


Individual Commissioner Decision Decision Log No: <u>044</u>	 TOWER HAMLETS
Report of: Aman Dalvi, Corporate Director Development & Renewal	Classification: Partially exempt
Transfer of land interests to be acquired under a pending Compulsory Purchase Order (CPO) on behalf of Poplar HARCA (Aberfeldy Estate Regeneration Scheme – Phases 3-6).	

Is this a Key Decision?	No
Decision Notice Publication Date:	N/A
General Exception or Urgency Notice published?	Not required
Restrictions:	Partially exempt (para 3)

EXECUTIVE SUMMARY

- 1.1 The Mayor in Cabinet on 6 October 2015, delegated to the Corporate Director of Development and Renewal, the power to effect the making and, in due course, confirmation of a Compulsory Purchase Order (CPO), to assist one of the Council's regeneration partners, Poplar Housing and Regeneration Community Association (Poplar HARCA), to deliver a scheme at the Aberfeldy Estate. The Council expects to make the CPO within the next three months.
- 1.2 The Aberfeldy Estate was transferred from the Council to Poplar HARCA in two tranches in 1998 and 2007. The Transfer Agreement provided for the Council, if requested by Poplar HARCA, "to obtain the formal consent of the Council's Cabinet for the purposes of making a [CPO] in relation to any third party interests [in the regeneration area]". The regeneration of this area has been a long-standing commitment by the Council and Poplar HARCA.
- 1.3 Compulsory Purchase is a stringent process that has to meet statutory tests in terms of public benefits and human rights considerations. The purpose of this CPO is to enable the much-needed regeneration of the Aberfeldy Estate, and not to generate a profit for the Council by treating interests acquired under the CPO as though they were Council assets. These interests, which Poplar HARCA will have paid for, will be held in trust and must be transferred in compliance with the Council's stated reasons for making the CPO.
- 1.4 Included in the authorised delegation is the power to transfer to Poplar HARCA any land interests vested in the Council at the conclusion of the CPO which, pending transfer, will be held on trust by the Council. Such transfer should be at nil value.

- 1.5 Also included in the delegation is the power to finalise of all terms and conditions, including any financial consideration, for the transfer of the freehold interests to Poplar HARCA of the three land parcels described in section 10 (Land Disposal) of the October 2015 Cabinet report. These three land parcels, which are currently in the freehold ownership of the Council, are required by Poplar HARCA for the purposes of the delivery of the regeneration are:
- The 'Community Access Centre' and Multi Use Games Area on Aberfeldy Street on long lease to Poplar HARCA
 - Kirk Michael Road and adjoining pavement
 - The pavement fronting the existing shops at No.25-55 Aberfeldy Street
- 1.6 The Council's Asset Management Team are currently undertaking a valuation exercise of the above parcels of land to determine the market value and will present the results and recommendations separately to Commissioners in due course.
- 1.7 It is proposed to enter into an Indemnity Agreement (the IA) with Poplar HARCA in with the form attached at Appendix 3, which sets out in detail the mechanism of protecting the interests of the Council in implementing the CPO. Paragraph 15.1.3 of the IA provides for transferring land acquired by virtue of the CPO to Poplar HARCA for nil consideration. The terms of the IA have now been agreed with the Solicitors acting on behalf of Poplar HARCA.
- 1.8 The written agreement of the Commissioners is required before entering into any commitment to dispose of, or otherwise transfer to third parties, any property other than existing single dwellings for the purposes of residential occupation. Therefore the Commissioners' consent is required to enable the Council to enter into the IA and for the proposed disposal of the land interests to Poplar HARCA (save for the sites referred to in paragraph 1.5) at nil value.
- 1.9 Poplar HARCA has sought assurances, prior to the CPO being made, that the Council will be in a position to transfer any interests vested in it at nil value. It is therefore appropriate to seek Commissioners' written consent now, so that all approvals are in place to bring the CPO to a satisfactory conclusion, before further resources are expended in making the Order.
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- 1.10 Full details of the decision sought, including setting out the reasons for the recommendations and/or all the options put forward; other options considered; background information; the comments of the Chief Finance Officer; the concurrent report of the Head of Legal Services; implications for One Tower Hamlets; Risk Assessment; Background Documents; **and other relevant matters are set out in the attached report.**

DECISION

The Commissioners are recommended to:

- 1) Agree that the Council may transfer to Poplar HARCA at nil consideration in respect of all the other parcels of land/properties, all land interests acquired and vested to the Council under a CPO, for the purpose of delivering the

Aberfeldy Estate Regeneration Scheme (phases 3-6), including but not restricted to those which have been identified through land referencing to date, as set out in Appendix 3 of the report to the Mayor in Cabinet dated 6 October 2015, included as Appendix 2 of this report.

