

RECORD OF OFFICER EXECUTIVE DECISION

State if decision exempt from publication (Not Exempt)

Certain information may be exempt from publication if it falls under Schedule 12A of the Local Government Act 1972. However, these exemptions only apply so long as, in the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing it.

Date of Decision	29/05/2024
Name of Decision Maker and Job Title	James Green, (delegation holder for the Executive Director of Regeneration of Economy and Planning (Debbie Jackson) from May 27 - May 31 2024)
Status of the decision (e.g. by Executive Director in consultation with Portfolio Holder under the Constitution)	Cabinet Decision in respect of the making of The City of Westminster (Site A Church Street) Compulsory Purchase Order 2023 Resolution) was approved on 10 July 2023 ("the Report")
Specific Delegation from Executive (Leader, Cabinet or Cabinet Member) / Committee	<p>The Cabinet on 10 July 2023 resolved to delegate authority to the Executive Director of Growth, Planning and Housing (subject to any expenditure to be incurred to be within the budget approved for the promotion of the CPO and the acquisition of the property and rights necessary to enable the redevelopment of Site A) to:</p> <p>(a) agree amendments to the Draft Order Plan and finalise the CPO schedule of interests before the making of the Order (if required to give effect to any of the matters delegated pursuant to the recommendation);</p> <p>(b) agree the precise scope of rights to be acquired over properties that surround the Order Land (if required to give effect to any of the matters delegated pursuant to the recommendation);</p> <p>(c) agree amendments and approve the final form of the Statement of Reasons before making the Order;</p> <p>(d) agree amendments and approve the Equalities Impact Assessment before making the Order;</p> <p>(e) to agree the terms of and enter into any documentation required to settle any property rights / matters necessary to progress the regeneration of the Order Land;</p> <p>(f) take all steps to secure the making, confirmation and implementation of the Order including the publication and service of all notices and the promotion of the Council's case at any public inquiry;</p> <p>(g) negotiate, agree terms and enter into agreements with affected parties including agreements for the withdrawal of blight notices and/or the withdrawal of objections to the Order and/or undertakings not to enforce the Order on specified terms, including (but not limited to) where appropriate seeking the exclusion of land from the Order, making provision for the payment of compensation and/or relocation;</p> <p>(h) in the event the Order is confirmed by the Secretary of State or an Inspector in the case of delegation, to advertise and give notice of confirmation and thereafter to take all steps to implement the</p>

	<p>Order including, as applicable, to execute General Vesting Declarations and/or to serve Notices to Treat and Notices of Entry in respect of interests and rights in the Order Land; and (i) take all steps in relation to any legal proceedings relating to the Order including defending or settling claims referred to the Upper Tribunal and/or applications to the courts and any appeals.</p>
<p>Other Consultees involved. (i.e. Director of Law & Finance)</p>	<p>Decision review and advice by:</p> <p>Vicky Fowler, Partner and Planning and Environment Team Leader Gowlings WLG (UK) LLP</p> <p>Aruna Sarwar, Major Projects Lawyer Legal Development and Property Team Bi-borough Legal Services</p>
<p>Material considered as part of the decision-making process. Include how best value achieved and equality objectives met (as appropriate)</p>	<p>Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:- (1) A public authority must, in the exercise of its functions, have due regard to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; 16 (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p> <p>In deciding whether to resolve to make a CPO and the related recommendations of this Report, the Council must pay due regard to its Public Sector Equality Duty ("PSED"), as set out in section 149 of the Equalities Act 2010. Consideration must also be given to whether, if the decision is made to go ahead, it will be possible to mitigate any adverse impact on a protected group or to take steps to promote equality of opportunity by, for example, treating an affected group more favourably.</p> <p>Officers have had regard to the Council's PSED in the assessment of the case for making the above recommendations and Members were mindful of this duty when they considered the recommendations in Cabinet Report.</p> <p>Those with an interest in the Order Land will be affected by the implementation of any made CPO, if confirmed.</p> <p>An Equalities Impact Assessment has been undertaken on the potential impact of the CPO and any necessary mitigation strategies, to ensure that due regard has been taken of the Council's PSED.</p> <p>Equalities Impact Assessments have informed the design, resident-led decisions in respect of the scheme, and the negotiations with those with an interest in the Order Land. The planning application for the development proposal also assessed the potential impact on equalities and social cohesion.</p>

	<p>An updated assessment of any equalities impact of the Order has been undertaken to support the Report, a copy of which is at Appendix 3 (the "EQIA"). The EQIA has considered: (a) whether the Order will affect any groups or individuals with protected characteristics and if so what steps can be taken to minimise any impacts; (b) whether there are any long term social and economic benefits to those with.</p> <p>A further assessment of any equalities impact of the CPO was undertaken. The assessment carried out considered:</p> <ul style="list-style-type: none"> • whether the CPO will affect any groups or individuals with protected characteristics and if so what steps can be taken to minimise any impacts; • whether there are any long term social and economic benefits to those with protected characteristics arising from the development facilitated by the CPO; • any other impacts across any protected groups arising from both the construction and operational phases of development; <p>The further assessment found that there are remaining residents on the Estate with protected characteristics. The Council has, however, sought to mitigate the impact on those protected characteristics through a range of reasonable and proportionate measures focused on engagement, compensation options, and the benefits of the redevelopment in order to improve the outcomes of the redevelopment for the current and future Estate community.</p> <p>The EQIA acknowledged that the effects on protected characteristics are being managed through engagement and consultation and the mitigation measures set out in the Policy for Tenants in Housing Renewal Areas, the Policy for Leaseholders in Housing Renewal Areas and the support developed by the Council for businesses included in the Order.</p> <p>The EQIA concluded, therefore, that where any negotiations of property acquisition to facilitate the redevelopment is deemed to not be possible and compulsory purchase must be used, equality risks have been addressed. There is, therefore, a case for the use of the CPO, if it is required to facilitate the development.</p>
Decision taken:	<p>To approve the taking of all steps to secure the making, confirmation and implementation of the Order of the Compulsory Purchase Order powers which includes to:</p> <p>negotiate, agree terms and enter into agreements with affected parties including agreements for the withdrawal of blight notices and/or the withdrawal of objections to the Order and/or undertakings not to enforce the Order on specified terms, including (but not limited to) where appropriate seeking the exclusion of land</p>

	<p>from the Order, making provision for the payment of compensation and/or relocation.</p> <p>London Power Networks is an affected party and has objected to the confirmation of the Order. The Agreement is necessary to remove their objection.</p>
Reasons for the Decision:	London Power Networks is an affected party and has objected to the confirmation of the Order. The Agreement is necessary to remove their objection.
Risk Analysis:	London Power Networks is a statutory undertaker and it is important their objection is removed. The form of the Agreement responds to their objection but alongside this the Church Street team have already commenced negotiations on the relocation of London Power Networks apparatus which will meet the requirements set out in the Agreement necessary to remove their objection to the CPO.
Details of alternative options considered and rejected:	N/A
Conflicts of interest declared by any Executive Member/ other Member or officer consulted by the decision maker which relates to the decision:	
Dispensations Granted: (If any)	

I certify that this is a true record of the executive decision in relation to approval of the implementation of the Compulsory Purchase Order powers which includes issuing the General Vesting Declaration notices and Notices to Treat and Notices of Entry in respect of the GVD Land

Signed by the Decision Maker:

Dated: 29/05/24



Name James Green

Job Title: Director of Regeneration and Development

Signed by (Consultee if required)

Dated:

Name