

Report for: Cabinet – 13th October 2020

Title: Tangmere and Northolt CPO

Report authorised by: David Joyce

Lead Officer: David Sherrington, Director of Broadwater Farm and Christine Addison, Assistant Director for Capital Projects & Property

Ward(s) affected: West Green Ward

**Report for Key/
Non-Key Decision:** Key decision

1. Describe the issue under consideration

- 1.1. On 13th November 2018, following detailed consultation with residents, Cabinet agreed the demolition of Tangmere and Northolt blocks and to build new Council homes on the Broadwater Farm estate. Cabinet also agreed a Rehousing and Payments Policy specific to Broadwater farm residents to support the rehousing process. Previously, in June 2018, the Tangmere Rehousing Priority Scheme was adopted as a matter of urgency due to the need to remove piped gas from the building as soon as possible to reduce potential danger.
- 1.2. The Council began negotiating the buyback of properties with leaseholders in Tangmere in June 2018 and with Northolt leaseholders in February 2019. As of 29th September 2020, 18 of the leasehold properties have been acquired and 5 secure tenants remain.
- 1.3 However, despite ongoing negotiations, there are 13 leaseholders in Northolt and 6 leaseholders in Tangmere whose interests have not yet been acquired (19 in total). As of 29th September 2020, 10 of the leaseholders remaining have reached agreement to sell to the Council by private treaty, with these sales to be finalised. Therefore, negotiations with 9 leaseholders have yet to reach agreement.
- 1.4 On 14th July 2020, Cabinet approved an updated Acquisition Strategy for the remaining leaseholders in Tangmere and Northolt. This strategy was agreed to enhance the prospects of acquiring the remaining interests by agreement as far as possible. The decision to proceed to make a Compulsory Purchase Order 'CPO' is being made in parallel to ongoing negotiations to acquire all remaining interests where acquisition by agreement cannot be reached.
- 1.5 This Report therefore seeks authority for the Council to use its compulsory purchase powers to make 'The London Borough of Haringey (Tangmere and Northolt) Compulsory Purchase Order 2020' ("the Order") in respect to Tangmere and Northolt site (shown edged red on the attached plan) and to acquire all outstanding property interests and any additional rights that may be required. This

will ensure vacant possession should the Council fail to reach a negotiated settlement for the purchase of the outstanding third-party land and property interests.

1.6 The possibility of using compulsory purchase powers was identified in the Cabinet report of the 13th November 2018 which noted that ‘should the Council and any leaseholders not reach an agreement in a reasonable period, it may be necessary, as a last resort, for the Council to consider using its compulsory purchase powers.’

1.7 This report also sets out a number of decisions required by the Council in order to progress with the preparation and making of the Order.

2 Cabinet Member Introduction

Cllr Ibrahim, lead member for Housing:

2.1 In 2018, it became apparent that the Tangmere and Northolt blocks on the Broadwater Farm estate were unsafe and would need to be extensively refurbished or demolished and replaced. Following a positive consultation with residents in both blocks, the decision was taken in November 2018 that demolition was the most suitable option – enabling for the delivery of new, safe and high-quality Council homes on the estate.

2.2 Almost two years later, there are still a handful of leasehold properties where a sale has not been agreed (noting agreement has not been reached with 9 leasehold interests remain in both blocks which comprise 218 flats in total). The Council continues to negotiate with the leaseholders of these properties to reach an agreement and is also initiating formal procedures in parallel rather than waiting for negotiations to break down before starting the compulsory purchase process. It is vital that the work of demolishing the blocks takes place so that the new homes can be delivered. The Council will always prioritise resident’s safety – and the blocks remain structurally unsound. This is not acceptable for the few remaining residents of the blocks or residents of the surrounding areas. Maintaining and securing the blocks with only a few residents inside is an expensive task that does not represent value for money for our residents. Therefore, it is necessary to progress with a Compulsory Purchase Order (CPO) to ensure that these blocks can be fully vacated, demolition can begin and the new Council homes can be delivered.

2.3 These works will have a positive impact on residents, providing high-quality Council homes that are fit for the future. Throughout this process Broadwater Farm residents will have opportunities to work in partnership with the Council to ensure that the new Council homes are reflective of the community’s needs. The only way for this work to progress is to begin the CPO process – guaranteeing vacant possession of the building and enabling the Council to deliver the new homes residents deserve.

3 Recommendations

That Cabinet:

- 3.1 Authorises the making of the Order to acquire all land and rights within the land edged red on (Appendix 2(b)) for housing purposes pursuant to the powers contained in section 17 of the Housing Act 1985, to enable the Council demolition of the Tangmere and Northolt blocks and the erection of new housing accommodation on the site so as to achieve a future qualitative gain following confirmation of the Order.
- 3.2 Delegates authority to the Director of Housing, Regeneration and Planning in consultation with the Assistant Director of Corporate Governance as follows:
- 3.2.1 To make all necessary changes, as appropriate to the draft Statement of Reasons (and any adjustment to the Order Schedule and Order Map) and take all necessary steps to make, serve and implement the Order, to pursue its confirmation by the Inspector, Secretary of State (or the Council) and to implement the Order as may be necessary (these steps are set out in section 6.59-6.74 of this report);
- 3.2.2 To make General Vesting Declarations (GVDs) under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or to serve notices to treat and notices of entry (if required) following confirmation of the Order;
- 3.2.3 To issue and serve any warrants to obtain possession of property acquired by the Council following the execution of a GVD or service of a notice of entry relating to the Order if it is considered appropriate and necessary to do so;
- 3.2.4 To acquire third party interests in the land within the Order either by agreement or compulsorily; and
- 3.2.5 To finalise and confirm the Order documents prior to making the Order.

