

	<p style="text-align: center;">Assets, Regeneration and Growth Committee</p> <p style="text-align: center;">12 March 2018</p>
Title	Stag House Full Business Case and Compulsory Purchase Order
Report of	Councillor Daniel Thomas
Wards	Burnt Oak
Status	Public with an accompanying exempt report and appendix
Urgent	No
Key	Yes
Enclosures	<p>Appendix 1: Full Business Case – Stag House Extra Care Scheme</p> <p>Appendix 2: Equalities Impact Assessment - Stag House</p> <p>Appendix 3: CPO red line plan</p>
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Summary

Barnet Homes has been commissioned to act as development agent on behalf of Barnet Council to develop a pipeline of affordable Extra Care housing.

This report sets out a recommendation to redevelop the Stag House site in Burnt Oak ward to provide a high quality Extra Care scheme. This development will continue the current

strategy to provide new Extra Care within the Borough, delivering savings to the Medium Term Financial Strategy.

A development pipeline of 227 Extra Care units was agreed by the Adults and Safeguarding Committee on 10 November 2016. The first scheme, a 53 unit development at Ansell Court, is on site and projected to be completed in 2018/19. The Adults and Safeguarding Committee approved two further Extra Care sites to be funded through the Housing Revenue Account (HRA) budget. Stag House represents the second scheme of the pipeline, and will deliver 51 additional Extra Care units.

This report includes as an annex the Full Business Case for the Stag House development. The ARG report seeks approval of the Full Business Case. Barnet Homes will continue with procurement of a building contractor, and this report proposes to delegate authority to the Deputy Chief Executive to approve the final contract sum provided it is within the parameters of the Full Business Case.

Recommendations

That the Assets, Regeneration and Growth Committee:

- 1. Note and approve the Full Business Case for the Stag House Extra Care development scheme, attached at Appendix 1.**
- 2. Delegate authority to the Deputy Chief Executive to agree the final contract sum within the parameters of the business case.**
- 3. 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 the land identified in red edging within the plan included in Appendix 3 of this report 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.**
- 4. 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.**
- 5. 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.**
- 6. 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;**

- 7. 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;**
- 8. Delegate authority to the appropriate Chief Officer to take any further necessary actions to secure the making, confirmation and implementation of the CPO.**
- 9. 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.**

1. WHY THIS REPORT IS NEEDED

- 1.1. Barnet Homes has been commissioned to act as development agent on behalf of Barnet Council to develop a pipeline of affordable Extra Care housing.
- 1.2. The attached Full Business Case proposes to continue with the current strategy to provide new Extra Care within the Borough, delivering savings to the Medium Term Financial Strategy. The report sets out the preferred option of redeveloping the Stag House site in Burnt Oak ward to provide a high quality Extra Care scheme. The Outline Business Case was approved by Assets, Regeneration and Growth Committee on 27 November 2017.
- 1.3. A development pipeline of 227 Extra Care units was agreed by the Adults and Safeguarding Committee on 10 November 2016. The first scheme, a 53 unit development at Ansell Court (formerly known as Moreton Close, in Mill Hill ward), is on site and projected to be completed in 2018/19. The Adults and Safeguarding Committee approved two further Extra Care sites to be funded through the HRA budget. Stag House represents the second scheme of the pipeline, and will deliver 51 additional Extra Care units for affordable rent.
- 1.4. The site consists of a freehold belonging to Barnet Council, four leasehold flats, and a ground floor commercial lease. The site is located in a busy and active environment on Burnt Oak Broadway which contrasts to the more suburban setting of Ansell Court. It is expected that this environment will attract a different client who will enjoy this cosmopolitan and lively neighbourhood.

