

## RECORD OF OFFICER EXECUTIVE DECISION

### State if decision exempt from publication

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.

No.	Date of Decision:	03/11/2024
1.	Name of Decision Maker and Job Title:	Debbie Jackson, Executive Director of Regeneration, Economy and Planning (formerly known as Executive Director of Growth, Planning and Housing)
2.	Status of the decision (e.g. by Executive Director in consultation with Portfolio Holder under the Constitution):	Formal Cabinet Decision (Church Street Regeneration – Site A Compulsory Purchase Order Resolution) was approved 10 <sup>th</sup> July 2023.  <a href="#">Decision - Church Street Regeneration - Site A Compulsory Purchase Order Resolution   Westminster City Council</a>
3.	Specific Delegation from Executive (Leader, Cabinet or Cabinet Member) / Committee:	Cabinet delegated authority to the Executive Director of Growth, Planning and Housing (now the Executive Director of Regeneration, Economy and Planning) (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:  (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).  (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).  (c) agree amendments and approve the final form of the Statement of Reasons before making the Order.  (d) agree amendments and approve the Equalities Impact Assessment before making the Order.  (e) to agree the terms of and enter into any documentation required to settle any property

		<p>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><b>(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 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</b></p> <p>(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>
4.	Other Consultees involved. (i.e. Director of Law & Finance)	<p>Decision approved by</p> <ul style="list-style-type: none"> <li>• Head of Development;</li> <li>• Internal Legal Advisor in Bi-borough Legal Services;</li> <li>• External Legal Advisor: Gowlings WLG;</li> <li>• Land Referencer: Ardent Management.</li> </ul>
5.	Material considered as part of the decision making process. Include how best value achieved and equality objectives met (as appropriate):	No material changes from Cabinet Report.
6.	Decision taken:	<p>The Executive Director of Regeneration, Economy and Planning:</p> <p>(a) Approves the General Vesting Declaration 1 (<b>GVD 1</b>) in respect of the land to be acquired as</p>

		<p>shown coloured pink on the plan annexed to the GVD 1 and the execution of the same;</p> <p>(b) Approves the General Vesting Declaration 2 (<b>GVD 2</b>) in respect of the land over which rights are to be acquired as shown coloured blue on the plan annexed to the GVD 2 and the execution of the same;</p> <p>(c) Approves the form of notice of making of the GVD1 and GVD 2;</p> <p>(d) Approves the terms of the precedent letter which is to be sent to all affected parties enclosing the notice of making of the GVD 1 or the GVD 2 (as appropriate); a copy of the GVD1 or the GVD 2 (as appropriate); the claim form from the Department for Levelling Up, Housing and Communities; and guidance notes for the completion of the claim form;</p> <p>(e) Approves the site notice to be erected in respect of the “unknown” plots to advertise the making of the GVD1 and/or the GVD 2;</p> <p>(f) Approves the sending of a confirmation of vesting date letter to each affected party confirming the date on which all the notices of making were served and advising that the Council will contact each recipient as necessary regarding any practical arrangements for taking possession of the land to be acquired/exercising rights;</p> <p>(g) Approves the payment of Stamp Duty Land Tax (<b>SDLT</b>) within two weeks of vesting in respect of those land interests to be acquired which give rise to SDLT liability;</p> <p>(h) Approves the application to the Land Registry for registration of all the acquired interests and rights;</p> <p>(i) Approves the Notice to Treat, Notice of Entry (<b>NTTs and NoEs</b>) and precedent letter enclosing the same in respect of those interests against whom the GVDs are ineffective and steps (f) – (h) above in respect of such interests</p> <p>In all cases in accordance with the documents presented.</p>
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7.	Reasons for the Decision:	<p>Following the confirmation of the Compulsory Purchase Order Decision for Site A of Church Street by the Planning Inspector on 16 September 2024, it is crucial that the Council continues to facilitate the comprehensive redevelopment of Site A at Church Street (<b>Order Land</b>) by acquiring all relevant land interests and rights in a timely way.</p> <p>Whilst progress has continued to be made with property owners to agree terms for acquisitions that will enable the delivery of the the Council's redevelopment proposals for Site A of Church Street (<b>CPO Scheme</b>), land assembly remains a critical issue for the delivery of the CPO Scheme. The CPO Scheme cannot be delivered unless all properties within the Order Land are wholly in the ownership of the Council together with all necessary rights required to undertake the development. Without the Council acquiring the remaining land in the Order Land and the rights over the neighbouring property, there can be no certainty that the Order Land can be redeveloped.</p> <p>The making of GVD 1 and GVD 2 provides a level of certainty in respect of project programming. This is because once the GVD 1 and the GVD 2 have been executed, and a period of 3 months after the last of the letters have been served upon all affected parties enclosing the notice of making of the GVD 1 or the GVD 2 (as appropriate) has passed, the land to be acquired pursuant to GVD 1 and/or the rights to be acquired as set out in GVD 2 (as appropriate) will vest in the Council. A NTT is a formal request from the Council to agree a price for property and a NoE ensures that entry can be taken of such property. In each case, the GVD/NTT will facilitate the development of the CPO Scheme.</p>
8.	Risk Analysis:	<p>If objections are made to the confirmation of the CPO during the judicial review period which will end on 8 November 2024, this will delay the execution of GVD1 and GVD 2 and the NTTs and NoEs. The making of GVD 1 and GVD 2 will conclude the compulsory purchase order process.</p>
9.	Details of alternative options considered and rejected:	<p>Not making GVD 1 and GVD 2 would risk the Council not being able to secure ownership of the Order Land and the rights required over neighbouring property to enable the redevelopment to take place. The Council would be unable to undertake the proposed redevelopment in such circumstances. NTTs and NoEs are</p>

		necessary where the GVD is insufficient to vest ownership of certain interests.
<b>10.</b>	Conflicts of interest declared by any Executive Member/ other Member or officer consulted by the decision maker which relates to the decision:	Not Applicable
<b>11.</b>	Dispensations Granted: (If any)	Not Applicable

**I certify that this is a true record of the executive decision in relation to the above.**

Name: Debbie Jackson

Dated: 03/11/2024

Job Title: Executive Director for Regeneration, Economy & Planning (REP)

Signed by

