

	<p><b>Assets Regeneration and Growth Committee</b></p> <p><b>5 September 2016</b></p>
<p><b>Title</b></p>	<p><b>Report of Head of Governance – Brent Cross Cricklewood Compulsory Purchase Order (No. 3) and Project Update Report</b></p>
<p><b>Report of</b></p>	<p>Head of Governance</p>
<p><b>Wards</b></p>	<p>Childs Hill, Golders Green and West Hendon</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Urgent</b></p>	<p>No</p>
<p><b>Key</b></p>	<p>Yes</p>
<p><b>Enclosures</b></p>	<p>Appendix A - Brent Cross Cricklewood Compulsory Purchase Order (No. 3) and Project Update Report.</p> <p>Appendix B – Proposed Boundary of CPO3 Plan 1 of 2</p> <p>Appendix C – Proposed Boundary of CPO3 Plan 2 of 2</p> <p>Appendix D – Draft Statement of Reasons</p> <p>Appendix E – Proposed Station Layout</p> <p>Appendix F – Consultation Update</p>
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### Summary

The Brent Cross Cricklewood Compulsory Purchase Order (No. 3) (CPO3) and the Project Update Report was presented at the Assets, Regeneration and Growth (ARG) Committee on 11<sup>th</sup> July for approval by the ARG Committee. Due to a drafting error, the report contained an erroneous recommendation which requested the ARG Committee to note the report and refer the decision to Full Council for approval rather than approving the decision as per the committee’s terms of reference. This report is required to rectify the error by re-presenting the report to the ARG Committee with the correct recommendations to enable

the decision to be approved.

## **Recommendations**

### **1. The Committee is requested:**

- **To make a compulsory purchase order (CPO) pursuant to the powers in section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) for the acquisition of the land shaded pink on the plan at CPO Plans and pursuant to section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to acquire new rights in respect of the land shaded blue on the CPO Plans.**
- **To authorise the appropriate Chief Officers to settle the final form and content of the draft CPO, the CPO Plans and Statement of Reasons.**
- **To authorise the appropriate Chief Officers to take all necessary steps to secure confirmation of the CPO and the acquisition of all third party interests in the CPO and of the new rights. This authorisation includes the publication and advertisement of the CPO, serving statutory notices, and seeking confirmation of the CPO.**
- **To authorise the appropriate Chief Officers to enter into agreements and make undertakings, contracts and transfers on behalf of the Council with third parties having an interest in the CPO or for the creation of new rights or with parties otherwise affected by the CPO to facilitate the development.**
- **To authorise the appropriate Chief Officers following confirmation of the CPO to authorise the publication and service of all appropriate notices of confirmation of the CPO and to make one or more general vesting declarations or serve notices to treat and notices of entry (as appropriate) in respect of the land within the CPO (“the Order Land”).**
- **To authorise the appropriate Chief Officers to initiate or take part in any arbitration or proceedings before the Upper Tribunal (Lands Chamber) or the Courts in order to resolve any disputes as to compensation or other payments payable for any interests in the Order Land or arising from the making or confirmation of the CPO or securing possession of any part of the Order Land or title to any part of the Order Land.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 It is within ARG’s terms of reference within the Council Constitution to approve Compulsory Purchase Orders. Officers intended for the CPO3 report that went to the ARG Committee on 11<sup>th</sup> July 2016 approve a number of recommendations in order for the Council to make CPO3 . However the wording of the recommendations in the report incorrectly requested that ARG Committee note and recommend the recommendations to full Council for approval, rather than approving a decision to make CPO3 as per the

Committee's terms of reference. The ARG Committee are therefore requested to take the decision based on the correct recommendations as outlined above.

- 1.2 The Committee should be aware that following the 11<sup>th</sup> July 2016 resolution, CPO3 was sealed on 25<sup>th</sup> July and the statutory notices of making CPO3 were published and served on 28<sup>th</sup> July. In light of the error in the recommendations to the ARG Committee, CPO3 has since been withdrawn and all affected parties have been notified. The letter which informed affected parties of the withdrawal of CPO3 explained that the decision was to be taken back to ARG on 5<sup>th</sup> September.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The rationale and purpose in seeking authority to make CPO3 is explained paragraphs 1.2 - 1.2 above, at appendix A and in the final draft Statement of Reasons at Appendix D.
- 2.2 There has been no material change to the detail set out in the Report at Appendix A. Nor has there been any change to the proposed CPO3 boundary as shown on the plans at Appendix B and C. The draft Statement of Reasons at Appendix D to this Report has been updated from that which was provided to ARG Committee in July to reflect the latest position.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 N/A

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Assets, Regeneration and Growth committee decisions will be minuted and implemented through the Head of Governance.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 As set out in the Project Update Report at Appendix A.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 Attached at Appendix A is the Brent Cross Cricklewood Compulsory Purchase Order (No. 3) and Project Update Report, that was submitted to this Committee on 11<sup>th</sup> July 2016; this details the funding arrangements proposed. In summary, initial finance will be provided by the current budget for the Thameslink project (£16.650m), and additional borrowing. Ultimately the costs will be financed from either Argent Related, if appropriate, or the Council's share of business rate growth.

### **5.3 Legal and Constitutional References**

- 5.3.1 'Council Constitution, Responsibility for Functions Annex A' states that ARG is responsible for Asset Management including all matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the Council.
- 5.3.2 'Council Constitution, The Management of Assets, Property and Land Rules' states that "The Management of Asset, Property and Land Rules provide the governance structure within which the Council may acquire, lease, act as landlord, licence, develop, appropriate, change use of, or dispose of Assets within its Asset Portfolio."
- 5.3.3 Full ARG Committee terms of reference include "delegating functions to officers as set out in Annex B of the Council Constitution".

### **5.4 Risk Management**

- 5.4.1 As set out in the Project Update Report at Appendix A. In addition, the Council recognises the political sensitivities of pursuing a compulsory purchase order. By reviewing and scrutinising the decisions and reports borne out of CPO3, the Council is fulfilling its duty to safeguard the Council from risk.

### **5.5 Equalities and Diversity**

- 5.5.1 As set out in the Project Update Report at Appendix A.

### **5.6 Consultation and Engagement**

- 5.6.1 See Appendix F.

## **6. BACKGROUND PAPERS**

- 6.1.1 As set out in Appendix A - F.