- 1.5. Following the approval of the Outline Business Case in November 2017, work is continuing to progress on preparing the Stag House scheme. Architects have been contracted to design the scheme and an application for planning permission was submitted in December 2017 and validated in January 2018.
- 1.6. The proposal is to achieve vacant possession of the site and to then develop the site into a 51 unit Extra Care scheme. Property Services have initiated discussions with the leaseholders around acquiring the four flats.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Subject to the approval of the Full Business Case by the Assets, Regeneration and Growth Committee, Barnet Homes will be able to enter into contract to develop the Stag House site. This will be subject to planning approval, and to a delegated approval of the final contract sum by the Deputy Chief Executive.
- 2.2 This Full Business Case constitutes an update and revision of the Outline Business Case. Procurement of a building contractor has not been completed, and as such this Full Business Case does not provide a final contract sum for approval by Assets, Regeneration & Growth Committee. Barnet Homes has a high level of confidence that the scheme can be delivered within the constraints of the agreed budget. Furthermore, progressing this scheme with a target start on site in Autumn 2018 will allow for the significant cost avoidance benefits associated with Extra Care housing provision to be made as soon as possible. Therefore, seeking ARG Committee approval of the Full Business Case in March maintains project momentum and helps to ensure the maximum possible revenue savings to the Adults Services Medium Term Financial Strategy.
- 2.3 This report seeks approval of the Full Business Case on the understanding that the outcome of the procurement exercise and any further developments will be reported to Project Board and DPPB, and that the final contract sum will be subject to approval by the Deputy Chief Executive. This FBC format is in line with HM Treasury Green Book guidance for Public Sector Business Cases, which notes that “in some instances the FBC is still completed prior to the commencement of the procurement and is, in effect, a second (updated) version of the OBC.”
- 2.4 The greatest risk to the scheme identified at this time, and to the forecasted savings for Adults and Safeguarding, is time delays associated with vacant possession. Funding for the acquisition has been secured and Barnet Homes is working with its Property Services in order to negotiate with the four leaseholders at this site.

- 2.5 Due to the significant risk of programme delay because of vacant possession and the associated financial implications, the recommendation is that the Assets, Regeneration and Growth Committee authorise a Compulsory Purchase Order for the wider red line boundary of Stag House to ensure the scheme is delivered in the event there is an interest within the red line boundary that is not yet known by the Council or Barnet Homes (such as a statutory undertaker) and/or vacant possession cannot be obtained. This is on the basis that use of a Compulsory Purchase Order will be an option of last resort in the event that the properties cannot be acquired voluntarily through private treaty.
- 2.6 The Stag House Extra Care Development is of strategic interest to the London Borough of Barnet, representing significant savings to the Medium Term Financial Strategy. The provision of Extra Care fulfils key priorities in the Corporate Plan and Adults and Safeguarding Commissioning Plan, through diversifying Barnet's accommodation to support older people and allow them to remain independent.
- 2.7 The report considered by the Adults and Safeguarding Committee in November 2016 outlined that significant potential annual revenue savings to the Medium Term Financial Strategy (MTFS) could be secured by the development of Extra Care units.
- 2.8 Compared to residential care, Extra Care represents a saving of £308 per unit per week. Wider evidence indicates that Extra Care represents a cost-effective approach which is an attractive option for older people who prize independence and quality of service delivery.
- 2.9 Reducing Adult Social Care Services by providing a range of alternative services – including Extra Care – is the priority focus for the Adults and Safeguarding Committee's savings proposals. The Policy and Resources Committee on 28 June 2016 tasked the Adults and Safeguarding Committee with developing proposals for savings of £15.07m between 2016 and 2020. The Adults and Safeguarding Committee has budgeted accordingly on the basis of making these savings through Extra Care development.
- 2.10 In addition to the cost savings that the Stag House Extra Care scheme will deliver, the provision of affordable Extra Care accommodation will support frailer older people to remain independent and to live longer in their own homes: Extra Care provides residents with security of tenure and their own self-contained flats, while also providing flexible levels of care based on residents' needs. Extra Care is a popular option for older persons' care, and Stag House will deliver benefits to residents in the form of high quality accommodation, full-time support for those who need it, and attractive multi-function communal areas and shared facilities.

2.11 The Stag House development will be an appealing and high-quality building complete with landscaping and communal areas which could be used by older residents of the wider community. This could include lunch clubs, book clubs, social events, exercise classes and other similar activities, as well as access to the café.

