

MUNICIPAL YEAR 2013/2014 REPORT NO. **100**

MEETING TITLE AND DATE:

Cabinet 16th October 2013

REPORT OF:

Director of Health,
Housing and Adult Social
Care

Agenda – Part: 1

Item: 13

**Subject: Joint Service Centre –
Compulsory Purchase Order**

Wards: Enfield Lock

**Cabinet Member consulted: Cllr
Charalambous, Cllr Oykenner & Cllr
Stafford**

Contact officer and telephone number: Hayley Coates – 020 8379 3087

E mail: Hayley.coates@enfield.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 This report seeks approval from Cabinet to purchase the leasehold interest in several small plots of land and for a resolution to seek a CPO if direct negotiations are unsuccessful with the leaseholders, to facilitate the Joint Service Centre development at 645 Hertford Road.
- 1.2 The Joint Service Centre development is of strategic importance to the Council as it will create improved primary care and dentist premises whilst creating additional capacity to access these services. In addition it will deliver a new, state of the art library and community space.
- 1.3 As shown in Appendix 1, a strip of land currently runs adjacent to the Joint Service Centre site boundary within the amenity of Council housing and was previously occupied by pramsheds. The pramsheds were in a poor condition and adjoined to the boundary wall of the site therefore were identified as being in need of removal. In February 2013 agreement was obtained from five leaseholders to demolish the remaining pramsheds.
- 1.4 The Council is seeking to acquire the land previously occupied by the pramsheds, both those removed in 2013 and in 2010. This is to enable soft landscaping works down this strip of land and secure privacy for the GP consulting rooms. Approval for a CPO is required as a contingency measure should the Council fail to reach a negotiated settlement with the leaseholders regarding the transfer of ownership of this land. The report contains the relevant documentation required to make the CPO.

2. RECOMMENDATIONS

- 2.1 Note that negotiations are ongoing with the leaseholders regarding the purchase of the necessary leaseholder interests.
- 2.2 Review and approve the draft Statement of Reasons which sets out the justification for making the CPO in relation to the bold boxes shown in Appendix 1 and draft Order.
- 2.3 Approve in principle the making of the Joint Service Centre CPO 2013 under section 226(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (the "1990 Act").
- 2.4 Delegate authority to the Director of Finance, Resources and Customer Services to:
 - a) Continue the acquisition of the interests in the order land.
 - b) Make final amendments to the Statement of Reasons and the Draft Order.
 - c) Authorise the service of the Order on the Secretary of State and the interested parties if required.

3. BACKGROUND

- 3.1 In 2009 the Overview and Scrutiny Committee was made aware of the difficulties experienced by local residents when attempting to make appointments to see a GP at the Ordnance Road Surgery. The issue was referred to the Health Scrutiny Panel in 2010 and following an investigation it was concluded that the primary care infrastructure in the Enfield Lock Ward, particularly around Ordnance Road, is inadequate both in terms of capacity and quality. In recognition of the fact that there is an urgent need to deliver improve primary care facilities in the area to address this, Enfield Council worked with the former NHS North Central London to identify suitable premises for a new GP Practice in Enfield Lock.
- 3.2 During exploration of potential sites, the requirement for a new Dental Practice and improved facilities for Ordnance Road Library and Kettering Hall were also highlighted. Enfield Council and the former NHS North Central London therefore considered potential sites in the area to accommodate multiple local facilities into a single building.
- 3.3 In April 2012 Cabinet approved the development of a Joint Service Centre on the site of the Ordnance Road Library (please refer to KD 3488). The development, in partnership with NHS Property and NHS England, will involve the demolition of the existing Ordnance Road Library and the construction of a new, two storey building to comprise a library, community space, GP Practice and dentist.

