

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	22/03/2023
Name of Decision Maker and Job Title	Debbie Jackson, Executive Director of Regeneration, Economy and Planning
Status of the decision (e.g. by Executive Director in consultation with Portfolio Holder under the Constitution)	Formal Cabinet Decision (Ebury Bridge Compulsory Purchase Order Resolution) was approved on 13 December 2022: Issue details - Ebury Bridge Compulsory Purchase Order Resolution Westminster City Council
Specific Delegation from Executive (Leader, Cabinet or Cabinet Member) / Committee	2.3 Delegate authority to the Executive Director of Growth, Planning and Housing, in consultation with the Director of Law and Governance to: (a) agree amendments to the CPO Plan and CPO Schedule before the making of the Order (if required); (b) 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; (c) negotiate, agree terms and enter into agreements with interested 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; (d) 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 (e) 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.
Other Consultees involved. (i.e. Director of Law & Finance)	Decision review and advice by: Vicky Fowler, Partner and Planning and Environment Team Leader Gowlings WLG (UK) LLP

	<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; (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, the Council paid due regard to its Public Sector Equality Duty (“PSED”), as set out in section 149 of the Equalities Act 2010.</p> <p>Consideration was also 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 a CPO and implementation of it. Those with an interest in the Order Land will be affected by the implementation of the confirmed CPO. An Equalities Impact Assessment has been undertaken on the potential impact of the proposal and any necessary mitigation strategy, 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.</p> <p>The planning application for the development proposal also assessed the potential impact on equalities and social cohesion.</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,</p>

	<p>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:	To approve 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 two plots of land shown edged red and numbered 1 and 2 on the attached plan (GVD Land).
Reasons for the Decision:	<p>On 5 October 2022, the Planning Inspectorate confirmed the Ebury Bridge Compulsory Purchase Order without modification. The powers were sought to provide the Council with certainty that the scheme can be delivered without obstruction.</p> <p>In order for the project to progress in line with the agreed programme and costs for the delivery of Phase 2 of the regeneration scheme, a second General Vesting Declaration (GVD) is required to secure the GVD Land necessary for the construction of Building 5 on the Ebury Bridge Estate. The GVD Land must be acquired by 27th March 2026.</p> <p>The Council needs to commence the three month process of the GVD which involves issuing notices to the owners of the GVD Land. The initial steps of the CPO implementation can be made whilst negotiations around the acquisition of the GVD Land continues. The process of issuing the GVD/Notices to Treat/Notices of Entry will reiterate the importance of engaging with the Council and completing the sales process. Should the acquisition of the GVD Land complete before the end of the three-month process then the powers will not be required.</p>
Risk Analysis:	<p>The GVD Land is required by 27th March 2026 for the construction of Building 5 on the Ebury Bridge Estate.</p> <p>The Council will only utilise its CPO powers as a last resort. Once a GVD has been made, the Council will have to proceed with its</p>

	<p>obligation to acquire the GVD Land- there is no mechanism to withdraw a GVD.</p> <p>It should be noted that an acquisition of this nature without the use of CPO powers takes approximately 2 months to complete once the parties are in agreement as to terms. Terms have not been agreed in relation to the affected plots.</p>
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:	None
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
26/03/2024

Dated

Name Debbie Jackson

Job Title Executive Director of Regeneration Economy and Planning REP

Signed by (Consultee if required)

Dated

Name