2.12 The current Stag House building is in a serious state of disrepair, and the Extra Care scheme will introduce a high quality contemporary building which responds to the wider development and regeneration of the Burnt Oak Broadway area.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The Council could choose to develop Extra Care housing at an alternative site. However, an alternative site would not offer the same advantages that Stag House does. Stag House was selected from a number of potential locations within Council stock, and was identified due to its ability to deliver 50+ Extra Care units (the minimum number required for a feasible Extra Care development). It also has a lack of current planning constraints being termed an 'island site'. If the Council were to develop Extra Care housing at an alternative site, it would nevertheless still need to make a significant investment in the Stag House, in order to bring the current building up to current standards. Therefore developing Extra Care at Stag House allows the Council to combine these two necessary investments. The location of Stag House on Burnt Oak Broadway is an added advantage, placing older people at the heart of the community. The site is located near to an active and lively high street, and is well connected to local amenities, medical facilities, retail, food and drink. Stag House's location offers a balance with the more suburban location of the Council's other affordable Extra Care scheme, currently on site at Ansell Court.

3.2 The Council could choose not to develop more Extra Care Housing and continue to place older people in residential and nursing care. However, this option would not achieve any of the strategic objectives of delivering more choice for older people or providing more independence and higher quality living for residents within the Borough. To continue using residential care homes would fail to realise the cost savings associated with Extra Care housing, as residential care is a relatively costly form of provision compared to Extra Care. Using prices paid in 2015-2016 by the Council, the difference between the amount spent on clients in residential care and those in Extra Care was £308 per week. Continuing to rely on residential care and not develop additional Extra Care would also represent a reduction in housing options choice for older people. The Stag House site would still require significant investment to bring the site up to current standards.

3.3 The Council could consider not making a Compulsory Purchase Order for the Stag House site, but this would not provide sufficient assurance on the delivery of the Stag House development scheme if the interests at this site were unwilling to negotiate with Barnet Homes to reach agreement. It could mean that Property Services would be required to pay significantly over market value which would

have ramifications for the financial viability of the project which is being funded by public money.

4 POST DECISION IMPLEMENTATION

- 4.1 Barnet Homes will continue to progress with the procurement of a contractor for the scheme.
- 4.2 Additionally, Barnet Homes will continue to engage with the GLA. Barnet Homes submitted a bid for funding from the Mayor's Care and Support Specialised Housing Fund in January 2018, and has subsequently provided additional detail by submitting a Design and Supporting Statement. Barnet Homes expects to learn the outcome of this bid in March 2018.
- 4.3 Following the outcome of the GLA bid and the completion of tendering for the contractor, Barnet Homes will seek approval of the full contract sum through a delegated powers decision of the Deputy Chief Executive of Barnet Council. If the contract sum and costs exceed those set out in the approved full business case, this will be reported back to Assets, Regeneration and Growth Committee.
- 4.4 Further forecast key milestones for the Stag House scheme are below Further forecast key milestones for the Stag House scheme are below which is applicable in the event the Council does not have to use its compulsory purchase powers:

Key Milestone	Completed Date / Forecasted Date
Funding to achieve Planning	July 2017
Tender Exercise for architect	Aug 2017
Outline Business Case	Nov 2017
Planning submission	Dec 2017
Determination of GLA bid	Mar 2018
Full Business Case	Mar 2018
Determination of planning application	Mar 2018
Commencement of procurement for contractor	Apr 2018
Secure vacant possession on site	Aug 2018
Tenders returned from potential contractors	Sep 2018
Design and Build contract to be signed	Oct 2018
Enabling works on site	Oct - Nov 2018
Start on site – demolition and construction work	Jan 2019
Care Contract to be signed off	Mar 2019
Agree nominations policy	Aug 2019
Recruit Scheme Manager	Feb 2020
Practical completion	Jun 2020

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Corporate Plan 2015 – 2020 sets out the Council's vision and strategy for the next five years based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:

- Of opportunity, where people can further their quality of life;
- Where people are helped to help themselves, recognising that prevention is better than cure;
- Where responsibility is shared, fairly; and where services are delivered efficiently to get value for money for the taxpayer.

