

	<p><b>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</b> <b>18 April 2016</b></p>
<p><b>Title</b></p>	<p><b>Brent Cross Cricklewood CPO 1 &amp; 2 Inquiry Venue Procurement</b></p>
<p><b>Report of</b></p>	<p>Commissioning Director, Growth and Development</p>
<p><b>Wards</b></p>	<p>Child’s Hill, Golders Green and West Hendon</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Enclosures</b></p>	<p>None attached</p>
<p><b>Officer Contact Details</b></p>	<p>Jessica Jones, Project Support Officer  <a href="mailto:Jessica.Jones@barnet.gov.uk">Jessica.Jones@barnet.gov.uk</a>                  Tel: 02083597813</p>

<p><b>Summary</b></p>
<p>This report authorises the hire of the Clayton Crown Moran Hotel (the ‘Venue’) through a single tender option to act as the venue for the Brent Cross Cricklewood Compulsory Purchase Orders (from here on referred to as CPOs) 1 &amp; 2 Inquiry taking place from 17 May – 1 July 2016. This report is required for audit purposes.</p>
<p>This report authorises the appropriate Project Officers to deal with the necessary contractual issues and arrangements to secure the Venue which is accessible to the community affected by the CPO. A local venue will enable activities to take place in a venue dedicated to CPO related activities which will be free from competition from other users seeking room space.</p>

<p><b>Decisions</b></p>
<p><b>1. This report authorises the venue hire of the Clayton Crown Moran Hotel located in 112-114 Cricklewood Broadway (the ‘Venue’), to provide a suitable venue for the Brent Cross Cricklewood CPO1 &amp; CPO2 inquiry taking place from 17th May 2016 – 1<sup>st</sup> July 2016.</b></p>

<b>2. This report authorises the appropriate Project Officers to deal with the necessary contractual issues and make arrangements to secure the Venue.</b>
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## **1. WHY THIS REPORT IS NEEDED**

- 1.1 This report is needed to procure the Clayton Crown Hotel located in 112-114 Cricklewood Broadway, NW2 3ED, to provide a suitable venue for the Brent Cross Cricklewood CPO1 & CPO2 inquiry taking place from 17<sup>th</sup> May 2016 – 1<sup>st</sup> July 2016. This is needed to ensure there is a dedicated venue within the Scheme's area to hold the Inquiry.

## **2. REASONS FOR DECISIONS**

- 2.1 In order to deliver the comprehensive regeneration of the Brent Cross Cricklewood Scheme, the Council may need to use its Compulsory Purchase Powers. As a result, the Council sought authority to grant a resolution to make a CPO on 3 March 2015, and following the Committee's recommendation, Council approved the two separate compulsory purchase orders (CPOs) be made for Brent Cross Cricklewood North (CPO1) and Brent Cross Cricklewood South (CPO2).
- 2.2 The Council has received a number of objections to these CPOs and as a result a CPO Inquiry will be held on the Scheme.
- 2.3 The CPOs are essential to deliver the Brent Cross Cricklewood regeneration scheme, and as such the Inquiry must have an appropriate venue that can accommodate all attendees. The venue should be local to the area of the Scheme to ensure that as many local residents in the scheme can attend if they wish to.
- 2.4 It is within the Council's interest to ensure that the Inquiry is held at suitable venue. Several other options have been considered and determined to be unviable and the Clayton Crown Hotel is the best option. Furthermore, the Secretary of State's Inspector is in favour of using the Clayton Crown Hotel for the duration of the Inquiry.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 3.1 The CPO1 & CPO2 inquiry was originally going to take place at Hendon Town Hall. However, after a site visit and discussions about the venue it was agreed

that the Town Hall would not be able to accommodate all of the team representing the Council, the Development Partners (Hammersons, Standard Life, and Argent Related) as well as the appellants in the inquiry. The largest available room to book could hold a maximum of 60 people. As there are over 100 objectors to the combined CPO's this would not be an appropriate room to accommodate everyone. Enquiries were made to swapping the room booking with Middlesex University who lease the largest rooms available; however this was not possible making the Hendon Town Hall not a feasible option for use as the inquiry venue.

3.2 It should also be noted that the Electoral Services also require Hendon Town Hall for the EU Referendum taking place from 9<sup>th</sup> June – 23<sup>rd</sup> June.

3.3 Other venues were considered and rejected because they were either not within the local area of the scheme and therefore not easily accessible to residents and objectors, or they had limited space and would not be able to accommodate up to 200 people as required.

#### **4. POST DECISION IMPLEMENTATION**

4.1 Once the decision has been approved the contract hire details can be finalised and the process for payment to procure the venue will take place.

