enable businesses to remain in the area in the short term, either prior to relocating elsewhere or to enable them to then move into commercial space resulting from the proposed development in the area.

Impact of the scheme on the wider community

- 5.22 It is recognised that the scheme as a whole requires the loss of commercial and residential space in the short term, and that the implementation of the scheme will cause disruption. Specific mitigation measures will be put in place during the delivery of the various elements of the scheme to ensure that the impact is managed and that, for example, businesses are able to continue operating effectively.
- 5.23 The loss of local facilities such as small shops, restaurants and takeaways, and banking facilities as a result of the scheme is recognised and the Council is working with local businesses to look for relocation opportunities which will minimise the impact of this, and to reprovide key facilities in new developments.
- 5.24 The scheme facilitates the delivery of a new school, adjacent to the Games-time Athlete's Village. This will provide additional secondary school and sixth form places in a mixed, non-religious setting, to meet local demand.
- 5.25 The scheme as a whole will improve accessibility and movement across the area, for all residents and visitors. There will be better access to existing and new open spaces. Public transport will improve access to areas of employment.

6. Conclusions

- 6.1 The residential development in the area serves to provide new housing for the city and the local community, and to do so in a way that benefits the local community.
- 6.2 The Council has been working actively with those impacted by the CPO both in a residential and commercial property capacity. The Council is currently working with existing businesses and is looking to mitigate the impact on existing businesses through considering a scheme to provide temporary units in place of those commercial properties which will be affected as part of the CPO. In addition to this, it is the Council's long term ambition as part of the legacy to deliver mixed use development.
- 6.3 Throughout the process measures are being taken to ensure that those affected by the CPO are given the opportunity to engage with the Council and benefit from appropriate support.
- 6.4 No additional equalities issues have been identified as a result of this paper. The Council will continue to monitor this.