

Decisions of the Assets, Regeneration and Growth Committee

12 March 2018

Members Present:-

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

Councillor Richard Cornelius Councillor Pauline Coakley Webb
Councillor Rohit Grover Councillor Ross Houston
Councillor Peter Zinkin Councillor Geof Cooke
Councillor Adam Langleben

1. MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting held on 27 November 2017, be agreed as a correct record.

2. ABSENCE OF MEMBERS

None.

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

Councillor Langleben (non-pecuniary)	Agenda Item 13, West Hendon CPO3 -Trustee of West Hendon Community Estate Trust Fund.
Councillor Houston (non-pecuniary)	Agenda Item 13, West Hendon CPO3 - Council appointed Board Member, Barnet Group

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

None.

6. MEMBERS' ITEMS (IF ANY)

None.

7. NORTH FINCHLEY TOWN CENTRE DEVELOPMENT

The Committee received the report.

Members requested that Officers investigate having Members of the public on the Board and also that the Board reports back to this Committee in an official capacity.

An additional recommendation was moved by Councillor Zinkin and seconded by the Chairman:

That the Committee instruct the Deputy Chief Executive to pay particular attention in finalising the Agreements to ensuring the Council's influence is adequately reflected in the governance arrangements.

The additional recommendation was **unanimously agreed**.

The Committee proceeded to vote on the recommendations in the report, Which were **unanimously agreed** as follows:

RESOLVED that the Committee:

- 1. delegate authority to the Deputy Chief Executive in consultation with the Chairman of this Committee to finalise and enter into a Site Assembly Agreement and Land Agreement with Joseph Partners in order to progress the redevelopment of North Finchley;**
- 2. delegate authority to the Deputy Chief Executive in consultation with the Chairman to appropriate the Council-owned land and/or land acquired from any third party, for planning purposes if required;**
- 3. note that the Site Assembly Agreement and Land Agreement require the Council to commit sites for development. Should this involve a recommendation to dispose of Council assets, this will be brought forward to a future Committee. Should there be a need to assign the agreements to a third party then a Committee decision will be sought;**
- 4. instruct the Deputy Chief Executive to pay particular attention in finalising the Agreements to ensuring the Council's influence is adequately reflected in the governance arrangements.**

8. DEVELOPMENT PIPELINE TRANCHE 3 - AFFORDABLE HOUSING PROGRAMME

The Committee received the report.

Councillor Cooke expressed concern about loss of trees and limiting the impact. Officers agreed to keep Councillor Cooke updated on this matter.

The recommendations in the report were **unanimously agreed**.

RESOLVED

That the Assets, Regeneration and Growth Committee:

- 1. Approves the updated full business case for Tranche 3 Development Pipeline for the Council to dispose of the sites at Mount Parade, EN4 9DD and Sal-combe Gardens, NW7 2NT (the Sites) to TBG Open Door Limited, which is a wholly owned subsidiary of Barnet Homes, in accordance with the parameters of the updated full business case;**
- 2. Delegates authority to the Deputy Chief Executive to approve the disposal of the Sites to TBG Open Door Ltd at less than best consideration, in accordance with the parameters of the updated full business case and pursuant to the Development Agreement dated 24 May 2017;**
- 3. Delegates authority to the Deputy Chief Executive to obtain any statutory or other consents required to dispose of the Sites under the Housing Act 1985 and where required to apply for consent to disposal to the Secretary of State on a sale at less than best consideration; and**
- 4. Delegates authority to the Deputy Chief Executive to implement the statutory advertising and consultation procedure if either Site comprises Open Space land, and if any objections are received to consider the same in consultation with the Chairman of the ARG committee and, if considered suitable, to proceed with the formal appropriation of the land to complete the disposal of the Sites.**

9. BRENT CROSS CRICKLEWOOD UPDATE REPORT

The Committee received the report.

Members expressed concerns about amount of consultation with residents and how it is fed back to this Committee.

The Deputy Chief Executive replied that she had met with representatives of the NW2 Residents Association recently to discuss how best to engage them in future. Feedback from future consultation would also be formally reported back to this Committee.

Members also highlighted the need to be clearer to residents about the impacts of works relating to trees.

Councillor Houston left the meeting at 7.23pm to attend to a personal matter.

An amendment regarding an additional recommendation was moved by Councillor Cooke and seconded by Councillor Richard Cornelius:

That this Committee welcomes the recent inclusion of the West London Orbital in the Mayor's Transport Strategy and instructs Officers to move forward as soon as possible.

This was **unanimously agreed** (Councillor Houston not present to vote).

The Committee (with Councillor Houston absent) agreed the following:

RESOLVED that the Committee:

- 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) **Note that the CPO1 and CPO2 Orders were confirmed by the Secretary of State on 7 December 2017;**
- 3) **Approve in principle that the Council procure Network Rail to deliver the Brent Cross West Station and Sidings and delegate authority to the Deputy Chief Executive to finalise and agree the detailed Implementation Agreement for approval by the Committee in September 2018;**
- 4) **welcomes the Mayor's recent inclusion of the West London Orbital and instructs Officers to move forward as soon as possible.**

10. STAG HOUSE FULL BUSINESS CASE AND COMPULSORY PURCHASE ORDER

The Committee received the report.

The Recommendations in the report were **unanimously agreed** (with Councillor Houston absent).

RESOLVED 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.

11. QUARTER 3 2017/18 COMMISSIONING PLAN PERFORMANCE REPORT

The Committee received the report.