4 Reasons for decision

- 4.1 Proceeding with a CPO and making the Order is necessary due to the extensive timescale and resources expended in acquiring all of the third-party properties by private treaty spanning approximately 2 years to date, which puts at risk residents' safety. Residents approved the demolition of the blocks via consultation during 2018, and the Order is now necessary to ensure this can be delivered. The reasons for the Order are set out in the draft Statement of Reasons attached at Appendix 1.
- 4.2 To date and despite ongoing negotiations with affected parties, the Council has been unable to acquire all of the outstanding third party land interests in the proposed CPO site through agreement and is unlikely to be able to do so without the use of the Order. The demolition of both the Tangmere and Northolt blocks and the redevelopment of the site is at considerable risk if control of all of the land interests within the Order area is not obtained within a reasonable time. In the absence of making and using the powers afforded by the CPO, negotiations by the

Council with parties with individual land interests could be much more difficult and protracted, as has been the case to date. Delays could also make the proposals more expensive, putting the deliverability of the project at risk. This would be due to the long-term costs associated with security of the blocks, the ongoing repairs and maintenance required whilst the blocks remain in place and outstanding interests to be acquired. Further to this, resident's safety remains the Council's priority and leaseholders continuing to remain in the blocks increases the risk to them and the surrounding area in the event of progressive collapse. The Cabinet is asked to resolve to make the Order to acquire all land and rights within the CPO Site. Officers are satisfied that there is a compelling case in the public interest to make the Order for the reasons set out in this Cabinet Report and the draft Statement of Reasons see Appendix 1. This is the reason for the recommendations at section 3 of this Report.

4.3 Therefore, the justification for making the CPO is:

- 1) the blocks are unsafe and pose a risk both to inhabitants and the surrounding areas;
- 2) the cost of the buildings remaining represents poor value for money due to the prohibitively high cost of refurbishment and structural works;
- 3) the Council cannot deliver its commitments to rebuilding homes until demolition has been undertaken.

4.4 The confirmation of a CPO can be protracted if the CPO is challenged, which means the Council must therefore proceed with starting the CPO process now in order to avoid any further delays. A number of further steps will need to be taken to issue, serve and implement the Order. In order to expedite this process, Cabinet is also asked to grant delegated authority to the relevant officers identified in section 3 of this Report to undertake the actions required. This is the reason for the recommendations at 3.2 of this Report

4.5 In order to use the powers under section 17 of the 1985 Housing Act to make the Order it is necessary for the Council to commit to delivering a *quantitative or qualitative gain* in housing stock on the CPO Site. On 13th November 2018, Cabinet reiterated that following demolition of the two blocks the Council would re-provide at least the same number of Council homes as will be demolished. As these homes will be structurally compliant, this will represent a qualitative gain in housing. Design proposals are already being developed to ensure that this is the case. The Council will also explore options to deliver a quantitative housing gain by providing more units on the Order Land and the surrounding vacant land.

4.6 The definitive case for making the CPO is in the draft Statement of Reasons, appended to this report.

5 Alternative options considered

5.1 A number of alternative options were considered and rejected:

- **Option 1 - do not make a CPO, continue negotiations:**

Option 1 is not recommended as it does not give the project any certainty in terms of the timeframe or budget. Negotiations have been ongoing with leaseholders in Tangmere since June 2018 and Northolt since February 2019 as referenced in section 1.1 of this Report. To date, despite ongoing negotiations and a comprehensive rehousing and payments policy being in place, agreement has not been reached to acquire the outstanding leasehold interests in the blocks by private treaty.

- **Option 2 - do not make a CPO, stop negotiations:**
Option 2 is not a realistic option as the blocks were agreed to be demolished in November 2018 and need to be demolished due to safety concerns. The Council and Homes for Haringey have obligations to ensure the safety of the buildings, residents and neighbours – obligations that would not be met if this option was chosen.
- **Option 3 - make a CPO using alternative statutory powers**
Option 3 is not recommended as, based on legal advice and full consideration of the specifics of the site, Section 17 of the Housing Act 1985 is considered the most appropriate enabling power.

6 Background information

Large panel system buildings and Broadwater Farm structural surveys

- 6.1 Tangmere and Northolt blocks were constructed using a Large Panel System (LPS) method. The requirement for LPS systems with a piped gas supply is that they should be able to withstand an explosive force measuring 34 kN/m², which is the equivalent of a piped gas explosion. The requirement for LPS blocks without a gas supply is that they should be able to withstand an explosive force of 17 kN/m², which is the equivalent of the force of a vehicular strike to the building or from a bottled gas explosion.
- 6.2 Following the fire at Grenfell Tower in June 2017, Homes for Haringey commenced a review of the safety of buildings they manage on behalf of the Council.
- 6.3 The structural defects identified at Broadwater Farm became apparent following structural surveys to “open up” a sample of properties on the estate to understand the construction of the blocks. This work was completed in line with government regulations and guidance on LPS blocks issued by the Building Research Establishment (BRE).
- 6.4 In 2017, Homes for Haringey engaged construction consultants Ridge, and from October 2017 intrusive structural surveys were carried out in a sample of properties on the estate which had been kept empty when they became vacant. The remit of Ridge’s appointment was to carry out structural investigations to determine the robustness of the 12 blocks on Broadwater Farm, advise on next steps and prepare subsequent structural cost estimates.

- 6.5 The work undertaken by Ridge was peer reviewed by Curtins in June 2018 to ensure the findings were robust. Over the course of this work, structural issues were discovered in eleven of the twelve blocks on Broadwater Farm.
- 6.6 Tangmere and Northolt blocks were found to fail the lower test of 17 kN/m² and required the most remedial works as a result to ensure they met building standards.

