

Decisions of the Assets, Regeneration and Growth Committee

27 November 2017

Members Present:-

Councillor Daniel Thomas (Chairman)
Councillor Gabriel Rozenberg (Vice-Chairman)

Councillor Richard Cornelius Councillor Adam Langleben
Councillor Rohit Grover Councillor Pauline Coakley Webb
Councillor Peter Zinkin Councillor Geof Cooke
Councillor Paul Edwards (as
substitute)

Apologies for Absence

Councillor Ross Houston

1. MINUTES OF THE PREVIOUS MEETING

The Committee noted and agreed that under item 3, Councillor Cornelius declaration should read as follows:

Councillor	Agenda item	Nature of interest
Cllr Richard Cornelius	7 - Darlands Nature Reserve	A non-pecuniary interest as he the Council appointed member of the Totteridge Manor Association. A non-pecuniary interest as he attends the Totteridge Residents Association and knows the residents who wish to lease Darlands Nature Reserve.

With this correction made, the Committee **RESOLVED** - The minutes of the meeting of 4 September 2017 were agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor Houston who was substituted by Councillor Edwards.

3. DECLARATIONS OF MEMBERS DISCLOSABLE PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

Councillor	Agenda item	Nature of interest
Cllr Adam Langleben	12 and 24	A pecuniary interest as he owns a property in the immediate area of 2 of the proposed microsites. As such he would leave the room and not take part in the debate or the vote.

Cllr Adam Langleben	17	A non - pecuniary interest as he is a trustee of the West Hendon Fund.
Cllr Cooke	9	A non- pecuniary interest as a fellow Labour councillor lives in the area.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

None.

6. MEMBERS' ITEMS (IF ANY)

None.

7. BUSINESS PLANNING REPORT 2018/19

The Chairman introduced the report and invited discussion on the item.

Following consideration of the item, the Chairman moved to the vote.

The votes were recorded as follows:

For	5
Against	0
Abstain	4

The committee **RESOLVED:**

1. To approve the refreshed revenue savings programme in Appendix A.
2. To recommend the summary MTFS position displayed at paragraph 1.9 to the Policy and Resources Committee.

8. STAG HOUSE OUTLINE BUSINESS CASE AND COMPULSORY PURCHASE ORDER

The Chairman introduced the report and invited discussion on the item. The Chairman invited Members to indicate whether they had any questions regarding the information contained in the exempt report which would require the Committee to go into private session. There were none.

Following consideration of the item, the Committee **unanimously RESOLVED TO:**

1. To note and approve the Outline Business Case for the Stag House Extra Care development scheme, attached at Appendix 1.
2. To consent to the making of a Compulsory Purchase Order (CPO) under section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981 in respect of acquiring four leasehold properties to secure the delivery of the Stag House Extra Care development scheme. The use of a CPO would be an

option of last resort, in the event that ongoing negotiations and efforts to secure vacant possession were unsuccessful.

3. To delegate authority to the Chief Officer (as defined in Article 9 of the Council's Constitution or such other replacement document) to publish the draft London Borough of Barnet (Stag House) Compulsory Purchase Order, to seek confirmation of the Secretary of State and if confirmed, implement the order.
4. To authorise the appropriate Chief Officer to issue and sign the order, notices and certificates in connections with the making, confirmation and implementation of the CPO on the basis that there is a compelling case in the public interest to make the Order.
5. To authorise the appropriate Chief Officer to make General Vesting Declarations (GVD) under the Compulsory Purchase (Vesting Declarations) Act 1981 (as amended) and/or to serve notices to treat and notices of entry if required following confirmation of the CPO;
6. To authorise the appropriate Chief Officer to issue and serve any warrants to obtain possession of property acquired by the Council following the execution of a General Vesting Declaration or service of Notices to Treat and Notices of Entry relating to the CPO if it was considered appropriate to do so;
7. To delegate authority to the appropriate Chief Officer to take any further necessary actions to secure the making, confirmation and implementation of the CPO.
8. To authorise the Chief Officer to take any further necessary actions to secure the making, confirmation and implementation of the CPO including;
 - a. authorisation to approve any agreements with, and compensation payments to, owners or interests in the CPO land in order to secure the withdrawal of their objection
 - b. authorisation to confirm the CPO should no objections be received
 - c. agreeing to confirmation of the CPO with modifications if it appears expedient to do so in order to secure the CPO land
 - d. if the question of compensation is referred to the Upper Tribunal, take all necessary steps in relation thereto.