- 2) Agree that the Council may enter into an Indemnity Agreement with Poplar HARCA, in the same form as attached at Appendix 3 and on terms no less favourable to the Council to those set out in that Agreement, noting the transfer obligations in clause 15.1.3, so that all Council incurred costs relating to the Compulsory Purchase Order can be recovered.

APPROVALS

1. (If applicable) Corporate Director proposing the decision or his/her deputy

I approve the attached report and proposed decision above for submission to the Commissioners.

Signed  Date 1/2/2016

2. Chief Finance Officer or his/her deputy

I have been consulted on the content of the attached report which includes my comments.

Signed  Date 1/2/16

3. Monitoring Officer or his/her deputy

I have been consulted on the content of the attached report which includes my comments.

Signed  Date 2/2/16

~~(For Key Decision only — delete as applicable)~~

~~I confirm that this decision:-~~

~~(a) has been published in advance on the Council's Forward Plan OR
(b) is urgent and subject to the 'General Exception' or 'Special Urgency' provision at paragraph 18 or 19 respectively of the Access to Information Procedure Rules.~~

4. Commissioner(s)

I agree the decision proposed in paragraph above for the reasons set out in section 1 in the attached report.

Name Max Caller CBE Signed *Max Caller*

Date 3rd February 2016

Name Signed

Date

Name Signed

Date

Name Signed

Date

**ALL INFORMATION BEYOND THE HEADINGS ABOVE SHOULD BE INCLUDED
IN A REGULAR CABINET STYLE REPORT THAT SHOULD BE APPENDED TO
THE PROFORMA.**


A – NOTES ON COMPLETING THIS FORM

- **Delete this page onwards before submitting your decision.**
- This form is only to be used where the signature of the Head of Paid Services (HoPS) is not required. Should his signature be required please use the other form.
- Please delete any guidance notes in square brackets [] before submitting your form for signature.
- The decision log number will be hand written onto the form on completion by Democratic Services so you do not need to find this out early on.

B – NOTES ON EXECUTIVE DECISION MAKING

1. Key Decisions – where a Key Decision is to be taken it must be published in the Forward Plan. Please ensure that this has happened, or fill in the FP1/FP3 form as necessary.
2. All Commissioner Decisions shall be:-
 - (i) Recorded in a log held by the Service Head, Democratic Services and available for public inspection; and
 - (ii) Published on the Council's website

save that no information that in the opinion of the Head of Legal Services is 'exempt' or 'confidential' as defined in the Council's Access to Information Procedure Rules shall be published, included in the decision notice or available for public inspection.

Commissioner Decision Report 01 February 2016	 TOWER HAMLETS
Report of: Corporate Director Development & Renewal	Classification: Partially exempt
Transfer of land interests to be acquired under a Compulsory Purchase Order (CPO) on behalf of Poplar HARCA (Aberfeldy Estate Phases 3-6 Regeneration Scheme)	

Originating Officer(s)	Jackie Odunoye – Service Head for Strategy Regeneration & Sustainability Niall McGowan – Housing Regeneration Manager Monju Ali – Projects Officer, Housing Regeneration
Wards affected	East India and Lansbury Ward
Key Decision?	No
Community Plan Theme	A Great Place to Live