Tangmere

- 6.7 Tangmere is a ziggurat construction of 6 storeys over a concrete frame. Tangmere is of a different design to the other blocks on the estate, and as such was considered separately. It comprises 116 flats of which 89 were tenanted, 25 were leasehold and two were empty. 12 of the leasehold properties were leased to Newlon Housing Association, which were acquired following Cabinet approval in June 2018.
- 6.8 In February 2018, Homes for Haringey received the result of the first of the Ridge tests relating to Tangmere. This identified that Tangmere had failed the 34 kN/m² test. In April 2018 the Council received results of further surveys which showed that Tangmere had also failed the lower, 17 kN/m² test.
- 6.9 Homes for Haringey implemented a number of mitigation measures to improve safety whilst options to mitigate risks in the long term were explored. These investigations concluded that the only way to do this would be to carry out significant strengthening works to Tangmere, and to remove the piped gas from the block completely by connecting it to the new district heating system.
- 6.10 Homes for Haringey commissioned a feasibility study and cost estimate for retrospectively strengthening Tangmere to ensure it was fully compliant with building regulations, which was received on 18th May 2018. Strengthening Tangmere would require the following works to be undertaken to the 116 units:
- Structural steel works to elevations and roof areas.
 - Structural steel plates and straps fixed internally and connecting to the existing structural floors and new external steels.
 - Allowance for fire proofing to all new steelwork.
 - Removal and reinstatement of roof coverings where steel fixing required.
 - Internal reinstatement works including electrical, full re-decoration and new floor coverings.
- 6.11 The cost of strengthening Tangmere was estimated at £13.1m (equivalent to £112,000 per flat). In addition to the cost of the strengthening works, other works were identified as necessary to bring Tangmere up to Decent Homes standard. As Tangmere had piped gas, it would also need to be connected to the renewed district heating system. The total cost of the works required on Tangmere to make it safe for long-term habitation and meet the Decent Homes Standard was costed at approximately £19m in total (a total cost of £164,000 per flat). These cost estimates were determined in 2018, there is no reason to believe that these prices have changed significantly to justify a different course of action. It is assumed that costs will have increased in line with inflation.

- 6.12 Due to the severity of the findings, and the fact that piped gas was due to be turned off in October 2018, Cabinet resolved on 26th June 2018 to begin the immediate rehousing of Tangmere residents.
- 6.13 An updated visual survey was carried out by Ridge in July 2020 which concluded that there were areas of minor spalling of concrete, water damage on the underside of concrete floor slabs, and areas of damp that had deteriorated since the initial survey. These findings reinforce the urgency with which interests need to be acquired to ensure the block is fully vacated at the earliest opportunity.

Northolt

- 6.14 Northolt is an 18-storey tower block built above a concrete podium. It comprises 102 flats of which, in 2018, 85 were tenanted, 14 were leasehold and 2 were empty. Northolt is not served by piped gas and is served by the existing District Heating Network. The 34 kN/m² test is therefore not applicable to Northolt as it does not have piped gas.
- 6.15 In April 2018 the Council received results of the surveys which showed that Northolt had failed the 17 kN/m² test.
- 6.16 The feasibility study for Northolt was received on 25 May 2018 and showed that the following strengthening works would be required to the properties in Northolt:
- Structural steel works to elevations and roof areas.
 - Structural steel plates and straps fixed internally and connecting to the existing structural floors and new external steels.
 - Allowance for fire proofing to all new steelwork.
 - Removal and reinstatement of roof coverings where steel fixing required.
 - Full internal reinstatement works including mechanical and electrical, new bathrooms, kitchens, full re-decoration and new floor coverings.
 - Making good works externally including complete over cladding.
- 6.17 The report estimated that the cost of the strengthening works would be approximately £12.5m (equivalent to £122,500 per flat). With additional refurbishment costs included, the works required to Northolt were costed at £14.6m in total or a cost of approximately £145,000 per property. These cost estimates were determined in 2018 and, based on the updated visual survey undertaken by Ride in July 2020, there is no reason to believe that these prices will have changed significantly to justify a different course of action. It is assumed that costs will have increased in line with inflation.
- 6.18 The structural repairs proposed for both blocks, if adopted, would have been prohibitively expensive and highly intrusive, requiring residents to be rehoused for around 12 months. Even if the structural work was undertaken, many of the properties would still not meet the Decent Homes Standard, nor would they meet the qualitative standard of housing that the Council aims to provide.
- 6.19 As a result of these findings, the decision was taken to consult residents on the demolition of the two blocks – which resulted in strong majority support in favour

of demolition from residents of both blocks. This position was subsequently approved by Cabinet in November 2018.

- 6.20 The decision to begin rehousing Northolt residents was made by Cabinet on 13th November 2018 and following some minor alterations to the policy, the resolution for rehousing to commence was implemented in early 2019. Noting that the Northolt block did not contain piped gas, the decision was made to prioritise Tangmere with the timescale adopted for Northolt allowing for the required changes to be made within a reasonable timescale.
- 6.21 In summary, the updated visual survey carried out by Ridge in July 2020 did not note any specific deterioration in Northolt, however, it confirmed the initial survey findings to still be true. This included the finding that progressive collapse poses a threat to the surrounding area, reinforcing the requirement for demolition at the earliest opportunity.