5.1.2 The 2017/18 Addendum to the Corporate Plan outlined the key areas of strategic focus for the Council for 2017/18. These included:

- Responsible growth, regeneration and investment; and
- Building resilience in residents and managing demand.

5.1.3 Within these priority areas, the Addendum to the Corporate Plan included commitments to undertake specific activities. Specifically, the Responsible Growth priority area included a commitment to "regeneration and investment in infrastructure... delivering a pipeline of new homes on Council land."

5.1.4 Within the Building Resilience priority area, the Addendum included a commitment to "diversifying Barnet's accommodation to ensure that it supports older people, people with learning disabilities and autism, and mental health conditions to live independently for as long as possible."

5.1.5 By delivering new homes on Council land where older residents can enjoy independence, security of tenure, and flexible levels of care, the Extra Care development pipeline supports the above priority activities and contributes to the Corporate Plan priorities.

5.1.6 The 2017-18 Addendum to the 2015-2020 Adults and Safeguarding Commissioning Plan includes the following commissioning priorities:

- Developing best practice social care, focused on what people can do and how they can help themselves;
- Diversifying Barnet's accommodation offer to help more people live independently;
- Transforming day care provision to ensure that people remain active and engaged through access to employment and volunteering;
- Integrating health and social care services to prevent crises and help individuals stay well and in their own homes;
- Improving the borough's leisure facilities to support and encourage active and healthy lifestyles; and

- Expanding evidence-based prevention and early support, including technology, to make sure people can use services closer to home to help them stay independent for as long as possible.

5.1.7 The expansion of Extra Care provision in partnership with the Barnet Group supports delivery of these priorities. It also supports the priorities of the Joint Health and Wellbeing Strategy (2015 – 2020) and the strategy's themes of wellbeing in the community and care when needed.

5.1.8 In addition, The Right Home Commissioning Plan which was approved by Adults and Safeguarding Committee in June 2017, supports the use of Extra Care to extend residents' independence as they get older. The expansion of Extra Care will also contribute to meeting the commitments of the Dementia Manifesto for Barnet, supporting people with dementia to live a full and active life, and enabling them to live at home for longer as part of an active and supportive Extra Care community.

5.1.9 The Extra Care Project Board currently consists of Assistant Director, Joint Commissioning, Lead Commissioners – Learning Disabilities and Physical and Sensory Impairment and Older People and Integrated Care (LBB Adults Communities & Health) C, Lead Commissioner – Regeneration and Development (LBB), Strategic Housing Lead (LBB), Head of Development New Build (BH), Head of Estate Management (LBB) and Programmes & Resources Advisor (LBB). The Project Board has responsibility for:

- Design sign off;
- Programme;
- Managing and appointing external consultants;
- Budget;
- Report and Review;
- Delivering project outputs and benefits; and
- Producing monthly reports for project board and development pipeline board.

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

Finance and Value for Money

5.2.1 The Stag House Extra Care Scheme is projected to realise financial benefits within the range of £660,348 - £816,816 in financial year 2020/2021 through the cost avoidance associated with Extra Care as compared to residential care. The savings and costs avoidance delivered from this scheme will be monitored against current spend of £466 - £520 per week. Under current scheme plans, the Stag House scheme will provide 51 flats, with 46 containing one bedroom and 5 containing two bedrooms.

5.2.2 Delays in the progressing the extra care development at Stag House may put at risk the 2020/21 MTFS savings agreed for Adult & Social care for the replacement or residential care with extra care places for older people with

additional needs. Replacement savings may need to be found if this risk materialises.