#### **5. IMPLICATIONS OF DECISION**

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

5.1.1 The regeneration of Brent Cross Cricklewood supports the Council's Corporate Plan 2015-20 which states that the council will work with local, regional and national partners to strive to ensure that 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
- where services are delivered efficiently to get value for money for the taxpayer

5.1.2 The Growth Strategy for Barnet recognised that regeneration and growth are vital for ensuring the future prosperity of the Borough and maintaining Barnet as a successful London suburb. The scheme to transform Brent Cross Cricklewood will play a major role in delivering this prosperity, doubling the size of the shopping centre and linking seamlessly to a new town centre for Barnet and North London across the North Circular Road. Brent Cross Cricklewood is one of Barnet's priority regeneration areas, and will provide approximately 7,500 new homes over the next 20 years. It is a key part of the

wider revitalisation of the A5 corridor, linking Brent Cross Cricklewood with developments at West Hendon, Colindale and Edgware and improvements to Cricklewood Town Centre, to create a series of high quality modern suburbs.

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

### 5.2.1 Finance & Value for Money

5.2.2 The Development Partners for Brent Cross Cricklewood North (Hammerson and Standard Life) and the Development Partners for the Brent Cross South Scheme (Argent Related) will cover all CPO related costs. As, the council can reclaim its costs on the use of this venue, through the CPO Indemnity Agreements.

5.2.3 These costs will be contained within the Brent Cross Cricklewood North (CPO1) SPIR 2 and Brent Cross Cricklewood South (CPO2) SPIR 3 budgets, in first instance and then costs will be recovered from our Development Partners.

5.2.4 By booking the Clayton Crown Hotel for a considerable length of time over a 6 week period the Council have ensured a substantial discount from the management of the Hotel. Without the discount the total fee would be in the region of £56,000.00. Below is a table with a breakdown of the costs which are currently £39,400.00. This fee will increase once the food provision is added on to the costs but currently there is a saving of around £16,600.00.

Room name	Purpose	Daily Rate	Days	Total
<b>Bentley</b>	Inquiry Room	£800.00	24	£19,200.00
<b>Sala</b>	Control Centre	£350.00	24	£8,400.00
<b>Camden</b>	Objectors Room	£150.00	24	£3,600.00
<b>Brent</b>	Programme officer/ document storage	£150.00	24	£3,600.00
<b>Bedroom</b>	Inspectors retiring room/ document storage	£100.00	46	£4,600.00
<b>Total</b>				£39,400.00

5.2.5 This fee does not include security/ crowd control fees as we are liaising with the Council's security team to ensure that the venue is safe and secure, therefore additional costs may be required.

5.2.6 The venue manager has agreed to hold the rooms required for a further 2 weeks under a "soft-booking" to ensure there is a contingency in place in case the Inquiry runs for more days than foreseen.

5.2.7 There will be a contingency of a further £25k to cover all provisions and any emergency costs. Again, these costs will be contained within the Brent Cross Cricklewood budget.

#### 5.2.8 Procurement

Permission for single tender action has been sought in accordance with the Contract Procedure Rules and written concurrence has been received. The justification for single tender action being that this is a cost effective decision as the CPO delivery is prescriptive in terms of location and time. The fees are within the OJEU threshold limit.

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

5.3.1 The procurement is in accordance with the Council's Contract Procedure Rules (CPR) clause 9 Single Tender Action as set out in the Council's Constitution.

5.3.2 Under CPR an officer DPR is required to confirm the appointment.

### 5.4 **Risk Management**

5.4.1 There is no foreseeable risk associated with the venue booking as it is local to the CPO areas and the Secretary of State Inspector has approved the use of the venue for the duration of the Inquiry.

### 5.5 **Equalities and Diversity**

5.5.1 It is not envisaged that this appointment will result in a detrimental effect on any resident(s) with 'protected characteristics', over and above the effect on those without 'protected characteristics', due to the universal nature of the service being provided. The council understands that it has an obligation to meet its public sector equalities duty under the Equality Act 2010 including where public functions are delivered on its behalf by other organisations and will do everything necessary to ensure that there is continuing compliance with this duty. Locating the venue in Cricklewood will improve accessibility for affected communities and staff supporting CPO activities. The venue is located in one of the affected wards - Childs Hill and close to the remaining two other wards Golders Green and West Hendon

### 5.6 **Consultation and Engagement**

5.6.1 It is not considered that this issue will require consultation with service users, as the decision relates to the single option procurement within the contractual terms. Furthermore, the Secretary of State's Inspector has been consulted on and is aware of the venue change through Graham Groom of Persona Associates, the Programme Officer for the Inquiry, and has approved it.

