

Decisions of the Assets, Regeneration and Growth Committee

5 September 2016

Members Present:-

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

Councillor Richard Cornelius
Councillor Pauline Coakley Webb
Councillor Philip Cohen
Councillor Geof Cooke

Councillor Rohit Grover
Councillor Nagus Narenthira
Councillor Peter Zinkin

1. MINUTES OF THE PREVIOUS MEETING

2. ABSENCE OF MEMBERS

None.

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

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC QUESTIONS AND COMMENTS (IF ANY)

None.

6. MEMBERS' ITEMS (IF ANY)

The Chairman invited Councillor Narenthira to introduce her Member's Item, which was a request for an update on progress made on the Community Assets Strategy Implementation Plan, which was agreed by ARG Committee in 2015.

The Committee **RESOLVED:**

That it instructed officers to provide an update report to Assets Regeneration and Growth Committee in December.

7. REPORT OF HEAD OF GOVERNANCE - BRENT CROSS CRICKLEWOOD COMPULSORY PURCHASE ORDER (NO. 3) AND PROJECT UPDATE REPORT

The Chairman introduced the item and reminded Members that there had been considerable discussion at the July 11th committee on the whole report. All documentation was the same as that presented in July other than minor updates to the draft Statement of Reasons, needed to ensure the document remained accurate and relevant.

In relation to boundary changes, officers confirmed that the report refers to changes that occurred between March and July 2016 and that none of the updates were material changes.

The Chairman moved to a vote.

It was **RESOLVED** that:-

1. The Committee:

- **Approved the making of a compulsory purchase order (CPO) 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 CPO Plans and pursuant to section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to acquire new rights in respect of the land shaded blue on the CPO Plans.**
- **Authorised the appropriate Chief Officers to settle the final form and content of the draft CPO, the CPO Plans and Statement of Reasons.**
- **Authorised the appropriate Chief Officers to take all necessary steps to secure confirmation of the CPO and the acquisition of all third party interests in the CPO and of the new rights. This authorisation includes the publication and advertisement of the CPO, serving statutory notices, and seeking confirmation of the CPO.**
- **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.**
- **Authorised the appropriate Chief Officers following confirmation of the CPO to authorise the publication and service of all appropriate notices of confirmation of the CPO and to make one or more general vesting declarations or serve notices to treat and notices of entry (as appropriate) in respect of the land within the CPO (“the Order Land”).**
- **Authorised the appropriate Chief Officers to initiate or take part in any arbitration or proceedings before the Upper Tribunal (Lands Chamber) or the Courts in order to resolve any disputes as to compensation or other payments payable for any interests in the Order Land or arising from the making or confirmation of the CPO or securing possession of any part of the Order Land or title to any part of the Order Land.**

The vote was as follows:

For	5
Against	0
Abstain	4

8. GRAHAME PARK PLOTS 10, 11 AND 12 COMPULSORY PURCHASE ORDER

The Chairman introduced the item and highlighted that funding for the works associated with the CPO are time limited to a period of 3 years, within which time work needs to be completed.

The Chairman invited discussion. Councillor Rozenberg proposed that the Committee write to Genesis to encourage them to move forward with the proposals as this would indicate the Council's readiness to move forward with the scheme.

Members agreed that a letter should be drafted, after which, the Chairman moved to a vote.

It was **RESOLVED** that Committee:

- 1.1 Authorised the making of up to three CPOs;**
- 1.2 Authorised the appropriate Chief Officer to issue and sign the order, notices and certificates in connection with the making, confirmation and implementation of the CPO(s)**
- 1.3 Authorised the appropriate Chief Officer 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 the CPOs;**
- 1.4 Authorised the appropriate Chief Officer 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 the CPOs if it was considered appropriate to do so;**
- 1.5 Authorised the appropriate Chief Officer to transfer all properties and proprietary interests acquired pursuant to the CPO(s) to Choices for Grahame Park in accordance with the terms of the Principal Development Agreement dated 30th January 2007;**
- 1.6 Authorised the appropriate Chief Officer to take any further necessary actions to secure the making, confirmation and implementation of the CPO(s);**
- 1.7 Agreed that, subject to any necessary consent from the Secretary of State, to approve the sale of retained council houses to existing home-owners whose properties are due for demolition within the Grahame Park estate, and to the corresponding acquisition of their current homes.**

The votes were as follows:-

For	5
Against	0
Abstained	4

9. LAND AT COPTHALL PLAYING FIELDS, PAGE STREET, NW7 - CCFSA

The Chairman introduced the item and briefed Members on the purpose of the report which was to obtain committee approval to lease Copthall Playing Fields to Camden Community Football Association for sports use.

The Chairman also informed for Committee that he will be moving a motion to amend the recommendations to strengthen the lease arrangements and conditions to reduce any potential risk to the council. He then invited discussion.

Councillors Pauline Coakley-Webb and Geof Cooke queried whether the walking and cycling footpath that runs between the existing CCFA site and the proposed CCFA site will remain open access to the public and sought strong reassurance that it would. Members agreed that the photograph of the site was ambiguous whereas the site plan was clear in its delineation of the of the access footpath outside the red line boundary of the proposal site.