- 5.2.3 With transformation across the provision of accommodation for vulnerable groups coupled with a culture change to promote and encourage independence: there is the potential to achieve approximately £14 million of savings/cost avoidance through delivering the Health and Wellbeing strategy.
- 5.2.4 Capital funding to develop an additional Extra Care scheme of at least 50 units was agreed as part of the 2015-2016 Capital Programme. This funding will enable the development of the 51 additional units at Stag House.
- 5.2.5 In addition, funding has been agreed within the HRA capital programme to enable Property Services to negotiate the purchase of the four existing flats above the commercial element of the scheme in order to provide vacant possession to Barnet Homes for re-development.
- 5.2.6 The cost of the Stag House redevelopment scheme will be funded from the Extra Care Pipeline project budget included in the HRA capital programme.
- 5.2.7 Barnet Homes will ensure value for money for this scheme throughout the development process. Working through an Employer's Agent, Barnet Homes will undertake a two-stage OJEU compliant tender process, and the scheme will be subject to value engineering. Before approval of the contract sum and final budget to enable appointment for the contractor and work to start on site, the project team and Employer's Agent will assess whether the contract sum offers value for money including analysis of the market conditions. This will be subject to review by the DPPB and approval by the Barnet Council Deputy Chief Executive. Should the final contract sum exceed the budget approved by the Assets, Regeneration and Growth Committee on 27 November 2017, the Project Team, Project Board and DPPB will assess the continued viability of the project. If the contract sum and costs exceed those set out in the approved full business case, this will be reported back to Assets, Regeneration and Growth Committee.

Procurement

- 5.2.8 Barnet Homes will be acting as Development Agent for the Borough and will use its procurement strategy and procedures. This strategy and procedures have been approved by the Borough and currently cover the full scope of the major repairs work and repairs work currently undertaken on behalf of the Borough.
- 5.2.9 Barnet Homes has a Group Procurement Manager that oversees this process and is currently using the same strategy and procedures to procure Tranche 3 (320 new build homes) and Ansell Court (Extra Care currently on site). These procurement procedures cover all procurement within Barnet Homes from stationery orders to large new build contracts.

- 5.2.10 For this scheme Barnet Homes will tender under OJEU rules (Official Journal of the European Journal) using contractors under Network Housing Association's framework that has been set up using OJEU guidelines.
- 5.2.11 Barnet Homes will enter into a single stage tendering process administered by the Employer's Agent in following all OJEU guidelines. The winning contractor will then enter into a JCT Fixed Price Design & Build contract with Barnet Homes.
- 5.2.12 For the architect on Stag House Barnet Homes utilised the Dynamic Purchasing System and appointed the winning architect in accordance with Barnet Homes' procedures. Their appointment was monitored and agreed by the Extra Care Project Board.

Staffing and Management

- 5.2.13 The Council commissioned Your Choice Barnet to be the managing agents for Ansell Court, the existing Extra Care scheme already on site. This was agreed at the Adults and Safeguarding Committee, 10 November 2016. For Stag House, YCB is likely to be the care and support provider.
- 5.2.14 Early in the development of the Ansell Court Extra Care scheme (currently on site), it was recognised that such developments would benefit from partnership working between the council and an expert care provider to ensure innovation in the delivery of care and support and maximise the use of the space at the scheme.
- 5.2.15 As Ansell Court and Stag House are Barnet Homes developments, the council was able to engage with Your Choice Barnet (YCB), the Barnet Group's care provider, to co-produce an enhanced offer, with input from the council, the provider (YCB) and representatives of service users and carers.
- 5.2.16 Staffing levels will be configured to ensure that if a resident is becoming agitated the team members can be proactive in providing positive interventions before the behaviour escalates. All team members working at Stag House will be fully trained in supporting people who have behaviour that may challenge and how to follow a person-centred approach in order to promote positive behaviour.

Property and Sustainability

- 5.2.17 The Stag House Extra Care development scheme represents sensible management of the assets and property held by the Council in the Borough.
- 5.2.18 As the consideration of options above and in the attached Full Business Case makes clear, developing high quality Extra Care accommodation on the Stag House site is an attractive option both in terms of achieving the Council's strategic goals for housing and adult care, and in terms of property management of Council assets.

- 5.2.19 The scheme will be assessed under BREEAM New Construction 2014, one of the foremost methods of ensuring sustainable development. Barnet Homes will aim for a score of 'Very Good' for the pre-construction stage. The design will incorporate a number of passive design measures that together with the BREEAM requirements generate a proficient sustainable proposal. These include maximising natural light, use of efficient heating, heat recovery and insulation, selection of building materials to minimise environmental impact, and early preparation and implementation of waste management.

