



## CHIEF OFFICER DELEGATED POWERS REPORT 23 July 2018

<b>Title</b>	<b>Brent Cross Cricklewood - CPO2 Compromise Agreement</b>
<b>Report of</b>	Deputy Chief Executive
<b>Wards</b>	Childs Hill, Golders Green and West Hendon
<b>Status</b>	Public with accompanying exempt report (Not for publication by virtue of paragraphs 2, 3 and 5 of Schedule 12A of the Local Government Act 1972 as amended (as this relates to information which is likely to reveal the identity of an individual, financial matters and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings))
<b>Enclosures</b>	None
<b>Officer Contact Details</b>	Karen Mercer, Programme Director Re, <a href="mailto:Karen.Mercer@barnet.gov.uk">Karen.Mercer@barnet.gov.uk</a> , 0208 359 7563

### Summary

On 5 September 2016, the Assets, Regeneration and Growth Committee, in pursuance of its statutory duty to treat, authorised the appropriate Chief Officers to enter into agreements and make undertakings, contracts and transfers on behalf of the Council with third parties having an interest in the CPO or for the creation of new rights or with parties otherwise affected by the CPO to facilitate the development. This report accordingly confirms the Deputy Chief Executive's agreement on behalf of the Council to enter into a compromise agreement with the relevant landowners/claimants in respect of their property within the land falling within CPO2 .

### Decisions

**That following agreement by the Deputy Chief Executive, the Council will enter into the Compromise Agreement with Mr and Mrs Barker**

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 On 20 April 2015, the Council made two Compulsory Purchase Orders entitled The London Borough of Barnet (Brent Cross Cricklewood) Compulsory Purchase Order (No 1) and (No.2) 2015.
- 1.2 The Secretary of State confirmed both CPO1 and CPO2 Orders on 7 December 2017.
- 1.3 The Claimants are the freehold owners of commercial premises comprised within the CPO Order 2, which are described as Plot 19 and known as 112 Brent Terrace, Cricklewood, London.
- 1.4 The Secretary of State for Housing, Communities and Local Government (“the Secretary of State”) confirmed the Orders without modifications on 7th December 2017. The required Confirmation Notices pursuant to Section 15 of the Acquisition of Land Act 1981 in respect of the Orders were published on 4 January 2018
- 1.5 This triggered the relevant period in which third parties could submit a challenge to the decision. This period expired on 15 February 2018. The Claimants lodged a claim challenging the validity of both Orders by virtue of their ownership of land that fell with CPO2 (carrying the reference CO/660/2018) in the High Court on 13th February 2018 pursuant to section 23 of the Acquisition of Land Act 1981 challenging the Secretary of State’s decision to confirm the Order. The Claim against CPO1 was subsequently withdrawn.
- 1.6 The Claim against CPO2 was dismissed at a hearing on 5 July 2018 by Mr Mark Ockelton sitting as a Deputy High Court Judge, who ordered that the Claim be dismissed and that permission to appeal be refused. Notwithstanding the Council wishes to ensure that any further disturbance to the regeneration programme is managed as far as possible.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The comprehensive regeneration of Brent Cross Cricklewood is a long-standing objective of the Council and a key regeneration priority of the Mayor of London. The details of the scheme are set out in previous reports to the Assets, Regeneration and Growth Committee.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The alternative is not to enter into the Compromise Agreement and risk further possible delay and uncertainty to the project.

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

- 4.1 Once the decision has been approved, the appropriate officers on behalf of the Council will enter into the compromise agreement.

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

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

- 5.1.1 The reports to the Assets, Regeneration and Growth Committee describe in detail the ways in which the regeneration of Brent Cross Cricklewood supports the Council's Corporate Plan 2015-20 as updated. The reports relevant to this decision are included within the background documents.

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

###### **Approved Capital Budget – Land Acquisitions**

- 5.2.1 The current approvals for land acquisition are £37.482m agreed by the Policy and Resources Committee in July 2018 which covers Brent Cross North, South and some of the Thameslink development.
- 5.2.2 The cost of entering into this Compromise Agreement will be met from the Brent Cross land acquisition budget.

##### **5.3 Social Value**

- 5.3.1 As indicated in sections within this report, the Brent Cross Cricklewood programme will secure wider social, economic and environmental benefits.

