

	<h2>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</h2>
Title	Brent Cross Cricklewood Scheme – L&Q Contract (Plots 53 & 54)
Report of	Deputy Chief Executive
Wards	Child's Hill, Golders Green and West Hendon
Status	Public
Enclosures	Appendix 1 (Public) - Plots 53 & 54 Appendix 2 (Exempt) - Summary Funding Agreement (Not for publication by virtue of paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972 as amended as this relates to information of a financial nature and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)
Officer Contact Details	Angela Latty, Regeneration Manager BXN & BXS, Email: Angela.Latty@barnet.gov.uk

Summary

This report seeks to approve the contract between Hammerson and Standard Life Investments, London and Quadrant Housing Trust (L&Q) and the Council on the Brent Cross North Scheme. This report also seeks approval on the Funding Development Agreement on the delivery of Plots 53 and 54.

Decisions

1. To approve the Funding Development Agreement (“FDA”) to be entered into between Hammerson and Standard Life Investments (BXN Partners) and L&Q to deliver the relocation of Part 1 of the Whitefield Estate.

1. WHY THIS REPORT IS NEEDED

- 1.1 The BXN Partners will be delivering the redevelopment of the shopping centre at Brent Cross, the critical infrastructure and the re-provision of the new homes for residents on part of the Whitefield Estate (Part 1).
- 1.2 In June 2015, the Reserved Matters Application was approved to build 47 replacement homes on Plots 53 and 54. This site which is situated on open space land alongside Brent Terrace, as shown in Appendix 1. These will be the new replacement homes for secure tenants and resident homeowners living in 1-12 Rawlinson Court, 1-12 Dyson Court, 1-12 Anderson Court, 2-16 Claremont Way and 1-16 Whitefield Avenue.
- 1.3 The first phase of the development includes the Whitefield Estate (Part 1) and as such the BXN Partners undertook a procurement process to select a Registered Housing Provider to manage and build these new homes. This Registered Housing Provider will become the new landlord for these residents.
- 1.4 Originally, the BXN Partners had entered into contract negotiations with Catalyst Housing Trust but despite significant effort from both parties, they were unable to reach agreement. As a result Catalyst Housing Trust withdrew from the scheme. Given that residents were impressed by L&Q's work on the Estate on the Brent Cross South Scheme, the BXN Partners decided to progress their contract discussions with L&Q.
- 1.5 The BXN Partners and L&Q have finalised their negotiations on the contractual arrangements and on the FDA to deliver and manage the replacement homes on the Whitefield Estate (Part 1). All parties are now ready to exchange contracts.

2. REASONS FOR RECOMMENDATIONS

- 2.1 As reported at ARG Committee in June 2018, the Council is required to be party to this transaction in its capacity as freeholder of the relocation site (Plots 53 and 54) and as agreed within the BXN legal documentation.
- 2.2 In September 2018 the ARG Committee delegated authority to the Deputy Chief Executive to confirm and approve the exchange of these contracts between the BXN Partners, L&Q and the Council.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 No alternative options were considered as this is the desired approach to ensure the delivery of replacement homes for the Whitefield Estate residents.

4. POST DECISION IMPLEMENTATION

- 4.1 Once the contracts have been engrossed, officers will prepare the relevant documentation for sealing.

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)**

5.2.1 L&Q will be working jointly with Barnet Homes and the Council on the decanting of these residents. All costs associated with this work will be met through the existing BXN budget. The council will continue to reclaim these costs from the developers.

5.3 **Social Value**

5.3.1 The Brent Cross Cricklewood programme will secure wider social, economic and environmental benefits. This is set out in more detail within the relevant sections of the Committee reports included within the background section of this DPR.

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 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.

5.4.3 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. The authority to confirm, approve and enter into this agreement was delegated to the Deputy Chief Executive by ARG Committee in September 2018

5.5 **Risk Management**

5.5.1 As the Council is party to this agreement, it will retain the necessary step-in rights in the event of non-performance by L&Q to protect its residents and also to ensure the regeneration programme is maintained. It is also intended to include an ability for the Council to require the FDA to be novated to it, if the BXN Partners fail to satisfy the conditions or default.

5.6 **Equalities and Diversity**

5.6.1. This is set out in more detail within the relevant section of the Committee reports included within the background section of this DPR.

5.7 Consultation and Engagement

5.7.1 A detailed account of the communications approach as well as consultation and community engagement undertaken by the Council and its development partners is set out in detail within the relevant section of the Committee reports included within the background section of this DPR.

6. BACKGROUND PAPERS

6.1 Planning Committee, 18th May 2015, approved RMA to build 47 replacement homes on Plots 53 and 54,
<https://barnet.moderngov.co.uk/documents/s23218/Land%20Off%20Brent%20Terrace%20Main%20Report.pdf>

6.2 Assets, Regeneration and Growth Committee 27th Nov 2017, Brent Cross Cricklewood Update Report,
<https://barnet.moderngov.co.uk/documents/s43550/Brent%20Cross%20Cricklewood%20Update%20Report.pdf>

6.3 Assets, Regeneration and Growth Committee 14th June 2018, Brent Cross Cricklewood Update Report,
<https://barnet.moderngov.co.uk/documents/s46775/Brent%20Cross%20Cricklewood%20Update%20Report.pdf>

6.4 Assets, Regeneration and Growth Committee 17th September 2018, Brent Cross Cricklewood Update Report,
<https://barnet.moderngov.co.uk/documents/s48493/Brent%20Cross%20Cricklewood%20Update%20Report.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. The decision is compliant with the principles of decision making in Article 10 of the constitution.*

Chief Officer: Deputy Chief Executive
Signed: Deputy Chief Executive

Dated: 19 October 2018