

CABINET

9th July 2015

**REPORT OF THE
Portfolio Holder for Economy and Education**

**COMPULSORY PURCHASE ORDER FOR LAND AND PROPERTY ON THE KERRIA
REGENERATION SITE**

EXEMPT INFORMATION

NOT CONFIDENTIAL

PURPOSE

- To set out for Cabinet the current position in relation to the acquisition of land and property assets on Kerria regeneration site.
- To set out the land and property asset acquisitions required for the regeneration site.
- To seek full approval for the making of a Compulsory Purchase Order in respect of remaining interests in the Estate land shown at Appendix 1

RECOMMENDATIONS

- It is recommended that Cabinet note the current position of land and property asset acquisitions on the Kerriaregeneration site.
- It is recommended that Cabinet approve the making of a compulsory purchase order or orders under section 226(1)(a) Town and Country Planning Act 1990 in respect of acquisition of all remaining outstanding interests and any new rights (if required) under Section 13 of the Local Government and Miscellaneous Provisions Act 1976 in the Kerria Estate (shown edged black on the plan at Appendix 1)
- It is recommended that Cabinet authorises the Director of Assets and Environment to negotiate the acquisition of all remaining interests and rights in land shown single edged black at Appendix 1 in advance of and alongside the making of the Compulsory Purchase Order(s) if voluntary negotiations are unsuccessful as well as to agree costs and/or compensation relating to the land edged black or the CPO payable as a result of giving effect to the above recommendations;
- It is recommended that Cabinet authorises the Director of Assets and Environment to make/initiate any appropriate agreements/applications/licences under the Highways Act 1980 (including but not limited to section 38 and/or section 278 agreements) and to submit an application under section 247 Town and Country Planning Act 1990 to stop up any highway within the area edged black at Appendix 1 as is or are necessary for the Kerria Scheme.
- It is recommended that delegated authority be given to the Solicitor to the Council in consultation with the Director of Assets & Environment to take all

necessary steps to give effect to the above recommendations including (but not limited to) execution of documents as required to secure the making, confirmation and implementation of the Compulsory Purchase Order and presentation at any Public Local Inquiry including the service of notices to give effect thereto including High Court Enforcement Officer's notices and (if granted power to do so by the Secretary of State) to confirm the Compulsory Purchase Order and to complete acquisitions of land and rights within the area shown edged black at Appendix 1.

EXECUTIVE SUMMARY

- The regeneration of the Tinkers Green and Kerria Centre estates form an important ambition for the Council and on 28th November 2012 Cabinet approved recommendations contained in a Feasibility Study to regenerate the Kerria Estate (along with the Tinkers Green Estate). A decant process commenced in 2014 on the Tinkers Green estate and remains ongoing. The decant programme on the Kerria estate is due to commence early 2016. It is expected that all buildings on the site will be empty and can be demolished in time for redevelopment to commence in 2017/18.
- Cabinet previously approved "in principle" the making of a compulsory purchase order for the scheme on 6th November 2014. It was stated at that meeting that a further report would be produced prior to making.
 - The dedicated legal powers under which a local authority may acquire land including by compulsory purchase for development, re-development or improvement) are contained within section 226(1)(a) Town and Country Planning Act 1990. Under Section 226(1A) the power must not be exercised unless the local authority consider the development, re-development or improvement is likely to contribute to the promotion of the economic, social or environmental well being of their area
 - A copy of the Plan showing the land for which authority is sought to CPO is at Appendix 1. The full case for compulsory purchase is set out in more detail in Appendix 2. Human rights are considered in Appendix 3. An Equalities Analysis for CPO has been provided at Appendix 4.
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RESOURCE IMPLICATIONS

The 2015/2016 HRA business plan approved by Cabinet on 19th February 2015 allocates a total budget of £30.87 million for Regeneration Projects, of which £6.7m is allocated specifically to Kerria.

Budget of £500k has been allocated within this overall project budget to allow for the acquisition of land and property at the current market rates along with compensatory payments as assessed by our appointed agent in accordance with current legislation; these values are subject to challenge and sufficient allowance will be needed within the budget to meet any additional costs. Budget has also been allocated to cover the costs of making and confirming the CPO, preparation for any Public Inquiry (should objections be made). All costs are monitored and reported to Cabinet as part of the Quarterly Healthcheck Report.

External agents have been appointed to assist with the CPO process and this support will continue throughout the project until matters have been concluded.

No additional staffing resource will be required to deliver this process.

LEGAL/RISK IMPLICATIONS BACKGROUND

- Section 226(1) allows the Council to acquire land for the purposes of development, re-development or improvement, so long as it thinks this will contribute to promotion or improvement of economic, social or environmental well-being of the area
- Failure to acquire the property and land assets in a timely manner would be detrimental to the delivery of the project.
- The Council will need to evidence how it meets the requirements set out in Section 226(1) as well as the tests set out in Circular 06/2004 and the relevant Annexes (summarised in this report), in order to make its case that the CPOs should be made.
- In considering whether to make the CPOs the Human Rights Act 1998 applies. The relevant rights that have been considered are set out in Appendix 3.

