

Report for: Leader of the Council

Item number: 4

Title: Keston Centre site novation

Report authorised by : Lyn Garner, Director of Regeneration, Planning & Development

Lead Officer: Bill Ogden, Interim Head of Strategic Property

Ward(s) affected: West Green

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

1. Describe the issue under consideration

- 1.1 This report concerns the Keston Centre site, Keston Rd, N17 which was acquired by Pocket Living (2013) LLP on the 25th November 2015 on a conditional basis.
- 1.2 Following receipt of a satisfactory planning consent for the Keston Centre site, Pocket Living (2013) LLP now wish to proceed to completion of the purchase.
- 1.3 Under the existing sales contract, Pocket Living (2013) LLP are obliged to complete and carry out the development obligations thereafter. However, the Pocket Group's new funding arrangements mean that it needs to transfer the Keston Centre site and the development obligations from the originally nominated company Pocket Living (2013) LLP to their special purchase vehicle Pocket Living West Green Place Ltd. This will be effected by the requested novation.
- 1.4 As the Council originally resolved to a sale of the Keston Centre site to Pocket Living (2013) LLP, a novation to the sales contract is required in order to allow the sale to complete in the name of Pocket Living West Green Place Ltd.

2. Cabinet Member Introduction

n/a

3. Recommendations

- 3.1 To seek the consent of the Leader to:
 - (i) Agree a novation to the existing sales contract that will allow a change in name of the purchaser from Pocket Living (2013) LLP to Pocket Living West Green Place Ltd.

4. Reasons for decision

- 4.1 To allow the sale of the Keston Centre site to Pocket Living West Green Place Ltd who will deliver much needed housing together with a community centre for the borough.

5. Alternative options considered

- 5.1 An alternative option is for Pocket Living to seek and secure alternative funding that would allow them to acquire the Keston Centre site in the original name of Pocket Living (2013) LLP and thus satisfy the terms of the existing sales contract. However, this is likely to take considerable time, which in turn will cause significant delays to the acquisition and critically, delivery of the construction and development programme for the Keston Centre site.

6. Background information

- 6.1 On the 15th September 2015, the Council's Cabinet approved the disposal of the Keston Centre site to Pocket Living LLP on a conditional basis (see 1.3 above) to include securing a satisfactory planning consent for a predominantly residential scheme of "mixed tenure" along with a community centre.
- 6.2 The issue arises under the contract Pocket Living (2013) LLP exchanged with the Council on 25th November 2015 ("the Contract"). At that time all contracts were entered into by that LLP as that was the vehicle for which funding was made available under the Pocket facility with the GLA and Lloyds ("the 2013 Facility").
- 6.3 Pocket has recently revised and expanded its funding arrangements with the GLA, the HCA and Lloyds and are required to operate through new entities within the Group ("the 2017 Facility"). In this case it is Pocket Living West Green Place Limited ("PLWGPL").
- 6.4 All of the entities sit within the Pocket group with the same ultimate holding company, Pocket Living Limited.
- 6.5 The 2013 Facility is coming to an end and all funds are being transferred into the new 2017 Facility which will provide the funding going forward for this and the other Pocket schemes.
- 6.6 Pocket are proposing that the obligations that were given to the Council in the Contract as Pocket Living (2013) LLP are passed over to PLWGPL, which is the company that will also be the freehold owner of the site.

7. Contribution to strategic outcomes

- 7.1 This report supports Priority 5 which is to provide homes and communities where people choose to live and are able to thrive.

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

8.1 Assistant Director of Corporate Governance

The Council has on 25 November 2015 entered into a contract with Pocket Living (2013) LLP for the disposal of the Keston Centre site. The Contract does not permit a

novation or disposal to an entity not complying with the Group Entity definition. In order to allow for the recommendations set out in this report, the Contract would have to be varied. By agreeing to the novation of the Contract, Pocket Living (2013) LLP will be release from and will have no contractual obligations to the Council under the terms of the Contract.

8.2 **Finance**

The Chief Finance Officer has been consulted and concurs with the content of the report.

Equalities

8.3 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.

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.

An EqIA was completed in September 2015. It concluded that there would be no disproportionate impact on service users, including those with protected characteristics, by moving the West Green Playgroup and the Goan Centre to new facilities in White Hart lane, 1.5 miles from the Keston Road site.

The EqIA committed the Council to continued consultation with the impacted service users and community groups. A verbal update on the outcomes of this consultation and how the Council is addressing any recommended actions will be given by officers at the Leader Signing on 4th January 2018.

Procurement Comments

The Corporate Procurement Unit notes the recommendations in this report and that there is no input from procurement required.

9. **Use of Appendices**

None

10. **Local Government (Access to Information) Act 1985**

15 September 2015 Cabinet report

