

	<h2 style="margin: 0;">ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</h2>
<b>Title</b>	<b>Acquisition of 36 Church End, Hendon for Hendon Hub Redevelopment as one of the 3<sup>rd</sup> party owned properties within the red line of the development.</b>
<b>Report of</b>	Deputy Chief Executive in consultation with Policy and Resources Chairman
<b>Wards</b>	Hendon
<b>Status</b>	Public
<b>Enclosures</b>	None
<b>Officer Contact Details</b>	Jenna Kitchingham Senior Surveyor, Property Services Jenna.kitchingham@barnet.gov.uk

## Summary

This report sets out proposals to acquire 36 Church End, Hendon for the Hendon Hub redevelopment as part of the land assembly of the privately owned land within the red line of the proposed development, at an acquisition price detailed in the exempt report.

The proposed acquisition is a one-bedroom flat held leasehold with 92 years remaining, where LBB are the freeholder.

The current owner has now had her offer accepted on her new property, has undertaken surveys on the new property, and instructed solicitors for her sale and new purchase, of which her new purchase is not held in a chain. She would therefore like to progress the sale and her new purchase as soon as possible.

## Decisions

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| <p><b>1. Authorise the purchase of the leasehold interest in 36 Church End, Hendon at the proposed total acquisition cost detailed in the exempt report, utilising funds from the Hendon Hub Acquisitions Budget as agreed at Policy &amp; Resources committee on 8<sup>th</sup> December 2020.</b></p> |
| <p><b>2. Authority to place guardians in the property during the time it is vacant.</b></p>   |

### 1. WHY THIS REPORT IS NEEDED

- 1.1 As part of the delegations agreed at Policy & Resources Committee on 8th December 2020 where the Committee resolved to: *Delegate negotiation and completion of legal agreements to the Deputy Chief Executive:...b) The approval of third-party acquisitions, by private treaty.*

### 2. REASONS FOR RECOMMENDATIONS

- 2.1 The Hendon Hub project team are assembling the development site by seeking to purchase the third party owned properties within the red line development area by private agreements and avoiding the use of council CPO powers where possible. This will ultimately benefit the project programme.
- 2.2 As detailed in the exempt report

### 3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 **Do not buy the property in early** – this is not recommended as it will cause uncertainty for the project programme and disregards the needs of a member of the public who is directly affected by the development proposals.
- 3.2 **Buy the property in later in the process** – this is not recommended due to the owner finding an alternative property she is happy to progress with, and in addition the current savings from the Stamp Duty holiday is helpful to the agreed acquisitions budget, resulting in a budget saving.

### 4. POST DECISION IMPLEMENTATION

- 4.1 Instruct HBPL to complete the conveyancing process.
- 4.2 Once the purchase has completed, secure the premises and place guardians into the property for the interim period, until vacant possession is required for the development phase.

## **5. IMPLICATIONS OF DECISION**

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

5.2 The Hendon Hub redevelopment is currently a key project for the council and assembling all the third-party land is vital to enabling the development to proceed.

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

5.3.1 As detailed in the exempt report.

5.3.2 As detailed in the exempt report.

5.3.3 As detailed in the exempt report.

### **5.4 Social Value**

5.4.1 Assisting resident affected by the proposed Hendon Hub redevelopment, to enable her to relocate to her new home.

### **5.5 Legal and Constitutional References**

5.5.1 The delegations given at Policy & Resources Committee on 8 December 2020 included the following: delegates negotiation and completion of legal agreements to the Deputy Chief Executive: b) The approval of third-party acquisitions, by private treaty.

5.5.2 The Council has a range of powers including the general power of competence under Section 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.

5.5.3 Section 120 of the Local Government Act 1972 provides that a local authority may acquire by agreement any land, whether situated inside or outside their area, for the purposes of any of their functions under any enactment.

### **5.6 Risk Management**

5.6.1 Should the development not proceed, 36 Church End can either be resold on the open market or utilised as an addition to HRA housing or for temporary homeless accommodation. However, there would almost certainly be a loss to the council if it were re-sold, given that the council is having to pay the compensation and disturbance costs in addition to market value, which it would not get back if the property were resold. Home loss and disturbance payments detailed in the exempt report.

5.6.2 During the time between purchase and beginning construction, 36 Church End can be occupied by guardians who will keep the property secure, whilst also providing some income to the council. However, the licence fees paid by a property guardian are lower than market rent, so this would represent a loss to the council.

5.6.3 Should the purchase be delayed beyond the expiry of the current SDLT holiday then the acquisition costs would increase. Not only would the Council have to pay a higher rate of SDLT on the buy-back, but the disturbance costs would increase by the amount of the SDLT payable by the owner on her replacement property. This risk will be managed by keeping a close handle on the sales process timeline, which currently gives us four months to conclude the sale, which is reasonable given that the new property is not in a chain.

## 5.7 Equalities and Diversity

5.6.1 There are no issues to report

## 5.8 Corporate Parenting

5.7.1 There are no issues to report.

## 5.9 Consultation and Engagement

5.9.1 The Hendon Hub redevelopment has not yet undergone full public consultations; however, this is due to commence end February 2021.

5.9.2 We have consulted with the owner of 36 Church End privately, by engaging early, and have reported each step to the Project Review Board.

## 5.9 Insight

5.9.1 There are no issues to report

## 6. BACKGROUND PAPERS

6.1.1 Report to Policy & Resources committee on 8 December 2020, agenda item 9

6.1.2 CPO estimate of compensation statement

## 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: Cath Shaw**

**Signed: Cath Shaw (cleared by email)**

**Dated: 22 February 2021**