

	ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER
Title	Brent Cross Cricklewood Scheme – Ground 10A Consultation
Report of	Deputy Chief Executive
Wards	Child's Hill, Golders Green and West Hendon
Status	Public
Enclosures	Appendix 1 - Plots 53 & 54 Appendix 2 - Plot 12 Appendix 3 - Summary Report on Ground 10A consultation Appendix 4 – Ground 10A Consultation Letter
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Summary

To seek authorisation to apply to the Secretary of State for use of powers under Ground 10A of Part II of Schedule 2 of the Housing Act 1985 on the Whitefield Estate (Part I and Part 2 in the Brent Cross Cricklewood Scheme).

Decisions

1. That an application be made to the Secretary State for use of Ground 10A powers under Schedule 2 of the Housing Act 1985 in respect of the Brent Cross Cricklewood Scheme and, if approved, implement use of these powers where necessary to obtain possession of Council dwellings occupied on secure tenancies.

1. WHY THIS REPORT IS NEEDED

- 1.1 The council needs to obtain the power to use Ground 10A to gain vacant possession of properties tenanted by secure tenants on the Whitefield Estate, as this will facilitate the delivery of the first phase on the Brent Cross Cricklewood Regeneration Scheme.
- 1.2 The Brent Cross North (BXN) Partners will be delivering the redevelopment of the shopping centre at Brent Cross, the critical infrastructure and the re-provision of the new homes for residents on part of the Whitefield Estate (Part 1) on Plots 53 and 54, as shown in Appendix 1.
- 1.3 The Brent Cross South (BXS) Partners will be re-developing the land to the South of the A406 North Circular Road, and this includes the re-provision of new homes for the residents in Whitefield Estate (Part 2) on Plot 12, as illustrated in Appendix 2.
- 1.4 As part of the statutory consultation required under the provisions of Ground 10A Part V of Schedule 2 of the Housing Act 1985 notices were served on the 123 secure tenants on the Whitefield Estate on 6 July 2018.
- 1.5 This notice included a schedule setting out the main features of the scheme and stated that the Secretary of State's approval would be sought, and the effect of such approval, and advised that comments or observations should be made to the Council within a period in excess of 28 days, from the date of the notice.
- 1.6 During the statutory consultation period 5 written responses were received, most of which are positive about the proposal, and a summary of these representations are shown in Appendix 3. All representations have been considered and, in light of them, it is considered appropriate to proceed with an application to the Secretary of State.

2. REASONS FOR RECOMMENDATIONS

- 2.1 As reported at the Asset Regeneration and Growth Committee in March 2018, the Council intended to undertake Ground 10A consultations with residents on the Whitefield Estate.
- 2.2 This consultation has been completed and the next stage is for the Council to apply to the Secretary of State for Ground 10A consent. Without this next step, the scheme will not progress as intended.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 No alternative options were considered as this is the desired and appropriate approach to ensure that the residents are decanted from the Whitefield Estate residents in a timely and fair manner. Court possession proceedings will only be pursued under Ground 10A if required in order to recover possession.

4. POST DECISION IMPLEMENTATION

- 4.1 If the recommendation is approved, officers will prepare the relevant documentation and submit the application to the Secretary of State.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The reports to the Assets, Regeneration and Growth Committee describe in detail the ways in which the regeneration of Brent Cross Cricklewood supports the Council's Corporate Plan 2015-20 as updated. The reports relevant to this decision are included within the background documents.

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

- 5.2.1 There are no financial implications with regards to the Council's application to the Secretary of State for Ground 10A consent.

5.3 Social Value

- 5.3.1 The Brent Cross Cricklewood programme will secure wider social, economic and environmental benefits. This is set out in more detail within the relevant sections of the Committee reports included within the background section of this DPR.

5.4 Legal and Constitutional References

The Council's Constitution Article 7, paragraph 7.5, Responsibility for Functions, states that the functions of the Assets, Regeneration and Growth Committee includes responsibility for regeneration strategy and to oversee major regeneration schemes and asset management.