SUSTAINABILITY IMPLICATIONS

None specifically identified.

BACKGROUND INFORMATION

Cabinet has previously approved "in principle" the making of a CPO in its report dated 6th November 2014

REPORT AUTHOR

Paul Weston, Head of Asset Management

LIST OF BACKGROUND PAPERS

APPENDICES

Appendix 1– CPO Area edged Black
Appendix 2 - Justification for CPO
Appendix 3 – Human Rights
Appendix 4 – Equalities Analysis



MINUTES OF A MEETING OF THE CABINET HELD ON 9th JULY 2015

PRESENT: Councillor D Cook (Chair), Councillors R Pritchard, S Claymore and M Thurgood

The following officers were present: Anthony E Goodwin (Chief Executive), Rob Barnes (Director - Housing and Health), Andrew Barratt (Director - Assets and Environment), Nicki Burton (Director - Technology and Corporate Programmes), Paul Weston (Head of Asset Management - Property Services) and Tina Mustafa (Head of Landlord Services)

13 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor S Doyle

14 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 18th June 2015 were approved and signed as a correct record.

(Moved by Councillor R Pritchard and seconded by Councillor S Claymore)

15 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

16 QUESTION TIME:

None

17 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES

None

18 LOCALITY COMMISSIONING - EMOTIONAL WELLBEING SERVICES FOR CHILDREN AND YOUNG PEOPLE IN TAMWORTH

The Report of the Leader of the Council informing Cabinet of the second 'Improving Wellbeing in Tamworth Commissioning' exercise and providing

Cabinet with a financial statement on Council and partner Funding for Locality Commissioning was considered.

RESOLVED : That Cabinet

1. noted the decision to award the contract, in line with the Council's financial guidance with details of successful tender; and
2. noted the current financial position with regard to Council and partner funding for Locality Commissioning.

(Moved by Councillor D Cook and seconded by Councillor R Pritchard)

19 PLANNED UPGRADE TO CORPORATE SERVER INFRASTRUCTURE

The Report of the Portfolio Holder for Operations and Assets advising Cabinet of the current situation following withdrawal of Microsoft support for software versions in use at Tamworth Borough Council and seeking the approval of the release of contingencies to support this essential activity was considered.

RESOLVED: That Cabinet approved the release of £35k from the Specific Contingency budget to support vendor demand during this essential server upgrade.

(Moved by Councillor R Pritchard and seconded by Councillor D Cook)

20 DEVOLUTION, DECENTRALISATION AND COLLABORATION (OPTIONS FOR A COMBINED AUTHORITY)

The Report of the Chief Executive advising Members on the current position in relation to the new Government's developing policy on devolution, growth and combined authorities and in particular, the emerging proposals for the West Midlands and seeking Members endorsement for the actions taken to date by the Chief Executive and for delegated authority for the Leader (or his nominated deputy) and the Chief Executive to engage in discussions on behalf of the Council on the Combined Authority, devolution and public sector reforms options so that any formal proposals can be considered by the Council at the earliest opportunity was considered.

RESOLVED: That

1. Members endorsed the actions of the Chief Executive in engaging in the initial discussions with the West Midlands Metropolitan Boroughs and the Chairs of the Greater Birmingham, Black Country and Coventry Local Enterprise Partnerships;
2. Cabinet approved the Council continuing to explore the

opportunity to deliver it's agreed objectives for growth and economic prosperity through its current membership of both the GBSLEP and the Staffordshire and Stoke on Trent LEP and potentially through a Devolution Deal with the West Midlands Combined Authority and Government;

3. Cabinet authorised the Chief Executive Officer in conjunction with the Leader/Portfolio Holder to engage in discussions with partners on Combined Authorities and Devolution Deal options;
4. the Council seek assurance that any new entity created to support devolution will not be to the detriment of existing relationships with LEPs; and
5. the Chief Executive report key stage progress to Cabinet in addition to the agreed cross party briefings.

(Moved by Councillor S Claymore and seconded by Councillor D Cook)

21 COMPULSORY PURCHASE ORDER FOR LAND AND PROPERTY ON THE KERRIA REGENERATION SITE

The Report of the Portfolio Holder for Economy and Education setting out for Cabinet the current position in relation to the acquisition of land and property assets on Kerria site and setting out the land and property asset acquisitions required for the regeneration site and seeking full approval for the making of a Compulsory Purchase Order in respect of remaining interests in the Estate land was considered.

