

## LONDON BOROUGH OF HARROW

<b>Meeting:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>15 July 2003</b>
<b>Subject:</b>	<b>Compulsory Purchase Order in relation to Phase 2 of the Rayners Lane Estate Redevelopment</b>
<b>Key decision:</b>	<b>Yes</b>
<b>Responsible Chief Officer:</b>	<b>Acting Chief Social Services Officer and Interim Director of Environmental Services</b>
<b>Relevant Portfolio Holder:</b>	<b>Portfolio Holder for Planning, Development Housing and Best Value.</b>
<b>Status:</b>	<b>Part 1</b>
<b>Ward:</b>	<b>Roxbourne</b>
<b>Enclosures:</b>	<b>Map showing the Property of the Proposed Compulsory Purchase Order to be displayed at the meeting.</b>

### 1. Summary

- 1.1 This report seeks the authority of Members to commence compulsory purchase proceedings in relation to Phase 2 of the redevelopment of the Rayners Lane Estate. The proposal is to acquire two properties, namely numbers 182 and 200 Rayners Lane.
- 1.2 It also seeks the authority of Members to instruct officers to make a formal application to the First Secretary of State and Deputy Prime Minister to confirm the said compulsory purchase order, and to deal with any legal proceedings arising from it.
- 1.3 It further asks Members to note that the Council may be requested to make further compulsory purchase orders in relation to the rest of the Estate as the redevelopment proceeds.

**Recommendations** (for decision by Cabinet):

- 2.1 That **Compulsory Purchase Orders** be made under **Section 17(1)(b)** of the **Housing Act 1985** to acquire all estates and interests in numbers 182 and 200 Rayners Lane, Harrow HA2 OXQ shown coloured pink on the plan numbered ES 9877 Issue A entitled 'Map referred to in the London Borough of Harrow (182 & 200 Rayners Lane Harrow) Compulsory Purchase Order 2003' for the purpose of the provision of housing accommodation.
- 2.2 That the **Borough Solicitor** be authorised to make and seal the Orders and to submit them for confirmation to the **First Secretary of State and Deputy Prime Minister**.
- 2.3 That the **Borough Solicitor** be authorised to sign all notices in connection with the Orders and, if objections are received, make arrangements for **Public Inquiries** and take all action in connection with the **Inquiries** including the appointment of **Counsel**.
- 2.4 That the **Borough Solicitor** be authorised to make **General Vesting Declarations** under the **Compulsory Purchase (Vesting Declarations) Act 1981** in the event of the Orders being confirmed if it is considered appropriate to do so, and to deal with any compensation issues, if necessary by way of reference to the **Lands Tribunal**.
- 2.5 To note that the **Home Group** may request the **Council** to make further **Compulsory Purchase Orders** in relation to **Phase 2** and to the rest of the **Rayners Lane Estates** as and when required.

**Reason:**

To allow the **Home Group** to proceed with the second phase of the **Rayners Lane Estate** regeneration

3. **Consultation with Ward Councillors**

- 3.1 This was previously undertaken as part of the transfer of the Estate.

4. **Policy Context (including Relevant Previous Decisions)**

- 4.1 Cabinet agreed on 13<sup>th</sup> November 2001 that tenants should be consulted on the proposed transfer of the Rayners Lane Estate to the Home Group and subject to the results of this consultation a secret ballot of affected tenants be held in order to satisfy the requirements of the Housing Act 1985. Cabinet also authorised a Co-operation Agreement and CPO Indemnity Agreement to implement the proposal, and noted that subject to a yes vote, planning permission and a further report, it may be asked to consider the making of a Compulsory Purchase Order.
- 4.2 The results of the tenants' ballot approving the transfer, were declared on 18<sup>th</sup> March 2002. On 16<sup>th</sup> July, Cabinet authorised officers to make an application to the Secretary of State in respect of the transfer of the Rayners Lane Estate to Home Group Limited, and the Council's freehold interest in the Estate was transferred to them on 14<sup>th</sup> October.

- 4.3 Outline planning permission was granted by the Council for the redevelopment of the Estate on 16<sup>th</sup> October. Detailed planning permission was granted for phase 1 of the scheme on 28<sup>th</sup> April 2003.

5. **Relevance to Corporate Priorities**

This report addresses the Council's stated priority to regenerate the Rayners Lane Estate and is seen to impact on the Corporate Performance Management Indicators as follows, namely to improve the quality of health and social care in the Borough by, amongst other things, enabling choice and access to good quality housing.

6. **Background Information and options considered**

- 6.1 The Home Group's proposals involve the demolition of a substantial number of flats on the Estate, which inter alia include flats purchased under the Right to Buy scheme. Home Group indicated that they would purchase the flats by agreement where possible, but in the event that this was not possible, it would request the Council acquire the outstanding leasehold interests by way of compulsory purchase. To date it has not been possible to acquire one of the two properties in phase 2 by agreement. In respect of the other property in phase 2, which has only recently been acquired under the Right to Buy Scheme, the Home group intends to start negotiations to purchase it.

- 6.2 To protect the overall timing of the entire redevelopment, it is prudent for Members to authorise the use of compulsory purchase powers for both these properties, in the event that the purchase of either cannot be secured by agreement.

- 6.2 If the Home Group fails to purchase property by agreement they propose to progress the compulsory acquisition of properties on the Estate on a phased basis. Approximately 60 leasehold properties may need to be acquired by compulsory purchase in seven phases. At this stage Members are only being requested to consider making a Compulsory Purchase Order in respect of 2 properties within the second phase, while noting that the Home Group may request a further six orders in future in order to assist in their phased development programme.

7. **Consultation**

- 7.1 The transfer of the Estate to the Home Group involved consultation with tenants and leaseholders.

8. **Finance Observations**

The Compulsory Purchase Order Indemnity Agreement between the Home Group and the Council requires the Home Group to underwrite all costs and compensation (as set out in the Indemnity Agreement) incurred by the Council in the event that the Council resolves to make a compulsory purchase order. The compulsory acquisition of these properties should therefore not have direct financial implications for the Council.

9. **Legal Observations**

- 9.1 It is intended to acquire these properties under section 17 of the Housing Act 1985, which is the principal statutory power to purchase land for housing purposes.

10. **Conclusion**

The making of the proposed Compulsory Purchase Orders is necessary to allow the second phase of the regeneration of the Rayners Lane Estate to proceed. Accordingly Members' authority is sought for officers to proceed with the statutory procedure.

11. **Background Papers**

11.1 None.

12. **Authors**

12.1 Hugh Peart, Harrow Legal Services: 020-8424-1287  
David Ball, Harrow Property Services: 020-8424-1877