- 5.4.1 The Assets Regeneration and Growth Committee, on 3 March 2015, delegated specific authority to the appropriate Chief Officers to carry out the necessary procedures under Part II of the Housing Act 1985 and to use Ground 10A to obtain vacant of Council owned dwellings occupied by secure tenants.

5.5 Risk Management

- 5.5.1 There is a prospect that some secure tenants may not wish to move to the replacement home that the Council has offered to them. To prevent delays to the Brent Cross Cricklewood regeneration programme the Council needs to ensure that it is able to gain possession of homes where secure tenants are unwilling to move. One of the legal processes under which the Council proposes is to seek possession of all homes is through court proceedings brought under Ground 10A of Schedule 2 to the Housing Act 1985.
- 5.5.2 If the Secretary of State approves the Council's application to use Ground 10A, the Council can apply to the Court for a possession order to gain possession of the existing homes of council tenants, where needed, although this could add delay to the planned timetable.

5.6 Equalities and Diversity

- 5.6.1 Section 149 of the Equality Act 2010 sets out the Public-Sector Equality Duty which requires public authorities and organisations acting on their behalf to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- 5.6.2 The relevant protected characteristics are age, race, disability, gender reassignment pregnancy and maternity, religion or belief, sex, and sexual orientation.
- 5.6.3 The development proposals for the Brent Cross Cricklewood scheme will make a significant contribution to the provision of additional, high quality affordable and private homes in the Borough as well as providing employment through the creation of a new town centre with leisure, health and educational facilities. The delivery of the Thameslink Station will enhance public transport provision and improve accessibility and provide greater choice for all. It should be emphasised that a fully integrated and accessible town centre will be created as part of these proposals.
- 5.6.4 The original outline planning permission (2010) and the Section 73 permission (2013) has an ES which includes the socio-economic impact assessment, this aspect is also covered by the Revised Design & Access Statement. An assessment of the socio-economic impact of the scheme is provided within Chapter 8 of ES where it explains the impacts on employment, housing and on the wider economy. Full details of the assessment are in the Background Papers, paragraph 6.2.
- 5.6.5 The scheme proposals will contribute to the environmental and social well-being of its area by:
- promoting social inclusion and tackle deprivation and discrimination
 - promoting a safe, well-lit and secure environment
 - creating sustainable homes (building all homes to lifetime standards and 10% of properties will be wheelchair accessible or easily adaptable for wheelchair users)
 - creating a diversity of employment opportunities available and accessible to local people
 - improving accessibility to the sites due to the transport improvements and this will increase opportunities in the wider area
 - providing a range of transport choices for all users of the site (pedestrian footpaths, cycle lanes, public transport, car access)
 - improving the quality of the public realm, there will be a network of streets and squares to create the new town centre.
- 5.6.6 In addition, the BXN/BXS Development Partners are funding a Skills and Employment Training programme to ensure that the benefits from the scheme in terms of employment and training opportunities are made available to the local people.

- 5.6.7 The involvement of local people and community groups in the development of the scheme proposals has enabled the diverse needs of existing and future residents to be met in the masterplan.
- 5.6.8 Also, the delivery of the regeneration scheme is being conducted in consultation with the Whitefield Estate Residents. The BXN/BXS Development Partners and Council/Re representatives regularly attend the Whitefield Estate Steering Group meetings to keep residents updated on matters. These meetings will continue throughout the duration of the regeneration scheme and frequent resident surgeries will be held.
- 5.6.9 Design workshops and special consultation meetings were also held with the estate residents around the design of their new homes and the surrounding area. All homes will be built to lifetime standard (responding to changing needs of occupants). Full consideration will be given to all residents and particularly those with disabilities and or other types of vulnerabilities when allocating them a new home and this approach supports the overall aim of the Council's Equalities Policy and the Council's duties under the Equality Act 2010.
- 5.6.10 As part of the Ground 10A consultation all secure tenants were written to, and information was provided about the proposals of the scheme. Dedicated Ground 10A drop in surgeries were held where representatives from Barnet Homes, LBB/Re, L&Q were in attendance affording residents the opportunity to discuss any issues or concerns.