## **6. BACKGROUND PAPERS**

- 6.1 Cabinet, 5 December 2005 (Decision Item 7) – approved, amongst other matters, that 1) the Eastern Lands Addendum be adopted as Supplementary Planning Guidance; and 2) the Eastern Lands Supplementary Guidance is incorporated into the Cricklewood, Brent Cross and West Hendon Development Framework.  
<http://barnet.moderngov.co.uk/CeListDocuments.aspx?Committeeld=120&MeetingId=272&DF=05%2f12%2f2005&Ver=2>
- 6.2 Cabinet Resources Committee, 25 March 2008 (Decision Item 16) – approved the outline terms so far agreed with the Brent Cross North Partners and Cricklewood Redevelopment Limited, including the proposals for the finalisation of the financial terms, be approved in principle subject to the outcome of Counsel’s advice on procurement issues, and that the finally agreed terms for the Development Framework Agreement and the Property Development Agreements be reported to a future meeting of the Cabinet for approval.  
  
<http://barnet.moderngov.co.uk/Data/Cabinet%20Resources%20Committee/200803251900/Agenda/Document%2015.pdf>
- 6.3 Cabinet, 21 October 2009 (Decision Item 7) – approved the terms and conditions of entering into the Development Framework Agreement and the Property Development Agreements, subject to approval of the Brookfield Europe and Hammerson Guarantor companies by the Director of Finance and the Leader of the Council, and the approval of the appropriate land transaction and financial arrangements by the Secretary of State. The approval was also subject to agreement of the plans, the historic costs and the form of the legal documents.  
  
<http://barnet.moderngov.co.uk/CeListDocuments.aspx?Committeeld=120&MeetingId=306&DF=21%2f10%2f2009&Ver=2>
- 6.4 Cabinet Resources Committee, 19 October 2010 (Decision Item 5) – approved the changes to the terms and conditions of the Development Framework Agreement and the two Property Development Agreements regarding Brent Cross Cricklewood (as considered and approved by Cabinet in October 2009)  
  
<http://barnet.moderngov.co.uk/CeListDocuments.aspx?Committeeld=151&MeetingId=446&DF=19%2f10%2f2010&Ver=2>
- 6.5 Cabinet Resources Committee, 18 April 2013 (Decision Item 14) - noted that the Brent Cross Cricklewood Development Partners wished to modify the existing planning consent to allow re-phasing; approved that the Director for Place begin preparations to enable the Council to procure a development partner to deliver the regeneration of the southern parts of Brent Cross Cricklewood Regeneration Area and confirmed the continued appointment of the external advisors for the Brent Cross Cricklewood Regeneration project,

and the procurement of appropriate additional advice, and to delegate authority to the Director for Place to deal with necessary contractual issues or arrangements.

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=151&MId=6759&Ver=4>

- 6.6 Cabinet Resources Committee, 16 January 2014 (Decision Item 6) - approved the changes to the terms of the Brent Cross Property Development Agreement (as considered and approved by CRC in October 2010) and the terms for the Co-operation Agreement as set out in Section 9 of this report; authorised the Chief Executive in consultation with the Leader of the Council to agree the detail of the Brent Cross Property Development Agreement and Co-operation Agreement; approved commencement of market testing through the issue of a Prior Information Notice to inform the delivery strategy for the Brent Cross Cricklewood South area; and approve that the Council enter into negotiations with landowners to acquire land required in advance of any Compulsory Purchase Order, subject to approval of the bid for capital funding by Cabinet on 25 February 2014; and approved that the Council continue the design and development work to develop the business case and funding strategy for delivery of the Thameslink Station, subject to approval of the capital funding bid by Cabinet on 25 February 2014; and delegate authority to the Strategic Director for Growth and Environment to procure the necessary advice and consultants to progress the Brent Cross project workstreams and deal with the related contractual issues and arrangements.
- <http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=151&MId=7702&Ver=4>
- 6.7 Assets, Regeneration and Growth Committee dated 9 July 2014 approved the procurement of a partner for the Brent Cross Cricklewood South development through an OJEU Negotiated route in accordance with the Brent Cross South Procurement and Delivery Strategy, and approved the Council's requirements for the Brent Cross Cricklewood South opportunity; and noted procurement timetable and that to meet this timetable an additional meeting would be needed to approve the selection of a preferred partner, which would be called in accordance with statutory requirements and the Council's constitution.
- <http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=7960&Ver=4>
- 6.8 Assets, Regeneration and Growth Committee dated 8 September 2014 approved that the appropriate Chief Officers be authorised to negotiate and enter into agreements to acquire by private treaty the land and interests in the areas shown on the plan at Appendix 1 and to approve and enter into agreements and undertakings with the owners and/or occupiers of the land in the said areas so as to facilitate its acquisition and that the appropriate Chief Officers be authorised to arrange for a land referencing exercise (including the service of statutory requisitions) to be undertaken to identify all parties with interests in the land shown edged red and shaded pink and shaded blue on the plan at Appendix 1.

