

CABINET

**Meeting held on Monday 7 April 2014 at 6.30 p.m. in the
Council Chamber, the Town Hall, Katharine Street, Croydon, CR0 1NX.**

MINUTES - PART A

Present: Councillors Mike Fisher (Leader of the Council),
Councillor Tim Pollard (Deputy Leader);
Councillors Simon Hoar, Vidhi Mohan, Steve O'Connell,
Jason Perry and Phil Thomas.

Other Majority Group Members in attendance for the Part A sections of the meeting only: Councillors Buttinger, Chatterjee, Cummings, Hollands, Lenton, Neal, Parker, Pearson, Quadir, Speakman and Wright.

Shadow Cabinet Members in attendance: Councillors Butler, Collins, Newman, Watson and Woodley.

Other Minority Group Member in attendance for the Part A sections of the meeting only: Councillor B. Khan.

Absent: Cabinet: Councillors Sara Bashford, Dudley Mead and Margaret Mead.

Apologies: Apologies for absence were received from Councillors Sara Bashford, Dudley Mead, Margaret Mead and Toni Letts.

Officers Present: The following Council officers were present:
Nathan Elvery, Chief Executive
Jo Negrini, Executive Director of Development & Environment
Julie Belvir, Council Solicitor & Monitoring Officer
Richard Simpson, Section 151 Officer and Director of Finance & Assets
Mike Kiely, Director of Planning
Janet Davies, Senior Regeneration Manager
Sean Murphy, Principal Corporate Solicitor (Regeneration)
Jim Simpson, Democratic Services Manager
David Mills, Media Relations Officer (present for the Part A sections of the meeting)

Also Present: Richard Ford, Anne Bowden & Anna Forge – solicitors from Pinsent Masons
Richard Owen from Deloitte Real Estate.

Announcements relating to Councillors' Absences

1. The Democratic Services Manger reported that a joint message had been received from Councillors Dudley Mead and Margaret Mead regarding their absence from this Cabinet meeting, the details of which are provided under Minute No. A21/14 below.
2. The Democratic Services Manger reported that a message had been received from Councillor Toni Letts that she regrets that she is unable to attend the Cabinet meeting but is sure Council Members will understand why.

A20/14 Part A Minutes of the Cabinet Meeting held on 10 February 2014

The Part A minutes of the Cabinet meeting held on 10 February 2014 were received. The Leader of the Council signed the minutes as a correct record.

A21/14 Disclosures of Interest

No disclosures of pecuniary interest were made during the meeting.

Joint disclosures of personal interest were received from Councillors Dudley Mead and Margaret Mead prior to the Cabinet meeting as follows:

"As you are aware we are currently Members of the Whitgift Foundation. As such we have decided not to attend the CPO meeting in which the Whitgift Application is being considered.

This is consistent with the standards expected of those in public office (also known as the 7 Principles of Public Life or the Nolan Principles). The standards include openness, transparency, objectivity, honesty and integrity. We have been open and transparent regarding our involvement with the Whitgift Foundation and to avoid any potential criticism of bias we have decided that we should not attend this meeting. This will also allay any doubt that the decision is not made objectively.

To clarify, the Localism Act 2011 does not require us as Councillors to disclose the interest on the Members' Register of Interests (section 30 and 31 of the Localism Act 2011). However, it follows good practice and the standards expected for those in public life for the Members of the Whitgift Foundation not to participate in the decision or attend this meeting."

A22/14 Urgent Business

There were no items of urgent business.

A23/14 Exempt Items

RESOLVED that the allocation of business in the agenda be confirmed, as printed.

A24/14 Whitgift Centre and surrounding land – Proposed compulsory purchase order

An oral and visual presentation of the report was provided, introduced by Councillor Jason Perry and followed by the Executive Director of Development & Environment who outlined the contents of the report and recommendations for Cabinet Members.

The Cabinet received an addendum which included a letter from the Whitgift Trust dated 04.04.14 objecting to the proposed CPO and a letter from the Whitgift Foundation dated 07.04.14 in support of the proposed CPO. The Leader asked Cabinet Members whether they had read the addendum. They confirmed that they had done so.

Cabinet Members and Shadow Cabinet Members raised questions about the proposals. Responses were provided by the Executive Director of Development & Environment, and the Council's external professional advisers (Pinsent Masons and Deloitte).