5.7 Consultation and Engagement

- 5.7.1 As mentioned earlier in the report, the Ground 10A consultation commenced on the 6th July 2018 for a period of 29 days. During the consultation period, the council also held a series of Ground 10A drop in surgeries at the Hendon Leisure Centre and views expressed at these meetings are also included in Appendix 3.
- 5.7.2 Residents were also given the opportunity to arrange home visits with staff to discuss the Ground 10A consultation process, but there was no take up on this offer.
- 5.7.3 L&Q and the Council have already addressed many of the comments raised by residents about tenancies, Right To Buy and on the allocation process. L&Q have produced a Local Lettings Plan and a Residents Guide for those occupying properties in Clare Point, Norden Point and Whyhcote Point.
- 5.7.4 The Local Lettings Plan specifically deals with the process for allocating homes in order of priority and the Residents Guide provides detailed information on the relocation. Both documents were developed in consultation with the Whitefield Estate Residents Steering Group. L&Q intends to produce similar documents for those living in Anderson Court, Dyson Court, Rawlinson Court, Claremont Way and Whitefield Avenue later this year.
- 5.7.5 Residents also expressed their views on the storage space, balconies and security measures. Many comments were of a positive nature and the Development Partners will continue to work with residents to ensure all feedback is considered and where possible is taken on board and changes are made.

6. BACKGROUND PAPERS

- 6.1 Planning and Environment Committee, 11 October 2013, Brent Cross Cricklewood Section 73 Application
<https://barnet.moderngov.co.uk/documents/s12811/Brent%20Cross%20Cricklewood%20Regeneration%20-%20Report.pdf>
- 6.2 Section 73 Application, Environmental Statemen Volume 1a, October 2013, Chapter 8
https://publicaccess.barnet.gov.uk/online-applications/files/D148C21CA83573F07E44497AEBD38D64/pdf/F_04687_13-S73_VOLUME_1A_-_ENVIRONMENTAL_STATEMENT-3256411.pdf
- 6.3 Assets, Regeneration and Growth Committee 3 March 2015, Brent Cross Cricklewood Report Compulsory Purchase Order 1
<https://barnet.moderngov.co.uk/documents/s21552/Brent%20Cross%20Cricklewood%20Compulsory%20Purchase%20Order%20No.%201.pdf>
- 6.4 Assets, Regeneration and Growth Committee 3 March 2015, Brent Cross Cricklewood Report – Compulsory Purchase Order 2
<https://barnet.moderngov.co.uk/documents/s21572/Brent%20Cross%20Cricklewood%20Compulsory%20Purchase%20Order%20No.%202.pdf>
- 6.5 Planning Committee, 18th May 2015, approved RMA to build 47 replacement homes on Plots 53 and 54
<https://barnet.moderngov.co.uk/documents/s23218/Land%20Off%20Brent%20Terrace%20Main%20Report.pdf>
- 6.6 Planning Committee, 21 February 2018 approved RMA to build Plot 12 comprising 292 residential units, ancillary housing office, flexible retail, café, basement car park and plant
<https://barnet.moderngov.co.uk/documents/s45137/Committee%20Report.pdf>
- 6.7 Assets Regeneration and Growth Committee 12 March 2018, Brent Cross Cricklewood Project Update
<https://barnet.moderngov.co.uk/documents/s45457/Brent%20Cross%20Cricklewood%20Update%20Report.pdf>

7. DECISION TAKER'S STATEMENT

- 7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision-making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations. The decision is compliant with the principles of decision making in Article 10 of the constitution.*

Chief Officer: Deputy Chief Executive

Date: 29.01.2019