

## Equality impact assessment

**Name of policy, service or decision:** Health Innovation Dudley – Decision to promote, make and implement a Compulsory Purchase Order (CPO) of the site.

**Lead directorate:** Planning and Regeneration

### 1. Description – what is being assessed?

This Equality Impact Assessment (EqIA) is being undertaken in respect of the proposal to acquire land by agreement and if this is unsuccessful, to use compulsory purchase powers to promote and implement a Compulsory Purchase Order (CPO) to facilitate the redevelopment of the site of the former Hippodrome Theatre and adjoining land and buildings for a higher education facility. The assessment and impact of the land acquisitions and the CPO process is the focus of this EqIA, rather than the scheme of development of the higher education facility itself which has been considered through other appropriate processes. We do though make reference to the scheme to provide a broader context in which the decisions and actions to acquire land and promote a CPO are made.

The EqIA aims to identify, address and monitor any differential or adverse impacts on any specific equalities groups and specifically demonstrate that throughout all stages of the decision making process to promote and implement a CPO, the Council has had regard to (i) the need to eliminate unlawful discrimination, harassment, victimisations, (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Council previously undertook an EqIA in November 2021 as part of the full business case assessment prior to decisions made by the Council to secure Towns Fund funding for the project.

**2. Lead officer on assessment:** Adam Westwood – Project Manager

**3. Head of service:** Vicky Smith – Head of Projects and Delivery

**4. Members of assessment team:** Vicky Smith, Adam Westwood and external advisor Malcolm Newman (Gateley Hamer)

**5. Date assessment began:** July 2022

### Background

### 6. What are the aims and objectives or purposes of the policy or service?

The aims and objectives in engaging with directly affected parties is to (i) provide them with as much information as possible about the scheme and its timescales in order for them to make a decision if and when they should dispose of their interest(s) to the Council and having done this, (ii) to acquire all the identified interests within the scheme boundary so that the Council can deliver and manage the scheme.

In respect to the scheme, the Health Innovation Dudley ('HID') will deliver a new 3,618 m<sup>2</sup> University Centre at Castle Hill focused on Health and Life Sciences. HID is a key part of Dudley's regeneration vision and levelling-up journey which will complete the range of learning provision in the town by providing Dudley borough's only Higher Education facility.

The project aims to attract new students to Dudley, provide new technical skills and degree programmes which align with local employment opportunities, and to improve progression rates for local people into higher-skilled employment opportunities.

### **7. Who is it intended to affect or benefit (the target population)?**

The Council is considering the use of its CPO powers to ensure all the land is available for the proposed redevelopment. Use of such powers is justified given how compelling the case is in the public interest. Such actions will directly affect landowners and occupiers who will have their land taken from them, or be displaced of their occupation, if it is not possible to acquire their interests by agreement.

The Council has employed Gateley Hamer to undertake a full land referencing exercise to identify all those with an interest in land, including those who might have a right over land which is affected by the proposals. This exercise has resulted in the production of a Schedule of Interests, ensuring that all those who have an interest, or occupy land within the scheme are identified.

In discussions with all affected parties, including their families, employees and tenants who may also be affected, the duties of the Council under the Equalities Act 2010 to consider the impact of these powers and scheme proposals on groups with protected characteristics have been undertaken and mitigation measures implemented, where necessary.

For those affected, this will result in the following direct impacts:

- persons with freehold and leasehold interests will have their interests compulsorily acquired if voluntary acquisition cannot be secured;
- persons with investments in property will lose their financial return(s) and so with the compensation offered to them, they will need to find alternative investments;
- persons with businesses within the Scheme will need to find suitable alternative accommodation;
- there will be environmental impacts during construction (noise, vibration, dust etc);
- there will be ongoing impacts upon the surrounding areas once the Scheme is completed.

The Scheme will have direct benefits too providing a diverse range of learning opportunities and 'pathways' for local residents, and prospective students from the wider West Midlands region. This will include progression from school and college through to higher education and continuous professional learning and deliver Level 4 and 5, degree and post-graduate programmes from September 2024 onwards. This means the primary target audience will be young adults embarking on higher

education courses, but will also attract adult learners pursuing professional development. It is likely to have a positive impact for all learners, including people with disabilities, young people, people from diverse ethnic backgrounds and women.