9. PROSPECT RING COMPULSORY PURCHASE ORDER

The Chairman introduced the report and invited discussion on the item.

Following consideration of the item, the Committee **unanimously RESOLVED TO:**

1. Authorise the making of a Compulsory Purchase Order (CPO) under section 17 of the Housing Act 1985 in respect of acquiring property interests including two leasehold properties shown within the red line on the Order Map at Annex 1 to secure the delivery of the Prospect Ring New Housing Development Scheme. The use of a CPO would remain an option of last resort, in the event that ongoing negotiations and efforts to secure vacant possession were unsuccessful.

2. Delegate authority to the Chief Officer (as defined in Article 9 of the Council's Constitution or such other replacement document) to negotiate and complete a Compulsory Purchase Order Indemnity Agreement to ensure that TBG Open Door Ltd indemnify the Council for the full financial costs incurred in preparing, making and implementing the CPO.
3. Delegate authority to the Chief Officer to publish the draft London Borough of Barnet (Prospect Ring) Compulsory Purchase Order, to seek confirmation of the Secretary of State and if confirmed, implement the order.
4. Authorise the appropriate Chief Officer to issue and sign the order, notices and certificates in connections with the making, confirmation and implementation of the CPO on the basis that there is a compelling case in the public interest to make the Order.
5. Authorise the appropriate Chief Officer to make General Vesting Declarations (GVD) under the Compulsory Purchase (Vesting Declarations) Act 1981 (as amended) and/or to serve Notices to Treat and Notices of Entry if required following confirmation of the CPO.
6. Authorise the appropriate Chief Officer to issue and serve any warrants to obtain possession of property acquired by the Council following the execution of a GVD or service of Notices to Treat and Notices of Entry relating to the CPO if it was considered appropriate to do so;
7. Delegate authority to the appropriate Chief Officer to take any further necessary actions to secure the making, confirmation and implementation of the CPO.
8. Authorise the Chief Officer to take any further necessary actions to secure the making, confirmation and implementation of the CPO including;
 - a. authorisation to approve any agreements with owners or interests in the CPO land in order to secure the withdrawal of their objection
 - b. authorisation to confirm the CPO should no objections be received
 - c. agreeing to confirmation of the CPO with modifications if it appears expedient to do so in order to secure the CPO land
 - d. if the question of compensation is referred to the Upper Tribunal, take all necessary steps in relation there to
 - e. authorisation of compensation payments due under the CPO

10. BRENT CROSS CRICKLEWOOD - UPDATE

The Chairman introduced the report and invited discussion on the item.

The Chairman invited Members to indicate whether they had any questions regarding the information contained in the exempt report which would require the Committee to go into private session. These were answered during the private session.

During discussion Councillor Cooke moved a motion that was duly seconded, to amend recommendation 3 and include the following "to instructs officers to lobby for a change to the name of the tube station from "Brent Cross" to "Brent Cross East", and for the change

to be made at an appropriate time, for example to coincide with the opening of the Northern Line Extension”

The votes were recorded as follows

For	9
Against	0
Abstain	0

The motion was therefore carried

Following consideration of the item, the Chairman moved to the vote.