RESOLVED that the report be noted.

12. DRAFT CORPORATE PLAN 2018/19 ADDENDUM

The Committee received the report.

A vote was taken (with Councillor Houston returning) on approving the Draft Corporate Plan from a ARG perspective:

For	5
Against	0
Abstained	4

RESOLVED that the Committee agree the draft Corporate Plan 2018/19 addendum regarding the key activities and targets for the Assets, Regeneration and Growth Committee.

13. WEST HENDON COMPULSORY PURCHASE ORDER 3 (CPO3)

The Committee received the report plus a revised Equalities section of the report and a revised map. It was also noted that 1.6 in the recommendations should read as recommendation 7.

A vote was taken on approving the recommendations detailed in the report, subject to the revised Equalities Section, the revised map and 1.6 in the recommendation being amended to recommendation 7:

For	5
Against	4
Abstained	0

RESOLVED that the Asset, Regeneration & Growth Committee agrees:

- 1 to authorise the making of CPO3;**
- 2 that the appropriate Chief Officer be authorised to issue and sign the order, notices and certificates in connection with the making, confirmation and implementation of CPO3; including signing, issuing and serving referencing and requisition notices;**
- 3 that the appropriate Chief Officer be authorised to make General Vesting Declarations (GVDs) under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or to serve notices to treat and notices of entry (if required) following confirmation of CPO3;**
- 4 that the appropriate Chief Officer be authorised to issue and serve any warrants to obtain possession of property acquired by the Council following the execution of a GVD or service of a notice of entry relating to CPO3 if it was considered appropriate to do so;**
- 5 that the appropriate Chief Officer be authorised to transfer all properties and proprietary interests acquired pursuant to CPO3 to the relevant Development Partners in accordance with the terms of the restated Principal Development Agreement dated 5 February 2014;**
- 6 that the appropriate Chief Officer be authorised to take any further necessary actions to secure the making, confirmation and implementation of CPO3;**
- 7. that the appropriate Chief Officer be authorised to appropriate to planning purposes any parcel of land within the red line planning application boundary for the scheme and/or the proposed CPO3 Plan (attached – Appendix 1) which is held by the Council for another purpose subject to**

obtaining any necessary statutory consents required and/or compliance with any statutory procedures for such appropriation.

14. TRANSFER IN AND LEASE OUT TO SARACENS MULTI ACADEMY TRUST

The Committee received the report.

The Committee voted to **unanimously agreed** the recommendations.

RESOLVED

That the Assets, Regeneration and Growth Committee:

- 1. approve the acquisition of the proposed school site by the Council under Section 106 Agreement of the Planning Consent Reference H/04753/14 and delegate to the Deputy Chief Executive authority to negotiate the detail of the legal documentation for the acquisition of land either freehold or by a long lease.**
- 2. agree the principal lease for 125 years of land (shown as school plot on the School Transfer Plan with such minor adjustments as may be appropriate) to the Saracens Multi Academy Trust (or other academy trust approved by DfE and who enters into the requisite funding arrangements with DfE or Education and Skills Funding Agency (ESFA)) at a peppercorn rent with no premium, based on the Department for Education's standard Academy lease to enable the provision of a new primary school in Colindale, funded by the Department for Education through the national free school programme.**
- 3. delegate authority to the Deputy Chief Executive to negotiate the detail of the legal documentation for the transfer of land, based on the Department for Education's standard Academy lease with a development agreement between the Council and the academy trust and such warranties from the building contractor and others as appropriate.**

15. ANNUAL PERFORMANCE REPORT

The Committee received the report with the Chairman commending and thanking Officers for this report.

It was moved by Councillor Zinkin and seconded by the Chairman that:

The Deputy Chief Executive be given delegated authority to make any non -material changes to the report.

This was unanimously agreed.

Officers also gave an update on Upper and Lower Fosters, with the Chairman confirming that any proceeds would be ploughed back into the scheme.

Officers had also given a recent presentation to some Members on this matter, which would be circulated to all Members of this Committee.

RESOLVED that the Committee note

- 1. Progress being made towards delivering the Borough's Growth and Regeneration Programme;**
- 2. Key achievements over the past financial year;**
- 3. Expected activities in 2018/19;**
- 4. Agree that The Deputy Chief Executive be given delegated authority to make any non -material changes to the report.**

16. COMMITTEE FORWARD WORK PROGRAMME

Noted.

17. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT

None.

18. MOTION TO EXCLUDE THE PRESS AND PUBLIC

The press and public were not excluded from the meeting, as all business was conducted in public session and the Members of the Committee, having considered the exempt information, agreed that this did not require separate discussion.

19. EXEMPT NORTH FINCHLEY TOWN CENTRE DEVELOPMENT

This matter had already been dealt with in public session.

20. EXEMPT DEVELOPMENT PIPELINE TRANCHE 3 - AFFORDABLE HOUSING PROGRAMME

This matter had already been dealt with in public session.

21. EXEMPT BRENT CROSS CRICKLEWOOD UPDATE REPORT

This matter had already been dealt with in public session.

22. EXEMPT STAG HOUSE FULL BUSINESS CASE AND COMPULSORY PURCHASE ORDER

This matter had already been dealt with in public session.

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

None.

24. VOTE OF THANKS

The Vice-Chairman thanked the Chairman for his conduct of the meeting over the past year. Likewise, the Chairman extended thanks to all Members of the Committee.

The meeting finished at 7.45pm