

	<p style="text-align: center;">ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER 10th February 2017</p>
<p style="text-align: right;">Title</p>	<p>Dollis Valley Estate Advance Acquisitions</p>
<p style="text-align: right;">Report of</p>	<p>Cath Shaw Interim Deputy Chief Executive and Commissioning Director, Growth and Development</p>
<p style="text-align: right;">Wards</p>	<p>Underhill</p>
<p style="text-align: right;">Status</p>	<p>Public with separate exempt report (Not for publication by virtue of paragraphs 3 of Schedule 12A of the Local Government Act 1972 as amended as this relates to the financial or business affairs of any particular person (including the authority holding that information)).</p>
<p style="text-align: right;">Enclosures</p>	<p>none</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Shelleyna Rahman, Senior Regeneration Officer Shelleyna.rahman@barnet.gov.uk Tel 0208 359 4984</p>

Summary

This report is to authorise the preparation of a final contract of sale and the release of funds for the completion of an advance acquisition of a residential leasehold property on the Dollis Valley Estate. The property is located in Phase 3 of the Dollis Valley Scheme, where properties are subject to the Compulsory Purchase Order (CPO) dated 29th July 2014. The leaseholders have opted to sell their interest back to the council ahead of the scheduled date for vacant possession of the property. Following acquisition the property will be used as temporary accommodation by the Council until it is required for development.

Decisions

- 1. To authorise the acquisition by the Council of a leasehold unit as identified in the separate exempt report and in accordance with the agreed terms set out therein.**
- 2. To authorise the release of funds for the completion of the purchase, and for the associated repair costs to facilitate the use of this property as temporary accommodation.**

1. WHY THIS REPORT IS NEEDED

- 1.1 The Council will be acquiring a number of residential leasehold properties on the Dollis Valley Estate in order to progress the Dollis Valley Regeneration Scheme. Vacant possession of these properties is not currently needed by the Developer and as such the Developer is not under obligation to purchase these properties prior to the date when land is required for development. This means that vulnerable residents who wish to make arrangements for onward housing are unable to do so because they are dependent on the immediate sale of their property.
- 1.2 On 17 October 2016, the Urgency Committee granted approval for the Council to include the leaseholder properties at Dollis Valley Estate Regeneration in the Advanced Acquisition Scheme, to cover those properties on Phases 4 and 5 of the Estate. On 1 December 2016, the Policy and Resources Committee included funding for the acquisition of leasehold properties in Phase 3 of the Dollis Valley Estate Regeneration. On 12 December 2016 Assets Regeneration and Growth Committee delegated authority to the Commissioning Director for Growth and Development to acquire properties on Phases 3, 4 and 5 of the Estate.
- 1.3 The report seeks approval and authorisation to complete the purchase of the leasehold property identified in separate exempt report, as per the agreed terms identified in the exempt report, and in accordance with the final contract of sale.

2. REASONS FOR DECISIONS

- 2.1 The Dollis Valley Regeneration Scheme is dependent on obtaining vacant possession of leasehold interests within the development area. Under the Regeneration Agreement, these interests would ordinarily be acquired through private treaty negotiations by the Council's developer partner on a phase by phase basis or compulsorily purchased by the Council as a last resort. The leaseholders of this property have requested an advance acquisition on the basis of hardship and vulnerability.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 3.1 The Council was approached by leaseholders requesting advance acquisition due to hardship. The leaseholders met the criteria for hardship.
- 3.2 The Council considered purchasing the property at the future required vacant possession date, but this option was rejected as it would have caused the vulnerable leaseholders of the property undue distress, and may potentially have led to reputational damage to the Council.
- 3.3 The property will be required for development in the future and therefore a purchase will be necessary at a future date in any event.

4. POST DECISION IMPLEMENTATION

- 4.1 HB Public Law will prepare a contract of sale as per the agreed terms and also associated completion documents in order to release funds and complete the purchase of the leaseholder property.
- 4.2 The Council will recover the cost of acquisition at a future date when this unit is required by the development partner in order to progress the relevant regeneration phase. In the meantime the property will be refitted by the Council for use as temporary accommodation to meet its duties in respect of homelessness in the borough.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The vision for 2020 expressed within the Council's corporate plan 2015- 2020 expresses the principles of fairness, responsibility and opportunity and the following strategic objectives.