CLASSIFICATION: UNCLASSIFIED

- 3.4 The site is located at 645 Hertford Road and is owned by the Council. The development is being temporarily referred to as the Joint Service Centre pending the outcome of the 'Name that Facility' competition with local residents.
- 3.5 In June 2012 the Council appointed Deloitte to provide Project Management and Full Design Services to the project (in line with the Government Procurement Service Framework) as part of KD 3504. This included the engagement of architects and other required professional services to produce an indicative design for the new building, for which planning consent was granted in November 2012. Following a competitive tender process in accordance with OJEU regulations, John Graham Construction Limited was appointed in March 2013 under a Design and Build contract, to demolish the existing structure and construct the new facility, which will involve the discharge of planning conditions and the final design work.
- 3.6 A consultation and engagement workstream has been established as part of the project structure, which has been engaging local residents throughout the progression of this development, from discussing the concept in the early stages to the development of the detailed plans.
- 3.7 In order to progress the development it was concluded that the current boundary wall between the site and the adjacent land needed to be removed. This adjacent strip of land (Appendix 1) forms part of the amenity area of flats 2-20 Ordnance Road and is part of the Housing Revenue Account with some long leasehold interests. The land in question was previously occupied by pramsheds. Three leaseholder pramsheds were removed in 2010 due to their poor condition prior to the commencement of the Joint Service Centre development.
- 3.8 Prior to the commencement of construction of the Joint Service Centre there were 12 remaining pramsheds attached to the boundary wall of the proposed development, five of which had leaseholder interests. Demolition of these pramsheds was necessary to facilitate the development but also due to their poor condition. Direct negotiations took place with the five leaseholders and approval was obtained to demolish the 12 pramsheds in February 2013.
- 3.9 Following the demolition of the pramsheds, the Council is seeking to acquire this strip of land to complete the scheme with soft landscaping and CCTV and to secure privacy for the GP consulting rooms which are directly adjacent to the land. The Council's Property Team has commenced direct negotiations with the leaseholders and the Council has offered to fund the owners' independent legal and surveyor advice to resolve the matter.
- 3.10 In order to progress the purchase of this land the Council will need to secure agreement with the leaseholders and the mortgagees. Whilst

CLASSIFICATION: UNCLASSIFIED

agreement may or may not be reached with the leaseholders, there is the potential that one or more of the mortgagees of the leaseholders will not consent to lift the legal charge over the pramshed land, for instance if the mortgagor is in arrears or has a high loan to value proportion. Consequently the Council would not be able to acquire such land by agreement.

- 3.11 If the negotiations are not successful the CPO will be sought. In accordance with CPO statutory requirements, the Council will continue to endeavour to reach a negotiated settlement with all leaseholders with an interest in the land. CPO powers, once obtained, will only be used where a negotiated settlement cannot be reached.
- 3.12 The Joint Service Centre CPO 2013 will be made pursuant to Section 226 (1) (a) of the 1990 Town and County Planning Act which authorises the Council to acquire land compulsorily for the purpose of carrying out the development.
- 3.13 The land to be included in the CPO is shown in Appendix 1. Compulsory purchase of the legal interests of the leaseholders will enable the completion of this development in accordance with the planning permission.
- 3.14 The Council, as a public body, is under a duty to consider whether the exercise of its powers interacts with rights protected by the European Convention on Human Rights. Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way, which is incompatible with those rights. The Statement of Reasons provides the detail and justification for proceeding with this CPO and it is proposed that any minor amendments are approved by the Director of Finance, Resources and Customer Services.

4. ALTERNATIVE OPTIONS CONSIDERED

An alternative option considered is for the Council not to purchase the land through a CPO if the direct negotiations are unsuccessful. Without CPO powers the Council cannot guarantee that the land can be acquired in order to enable the contractor to complete the scheme in accordance with planning. This may compromise the usability of the facility for the intended purpose.

5. REASONS FOR RECOMMENDATIONS

- 5.1 To secure the acquisition of land required for the completion of the development on adjoining land in accordance with the planning permission and to provide privacy for the GP consulting rooms and prevent future development, which would impact on the Joint Service Centre.

CLASSIFICATION: UNCLASSIFIED

- 5.2 The Council is seeking to reach a settlement with the leaseholders through direct negotiation.
- 5.3 The Council cannot guarantee the delivery of the development in accordance with planning consent without the acquisition of this land.

6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

It is anticipated at this stage that any costs associated with obtaining a CPO will be funded from the project budget contingency.

