

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: December 2018

SUBJECT: SALE OF ROOKERY HOUSE, LODGE AND FORMER
DEPOT SITES, KINGSBURY ROAD, ERDINGTON,
BIRMINGHAM

Key Decision: No

If not in the Forward Plan: Relevant Forward Plan Ref: N/A
(please "X" box) Chief Executive approved ☐

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

Relevant Executive Member: Councillor Ian Ward – Leader of the Council

Relevant O&S Chair: Councillor Tahir Ali – Economy & Skills

Wards affected: Erdington

1. Purpose of report:

- 1.1 To provide an update on the sale of the surplus Council owned property comprising Rookery House & Lodge, Kingsbury Road, and adjoining former depot sites on Spring Lane and Western Road Erdington Birmingham to Cameron Homes Ltd.
- 1.2 The subject property is shown edged black on the enclosed plan at Appendix 1 extending to 1.69 hectares (4.17 acres).
- 1.3 An accompanying Private report contains confidential information relating to the sale.

2. Decision(s) recommended:

The Leader and Corporate Director Economy are recommended to:

- 2.1 Note this report.

Lead Contact Officer: Rob King – Business Centre Manager
Birmingham Property Services

Telephone No: 0121 303 3928

E-mail address: robert.king@birmingham.gov.uk

3. Consultation

3.1 Internal

3.1.1 The Leader of the Council has been consulted regarding the contents of this report, and is fully supportive of the report proceeding to an executive decision.

3.1.4. Officers from Legal Services, City Finance, and other relevant officers from Economy, have been consulted in the preparation of this report.

3.1.5 The relevant Ward Members have been consulted, and no adverse comments have been received to the reports content. The detail of this consultation is set out in Appendix 3 of this report.

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 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 Councils plan to rationalise its property portfolio as part of its asset management programme.

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

4.4.1 The Public Sector Equality Duty statement is included in this report. An Equality Assessment Ref EQUA216 dated 13th December 2018, is attached as Appendix 2. The assessment confirms there is no adverse impact and that a full Equality Assessment is not required for the purpose of this report.

5. Relevant background/chronology of key events:

- 5.1 The subject property is shown edged black on the enclosed plan and extending to 1.69 hectares (4.17 acres) the property comprises, Rookery House, The Lodge, and adjoining former Spring Lane and Western Road depot sites.
- 5.2 The sale of the property was approved by a Joint Cabinet Member and Chief Officer report entitled "Sale of Rookery House, Lodge, and Former Depot Sites at Kingsbury Road Erdington Birmingham, dated July 2015.
- 5.3 Subsequent to this decision, the Council has entered into a conditional exchange of contracts with the purchaser.
- 5.4 Sale completion is principally conditional upon the purchaser, obtaining satisfactory planning consent for the refurbishment and conversion of the House and Lodge, to provide 15 residential apartments and community space, and up to 40 new residential homes on the depot sites.
- 5.5 The purchaser obtained satisfactory planning consent on 26th January 2018.
- 5.6 Due to a combination of recent bad press and central government proposals to introduce legislation prohibiting the development and sale of new build housing on a leasehold basis, the sale completion has been delayed, as the purchaser has been frustrated in securing funding for its proposed acquisition and development of the property on the terms agreed.
- 5.7 The accompanying report on the private agenda details the outcome of negotiations with the purchaser to address this impasse, and provides recommendations for approval to a revised sale structure which will enable the sale to proceed.

6. Evaluation of alternative option(s):

- 6.1 Not to proceed with the sale would mean that the listed building would continue to deteriorate and an opportunity to redevelop the adjacent sites as a residential development would be missed.

7. Reasons for Decision(s):

- 7.1 The disposal will generate a capital receipt that can be reinvested by the City.
- 7.2 The sale and subsequent redevelopment of the property will ensure that an under-utilised property will be brought back into beneficial use, and much needed family homes will be developed on the adjoining vacant depot sites.

Signatures

Dates

Cllr Ian Ward – Leader of the Council

Waheed Nazir – Corporate Director Economy

List of Background Documents used to compile this Report:

Relevant Officers file(s) save for confidential documents

Report entitled "Disposal of Rookery House, Kingsbury Road, Spring Lane and Western Road depot sites", dated 25th March 2013.

Report entitled "Disposal of Surplus Properties" dated 9th December 2013
Surrounding land)

Report entitled "Sale of Rookery House, Lodge, and Former Depot Sites at Kingsbury Road Erdington Birmingham", dated July 2015.

List of Appendices accompanying this Report (if any):

1. Appendix 1 - Site Plan
2. Appendix 2 - Equality Assessment
3. Appendix 3 – Ward Member Consultation Record

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

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).