Engagement and communications

- 6.22 Since the structural surveys uncovered the issues with the blocks in December 2017, the Council and Homes for Haringey have carried out an intensive programme of resident engagement on the estate. The engagement approach recognised that the discovery of health and safety related problems with the blocks would worry residents and it was important to reassure residents and inform them of the steps the Council and Homes for Haringey were urgently taking to reduce the risks and to ensure their safety.
- 6.23 Specific engagement was targeted for Tangmere and Northolt blocks. This included a programme of home safety visits and the introduction of a 24-hour concierge at each access point to each building.
- 6.24 Engagement activities included:
- 12th February 2018:
- 6.24..1 Meeting held with representatives of Broadwater Farm Residents' Association
 - 6.24..2 Meeting held with community leaders
 - 6.24..3 Door knocking at Tangmere was carried out. Written information was left with every resident or posted through the letterbox where no one was home.
 - 6.24..4 Drop-in centre was set up at 108 Gloucester Road office
 - 6.24..5 Dedicated phone line set up with freephone number
- 19th February 2018:
- 6.24..6 Homes for Haringey staff attended Broadwater Farm Residents' Association meeting to provide an update
 - 6.24..7 Letters delivered to residents of Northolt to update on progress
- 6.25 Additional to this, HfH officers met with the Residents Association on a weekly basis throughout this period to discuss any issues or concerns and to keep them updated.

- 6.26 By mid-May 2018, Homes for Haringey's tenancy management team had visited every home in the blocks and staff had personally spoken to nearly every resident about the findings of the structural surveys and what the next steps would be.
- 6.27 In June 2018 further engagement was undertaken with residents to keep them updated on the structural findings. This included door-knocking, 1-1 meetings, drop-in sessions, and letters as well as informing residents of the upcoming consultation on demolition. This also included practical advice to mitigate risk in the short-term, such as the banning of bottled gas from the buildings.
- 6.28 Engagement and communications have continued with residents, to ensure that all residents were made aware of the findings of the structural surveys, kept informed on what is happening next, and the mitigations that are necessary to ensure their safety. This engagement has taken the form of written communications, door-knocking, signs in the entrance lobbies of blocks, drop-in sessions and independent ITLA advice.
- 6.29 Engagement in this period has also been undertaken through dedicated rehousing officers who have supported all residents in trying to find suitable moves and sharing key messages and information, such as communicating the provisions in the Broadwater Farm Rehousing and Payments Policy to tenants and leaseholders.
- 6.30 It is the Council's intention that engagement will continue throughout the CPO process to ensure all residents in Tangmere and Northolt are made aware of proposals and future plans, including by involving residents in the design process for the new homes.

Consultation on demolition

- 6.31 Extensive consultation was carried out on the proposal to demolish the Tangmere and Northolt blocks with residents in September and October 2018.
- 6.32 This consultation set out why demolition was the preferred option, namely:
- Health and safety issues have been identified in Tangmere and Northolt, which need to be addressed to make the blocks safe in the long-term;
 - The costs of the works required to both blocks to address the health and safety issues are significant and would have a major impact on the position of the Housing Revenue Account.
 - This would mean that investment in other Council homes and estates would need to be re-profiled.
 - The Council's preferred option for both blocks was therefore to rehouse residents - in line with the rehousing policy also to be consulted on – and to demolish the blocks.

- 6.33 The consultation – which was extended to include leaseholders as well as secure tenants – ran from September 12th 2018 to October 10th 2018 and resulted in 81% of respondents from Northolt approving the proposals and 91% of Tangmere respondents approving the proposals.
- 6.34 The consultation was carried out by way of a letter and question booklet, which were handed to residents on 12th September 2018. These materials were provided in multiple languages, large print, and braille as needed. Further to this, drop-in events were held and door-knocking was undertaken. Translators were also available for residents whose first language was not English.
- 6.35 In total, 6 drop-in sessions were held – the vast majority of which took place in the foyer to Tangmere and Northolt, to ensure easy access for all residents.
- 6.36 Additional to this, the Independent Tenant Leaseholder Advisors (ITLA) also held drop-in sessions and undertook their own door-knocking.
- 6.37 A total of 108 responses were received from 105 of the 206 properties (excluding the 12 properties previously owned by Newlon making up the 218 flats in total in both blocks) (51%). Tangmere had a response rate of 40% (42 of 104 properties) whilst Northolt had a response rate of 62% (63 out of 102 properties). Tangmere's response rate was lower due to the fact that many Tangmere residents had already agreed moves away at the time of this consultation under the Tangmere Rehousing Priority Scheme adopted by Cabinet in June 2018.

Consultation on rehousing and payments policy

- 6.38 To guide the rehousing of secure tenants and to start the acquisition of leasehold interests, the Council consulted with residents in September and October 2018 on a Broadwater Farm Rehousing and Payments Policy. This policy applied to resident leaseholders (who resided in the blocks as of 26th June 2018) and secure tenants in the Tangmere and Northolt blocks. It also applied to those who have moved since 26th June 2018 under the provisions of the Tangmere Rehousing Priority Scheme. To agree acquisition by agreement in a reasonable timeframe, the Council has as far as reasonably possible expanded the offers proposed.
- 6.39 The policy, which was finalised and approved on 21st January 2019, committed to the following:
- Offer of the full market value for the home
 - Home loss payments (10% of market value) subject to the statutory cap
 - Disturbance payments
 - Basic loss payments
 - Under-occupation payments
 - Additional payments (e.g. reasonable legal costs of buying new property)
 - A Right to Return to a newly built replacement home on the estate
 - Additional, practical non-financial help to purchase a new property if necessary
 - Equity Loans up to 40% of the leaseholders new home

- 6.40 Non-resident leaseholders are eligible for market value for their property and Basic Loss payments of 7.5% of the value of their home.
- 6.41 All residents also had access to dedicated rehousing officers to help them through the process and support them at every step of the move, including packing and un-packing services for elderly or vulnerable residents.
- 6.42 The Council's broader Estates Renewal Rehousing and Payments Policy is guided by three core principles:
- No tenant or leaseholder will be financially worse off
 - All tenants and resident leaseholders will have a Right to Return
 - All tenants and resident leaseholders who wish to move will be supported to do so