5.3 **Legal and Constitutional References**

- 5.3.1 Council Constitution, Article 7, – The Assets, Regeneration and Growth Committee has “Responsibility for regeneration strategy and oversee major regeneration schemes, asset management, employment strategy, business support and engagement.”
- 5.3.2 Council, Constitution, Article 10 Table A states that the Assets Regeneration and Growth Committee is responsible for authorising all acquisition of land for over £500k.
- 5.3.3 The provision of Extra Care Housing is in line with the duties of the Council under the Care Act 2014 in providing choice to residents, preventing or reducing needs and promoting a resident's well-being.
- 5.3.4 The Council has the power through various enactments to make a Compulsory Order and to apply to the Secretary of State for confirmation of the order.
- 5.3.5 Section 17 of the Housing Act 1985 as amended provides that a local authority shall, on being authorised to do so by the Secretary of State, have the power to compulsorily acquire land for the purposes of providing or building new housing. This can include housing that meets a special housing need in the Borough such as Extra Care homes. However this power must not be exercised unless the authority requires the land for housing purposes within ten years from the date the CPO is confirmed by the Council (or the Secretary of State).
- 5.3.6 The regeneration of Stag House meets these requirements as this report explains.
- 5.3.7 The provision of Extra Care Housing is in line with the duties of the Council under the Care Act 2014 in providing choice to residents, preventing or reducing needs and promoting a resident's well-being.

5.4 **Risk Management**

- 5.4.1 The greatest risk to the scheme identified at this time, and to the forecasted savings for Adults and Safeguarding, is time delays associated with vacant possession. The report agreed by the Adults and Safeguarding Committee on

10 November 2016 originally identified potential savings arising from the delivery of Extra Care scheme of at least 50 units (Stag House) in financial year 2019/2020. Delays in the process of securing vacant possession of the ground floor commercial element of Stag House have resulted in the forecast date for practical completion currently being June 2020. Appropriate mitigating steps are being taken to ensure that the forecasted savings to the 2020/2021 budget are met.

5.4.2 The Full Business Case sets out risks associated with the Stag House Extra Care scheme in greater detail. A summary of key risks follows below:

- **Delays in achieving vacant possession.** Enabling work and construction on the Stag House site cannot begin until vacant possession of the four leasehold flats, as well as the ground floor commercial element, has been secured. The programme has met unavoidable delays regarding efforts to secure vacant possession of the commercial unit. This has been factored into current timescales, but there is still a risk that further delays could endanger the planned savings to the Adult Services 2020/21 financial year budget, and jeopardise a future programme of Extra Care schemes.

Mitigation – Barnet Homes is working with Property Services and they are currently leading on negotiations with the leaseholders on our behalf, on the understanding that CPO powers may be used if agreement by negotiation cannot be achieved. Property Services are also leading on efforts to secure the commercial element of the Stag House site. The exempt Full Business Case further details mitigating steps being taken with regards to the commercial element.

Compulsory Purchase Powers with regards to the four leasehold properties were approved by Assets, Regeneration and Growth Committee in November 2017. An updated recommendation for Compulsory Purchase Powers to be used against the wider red line boundary of Stag House is requested from Assets Regeneration and Growth Committee to ensure there are no impediments to the delivery of this scheme in case vacant possession cannot be obtained and/or if an interest is identified within the site that is yet unknown to the Council or Barnet Homes (such as a statutory undertaker). The Compulsory Purchase Order process is clear and requires that both parties negotiate. The financial offer from the Council as an Acquiring Authority should be based on the market value, as determined by an independent Chartered Surveyor, plus a 10% 'Home Loss payment' and any associated reasonable costs incurred due to the Order being made.

- **Cost increases leading to budget overspend** – there is a risk that following procurement and detailed design, costs may be higher than the allocated budget amount, or that costs may increase during the delivery of the project. If costs significantly increase, more funds would be needed to be allocated from the agreed Extra Care Pipeline capital funding. Significantly increase costs would impact the financial viability of the scheme. If this scheme becomes less financially viable, this in turn endangers the forecasted savings to the Adult Services MTFS.