5.1.2 The council, working with local, regional and national partners, will strive to ensure that Barnet is the place:

- of opportunity, where people can further their quality of life
- where people are helped to help themselves
- where responsibility is shared, fairly
- where services are delivered efficiently to get value for money for the taxpayer

5.1.3 The regeneration of Dollis Valley also supports the Sustainable Community Strategy for Barnet 2010–2020 through the following objectives:

- A new relationship with citizens - the new developments will offer more choice and promote independence by providing a number of different housing options such as shared ownership to residents and to other people in the wider community.
- A one-public-sector approach - the Council is working together with other public sector partners to ensure the delivery of the schemes.
- A relentless drive for efficiency - the Council is working with development partners to ensure that the scheme is delivered in the most cost effective way.

5.1.4 The regeneration scheme also complies with strategic objectives in the Council's Housing Strategy 2010-2025 which include:

- Increasing housing supply, including family sized homes, to improve the range of housing choices and opportunities available to residents; and promoting mixed communities and maximising opportunities available for those residents wishing to own their own home.

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

5.2.1 The Council has sufficient allocation of funds for the acquisition of leasehold properties where leaseholders fulfil the hardship criteria. There is currently a capital budget within the HRA for Advanced Acquisitions of Phases 4 and 5 of £13.417m (with an allocation of £9m for Dollis Valley). A further £13m is available within the HRA of £13m (with an allocation of £7.5m for Dollis Valley).

5.2.2 Countryside and L&Q, working in partnership with the Council, undertake valuation of the properties and relevant private treaty negotiations to agree appropriate valuation and compensation. Compensation is guided by CPO regulations.

5.2.3 The market value of each property is determined by qualified surveyors, and the agreed purchase price and additional payments (e.g. CPO compensation

payments, including home loss and disturbance payments) are detailed in the exempt report.

- 5.2.4 HB Public Law has been instructed by the Council to draft the purchase contract and to complete on the purchase subject to this decision being made.
- 5.2.5 Acquisitions for Hardship and Advance Acquisitions for Phases 3, 4 and 5 will be funded through the Hardship Scheme and the Advanced Acquisition Scheme, as the developer does not require these properties for several years. This was approved separately by the Urgency Committee on 17 October 2016 and by the Policy and Resources Committee on 1 December 2016.
- 5.2.6 Recommendation 2 also refers to repair costs; these will also be funded within the HRA.

5.3 Legal and Constitutional References

- 5.3.1 The Council has the power to acquire land by agreement and compulsorily pursuant to powers in the Housing Act 1985 and the Local Government Act 1972. The existing compulsory purchase order has been confirmed by the Secretary of State and may be implemented in respect of the land within the Order if properties cannot be acquired by agreement.
- 5.3.2 The Commissioning Director for Growth and Development has been given delegated authority to implement the CPO and acquire any properties by agreement in Phases 3, 4 and 5 of the scheme pursuant to the resolutions of Cabinet Resources Committee of 24 September 2013, Urgency Committee of 17 October 2016 and Assets Regeneration & Growth Committee of 12 December 2016.
- 5.3.3 The Management of Asset, Property and Land Rules, laid out in the Council Constitution, apply to all changes to the Asset Portfolio owned by or leased to the Council.
- 5.3.4 Any Asset acquisition or disposal which has not been authorised as set out in 7.1 of the Asset, Property and Land Rules, must be Authorised in accordance with Delegated Powers as shown in Table A in Appendix 1 of these Management of Asset, Property and Land Rules. The proposed purchases of properties in Phases 3, 4 and 5 of the Dollis Valley estate have previously been considered by Assets, Regeneration and Growth Committee and authority has been delegated to the Commissioning Director Growth & development to authorise specific purchases.

5.4 Risk Management

- 5.4.1 The Council can continue negotiations to acquire properties by agreement until the final vesting declaration date of the compulsory purchase order. Thereafter all properties where agreement has not been reached will transfer to the Council ownership. There is a risk that properties acquired by the Council in phases 3, 4 and 5 may not be transferred to the developer if those phases do not proceed. In those circumstances the Council would not be able to recover the costs of additional CPO compensation payments such as home loss and disturbance paid to the previous owners. However it would retain title to the properties and would be able to let them out for rental income, or sell them on as the case may be.
- 5.4.2 The issues involved are unlikely to give rise to policy considerations or to give rise to significant levels of public concern.