<http://barnet.moderngov.co.uk/documents/s17302/Brent%20Cross%20Cricklewood%20-%20Report.pdf>

- 6.9 Assets, Regeneration and Growth Committee dated 15 December 2014 noted progress on the Brent Cross Cricklewood project.

<http://barnet.moderngov.co.uk/documents/s19845/BXC%20update%20-%20Publish.pdf>

- 6.10 Urgency Committee, 26 February 2015 (Decision Item 1)

<https://barnetintranet.moderngov.co.uk/documents/s21721/Annex%201%20Report%20to%20Urgency%20Committee%2026%20February%202015.pdf>

- 6.11 Full Council dated 3 March 2015 approved the appointment of Argent and Related Companies PLC (Bidder Z) as the Council's preferred development partner for the Brent Cross Cricklewood South Scheme; the selection of Gateway Barnet consortium comprising Far East Consortium, Countryside Properties and Notting Hill Housing Trust (Bidder Y) as the Council's reserve development partner for the Brent Cross Cricklewood South Scheme; authorise Officers to work up the Business Plan, Project Agreement and documentation necessary to form the joint venture for consideration and approval by Assets, Regeneration and Growth Committee prior to formally entering into the joint venture contract and authorised the Commissioning Director (Growth and Development) to determine the exact structure of the joint venture arrangement.

<http://barnet.moderngov.co.uk/documents/g7819/Public%20reports%20pack%2003rd-Mar-2015%2019.30%20Council.pdf?T=10>

- 6.12 Full Council dated 3 March 2015 approved that a compulsory purchase order (CPO) be made pursuant to the powers in section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) for the acquisition of the land shaded pink on the plan at Appendix 1 and pursuant to section 13 of the Local Government (Misc Provisions) Act 1976 to acquire new rights in respect of the land shaded blue on the said plan to deliver (CPO1); That the appropriate Chief Officers be authorised to settle the final form and content of the CPO and associated documentation and take all action needed to pursue the CPO and secure its confirmation; That the appropriate Chief Officers be authorised, following the confirmation of the CPO, to implement the CPO powers and acquire title to and/or take possession of the land ; That the appropriate Chief Officers be authorised to carry out the necessary procedures under Part 11 of the Housing Act 1985 and to use Ground 10A to obtain vacant possession of Council owned dwellings that are occupied by secure tenants in the area shown shaded pink on the plan at Appendix 1 ; that the appropriate Chief Officers be authorised to approve the service of Initial and Final Demolition Notices as required pursuant to the Housing Act 2004 to suspend the right to buy on properties due for demolition which are situated on the Whitefield Estate but fall within the Brent Cross North Development and on the Rosa



Freedman Centre; and that the appropriate Chief Officers be authorised to take all necessary steps to re-house secure tenants from the Sheltered Housing Units at Rosa Freeman and to pay statutory home loss and disturbance to those tenants.

<http://barnet.moderngov.co.uk/documents/g7819/Public%20reports%20pack%2003rd-Mar-2015%2019.30%20Council.pdf?T=10>

- 6.13 Full Council on 3 March 2015 approved that a compulsory purchase order (CPO) be made pursuant to the powers in section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) for the acquisition of the land to deliver the first south side phase (known as CPO2) shaded pink on the plan at Appendix 1 ; That the appropriate Chief Officers be authorised to settle the final form and content of the CPO and associated documentation and take all action needed to pursue the CPO and secure its confirmation; That the appropriate Chief Officers be authorised, following the confirmation of the CPO, to implement the CPO powers and acquire title to and/or take possession of the land; That the appropriate Chief Officers be authorised to carry out the necessary procedures under Part 11 of the Housing Act 1985 and to use Ground 10A to obtain vacant possession of Council owned dwellings that are occupied by secure tenants in the area shown shaded pink on the plan at Appendix 1 and that the appropriate Chief Officers be authorised to approve the service of Initial and Final Demolition Notices as required pursuant to the Housing Act 2004 to suspend the right to buy on properties due for demolition which are situated on the Whitefield Estate but fall within the Brent Cross South Development..