Undertaking negotiations with leaseholders

- 6.43 Negotiations with affected leaseholders in Tangmere started in June 2018 and negotiations with affected leaseholders in Northolt started in early 2019 to acquire their leasehold interests, following the Cabinet's decision to demolish the blocks and approval of the Broadwater Farm Rehousing and Payments Policy.
- 6.44 Negotiations with remaining leaseholders have not been concluded mainly due to two factors:
- Private valuations being different from Haringey Council's which have led some individual leaseholders to request to up to 50% more than market value.
 - Some leaseholder's requests being outside the previously agreed Broadwater Farm Rehousing and Payments Policy.
- 6.45 Negotiations are still ongoing to acquire the remaining leasehold interests by agreement and to rehouse owner occupiers. During negotiations affected parties have been informed of the likelihood of the Council making a CPO, although the Council's preferred strategy continues to be to acquire by agreement on reasonable terms.
- 6.46 To enhance the Council's offer to leaseholders Cabinet agreed a number of additions to the existing policy on 14th July 2020, which included:
- Enabling equity loans to be offered outside of the borough in certain circumstances. The original policy only allowed equity loans within Haringey.
 - The option for remaining leaseholders to request a 'social tenancy' to replace their existing interest. In such circumstances, the Council would pay the leaseholder a sum lower than full market value for the leasehold interest, in addition to any home loss and disturbance payments.

- 6.47 This further demonstrates the Council's commitment to acquiring all leaseholder interests by agreement and reinforces that the decision to make the CPO has been taken as a measure of last resort.
- 6.48 The Council has, as of 29th September 2020, completed the acquisition of 18 leasehold interests in the Tangmere and Northolt blocks. There are a further 13 leaseholders in Northolt and 6 leaseholders in Tangmere as of 29th September 2020. 10 of these leaseholders have agreed to the sale of their property, with the acquisitions still to be completed. A draft list of the interests to be acquired is attached at [Appendix 2(a)]. Additional to this, there remains 5 secure tenants in Northolt block who are awaiting suitable properties for rehousing. These addresses have been included in the draft Order Schedule.
- 6.49 Third-party interests were identified in both Tangmere and Northolt comprising the UK Power Network (UKPN) sub-stations located at the base of each block. Agreement with UKPN has been reached for the relocation of the two sub-stations. At the time of writing, the leases of the new location have not been finalised, requiring the inclusion of UKPN's interests in the draft Order and Order Schedule. However, it is anticipated that confirmed CPO powers will not need to be utilised to acquire these interests.
- 6.50 The above demonstrates that the Council has been negotiating with affected leaseholders and third parties to acquire the remaining interests and has worked hard to be flexible and adaptable to their needs. Pursuing the CPO at this stage is reflective of the few remaining interests having the potential to cause significant delays to the programme of demolition and rebuild and the associated risk this poses to residents and neighbours' safety.

Future new homes on the Site

- 6.51 In parallel to the rehousing process, the Council appointed Karakusevic Carson Architects (KCA) in December 2019 as the lead Design Consultant for this project.
- 6.52 KCA are a lead design consultant specialised in developing high quality designs for social and affordable housings. Following resident engagement, KCA will be developing and submitting a planning application which seeks to replace the social rented homes on the Tangmere and Northolt sites.
- 6.53 The design for the new homes will be aligned with an overall Estate Urban Design Framework, which will ensure that the new designs are coordinated and aligned with the existing infrastructure whilst they will also highlight opportunities for improvements within the short, medium and long-term.
- 6.54 From September 2020 the Council, Homes for Haringey, and KCA will be working with the community to develop design options for both the new homes and the design framework.

- 6.55 As of August 2020, KCA have completed Stage 0 and Stage 1 reports for the two sites, and developed a comprehensive engagement and communications strategy for residents to contribute to the plans for new homes.
- 6.56 A ballot will also be carried out in 2021, giving all residents on the estate the opportunity to vote on the proposals for new homes.
- 6.57 In February 2020, Cabinet approved the provision of £68 million in the Housing Revenue Account financial plan over the next 10 years. The demolition will be funded from this provision.
- 6.58 There is provision in the current Broadwater Farm budget as approved by Cabinet in February 2020 for the CPO process from making of the Order through to implementation (as may be necessary), dealing with all compensation payments and associated aspects in conjunction with the proposed demolition and building of new homes.

Justification for the CPO

The enabling power for the exercise of CPO powers is section 17 of the Housing Act 1985. Section 17 applies to the “acquisition of land for housing purposes” and provides that “a local housing authority may for the purposes of this Part [Part II – provision of housing accommodation] (a) acquire land as a site for the erection of houses (b) acquire houses, or buildings which may be made suitable as houses, together with any land occupied with the houses or buildings...”] Uses of this power include assembling land for housing and ancillary development or improving substandard or defective properties.

Statement of Reasons

The reasons for making the Order must be submitted by the acquiring authority (in this case LB Haringey) when applying for consideration and confirmation of the Order. This is known as the Statement of Reasons and a draft of the Statement of Reasons for the Order is attached at Appendix 1. This sets out in detail the purpose of acquiring the land, the justification for doing so generally and in the context of Human Rights considerations and provides the context for the order, and specific information required under the Guidance on Compulsory purchase process and The Crichel Down Rules issued by the Secretary of State as updated (‘the Guidance’) including information regarding needs for the provision of further housing accommodation in its area (including (inter alia) the total number of dwellings in the district, the total number of substandard dwellings (ie the quantity of housing with Category 1 hazards as defined in section 2 of the Housing Act 2004), the total number of households and the number for which, in the authority’s view, provision needs to be made, details of the authority’s housing stock by type, particularly where the case for compulsory purchase turns on need to provide housing of particular type) including relevant planning policy, equalities impact, resources for delivery and local engagement undertaken.

Compelling Case in the Public Interest.

Given that compulsory purchase powers should only be used as a 'last resort', as set out in the Guidance, the Council must be able to demonstrate that there are sufficiently compelling reasons for the powers to be sought at this time. It must show how it intends to use the land which it is proposing to acquire and that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale.