#### **8. What are the main potential equality issues to be looked at?**

Having identified all parties affected by the scheme, the Council and its agents, Gateley Hamer Limited, have been engaging with landowners since 2021 to provide them with as much information about the scheme proposals, timescales, etc as possible and, where the owners have been interested in selling their interests, negotiating to agree deals. In all of these discussions and negotiations enquiries have been made to establish if any group with protected characteristics exist and if so, the degree to which they could be impacted.

In terms of its process, procedures and general behaviour towards affected parties to ensure there is no discrimination, the Council and its agents have sought to comply with government guidance (updated 2019) on compulsory purchase and sought to reduce the anxiety that can be brought about by the threat of compulsory purchase, by ensuring that the affected parties are provided with as much information about what the CPO process involves and the indicative timetable of events; this included 'claimant information' documents.

The council has offered to alleviate any concerns about future entitlement to compensation by explaining to parties their entitlement to compensation and where the party concerned is a business in occupation of its premises, the Council has done what it can to offer advice and assistance in respect to their relocation. Also, to ensure the affected party can have access to professional advice, the Council continues to offer and has paid for the reasonable professional fees of affected parties in respect to the disposal of their property to the Council so that they have access to good professional advice.

The owner of 15 – 21 Castle Hill is a British born Sikh. He has confirmed that English is his first language, and he does not require any additional assistance in this regard.

No other equalities issues are known to, or could, exist presently in respect to any of the other protected characteristics but the Council and its agents are continually seeking to identify these, assess their impact and if necessary, seeking to mitigate the impact the threat of the CPO has upon them or their group.

In respect to the scheme, accessibility of the Innovation Dudley building and surrounding public realm has been a key factor in the RIBA stage 3 drawings and planning permission for the project.

Course content and the details of teaching methods and materials have not yet been agreed and will be completed by the campus operator, University of Worcester.

## **Evidence gathering**

### **9. Provide details of all information about the policy, service or decision which will help with the assessment.**

#### **Equality monitoring data:**

As stated in 7 above, the Council's agent has undertaken a full land referencing exercise to identify all those with an interest in land, including those who might have a right over land which is affected by the proposals. This exercise has resulted in the production of a Schedule of Interests, ensuring that all those who have an interest, or occupy land within the scheme are identified. There are four private landowners and two commercial business occupiers that have been identified as being directly affected although this continually changes, particularly when interests are acquired and parties relocate. There are no residential properties affected by the scheme.

As this data is collected and the Council (and its agent Gateley Hamer) continue to engage with all parties it has been careful to assess if any one person, family, business or organisation affected fits into any one of the protected characteristics set out originally in the Equality Act 2010. Two landowners are middle aged, male and female, whilst the other is a British born Sikh with English as his first language. The other two landowners are a charitable trust (Dudley Zoo) and a statutory undertaker (Western Power Distribution). At this stage the land requirements for Dudley Zoo and WPDs interest is still being formulated and the subject of ongoing negotiations.

Two of the landowners have permitted Gateley Hamer access to their premises in order to survey and carry out valuations. Offers to purchase their respective interest have been made. The Council has given fee undertakings to the two landowners to ensure they have access to appropriate professional access in relation to the assessment of compensation and potential sale of their properties to the Council. Similar fee undertakings will be made in respect to the other two landowners once the Council's land requirements are confirmed. No other parties are known to be within any of the protected characteristics.

#### **What monitoring data is collected for each of the protected characteristics? Set out relevant details of this data.**

The Council and its agent, Gateley Hamer, are engaging with all affected parties, and where relevant their advisors under the proposed CPO. This engagement commenced in 2021 and in all cases, Council officers and Gateley Hamer representatives are continually assessing the impact of the proposals to acquire (compulsorily) the landowner's interests and to collect monitoring data (if relevant).

As stated in section 8 above, the owner of 15 – 21 Castle Hill is a British born Sikh and is the only landowner that falls within any group with protected characteristics. He has confirmed that English is his first language, and he does not require any additional assistance in this regard. No other parties affected by the Council's

decision(s) to acquire their interests fall within any group with protected characteristics. All affected parties are supportive of the Health Innovation scheme but understandably are protective of their interests in their properties.