<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=162&MID=7819#A111444>

- 6.14 Assets, Regeneration and Growth Committee dated 1 June 2015 noted progress on the Brent Cross Cricklewood project; A) approved the terms for the draft Collaboration Agreement between the Council and Argent and Related Companies as set out in the Exempt Report; B) authorised the Chief Executive in consultation with the Leader of the Council to agree the detail of the Collaboration Agreement; Confirmed as a matter of principle, that the Council is prepared to use its compulsory purchase powers pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) to acquire the land edged red on the plan at Appendices A & B; noted that a) the appropriate Chief Officers are commencing negotiations to acquire by private treaty the land and interests in the areas required to deliver the Thameslink Station as shown on the plan at Appendices A & B and to approve and enter into agreements and undertakings with the owners and/or occupiers of the land in the said areas so as to facilitate its acquisition; and that the appropriate Chief Officers are undertaking the work needed to prepare for a possible Compulsory Purchase Order (CPO) together with the associated documentation and, if necessary, will bring a further report back to the

Committee seeking authority to make a CPO in respect of the land shown on the plan at Appendix C.

<http://barnet.moderngov.co.uk/documents/s23463/Brent%20Cross%20Cricklewood%20Station%20Project%20Update%20-%20REPORT.pdf>

- 6.15 Assets, Regeneration and Growth Committee dated 30 November 2015 approved the terms for the amendments to the Brent Cross Property Development Agreement and Co-operation Agreement and authorised the Chief Executive in consultation with the Leader of the Council to agree the detail of the Brent Cross Property Development Agreement and Co-operation Agreement and any required subsequent changes in the associated commercial documentation; noted progress on land acquisitions within the CPO red line boundary and that the CPO Inquiry for Brent Cross Cricklewood CPO1 and Brent Cross Cricklewood CPO 2 is scheduled for 17 May - 17 June 2016; approved the Brent Cross South Joint Venture Structure that will inform the Project Agreement and documentation necessary to form the Brent Joint Venture; noted the establishment of the Shadow Joint Venture Board and gave approval for the terms of reference for Shadow Shareholder Board for the Brent Cross South Joint Venture to be drawn up including a process for appointing Members for agreement at the next practicable meeting of the Council; and noted progress on the Thameslink Station project, in particular the station design and funding strategy.

<http://barnet.moderngov.co.uk/documents/s27725/Brent%20Cross%20Cricklewood%20Project%20update.pdf>

- 6.16 Council 1 March 2-16 noted the report of Assets, Regeneration and Growth Committee on 30 November 2015 as attached at Appendix 1 which approved the Joint Venture Structure and authorised the establishment of a Shadow Shareholder Board for the Brent Cross South Joint Venture, and that its terms of reference and membership to be drawn up for Council approval; noted the Brent Cross South Joint Venture Structure at Appendix 3 attached to the report of the Assets, Regeneration and Growth Committee on 30 November 2015; approved by the Committee on 30 November 2015; agreed the terms of reference for the Shadow Shareholder Board for the Brent South Joint Venture as outlined in paragraph 2.15; agreed that the composition and Membership of the Shadow Shareholder Board be agreed, as per paragraphs 2.13 and 2.14 of the report; noted the decisions outlined in Appendix 2 which will be required by the Shadow Shareholder Board as detailed in the Project Agreement and Shareholder and associated documentation necessary to form the Brent Cross South Joint Venture; and noted that the Project Agreement, Shareholder Agreement and associated documentation will be reported to Assets, Regeneration and Growth Committee on 17 March 2016 for approval and that that report will recommend that the Chief Executive be authorised in consultation with the Leader to finalise the documentation.

<http://barnet.moderngov.co.uk/documents/s29974/Report%20to%20Council%20Report%20-%20Report%20of%20Assets%20Regeneration%20and%20Growth%20Committee%20-%20Brent%20Cross%20Cricklewood.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.*

## **8. OFFICER'S DECISION**

**I authorise the following action**

- 8.1 **To procure venue hire of the Clayton Crown Moran Hotel located in 112-114 Cricklewood Broadway (the 'Venue'), to provide a suitable venue for the Brent Cross Cricklewood CPO1 & CPO2 inquiry taking place from 17th May 2016 – 1st July 2016.**
- 8.2 **To delegate authority to the appropriate Project Officers to deal with the necessary contractual issues and arrangements to secure the Venue.**

**Signed**

**Date**

18/04/2016

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**REPORT CLEARANCE CHECKLIST**