Section 6 of the Guidance points out that under Section 17(4) of the Housing Act 1985 the Secretary of State may not confirm a compulsory purchase order unless he is satisfied that the land is likely to be required within 10 years of the date the order is confirmed.

The CPO process

- 6.59 A CPO allows a public authority to acquire third party interests in land compulsorily. As per the Guidance it is proposed to progress the CPO concurrently with the strategy (outlined in this report) to acquire the land voluntarily.
- 6.60 A CPO is viewed as a serious interference with private property rights and human rights, is a complex process and should only be used following careful consideration of other options. Preparation of a CPO requires attention to detail and strict adherence to statutory requirements all of which is covered under other provisions in this report.
- 6.61 Making the Order does not give the Council the power to acquire the land – this power arises only when the Order is exercised after it is confirmed either by the Council, the Planning Inspectorate or by the Secretary of State.
- 6.62 If the Cabinet agrees to the use of CPO powers, the statutory CPO process for the preparation and making of the Order will be followed including notification and publicity requirements.
- 6.63 Following the making of the CPO, the Council must notify the affected persons that the CPO has been made and is to be submitted to the Secretary of State for confirmation and then submit the CPO for consideration.
- 6.64 Affected persons then have an opportunity to object to the Secretary of State. If no one objects, the Secretary of State is likely to invite the Council to confirm the Order following which, the Council has the power to implement the Order and acquire the third party rights and interests in the Order land.
- 6.65 Where there are objections, the Secretary of State will appoint an inspector to hold a public inquiry into the Order.
- 6.66 For a programme such as this, the inquiry could probably run for several days/weeks and will depend on the nature and number of objections.

- 6.67 The Inspector's report will summarise the evidence and come to a view as to whether there is compelling public interest for the confirmation of the Order. The inspector will then report this recommendation to the Secretary of State, who makes the final decision.
- 6.68 If the Order is not confirmed, the Council may have the option of bringing a judicial review to challenge the legality of the decision-making process should suitable grounds of claim exist.
- 6.69 If and when the Order is confirmed there is a 6-week window during which affected parties may bring a High Court challenge to the legality of the decision-making.
- 6.70 Cabinet are advised that the current programme of dialogue and negotiations to agree relocation and acquisition of interests of all affected interests will continue in parallel to this process.
- 6.71 Adoption of the recommendations in this report does not necessarily mean that CPO powers will be used to enable acquisition of all third-party interests to enable the demolition. As per the Guidance, the Council has been and will continue to seek to reach negotiated settlement with all those land interests that are required and implementation of a confirmed CPO will only arise where agreement cannot be reached on reasonable terms and in a reasonable timeframe. The authority given in this report assists the Council by making it clear to all outstanding land interests that the Council intends to deliver the demolition and is willing to secure and exercise a confirmed CPO, if required.
- 6.72 This report, including the appended draft site plan and draft Statement of Reasons, contains the relevant information required to justify the making of the Order, in due course as proposed.
- 6.73 The Guidance on compulsory purchase requires that "acquiring authorities" such as the Council should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected and that the officers' report seeking authorisation for the compulsory purchase order should address human rights issues. Officers have taken into account the impact of the Order on the Convention rights of those whose interests will be affected by the Order generally as set out in the draft Statement of Reasons and through an Equalities Impact Assessment, both appended to this report. In view of the factual background to the Order as set out in the Statement of Reasons, and the compelling justification for making the Order, officers consider that the exercise of compulsory purchase powers in this case is justified because it is in the public interest, authorised by law and necessary and proportionate in order to achieve the Council's objectives of securing the safety of the buildings residents, neighbours and securing a future qualitative housing gain.

6.74 As part of the CPO process the Council will need to demonstrate that funding is available to deliver the proposed demolition and acquisition of land and property interests. The Cabinet report from June 2018 approved usage of £11.5m capital provision, part of which was for the urgent rehousing of Tangmere residents. November 2018 Cabinet approved £1.2m in the HRA for 'Northolt Rehousing Costs'. Further provision has been made in the HRA financial plan and are contained in the BWF capital budget 2020/21 to ensure all acquisitions can be made.

Indicative timeline (subject to change)

- October-December 2020 – Serve Requisition for Information notices, undertake site visits to finalise draft Order documents.
- Jan 2021 – Advertise, give notice to affected parties and submit the Order to Secretary of State (SoS) for consideration. Objection period begins.
- Feb 2021 – Objection period ends having provided at least 21 days, with any objections received. Prepare objection responses and engage objectors (as may be required). It may be the case that no objections are received.
- Mar-Apr 2021 – SoS advises need for inquiry and inquiry date set. As an alternative to an inquiry, objections can be considered by the Planning Inspectorate through the written representations procedure, this will depend on numbers and complexities of objections.
- Apr-July 2021 – Objector and leaseholder negotiations continue, Statement of Case prepared and submitted, expert witness evidence prepared and submitted.
- Sep-Oct 2021 – Possible inquiry date
- Jan – Apr 2022 – Order confirmation and legal challenge period. Refresh referencing and serve acquisition notices.
- May – Aug 2022 – Remaining interests acquired.

7 Contribution to strategic outcomes

- 7.1 The Council's first priority as set out in the Borough Plan is a safe, stable, and affordable homes for everyone, whatever their circumstances. The actions recommended in this report support the objectives that will help to achieve that priority in a number of ways:
- 7.2 Concluding the purchase of the remaining homes and enabling the project to proceed will contribute to the Council's objective of ensuring safety in housing of all tenures across the borough.
- 7.3 The progress of this project will drive up the quality of housing, helping to ensure 95% of Council homes meet the Decent Homes Standard by 2022 and that all Council homes and estates are brought up to the high standards that residents deserve. The new homes will meet the Council's published standards for quality and design.
- 7.4 The project will not only very significantly improve the quality of homes for existing residents but will also contribute to the delivery of additional new Council homes at Council rents. One of the Council's very highest priorities is to start a new era of Council housebuilding in the borough, particularly using our own land.