5.5 Equalities and Diversity

- 5.5.1 The broad purpose of this duty is to integrate considerations of equality into day business and keep them under review in decision making, the design of policies and the delivery of services. The public sector equality duty under section 149 of the Equality Act 2010 ("PSED") requires the Council to have due regard to: (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; and (ii) the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. 'Protected characteristics' are: gender, race and disability, sexual orientation, age, religion or belief, pregnancy and maternity and gender reassignment.
- 5.5.2 The Council is committed to improving the quality of life for all and wider participation in the economic, educational, cultural, social and community life in the Borough.
- 5.5.3 The development proposals for the Dollis Valley Regeneration will make a significant contribution to the provision of additional, high quality affordable housing units in the Borough as well as providing employment through the construction process.
- 5.5.4 It is important to note that all relevant equalities and diversity issues were considered as part of the original planning application which was approved in October 2013.

5.6 Consultation and Engagement

- 5.6.1 The Council and its partners on regeneration schemes are engaged in a wide range of consultations which are required at every stage of the regeneration programme.
- 5.6.2 The Council and its partners have established a Dollis Valley Partnership Board which meets bi monthly. The membership includes local residents, Ward Members, representatives from local community groups.

6.0 BACKGROUND PAPERS

- 6.1 On 1st February 2017 delegated authority was given to authorise the acquisition through private treaty or through a General Vesting Declaration of the remaining residential leasehold interests and other non-residential land within the Compulsory Purchase Order dated 29th July 2014.
- 6.2 On 12 December 2016 the Assets Regeneration and Growth Committee delegated authority to the Commissioning Director for Growth and Development to “take all necessary actions to implement acquisitions and shared equity arrangements for phases 3, 4 and 5 of the scheme”.
- 6.3 On 1December 2016, the Policy and Resources Committee approved the inclusion of £7.5 million into the Council’s Capital Programme for the acquisitions of leaseholder properties in Dollis Valley phase 3.
- 6.4 On 17 October 2016, the Urgency Committee approved:
- (i) The inclusion of all regeneration estates within the existing HRA capital budget for Advanced Acquisitions (Regeneration Estates).
 - (ii) The inclusion of hardship cases within the Advanced Acquisition capital budgets.
 - (iii) Removing limits to individual schemes in terms of overall number of properties that can be acquired on a particular regeneration scheme.
 - (iv) Delegating authority to the Commissioning Director for Growth and Development to decide upon the most appropriate use of funds across the Council’s regeneration schemes and to take all other necessary actions to implement the advanced acquisition programme, acting in the best interests of the council.

6.5 Cabinet Resources Committee on 24 September 2013, Dollis Valley Regeneration Schemes – Agenda Item 8 approved the following:

- i. A Compulsory Purchase Order (CPO) be made pursuant to the powers contained in Section 226 (1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 in respect of all non-Council owned property and other proprietary interests in the Dollis Valley Regeneration Area, as shown outlined on the Red Lined Boundary Site Plan No. 23577/2F;
- ii. The Director for Place or such other appropriate Chief Officer be authorised to issue and sign all order, notices and certificates in connection with the making, confirmation and implementation of the CPO;
- iii. The Director for Place or such other appropriate Chief Officer be authorised to make General Vesting Declarations (GVD) under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or to serve notices to treat and notices of entry if required following confirmation of the CPO;
- iv. The Director for Place or such other appropriate Chief Officer be authorised to issue and serve any warrants to obtain possession of property acquired by the Council following execution of a GVD or service of a notice of entry if it was considered appropriate to do so;
- v. The Director for Place or such other appropriate Chief Officer be authorised to transfer all properties and proprietary interests acquired pursuant to the CPO to the relevant regeneration partners in accordance with the terms of the Regeneration Agreement dated 1st October 2012 (or such variation to that Agreement as may be agreed by the Council and the regeneration partners);
- vi. The Director for Place or such other appropriate Chief Officer be authorised to take any further necessary actions to secure the making, confirmation and implementation of the CPO; and
- vii. The Director for Place or such other appropriate Chief Officer be authorised to negotiate and conclude all necessary agreements relating to the supply of services to the Dollis Valley Regeneration Area (including but not limited to agreements for supply of water, gas, electricity, sewerage, data, telecommunications, grants of easements, licences) which may be required to facilitate the regeneration of the estate.

Since the above decisions were made, the position of the Director of Place has been deleted and the Commissioning Director for Growth

and Development is the appropriate Chief Officer to exercise the delegated functions.

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.*

8. OFFICER'S DECISION

- 1. To authorise the acquisition by the Council of a leasehold unit as identified in the separate exempt report and in accordance with the agreed terms set out therein.**
- 2. To authorise the release of funds for the completion of the purchase, and for the associated repair costs to facilitate the use of this property as temporary accommodation.**

Signed



**Cath Shaw
Deputy Chief Executive
Commissioning Director, Growth & Development**

Date

10/02/2017