The votes were recorded as follows:

For	5
Against	0
Abstain	4

The committee **RESOLVED TO:**

- 1. Note the content of this report and progress made on the BXC workstreams across the programme as set out in paragraph 1.1;**
- 2. Delegate authority to the Deputy Chief Executive in consultation with the Chairman of the Committee to exercise, following confirmation of CPO1 and CPO2 by the Secretary of State, the Council’s land call options under the Property Development Agreement (PDA) and CoOperation Agreement with the Brent Cross North (BXN) Partners to acquire the sites to facilitate the Brent Cross South (BXS) and Thameslink Station projects (paragraph 1.50);**
- 3. Approve that the new station be named Brent Cross West (paragraph 1.37) and to instructs officers to lobby for a change to the name of the tube station from “Brent Cross” to “Brent Cross East”, and for the change to be made at an appropriate time, for example to coincide with the opening of the Northern Line Extension”**
- 4. Delegate authority to the Deputy Chief Executive in consultation with the Chairman of the Committee to agree and take all necessary steps to enter into Implementation / Design Services Agreement / Asset Protection Agreements with Network Rail to continue the GRIP 5 design and early works (paragraph 1.29);**
- 5. Delegate authority to the Deputy Chief Executive in consultation with the Chairman of the Committee to authorise the commencement of the early works (rail and non-rail) subject to progress on the wider BXC programme (paragraph 1.41-1.42);**
- 6. Resolves that any land acquired by the Council by private treaty in order to facilitate the BXC programme shall be acquired for planning purposes pursuant to section 227 Town and Country Planning Act 1990 (paragraph 1.55).**

11. PROPOSED CEMETERY ACQUISITION - MILESPIT HILL

The Chairman introduced the report and invited discussion on the item. The Chairman invited Members to indicate whether they had any questions regarding the information contained in the exempt report which would require the Committee to go into private session. These were answered during the private session.

Following consideration of the item, the Committee **unanimously RESOLVED TO:**

- 1. Approve in principle, the purchase of the Milespit Cemetery, at appendix 1.**
- 2. Delegates authority to finalise the purchase to the Director of Resources.**

12. MICROSITES PROGRAMME AND MICROSITES PHASE 1

Councillor Adam Langleben having declared an interest left the room and did not take part in the discussion or the vote.

The Chairman introduced the report and invited discussion on the item. The Chairman invited Members to indicate whether they had any questions regarding the information contained in the exempt report which would require the Committee to go into private session. There were none

Following consideration of the item, the Committee **unanimously RESOLVED TO:**

- 1. Approve the Business Justification Case for Phase 1 of the Microsites Programme attached at Appendix 1, for the sites included in the plans at Appendices 2, 3, 4, 5 (and also the contingency site at Appendix 6 if any of the four priority sites cannot be developed).**
- 2. Delegate authority to the Deputy Chief Executive in consultation with the Chairman of the Committee to agree the terms of a development agreement with Opendoor Homes based on the principles set out in the business case.**
- 3. Authorise the transfer of the four sites at Appendices 2, 3, 4 and 5 (and also the contingency site at Appendix 6 if any of the four priority sites cannot be developed), on a long leasehold or freehold basis.**
- 4. Delegate authority to the Deputy Chief Executive to obtain any statutory or other consents required to dispose of the Sites both under Housing Act 1985 where the Sites comprise land held under the HRA and also under s123 of the Local Government Act 1972 where land is held in the general fund. To delegate authority to use such of the general consents available for the disposal of the Site and where required to apply for consent to disposal to the Secretary of State on a sale at less than best consideration.**
- 5. Delegate authority to the Deputy Chief Executive to appropriate, where required, for planning purposes or any other relevant purposes of land included in the Site to enable disposal and to facilitate the building of new homes in accordance with the planning permission and the Development Agreement and to take all necessary steps that may be required to ensure statutory compliance in order to dispose of the Site and to take all necessary steps that may be required to dispose of the Site.**

13. OPEN MARKET PURCHASES OF AFFORDABLE HOUSING

The Chairman introduced the report and invited discussion on the item.

During discussion Councillor Zinkin moved a motion that was duly seconded, to add a new recommendation 3 as follows

“That the committee delegates authority to the Director of Resources, in consultation with the Chairman, to negotiate and enter into agreement with Cheyne Capital Management UK LLP”

The votes were recorded as follows

For	9
Against	0
Abstain	0

The motion was therefore carried.

The committee also agreed to include a regular update on the properties bought as part of the accusations update reports.