In respect to the scheme, extensive stakeholder and community engagement activities were conducted as part of the development of the Dudley Town Investment Plan proposals, which took place during a four-week period from 18th November to 16th December 2020.

The stakeholder groups engaged as part of the consultation exercise were significant and were ranked by their priority and impact the project would have. They were ranked in three groups of tiers.

**Engagement and customer feedback:**

**What engagement has been carried out with users, customers, potential customers, employees as appropriate? What was the feedback?**

Engagement with those affected by the potential decisions of the Council to acquire (compulsorily) their interests has been extensive and in all cases the engagement seeks to identify if any of those affected fall within any group with protected characteristics. The engagement can be summarised currently as follows:

13 Castle Hill (Plot 7)

The owner's of the freehold interest in 13 Castle Hill, which covers plot 7 of the Order Map, have permitted the Council and its agent access to the premises in order to inspect and carry out a valuation of the property and an offer to purchase was made by the Council in September 2021. This was rejected, and a revised offer was made in January 2022, which was also rejected.

In addition to offers made, the Council's representatives have held discussions with the landowners about relocating their occupational business, and relocation premises have been discussed. Unfortunately, none of these have been deemed suitable so far by the owners. The Owners have now appointed an advisor following the Council's fee undertaking to the owners to ensure they have access to appropriate professional advice.

15 Castle Hill (Plot 8)

Castle Hill Suite Limited own the freehold interest in 15 Castle Hill, which is covered by Plot 8 of the Order. The Council first began discussing the proposals for the site at the beginning of 2021. The landowner has permitted the Council and its agent access to the premises in order to inspect and carry out a valuation, subsequent to which the Council made an offer to purchase in October 2021, which was rejected.

The Council has proactively engaged with the landowner over an extended period. The owner has now appointed an agent following the Council's fee undertaking to ensure they have access to appropriate professional advice.

Land between 13 and 15 Castle Hill and other pedestrianised, landscaped, and car parking area (Plot 6 and new rights sought across plots 2,5,12, 13, 14, 16))

The above land is owned by Dudley and West Midlands Zoological Society Limited, which is covered by Plot 6 of the Order. The Council has been in discussions with representatives of the Zoo for some time to agree the land requirements for the scheme. These discussions are ongoing but nearing conclusion with a provisional agreement in place, subject to a Section 119 Charities Act 2011 valuation .

**What other relevant information do you hold e.g. are you aware of any barriers to any groups in accessing the service?**

All information held relevant to all affected parties relates only to their property interests and their relocation/reinvestment requirements. With fee undertakings from the Council, all affected parties have access to appropriate professional advice.

**What evidence is missing? What will be done to collect it?**

No evidence is known to be missing in respect to any of the affected parties but through ongoing engagement, Council officers and Gateley Hamer representatives will ensure they continually seek to identify, address and monitor any differential or adverse impacts on any specific equalities' groups should they be identified.

#### **Data analysis**

**10. What does the information tell you? What patterns or trends are there? What comparative data is there - how does your data compare with background data e.g. from the Census, national data or research, or other authorities?**

Background data for the borough of Dudley, has been obtained from the 2011 Census in relation to the protected characteristics under the Equalities Act 2010. Information was obtained from the 2011 Census for the Borough of Dudley.

Age - The average age of the population is 40, with a median age of 41. 24.8% of the population are aged 60 or over, an increase from 22.2% in the 2001 Census and greater than the England figure of 22.4%. The ages of the owners of 13 and 15 Castle Hill are believed to be middle aged, whilst the Zoo and WPD are a charity and statutory undertaker respectively.

Disability - 20.3% of the borough population identified as having a long-term health or disability problem compared to 17.6% for England. No disabilities have been identified amongst any of the affected parties

Gender reassignment - The Census does not gather data on gender reassignment. No gender reassignment has been identified amongst any of the affected parties

Marriage or civil partnership - 50.3% of the borough population are either married or in a civil partnership compared to an average of 46.8% for England. The owners of 13 Castle Hill are known to be married.

Pregnancy or maternity - There is no data available for Ward specific differences in pregnancy rates. None of the affected parties are known to be pregnant or affected by maternity issues.