##### **5.4 Legal and Constitutional References**

- 5.4.1 The Council's power to enter into various arrangements to progress the redevelopment of the Brent Cross Cricklewood scheme is contained in the general power of competence under Section 1 of Chapter 1 of the Localism Act 2011. Section 1 of the Localism Act 2011 provides local authorities with a broad power to do anything that individuals can do subject to any specific restrictions contained in legislation.
- 5.4.2 The Council's Constitution, Article 7.5 responsibility for function, states the functions of the Assets, Regeneration and Growth Committee, includes responsibility for regeneration schemes and asset management.
- 5.4.3 Council, Constitution, Article 10 Table A states that the Assets Regeneration and Growth Committee is responsible for authorising (1) all disposal and acquisition of land for over £500k and (2) any transaction which is a "less than best" transaction as the term is set out at s 123(2) of the Local Government Act

1972.

- 5.4.4 The Council has a range of powers to enter into the legal agreements envisaged by this report, including the general power of competence under Section 1 of Chapter 1 of the Localism Act 2011 to do anything that individuals can do subject to any specific restrictions contained in legislation and Section 111 of the Local Government Act 1972 which provides that a local authority has power to do anything which is calculated to facilitate, or is conducive or is incidental to, the discharge of its functions.
- 5.4.5 Additionally, the Council has the power to acquire and dispose of land in accordance with Sections 120 to 123(2A) of the Local Government Act 1972, subject to obtaining all appropriate consents and approvals.
- 5.4.6 In the alternative, the Council's Constitution- Article 9.1. (b) (i)- Delegated Authority to Chief Executive and Chief Officers- states that:

(i) Chief Officers (Deputy Chief Executive, Assistant Chief Executive, Strategic Directors for Adults, Children and Environment, Director of Resources) have the following delegated powers in respect of all matters which are not key decisions (as defined in Article 2) and not reserved for decision by the Council or by a Committee of the Council:

(a) to approve expenditure relating to their functions and the functions of their Department where necessary in accordance with (b) and (c) below, and providing that the sum expended is within the approved budget for the Department and/or relevant portfolio, and (2) the amount in relation to any single matters does not exceed £181,302.

## **5.5 Risk Management**

- 5.5.1 A risk register has been prepared and is updated regularly.

## **5.6 Equalities and Diversity**

- 5.6.1. Equality Duty (PSED), requires all Local Authorities to pay 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;
- Foster good relations between people from different groups

- 5.6.2. This places a legal obligation on the Council to pay due regard to equalities in an appropriate and proportionate manner and to take account of how the Council's decisions might impact on different groups across the borough including those identified in equality legislation as protected characteristics, namely: Age, disability, gender, gender reassignment, marriage, civil

partnership, pregnancy and maternity, sexual orientation and religion or belief.

- 5.6.3. Equality and diversity issues are a mandatory consideration in the decision-making of the Council. This requires elected Members to satisfy themselves that equality considerations are integrated into day to day business and that all proposals put to committees have properly taken into consideration what impact, if any, there is on any protected group and what mitigating factors can be put in train.
- 5.6.4. It is important to highlight that Brent Cross Cricklewood will be place for people of all ages, with housing mix that reflects different life stages, a range of housing tenures, and public spaces which are accessible to all. The scheme proposals emphasise the promotion of health and wellbeing and reducing dependency will be ingrained in the place.
- 5.6.5. 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 2010.
- 5.6.6. The equalities implications will be regularly reviewed and updated during the life of the project.

## **5.7 Consultation and Engagement**

- 5.7.1 This is explained in the report to the Assets, Regeneration and Growth Committee on 18 June providing a progress update on the comprehensive regeneration of the Brent Cross Cricklewood area. The link to the report is attached below.  
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9480&Ver=4>

## **6 BACKGROUND PAPERS**

- 6.1 Assets, Regeneration and Growth Committee, 3<sup>rd</sup> March 2015, Brent Cross Cricklewood Update Report  
<https://barnet.moderngov.co.uk/documents/g8195/Public%20reports%20pack%2003rd-Mar-2015%2017.00%20Assets%20Regeneration%20and%20Growth%20Committee.pdf?T=10>

Chief Officer: Cath Shaw, Deputy Chief Executive  
Signed

Date 23 July 2018  
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