8 Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance

- 8.1 The 14th July 2020 cabinet report on Leasehold acquisition and equity loan arrangement on BWF made various recommendations over and above the ERRPP to facilitate the negotiation and acquisitions of these leasehold properties.
- 8.2 CPO is considered a necessary route where Leaseholders fail to reach an agreement with the Council based on these new offers.
- 8.3 In deciding to make a CPO, the Council needs to be confident that such a step is likely to be successful before committing expenditure.
- 8.4 CPO guidance is clear that in justifying the making of an order the Council must provide substantive information about the sources of funding for both acquiring land/properties and implementing the schemes for which the land is required, and that the funding is available now or early in the process.
- 8.5 The costs of the potential acquisitions and development of new replacement homes for Tangmere and Northolt have been provided for in the HRA capital programme budget.
- 8.6 Other costs such as costs related to making CPO, including staff time and legal costs is contained within existing BWF capital programme budget.

9 Procurement

- 9.1 There are no procurement implications with this proposal.

10 Legal

- 10.1 The Assistant Director of Corporate Governance has been consulted on the content of this report and has provided comments on the report.

10.2 The Council can under section 17 of the Housing Act 1985

(a) acquire land as a site for the erection of houses,

(b) acquire houses, or buildings which may be made suitable as houses, together with any land occupied with the houses or buildings,

(c) acquire land proposed to be used for the purpose of providing facilities in connection with housing accommodation, and

(d) acquire land in order to carry out on it works for the purpose of, or connected with, the alteration, enlarging, repair or improvement of an adjoining house. Land may be acquired by the Council as a local housing authority for these purposes either by

agreement, or they may be authorised to be acquired compulsorily by the Secretary of State.

The Council may, with the consent of, and subject to any conditions imposed by, the Secretary of State, acquire land for these purposes notwithstanding that the land is not immediately required for those purposes but the Council must demonstrate to the Secretary of State that the land is likely to be required for those purposes within ten years from the date on which he confirms the compulsory purchase order.

10.3 The Council must comply with various statutory provisions in the making of the Order and legal advice will be provided throughout the process.

10.4 The Acquisition of Land Act 1981 (the 1981 Act) governs the procedures which apply to such an acquisition, the Compulsory Purchase Act 1965 governs post-confirmation procedures and the Land Compensation Acts 1961 and 1973 govern the amount and assessment of compensation. The procedure for confirmation is specified in the 1981 Act and may require the conduct of a public inquiry if there are objections. In the event that the CPO is confirmed the Council can then take steps to acquire land either by serving a notice to treat and notice of entry in accordance with the 1981 Act or by serving a general vesting declaration under the Compulsory Purchase (Vesting Declarations) Act 1981. Consideration would need to be given to the most appropriate route and the procedure set out by legislation must be followed.

10.5 As an acquisition under the 1981 Act will extinguish third party rights, the Council will need to take care that it does not contravene the rights of individuals under the European Convention on Human Rights (the ECHR):

- Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way that is incompatible with the European Convention on Human Rights. The Convention rights likely to be relevant to the Order are:
- First Protocol Article 1: Peaceful enjoyment of possessions. This right includes the right to peaceful enjoyment of property and is subject to the State's right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest.
- Article 6: Entitlement to a fair and public hearing in the determination of a person's civil and political rights. This includes property rights and can include opportunities to be heard in the consultation process.
- Article 8: Protects the right of the individual to respect for private and family life

10.6 The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties. Any interference with a Convention right must be necessary and proportionate.

10.7 The Council must consider whether its actions would infringe the human rights of anyone affected by the making of the CPO. So, it must carefully consider

the balance to be struck between individual rights and the wider public interest.

10.8 In this case it is considered that there is a compelling case in the public interest for the CPO. The public interest is served by demolition of unsafe buildings and the future qualitative housing gain outweighs the necessary interference with the private rights and interests. The benefits derived by owner occupiers from being relocated from unsafe to safe homes mitigates and justifies the interference with their private rights.

10.9 In addition, the individuals affected by the order have the right to object and have their objection heard at a public inquiry and, additionally, appropriate compensation will be available to those entitled to claim it under the relevant provisions of the CPO Compensation Code.

10.10 Therefore, it is considered that in making the CPO the Council has struck a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest.

10.11 Section 149 of the Equalities Act 2010 requires the decision maker meaning the Council acting through its Cabinet, to have due regard to the goals in the Act as set out in section 149. An EqlA has been undertaken on the potential impact of the decision on residents with protected characteristics. This will be reviewed and updated as more information becomes available. The Council and its advisers will take account of the PSED and any impact on any parties with protected characteristics whilst undertaking negotiations to acquire interests.

10.12 Officers must ensure that any processing of personal data in connection with the Compulsory Purchase Order complies with the provisions of the Data Protection Act 2018.

10.13 Pursuant to section 13 of the Compulsory Purchase Act 1965, the Council may issue a warrant to the sheriff or enforcement officer to deliver possession of land for which it is authorised to enter on and take possession of, in the event that 'the owner or occupier of any of that land, or any other person, refuses to give up possession of it, or hinders the acquiring authority from entering or taking possession of it'. Furthermore, the Council may recover costs from the person refusing entry.