6.2 Legal Implications

6.2.1 Under section 226 (1) (a) of the Town and Country Planning Act 1990 a local authority has a general power to make a compulsory acquisition of any land in their area in order to facilitate the carrying out of development, redevelopment or improvement in relation to the land.

6.2.2 In order to exercise the s.226 powers the local authority must be satisfied that the proposed development/improvement is likely to contribute towards any of the following objects, namely the promotion or improvement of the economic or social or environmental well-being of their area.

6.2.3 Notice of the CPO must be given to each owner or leaseholder of land affected by it. The CPO must also be advertised in a local newspaper which covers the area where the land is situated. Persons affected have the opportunity to object to the CPO. If objections are raised and not withdrawn (e.g. through negotiation), the Secretary of State must call a public inquiry.

6.2.4 The making of the CPO must be in accordance with the Council's Property Procedure Rules.

6.3 Property Implications

6.3.1 The Property Procedure Rules require the Director of Finance, Resources and Customer Services to seek resolutions from Cabinet to make compulsory purchase orders and this report is approved for that purpose.

6.3.2 The acquisition of land whether by agreement in contemplation of compulsory powers or by compulsion requires the approval of the Assistant Director of Finance, Resources and Customer (Property Services) and adherence to the Compensation Code and the Property Procedure Rules.

CLASSIFICATION: UNCLASSIFIED

7. KEY RISKS

Please see Part 2 report.

8. IMPACT ON COUNCIL PRIORITIES

8.1 Fairness for All

8.1.1 The development of a Joint Service Centre will benefit all residents of the Enfield Lock Ward and the surrounding area. The development will deliver high quality, improved premises for important local services.

8.1.1 In particular, the development will contribute to a reduction in health inequalities in North East Enfield. The current Ordnance Road Surgery has higher than average (higher than both the Enfield and national average) of patients with established hypertension; diabetes; cancer; psychoses; and depression. Additionally, of the 14,959 population in Enfield Lock, less than half (7,253, 48%) are registered with a GP. This development which will deliver improved primary care infrastructure in Enfield Lock will also provide additional primary care capacity by accommodating an increase in list size.

8.2 Growth and Sustainability

8.2.1 The development of a Joint Service Centre will add vitality to Enfield Lock, particularly around Hertford Road. The co-location of a number of key services will support growth and sustainability in the local area.

8.2.2 The Joint Service Centre development originates from a Councillor Call for Action in March 2010, supported by local Councillors from both main political parties, which stemmed from the current inadequacy of primary care infrastructure in terms of both quality and capacity in Enfield Lock. This development will contribute to a reduction in health inequalities in Enfield Lock by offering an opportunity to deliver much needed improved primary care facilities in Enfield Lock.

8.2.3 The procurement process and thorough evaluation of submissions identified a contractor best equipped to deliver the development to a high quality within the available timeframe and budget envelope.

8.3 Strong Communities

8.3.1 By co-locating a number of key services on the Hertford Road site, relations between different community groups will be strengthened and facilitate greater community integration.

CLASSIFICATION: UNCLASSIFIED

9. EQUALITIES IMPACT IMPLICATIONS

An Equalities Impact Assessment has been undertaken for the development. In line with this, a full public consultation has taken place and is continuing so the views of local residents can be considered within the development.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

The delivery of the Joint Service Centre will help to meet the following aims outlined within the Council's Business Plan:

- Aim 1: Build prosperous, sustainable communities
- Aim 6: Provide high quality and efficient services

This development will also increase capacity of primary care in the area and improve the quality of the premises in which local residents receive this care.

11. HEALTH AND SAFETY IMPLICATIONS

The procurement process considered health and safety and the Council sought assurance that the contractor had complied with, and provided the necessary declarations, in respect of responsibility and structure and policies and procedures.

12. PUBLIC HEALTH IMPLICATIONS

The Joint Service Centre development will positively impact on the lives of the local community as it will deliver extra capacity of local primary care and dental services.

Appendix

- Appendix 1 – Site plan & land to be transferred.