Mitigation – A planning application has been made using RIBA Stage 3 design outputs. These designs have been shared with Barnet Homes' cost consultant, who have given confidence that the scheme is deliverable within budget. Cost consultants have also undertaken market testing to ensure that the forecasted costs of the scheme are well within the agreed budget. Barnet Homes will be using a fixed price contract and undergoing value engineering as required with our Employer's Agent. As with the Ansell Court development scheme, Barnet Homes has a fixed price design and build contract and will mitigate risk by carrying out as many site surveys as possible to reduce the need for contingency sums. In the interim, realistic contingencies have been allowed for taking account of existing knowledge of the site.

Less significant risks include:

- That the submitted planning application is not approved. This risk has been substantially mitigated, through learning lessons from the successful planning application for the previous scheme at Ansell Court; through early engagement with the local community during the design process; and by engaging in formal pre-application meetings with Barnet Council planners. Planners have provided indicative support for the scheme, and forecast that the planning application will be determined at Committee in March.
- That the funding bid to the GLA is unsuccessful. This risk has been mitigated through early engagement with the GLA to ensure that funding is available and that the Stag House scheme is an appropriate scheme to secure successful funding. Barnet Homes has provided additional information in the form of a Design and Supporting Statement, and has responded to queries regarding design specifics and programme timescales. Furthermore, in the unlikely event that the GLA grant is unsuccessful, the Extra Care pipeline capital budget line is inclusive of Stag House and Cheshir House schemes, meaning that additional funds could be drawn from the proposed budget for Cheshir House to make up for any shortfall.

5.5 Equalities and Diversity

5.5.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advance equality of opportunity between people from different groups and foster good relations between people from different groups.

5.5.2 The proposals anticipate a positive impact for residents because:

- The scheme will positively impact older people, those with disabilities and those on lower incomes by providing affordable housing which supports residents and maximises their independence.
- The Stag House scheme that the scheme will be open to all Barnet residents who meet the eligibility criteria irrespective of age, disability,

ethnicity and race, gender, gender reassignment, pregnancy/maternity, religion.

- Positive impacts are therefore anticipated for the rich diversity of older people and people with disabilities in Barnet.
- The scheme will contribute to Barnet's commitment to fairness - to be mindful of the concept of fairness and in particular, of disadvantaged communities - which was adopted at Policy and Resources Committee in June 2014.
- The scheme will form part of Barnet's Housing Strategy 2015-2025 which includes the objective to deliver homes that people can afford.

5.5.3 The proposals in this report do not raise any negative impacts for equalities and demonstrate that the Council has paid due regard to equalities as required by section 147 of the Equality Act 2010.

5.5.4 A full Equality Impact Analysis was completed for the Ansell Court Extra Care scheme in October 2016. This is referenced at paragraph 6.4 in the Background Papers section below. The report approved by the Adults and Safeguarding Committee in November 2016 found that "Based on the Ansell Court EqIA [Equality Impact Analysis], it is anticipated that for all extra care schemes developed, there will be an overall significant positive impact on equalities strands and there are no equalities risks associated with the proposals."

5.5.5 An Equality Impact Analysis has been completed for the Stag House Extra Care scheme and is annexed to this report.

5.5.6 This Equality Impact Analysis demonstrates that overall there will be an overall significant positive impact on equalities strands and there are no equalities risks associated with the proposals. In particular, the Equality Impact Analysis finds that the scheme would have a positive impact for a number of equality strands including Age and Disability, given that for older residents and residents with disabilities the scheme will maximise choice, maximise independence, provide a flexible home for life, and enable couples to remain living together.

5.5.7 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. Various convention rights are likely to be relevant to the CPO, including;

- Entitlement to a fair and public hearing in the determination of a person's civil and political rights (Article 6 of the Convention). This includes property rights and can include opportunities to be heard in the consultation process.
- Rights to respect for private and family life and home (Article 8 of the Convention). Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest.

- Peaceful enjoyment of possessions (First Protocol Article 1). This right includes the right to a peaceful enjoyment of property and is subject to the state's right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest.