A25/14 Camera Resolution

At 7.20pm, Cabinet **RESOLVED** that, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

Note: At 7.20pm the Cabinet meeting moved to Room F10, Town Hall, for the Part B section of the meeting.

A26/14 Whitgift Centre and surrounding land – Proposed compulsory purchase order (in camera- report exempt under paragraph 3)

The Cabinet considered the content of the report, Agenda item B1.

Note: The Part B section of the meeting ended at 7.40 pm and **Cabinet Members resumed the meeting in Part A (public) at 7.45pm in the Council Chamber.**

In response to a question from Councillor Vidhi Mohan the Council Solicitor & Monitoring Officer confirmed that no decisions were taken during the Part B section of the meeting.

The Executive Director of Development & Environment responded to further questions from Members.

A27/14 Whitgift Centre and surrounding land – Proposed compulsory purchase order

NOTED: that the Leader of the Council had delegated to the Cabinet the power to make the decision set out below.

By a unanimous vote of 7 for and 0 against, Cabinet **RESOLVED:**

1.1 Having carefully considered this report and addendum, and the related report in Part B of the agenda (item B1), subject to the prior completion of the proposed CPO Indemnity Land Transfer Agreement ("**ILTA**"), to make a compulsory purchase order pursuant to powers under sections 226(1)(a) and 226(3)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (in accordance with the procedures in the Acquisition of Land Act 1981) for the acquisition of the land shown coloured pink and the creation and acquisition of new rights over the land coloured blue on the draft Compulsory Purchase Order map attached at **Appendix A** to this report (the proposed "**Order Land**") for the purposes of facilitating the comprehensive redevelopment, development and improvement of the land to provide a mixed use retail-led town centre scheme including retail, leisure, residential, community facilities, offices, and car parking, new and improved pedestrian linkages, amenity areas and associated servicing and infrastructure on land including the Whitgift Centre, the former Allders Store and surrounding land, as more fully described in the report ("the **Scheme**").

1.2 That the Executive Director of Development and Environment, acting on advice from the Director of Democratic and Legal Services, be authorised on behalf of the Council:

(a) to enter into the ILTA with Croydon Limited Partnership, Westfield Holdings Limited, Hammerson UK Properties Plc and Whitgift Limited Partnership and to dispose of such of the Council's existing land interests in the proposed redevelopment site as are specified in the ILTA, together with all other land acquired to facilitate the Scheme, on the basis that the terms of the ILTA are expedient in accordance with section 233(1) Town and Country Planning Act 1990 ;

(b) subject to completion of the ILTA, to take all steps to secure the making, confirmation and implementation of the Compulsory Purchase Order ("the **Order**") including the publication and service of all notices and the promotion of the Council's case at any public inquiry, including but not limited to the steps in (c) to (h) below;

(c) to make any amendments, deletions or additions to the draft Order Map and/or draft schedules to the Order so as to include and describe all interests in land and rights required to facilitate the carrying out of the Scheme;

(d) to acquire interests and new rights in the Order Land either by agreement or compulsorily (including pursuant to any blight notices as appropriate) including conduct of negotiations, making provision for the payment of compensation and where appropriate, provision for temporary and/or permanent relocation of affected parties and/or for cases of exceptional hardship ;

(e) to 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 where appropriate seeking the exclusion of land or rights from the Order, making provision for the payment of compensation and/or for relocation;

(f) in the event that the Order is confirmed by the Secretary of State, to advertise and give notice of confirmation and thereafter to take all steps to implement the Order including, as applicable in accordance with the ILTA, 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;

(g) to take all steps in relation to any legal proceedings relating to the Order including defending or settling claims referred to the Lands Tribunal (Lands Chamber of the Upper Tribunal) and/or applications made to the courts and any appeals; and

(h) to retain and/or appoint external professional advisers and consultants to assist in facilitating the promotion, confirmation and implementation of the Order, the settlement of compensation and any other claims or disputes.

1.3 to note and support Croydon Limited Partnership's continuing efforts to acquire by agreement the interests in land and new rights needed to facilitate implementation of the Scheme, including pursuant to the Land Acquisition and Relocation Strategy to be attached to the ILTA.

1.4 to record Council Members' thanks to all the officers involved in the project for their work in producing the CPO proposals.

PART B MINUTES – none

The meeting ended at 7.50 pm