Following consideration of the item, the Committee **unanimously RESOLVED TO:**

- 1. Approve the outline business case for the Acquisitions Programme (Phase 3) in Appendix A**
- 2. Authorise the leases of individual properties under the parameters set out in Appendix A be delegated to the Deputy Chief Executive Officer**
- 3. Delegate authority to the Director of Resources, in consultation with the Chairman, to negotiate and enter into agreement with Cheyne Capital Management UK LLP**

14. BARNET HOUSE FIRE SAFETY RECOMMENDATIONS

The Chairman introduced the report and invited discussion on the item.

Following consideration of the item, the Committee **unanimously RESOLVED TO:**

- 1. Acknowledge and note the findings of the additional investigations undertaken at Barnet House.**
- 2. Acknowledges and agree the methodology and approach in developing a priority action plan.**
- 3. Delegate authority to the Head of Estates, to implement the priority action plan.**

15. REGENERATION STRATEGY

The Chairman introduced the report and invited discussion on the item.

Councillor Adam Langleben moved a motion that was duly seconded, to amend paragraph 1.1.2 to read as follows “All of this regeneration activity, involving the Council, and the wider Colindale regeneration has been several decades in the planning and will be delivering homes for the next decade, in some cases more.”

This was unanimously agreed.

Following consideration of the item, the Committee **unanimously RESOLVED TO:**

- 1. Authorise the preparation of a new regeneration strategy for the Borough for consideration by the committee prior to public consultation.**
- 2. Authorise the procurement of third parties to support the development of the evidence base.**

16. ENTREPRENEURIAL BARNET - ANNUAL UPDATE AND FORWARD PLAN

The Chairman introduced the report and invited discussion on the item.

Following consideration of the item, the Committee **unanimously RESOLVED TO:**

- 1. Note the progress of Entrepreneurial Barnet in 2017.**
- 2. Note and approve the Town Centre Strategies for Burnt Oak and Finchley Central that have been developed as part of the 2017 work plan and are included as Appendices to the report.**
- 3. Note the forward work plan set out in paragraph 8.**

17. WEST HENDON COMPULSORY PURCHASE ORDERS 2 & 2A (CPO2 AND CPO2A)- COMMUNICATIONS UPDATE

The Chairman introduced the report and invited discussion on the item.

Following consideration of the item, the Committee **unanimously RESOLVED to note the communication activities undertaken regarding the West Hendon Regeneration Scheme attached in Appendix 1**

18. COMMITTEE FORWARD WORK PROGRAMME

The Committee;

RESOLVED – to note the committee forward work programme.

19. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT

There were none.

20. MOTION TO EXCLUDE THE PRESS AND PUBLIC

The Committee;

RESOLVED – that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act (as amended).

21. EXEMPT BRENT CROSS CRICKLEWOOD UPDATE REPORT

The Chairman introduced the exempt report and moved to the vote.

The Committee **RESOLVED - that the information contained in the exempt report be noted.**

22. EXEMPT - PROPOSED CEMETERY ACQUISITION AT MILESPIT HILL

The Chairman introduced the exempt report and appendix.

During discussion the Chairman moved a motion that was duly seconded and amended the 3rd recommendation.

The votes were recorded as follows:

For	9
Against	0
Abstain	0

The motion was therefore carried

The Chairman then moved to the vote on the amended recommendation and the Committee **RESOLVED – to approve the amended recommendation contained in the exempt.**

23. EXEMPT - STAG HOUSE OUTLINE BUSINESS CASE AND COMPULSORY PURCHASE ORDER

The Chairman introduced the exempt report and appendix and moved to the vote.

The Committee **RESOLVED - that the information contained in the exempt report and appendix be noted.**

24. EXEMPT - MICROSITES PROGRAMME AND MICROSITES PHASE 1

The Chairman introduced the exempt report and appendix and moved to the vote.

The Committee **RESOLVED - that the information contained in the exempt report and appendix be noted.**

25. ANY OTHER EXEMPT ITEM(S) THAT THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 8.45 pm