RESOLVED: That Cabinet

1. noted the current position of land and property asset acquisitions on the Kerria regeneration site;
2. approved the making of a Compulsory Purchase Order or Orders under Section 226(1)(a) of the Town and Country Planning Act 1990 in respect of acquisition of all remaining outstanding interests and any new rights (if required) under Section 13 of the Local Government and Miscellaneous Provisions Act 1976 in the Kerria Estate;
3. agreed that the Director of Assets and Environment will negotiate the acquisition of all remaining interests and rights in land shown single edged black at Appendix 1 in advance of and alongside the making of the Compulsory Purchase Order(s) if voluntary negotiations are unsuccessful as well as to agree costs and/or compensation relating to the land edged black or the CPO payable as a result of giving effect to the above recommendations;

4. agreed to authorise the Director of Assets and Environment to make/initiate any appropriate agreements/applications/licences under the Highways Act 1980 (including but not limited to Section 38 and/or Section 278 Agreements) and to submit an application under Section 247 of the Town and Country Planning Act 1990 to stop up any highway within the area edged black at Appendix 1 as is or are necessary for the Kerria Scheme; and
5. agreed that delegated authority be given to the Solicitor to the Council in consultation with the Director of Assets and Environment to take all necessary steps to give effect to the above recommendations including (but not limited to) execution of documents as required to secure the making, confirmation and implementation of the Compulsory Purchase Order and presentation at any Public Local Inquiry including the service of notices to give effect thereto including High Court Enforcement Officer's notices and (if granted power to do so by the Secretary of State) to confirm the Compulsory Purchase Order and to complete acquisitions of land and rights within the area shown edged black at Appendix 1.

(Moved by Councillor S Claymore and seconded by Councillor D Cook)

22 COMPULSORY PURCHASE ORDER FOR LAND AND PROPERTY AT THE TINKERS GREEN REGENERATION SITE

The Report of the Portfolio Holder for Economy and Education setting out for Cabinet the current position in relation to the acquisition of land and property assets on Tinkers Green regeneration site and setting out the land and property asset acquisitions required for the regeneration site and seeking full approval for the making of a Compulsory Purchase Order in respect of remaining interests in the Estate land was considered.

RESOLVED: That Cabinet

1. noted the current position of land and property asset acquisitions on the Tinker's Green regeneration site;
2. approved the making of a Compulsory Purchase Order under Section 17 of the Housing Act 1985 in respect of acquisition of all remaining outstanding interests and any new rights (if required) under Section 13 of the Local Government and Miscellaneous Provisions Act 1976 in the Tinkers Green Estate (shown edged black on the plan at Appendix 1) to facilitate redevelopment for housing purposes;

3. agreed to authorise the Director of Assets and Environment to negotiate the acquisition of all remaining interests and rights in land shown single edged black at Appendix 1 in advance of and alongside the making of the Compulsory Purchase Order if voluntary negotiations are unsuccessful as well as to agree costs and/or compensation relating to the land edged black or the CPO payable as a result of giving effect to the above recommendations;
4. agreed to authorise the Director of Assets and Environment to make/initiate any appropriate agreements/applications/licences under the Highways Act 1980 (including but not limited to Section 38 and/or Section 278 Agreements) and to submit an application under section 247 of the Town and Country Planning Act 1990 to stop up any highway within the area edged black at Appendix 1 as is or are necessary for the Tinkers Green Scheme; and
5. agreed to give delegated authority be given to the Solicitor to the Council in consultation with the Director of Assets and Environment to take all necessary steps to give effect to the above recommendations including (but not limited to) execution of documents as required to secure the making, confirmation and implementation of the Compulsory Purchase Order and presentation at an Public Local Inquiry including the service of notices to give effect thereto including High Court Enforcement Officer's notices and (if granted power to do so by the Secretary of State) to confirm the Compulsory Purchase Order and to complete acquisitions of land and rights within the area shown edged black at Appendix 1.

(Moved by Councillor S Claymore seconded by Councillor R Pritchard)

23 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That members of the press and public be now excluded from the meeting during consideration of the following item on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

24 REVIEW OF COUNCIL OWNED SHELTERED AND EXTRA CARE HOUSING

The Report of the Portfolio Holder for Housing and Waste Management updating Cabinet on findings from the Sheltered Housing Review following cessation of

Staffordshire County Council (SCC) funding - c£249k - from 31st March 2015 and cumulatively c£268k from 31st March 2016 was considered.

RESOLVED: That Cabinet endorsed the recommendations as contained in the report

(Moved by Councillor M Thurgood and seconded by Councillor D Cook)

Thanks were expressed by the Leader for the work the teams have put in to the report.

25 SERVICE CHARGES FOR COUNCIL OWNED STOCK

The Report of the Portfolio Holder for Housing and Waste Management outlining the implications of introducing service charges to tenants and leaseholders in the Council's own stock. Independent support has been engaged and the professional opinion of the Chartered Institute of Housing (CIH) referenced throughout. The evidence and data, supporting service charges is comprehensive and where relevant is included in this report highlighting the key decisions for Cabinet, namely:-

1. Options for introducing service charges including reference to both an economic impact assessment and equality impact assessment
2. Benefits and risks of introducing either fixed or variable charges
3. Proposed methodology for charging including de-pooling and capping
4. Proposed twin track approach for tenants and leaseholders recognising that the contractual position is different
5. Route map and summary timescales for implementation including statutory consultation arrangement
6. Inextricable links with proposed business modelling for sheltered housing which will detail an option around enhance housing management which is effectively a service charge

RESOLVED: That Cabinet endorsed the recommendations as contained in the report

(Moved by Councillor M Thurgood and seconded by Councillor D Cook)

Leader