5.5.8 The European Court has recognised that regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole. Both public and private interests are to be taken into account by the Council in exercising its powers and any interference with a convention right is authorised by law so long as the statutory procedures for making and confirming the CPO are followed and there is a compelling case in the public interest for making the CPO, and any interference with the convention right is proportionate.

5.5.9 It is believed that a fair balance will be struck between the interest of those whose convention rights would be affected by the making of the CPO and the public interest in making the CPO. Further, appropriate compensation will be available to those entitled to claim it under the relevant provisions of the compensation code. Objections can also be made to the CPO which will be considered at a public inquiry or through written representations.

5.5.10 A full equalities impact assessment was completed for The Housing Strategy 2015-2025 which identified that the Strategy would have a positive impact on all sections of Barnet's Community.
<http://barnet.moderngov.co.uk/documents/s26454/Appendix%20F%20Full%20EIA%20revised.pdf>

5.6 Consultation and Engagement

5.6.1 The four leaseholders have been engaged with individually, and Property Services will continue to take forward this engagement.

5.6.2 Barnet Homes held a residents' consultation event on 25 October. A local member briefing has also taken place on 12 September 2017.

5.7 Insight

5.7.1 The Full Business Case presents a summary of wider evidence, national policy, and local contextual factors which provide insight into the benefits of Extra Care.

6 BACKGROUND PAPERS

6.1. Housing Strategy and Housing Committee Commissioning Plan, Housing Committee, 19th October 2015
<https://barnet.moderngov.co.uk/documents/s26448/Housing%20committee%20report%20housing%20commissioning%20plan%20strategy%20final%20cleared%20report.pdf>

6.2. Adults and Safeguarding Business Plan 2016-17 , Adults and Safeguarding Committee, 12 November 2015

<https://barnet.moderngov.co.uk/documents/s27181/Adults%20and%20Safeguarding%20Business%20Plan%202016-2017.pdf>

- 6.3. Extension of Extra Care Services, Adults and Safeguarding Committee, 10 November 2016
<http://committeepapers.barnet.gov.uk/documents/s35905/Extension%20of%20Extra%20Care%20Services.pdf>
- 6.4. Equality Impact Analysis for Moreton Close, Adults and Safeguarding Committee, 10 November 2016
<https://barnet.moderngov.co.uk/documents/s35906/Appendix%201%20-%20Equality%20Impact%20Analysis%20EIA%20Resident%20Service%20User.pdf>
- 6.5. Supplement to Business Planning, Policy and Resources Committee, 27 June 2017
<http://barnet.moderngov.co.uk/documents/b29643/Supplement%20-%20Business%20Planning%2027th-Jun-2017%2019.00%20Policy%20and%20Resources%20Committee.pdf?T=9>
- 6.6. Business Planning (Appendix E2 – Capital Programme by Delivery Unit), Policy and Resources Committee, 13 February 2018
<https://barnet.moderngov.co.uk/documents/s44928/Appendix%20E2%20-%20Capital%20Programme%20by%20Delivery%20Unit.pdf>
- 6.7. Stag House Outline Business Case and Compulsory Purchase Order, Assets and Regeneration Committee, 27 November 2018
<https://barnet.moderngov.co.uk/documents/s43553/Stag%20House%20Outline%20Business%20Case%20and%20Compulsory%20Purchase%20Order.pdf>
- 6.8. Funding for an Extra Care Housing Scheme at Moreton Close, NW7 and Advance Acquisitions of Leasehold properties on Regeneration Estates, 21st July 2014
<https://barnet.moderngov.co.uk/documents/s16154/Funding%20for%20an%20Extra%20Care%20Housing%20Scheme%20at%20Moreton%20Close%20NW7%20and%20Advance%20Acquisitions%20of%20Leasehold.pdf>
- 6.9. Annual Performance Report and the Local Account 2015/16, 13th July 2016
<https://barnet.moderngov.co.uk/documents/s33224/Annual%20Performance%20Report%20and%20Local%20Account.pdf>
- 6.10. Council, 20 October 2015, Report of Policy and Resources Committee – The Barnet Group – Creation of new legal entity and subsidiary
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MId=8340&Ver=4>