

Westminster City Council – Decisions taken by the Cabinet on Monday 10 July 2023

Part A – Items considered in public.

Agenda Item No	Topic	Decision
3.	Minutes	Cabinet agreed that the minutes of the meeting held on 15 th May 2023 were a true and correct record of the proceedings
4.	Council Response to the Future of Westminster Commission Recommendations	<p>Cabinet approved the following recommendation:</p> <p>Cabinet was asked to note the initial responses to the Commission’s recommendations across the three remaining reviews (Appendix A) and to agree that all recommendations brought forward for implementation will be subject to further financial and legal consideration and where necessary, individual Cabinet or Cabinet Member decisions will be undertaken.</p> <p>Reason for the Decision</p> <p>The Future of Westminster Commission was established to advise the Council on areas of policy that are critical to the future success of the City and central to the delivery of a Fairer Westminster. The Commission has now delivered its final report and recommendations, please see Appendix B of this report.</p> <p>All recommendations have been considered individually (as outlined in Appendix A), with a view to accepting, rejecting, or otherwise considering each. The proposed responses are put forward with due regard to the strategic priorities of the council and with the recognition that, where required, further financial and legal consideration will have to be undertaken before implementation.</p>
5.	Church Street Regeneration - Site A Compulsory Purchase Order Resolution	<p>Cabinet approved the following recommendation:</p> <p>Agreed, subject to the consideration of the matters set out in the report, to the making of a Compulsory Purchase Order pursuant to Section 226(1)(a) of the TCPA and section 13 of the 1976 Act in respect of the Order Land, to facilitate delivery of the CPO Scheme.</p> <p>Delegated authority to the Executive Director of Growth, Planning and Housing (subject to any</p>

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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 rights / matters necessary to progress the regeneration of the Order Land;

(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;

(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;

(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

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(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.

Reasons for Decision

Church Street is one of the five priority estates identified in the Renewal Strategy as needing significant improvement and investment. In line with the Council's strategy for Fairer Westminster 2022 - 2026, the overarching objective of regenerating Church Street is to create a comprehensive renewal that brings about physical, economic and sustainable change that creates additional homes and improves the lives of residents, businesses and visitors alike. The Order Land is a key part of the regeneration area.

Whilst significant progress with property owners has been made in discussing acquisitions that will be necessary to deliver the proposals, land assembly remains a critical issue for the delivery of the CPO Scheme. Clearly the estate renewal cannot be delivered across properties that are not wholly in the ownership or under the control of the Council and without this, certainty cannot be gained to the likely programme for delivery of the complete renewal of the Order Land.

To enable the comprehensive redevelopment of the Order Land all relevant land interests will need to be acquired, in a timely way. The government recognises in the Guidance, that if acquiring authorities wait for negotiations to break down, this can have detrimental impacts on the timing of delivery of projects. Therefore, depending on when the land is required, the Guidance considers it sensible for an acquiring authority to: • plan a compulsory purchase as a contingency measure; and • initiate formal procedures.

Importantly, the Guidance expressly recognises that such steps "...help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations".

The Guidance requires acquiring authorities to attempt to acquire land by agreement before embarking on the CPO process, although it is recognised that for schemes involving the acquisition of the number of interests, it is sensible to run the CPO process in parallel with ongoing negotiations.

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This report seeks Members' support for a resolution for the making of a compulsory purchase order to assemble the Order Land and rights needed to bring forward the CPO Scheme.

The report for the in-principle resolution acknowledged that before the making of the Order members would need to be satisfied on the following:

- that there was a compelling case in the public interest;
- that there were no planning, funding or other legal impediments to the Order Land being delivered or where impediments exist there are reasonable prospects for overcoming those within a reasonable timescale;
- that all reasonable attempts to acquire all interests by agreement have not been successful; • that there is justification for any interference with the human rights of those with an interest in the land affected; and
- that any assessment of the impacts on residents, visitors and employees be measured and evaluated, with special focus on the likely effect of the proposals on those sharing protected characteristic (race, pregnancy, age, disability, gender reassignment, marriage/civil partnerships, religion/belief, sex, sexual orientation (as defined by the Equality Act 2010)) be made, in order for the Council to fully understand those impacts, and to consider measures to mitigate impact, make reasonable adjustment, and foster good relations between those sharing protected characteristics, and those who do not.

The remainder of this report and the draft Statement of Reasons at Appendix 2 set out the justification for the making of the Order under section 226 of the TCPA.

The main benefit of the use of compulsory purchase is the certainty of being able to obtain vacant possession to a planned programme. This is vital in order give the Council confidence that the entirety of the Order Land will be delivered and be reassured of the effective use of public funds deployed in the development of the project.

The use of compulsory purchase provides a level of certainty on project programming which in turn would allow the Council to enter into commercially sound construction contracts. This is because, once the Order is confirmed and the legal challenge period has passed, the Order can be

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		implemented and a date for vacant possession fixed in accordance with the project programme which can immediately follow or coincide with the programme for redevelopment.
6.	Medium Term Financial Planning (2024/25 to 2026/27)	<p>Cabinet approved the following recommendation:</p> <ul style="list-style-type: none"> • That Cabinet note the revised medium term financial planning forecast to 2026/27 and to agree the budget process approach as set out in the report. <p>Reasons for Decision</p> <p>The preparation of the budget and three-year medium term financial plan is the first stage of the annual business planning cycle for the forthcoming financial year 2024/25. There is a statutory requirement to set an annual balanced budget and submit budget returns to the department of Levelling Up, Housing and Communities (DLUHC). Approval of the revenue estimates constitutes authority for the incurring of expenditure in accordance with approved policies. It is considered good practice to produce medium financial plans.</p>
7.	Outturn Report	<p>Cabinet noted/approved the following recommendations.</p> <ul style="list-style-type: none"> • Cabinet noted the outturn position for 2022/23. • Cabinet approved the reprofiling from the 2022/23 capital programme into future years as set out in Appendix 1 (GF) and Appendix 2 (HRA).