10.14 In considering whether to confirm such a compulsory purchase order the Secretary of State will wish to know, amongst other things:

- what the identified defects in the order property are
- what other steps the authority has taken to remedy matters and the outcome
- where relevant, the extent and nature of any works carried out by the owner to secure the improvement and repair of the property
- whether the purpose for which the Council is proposing to acquire the land could be achieved by any other means
- whether the Council has the necessary resources to carry out the compulsory purchase and whether there are any other impediments to implementation

- the Secretary of State will also wish to know the authority's proposals regarding any existing tenants of the property
- the Secretary of State must also be satisfied that acquisition will achieve a quantitative or qualitative housing gain

10.15 The above aspects have been considered in the main body of this Cabinet Report which includes the legal basis of proceeding with the use of compulsory purchase powers. Human Rights and Equality Act considerations have also been addressed.

10.16 The making of a CPO is an executive function by virtue of section 9D of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Pursuant to section 9E(2) of the Local Government Act 2000, the Cabinet may arrange for the discharge of an executive function by an officer of the authority.

11 Equality

11.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

11.2 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

11.3 The proposed decision is to authorise the making of a compulsory purchase order (CPO) to enable the Council demolition of the Tangmere and Northolt blocks on the Broadwater Farm estate and the erection of new housing accommodation on the site. The objective of the decision is to ensure the safety of residents who continue to live in the two blocks. Residents approved the demolition of the blocks via consultation during 2018, and the CPO is now necessary to ensure this can be delivered. Those affected will be the leaseholders and secure tenants who remain in the blocks.

11.4 An equality impact assessment has been carried out for the proposed decision and is appended to this report. This sets out in detail the extent to which those affected by the proposed decision share the protected characteristics, the nature of the impacts of the proposed decision on them, and the mitigations that the Council has in place to prevent and minimise any potential negative impacts. This assessment contains the information required by Cabinet to understand the effects of the proposed decision on the aims of the public sector equality duty.

11.5 The Council has prepared an Equalities Impact Assessment for the project which identified that the Order may potentially have a detrimental effect or disproportionate impact on persons who share a relevant protected characteristic in terms of families with young children, individuals with disabilities/medical conditions, and the elderly. These parties will likely face greater challenges in relocating and relocation may have a greater impact on their family life. However, the Council has balanced these potential equality impacts against the benefits of the scheme and benefits realised by these parties in being relocated from unsafe to safe housing. The Council has concluded that the decision to make the CPO is proportionate and justified in the circumstances. The Council has also adopted a number of measures to mitigate the impact of the Scheme including:

- Provision of a shared equity scheme for qualifying residents which is in excess of the statutory compensation entitlement and enables residents to stay within the local area.
- A discretion panel to consider offers outside of adopted policies, including the offer of a social tenancy with compensation and consideration of shared equity on out of borough purchases.
- Assistance and support in locating and securing alternative suitable alternative accommodation
- Provision of compensation for special adaptations required for elderly or disabled leaseholders.
- When undertaking negotiations to acquire leasehold interests, an early part of the process involves identifying any protected characteristics. The appointed surveyor then ensures that negotiations are undertaken with regard to the Council's PSED obligations.
- The Tangmere Rehousing Priority Scheme adopted in June 2018, the Broadwater Farm Rehousing and Payments Policy adopted in January 2019, and the Acquisition Strategy adopted in July 2020 for affected residents has been prepared having regard to the Council's PSED obligations. Equalities Impact Assessments for June 2018 and November 2018 Cabinet respectively considered the Tangmere Rehousing Priority Scheme and Broadwater Farm Rehousing and Payments Policy.
- Secure tenants' housing assessment is in accordance with this PSED and they are offered a new home suitable for their needs. This includes taking account of any protected characteristics, for example elderly or disabled secure tenants requiring special adaptations will be eligible to claim for these costs or the adaptations will be made to the new dwelling.
- The Council's Equal Opportunities Policy provides a clear statement on the Council's commitment and approach to equality, diversity, and inclusion, in the areas of employment, service delivery and procurement. This policy underlies the Council's approach to delivering the scheme.
- When developing design proposals and granting planning permission for the future redevelopment of the Order Land the Council will take account of its PSED duty".

11.6 It is notable that the equality impact assessment finds that older people, BAME people, and disabled people are overrepresented among those residents remaining in Tangmere and Northolt blocks. Numerous measures are in place to mitigate any potential negative short-term impacts, informed by extensive engagement with residents, including the Broadwater Farm Rehousing and

Payments Policy, the Local Lettings Policy, and measures within the Acquisition Strategy. It concludes that while there may be short-term disruption, the impact of the decision will be positive in the long-term as it will help to ensure the safety of the people who remain in the blocks.

11.7 The Council recognises that the rehousing of single mothers can be a particularly negative experience for those individuals and their families due to support networks that often exist in the local area, along with access to local facilities and proximity to places of work. As noted in the EQIA for demolition in November 2018, 92% of lone-parent households in West Green were headed by women. To offset these potential negative impacts a number of important mitigations have been made:

- Financial assistance set out in the Broadwater Farm Rehousing and Payments Policy (explored in the November 2018 EQIA)
- Equity loans – enabling leaseholders to purchase similar properties in the local area
- Social tenancies as set out in the Acquisition Strategy from July 2020
- Practical support in finding a new property
- Flexibility and a discretion panel to consider requests outside of the current policies, to find suitable solutions for those particularly ill effected by rehousing

12 Use of Appendices

Appendix 1: Draft Statement of Reasons

Appendix 2: (a) Order Schedule Draft - This appendix contains exempt information relating to section 12A of the local government act 1972 - Paragraphs 1,2 , and 3

Information relating to any individual

Information which is likely to reveal the identity of an individual

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Appendix 2(b) Order Map

Appendix 3: Equalities Impact Assessment

13 Local Government (Access to Information) Act 1985

Background documents:

- Broadwater Farm Cabinet report 14.07.2018
- Broadwater Farm Cabinet report 13.10.2018
- Acquisition Strategy Cabinet report 14.07.2020