Councillor Coakley-Webb questioned whether the council was sufficiently protected against the potential risk that CCFA would not secure funds to complete the proposed works to the site. Officers from Estates and HBPL advised that the Draft Head of Terms for the lease have been revised to include the provision for the ownership of the site would revert back to the Council should the lessee be unable to fulfil their contractual obligations. Furthermore, Agreements for Lease are not open ended and are closely aligned to a stipulated period of time by which time proposals should have commenced/and or completed. Long stop dates will be built in subject to the usual force majeure events.

Following discussion, the Chairman moved a motion to amend the recommendations. This was duly seconded.

Committee **RESOLVED**:

1. That the Committee authorises the Head of Estates to commence negotiations to agree heads of terms for a proposed lease between the Council and the CCSFA based on the indicative draft Heads of Terms attached at Appendix 3 and having regard to the best interests of the Council but which must include the following:
 - (a) that the lease terms is for a term of 125 years at a rent to be agreed such rent to be assessed via the CBAT and any rent subsidy to be applied to the rent payable shall be subject to 5 yearly reviews in line with the contemporaneous review of the CBAT assessment;
 - (b) the proposed lease shall fall outside the protection of the provisions of sections 24-28 of the Landlord and Tenant Act 1954 Part 2;
 - (c) that the legal documents include a provision that in the event that the CCSFA fail to undertake a meaningful start on site within 2 years from the date of completion of legal formalities, the site will revert to the Council;
 - (d) that the lease documentation contains provisions to protect the Council's interest in the event that the lessee does not complete the works by making

the transfer of the Council's interest by way of long lease conditional upon completion of the works.

2. That final approval to the Heads of Terms be delegated to Head of Estates and that the Head of Estates be authorised to approve the entering into of all appropriate documentation to give effect to the Heads of Terms to include an Agreement for Lease and Lease.

The votes in favour of the amended recommendation were unanimous.

10. BRENT CROSS CRICKLEWOOD UPDATE REPORT

The Chairman introduced the item and updated Committee on progress with the Brent Cross Cricklewood developments.

Councillor Cook pointed out an error on page 135/6 of the report which refers to approval of the Brent Cross Cricklewood CPO3 at ARG Committee on 11th July.

Text within the report relating and referring to approval having been authorised, amended, executed, varied, stated or implied, on 11th July 2016 is deemed 'stricken through' and replaced with '5th September 2016'.

Risks reported in the report of '11th July 2016' are stricken through and replaced with risks reported on '5th July 2016'.

There was discussion on the access to Brent Cross from the existing Northern Line stations at Hendon and Brent Cross and concern from some Members that there did not appear to be a clear strategy to improve public transport access from these existing transport services either during the construction phases or in the long term as part of the new Brent Cross. Councillor Cohen expressed concern that the new Thames Link station appears to be the only priority. Councillor Coakley-Webb welcomed a further update from the developers on firm plans for linking up the new shopping centre with existing train links. Integrating access to and from the tube and new development was considered essential by all Members.

Councillor Zinkin welcomed the production of a strategy paper to be circulated to a further meeting on the anticipated transport arrangements as he considered it to be too difficult currently to see how all the transport pieces fit together.

It was **RESOLVED** that:

Committee noted the contents of the report.

11. WEST HENDON COMPULSORY PURCHASE ORDER 2 & 2A (CPO2 AND CPO2A) COMMUNICATIONS UPDATE

The Chairman introduced the report reminding Committee that the appendix contains the regular update on West Hendon Compulsory Purchase Orders outlining the engagement activities.

Members welcomed the information and found it useful to see what engagement activities are taking place across the estate.

It was **RESOLVED** that:

Committee noted the report

12. EXPLORING OPTIONS TO RE-LOCATE DONOGHUE SKIP HIRE AND WASTE MANAGEMENT COMPANY - ASSETS REGENERATION AND GROWTH COMMITTEE FORWARD WORK PLAN ITEM

The Chairman introduced the item and reminded the Committee that the report was to note how the work to explore options to re-locate Donoghue Skip Hire Company would be approached.

Members discussed a range of issues associated with the work and looked forward to receiving a report in December 2016.

It was **RESOLVED** that:

Members noted the report

13. ASSETS, REGENERATION AND GROWTH COMMITTEE - WORK PROGRAMME

The Chairman informed Committee that an updated work programme had been circulated for the meeting to establish whether an additional meeting was required before March 2017.

Members were keen to have a suitably sized agenda for December, and have a preview of items coming forward.

It was noticed that Donahuge was missing and that the Community Assets Strategy would need to be added.

It was **RESOLVED** that:

Members noted the report and instructed officers to add Donogue Skip Hire and Community Assets Strategy to the Committee Work Programme.

14. ANY OTHER ITEMS THAT THE CHAIRMAN DECIDES ARE URGENT

None

The meeting finished at 8.03 pm