Race - 11.5% of people are from ethnic groups other than White British, compared to 7.5% in 2001. The figure for England is 20.2%. One of the landowners who owns 15 – 21 Castle Hill is a British born Sikh.

Religion or belief - 65.3% of the borough population identified as being of Christian faith, with 4.1% Muslim, 1.2% Sikh, 0.6% Hindu, 0.2% Buddhist and 6.9% Other. 21.7% had no religious beliefs. The owner of 15 Castle Hill is a British born Sikh.

Sex - The borough population of Dudley was 312,925 comprising 51% Females and 49% Males. Whilst only one female is known to be affect by the proposals to acquire land for the scheme, there are no gender specific issues that arise from the Council's proposed acquisition of her and her husband's interests.

**11. From your data analysis, what are the main issues relating to each protected characteristic (if any)? Consider all three parts of the public sector equality duty.**

All protected characteristics	Having regard to (i) the need to eliminate unlawful discrimination, harassment, victimisations, (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it:
Age	All affected parties, including their representatives are known to be middle aged and not in need of additional support, or require changes in the Council's approach to mitigate any impact of the proposals to acquire their interests having regard to their age.

Disability	No disabilities amongst the affected parties have been identified.
Gender reassignment	No gender reassignment amongst the affected parties have been identified.
Marriage or civil partnership	No marriage or civil partnership issues amongst the affected parties have been identified.
Pregnancy or maternity	No pregnancy or maternity issues amongst the affected parties have been identified.
Race	The owner of 15 – 21 Castle Hill is a British born Sikh. No other race issues have been identified amongst the affected parties.
Religion or belief	The owner of 15 – 21 Castle Hill is a British born Sikh. None of the Council's proposals to acquire his, or indeed any of the other affected parties, will have an impact upon religion or belief of the affected parties.
Sex	No gender issues amongst the affected parties have been identified.
Sexual Orientation	No sexual orientation issues amongst the affected parties have been identified.
<b>Are there any significant issues relating to other groups of people e.g. through social class or in particular parts of the borough?</b>	
None that we have identified or are aware of.	
<b>Identifying adverse impacts</b>	
<b>12. What are the main potential adverse impacts on particular protected characteristics that need to be taken into account in changing the service or policy/making a decision? Indicate any positive impacts.</b>	
No significant protected characteristics are identified. The use of the Council's compulsory purchase powers should always only ever be used as a measure of last resort in circumstances where the public benefits to be derived from a scheme outweigh the human rights of any landowner to own and occupy their property without interference from others. Any decision to acquire land and use CPO	



powers must always have this in mind. The Council representatives and its advisors will continually seek to identify if there are any groups with protected characteristics and the impacts there will be upon these of any decisions to be made.

#### **Alternatives/mitigating actions**

**13. How will any adverse impacts identified be reduced or removed? Explain if it is decided that an adverse impact is unavoidable.**

There are no adverse impacts identified. The Council and its representatives have been in discussions with landowners now since 2021 without being able to secure control of the remaining third party land by agreement and so use of the Council's CPO powers is now justified. The Council and its representatives will remain engaged with the affected parties and continue to provide them with full information about the CPO process and offer advice and assistance in respect to any relocation of premises to reduce any uncertainty and anxiety caused by the potential use of the Council's powers.

#### **Monitoring arrangements**

**14. How will the equality impact of the policy/service be monitored in future?**

The Council representatives and its advisors will continually monitor for any change in the ownership or occupation of the third party land required for the scheme and if these will fall within any one of the groups with protected characteristics.

#### **Action planning**

**15. Provide details of actions or improvements identified during the EIA.**

As stated above, The owner of 15 – 21 Castle Hill being a British born Sikh is the only affected party who potential falls within the protected characteristics of race, religion or belief. Council representatives are satisfied that no specific actions have been necessary to ensure that he is not disadvantaged compared to persons who do not share the same characteristics but they will continually monitor the situation.

#### **Decision making**

**16. Who will be making a decision relating to the policy or service (e.g. the Cabinet, a Cabinet member through a decision sheet, a director or chief officer through delegated authority) and when will a decision be made?**

The Cabinet of the Council will be asked to make the decision to approve the making and implementation of a CPO to compulsorily acquire all remaining third party land and acquire new rights required for the scheme where the Council has been unable to acquire by agreement.

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