1. EXECUTIVE SUMMARY

- 1.1 The Mayor in Cabinet on 6 October 2015, delegated to the Corporate Director of Development and Renewal, the power to effect the making and, in due course, confirmation of a Compulsory Purchase Order (CPO), to assist one of the Council's regeneration partners, Poplar Housing and Regeneration Community Association (Poplar HARCA), to deliver a scheme at the Aberfeldy Estate. The Council expects to make the CPO within the next three months.
- 1.2 The Aberfeldy Estate was transferred from the Council to Poplar HARCA in two tranches in 1998 and 2007. The Transfer Agreement provided for the Council, if requested by Poplar HARCA, "to obtain the formal consent of the Council's Cabinet for the purposes of making a [CPO] in relation to any third party interests [in the regeneration area]". The regeneration of this area has been a long-standing commitment by the Council and Poplar HARCA.
- 1.3 Compulsory Purchase is a stringent process that has to meet statutory tests in terms of public benefits and human rights considerations. The purpose of this CPO is to enable the much-needed regeneration of the Aberfeldy Estate, and not to generate a profit for the Council by treating interests acquired under the CPO as though they were Council assets. These interests, which Poplar HARCA will have paid for, will be held in trust and must be transferred in compliance with the Council's stated reasons for making the CPO.
- 1.4 Included in the authorised delegation is the power to transfer to Poplar HARCA any land interests vested in the Council at the conclusion of the CPO which, pending transfer, will be held on trust by the Council. Such transfer should be at nil value.
- 1.5 Also included in the delegation is the power to finalise of all terms and conditions, including any financial consideration, for the transfer of the freehold interests to Poplar HARCA of the three land parcels described in section 10 (Land Disposal) of the October 2015 Cabinet report. These three land parcels, which are currently in

the freehold ownership of the Council, are required by Poplar HARCA for the purposes of the delivery of the regeneration are:

- The 'Community Access Centre' and Multi Use Games Area on Aberfeldy Street on long lease to Poplar HARCA
- Kirk Michael Road and adjoining pavement
- The pavement fronting the existing shops at No.25-55 Aberfeldy Street

- 1.6 The Council's Asset Management Team are currently undertaking a valuation exercise of the above parcels of land to determine the market value and will present the results and recommendations separately to Commissioners in due course.
- 1.7 It is proposed to enter into an Indemnity Agreement (the IA) with Poplar HARCA in with the form attached at Appendix 3, which sets out in detail the mechanism of protecting the interests of the Council in implementing the CPO. Paragraph 15.1.3 of the IA provides for transferring land acquired by virtue of the CPO to Poplar HARCA for nil consideration. The terms of the IA have now been agreed with the Solicitors acting on behalf of Poplar HARCA.
- 1.8 The written agreement of the Commissioners is required before entering into any commitment to dispose of, or otherwise transfer to third parties, any property other than existing single dwellings for the purposes of residential occupation. Therefore the Commissioners' consent is required to enable the Council to enter into the IA and for the proposed disposal of the land interests to Poplar HARCA (save for the sites referred to in paragraph 1.5) at nil value.
- 1.9 Poplar HARCA has sought assurances, prior to the CPO being made, that the Council will be in a position to transfer any interests vested in it at nil value. It is therefore appropriate to seek Commissioners' written consent now, so that all approvals are in place to bring the CPO to a satisfactory conclusion, before further resources are expended in making the Order.

1.10 Recommendations:

The Commissioners are recommended to:

- 1) Agree that the Council may transfer to Poplar HARCA at nil consideration in respect of all the other parcels of land/properties, all land interests acquired and vested to the Council under a CPO, for the purpose of delivering the Aberfeldy Estate Regeneration Scheme (phases 3-6), including but not restricted to those which have been identified through land referencing to date, as set out in Appendix 3 of the report to the Mayor in Cabinet dated 6 October 2015, included as Appendix 2 of this report.
- 2) Agree that the Council may enter into an Indemnity Agreement with Poplar HARCA, in the same form as attached at Appendix 3 and on terms no less favourable to the Council to those set out in that Agreement, noting the transfer obligations in clause 15.1.3, so that all Council incurred costs relating to the Compulsory Purchase Order can be recovered.

2. REASONS FOR THE DECISIONS

- 2.1 The Council has delegated to the Corporate Director of Development and Renewal following consultation with the Director of Law, Probity and Governance, or their nominee, the power to make a CPO on behalf of Poplar HARCA, in support of its regeneration programme at Aberfeldy Estate. It is expected that the CPO will be made in the next three months. The need to transfer land interests at nil consideration will arise once they are vested in the Council, following confirmation of the CPO. The transfer of land interests compulsorily acquired in this way, to Poplar HARCA, was authorised by the Mayor in Cabinet on 6 October 2015 (Decision 5.5).
- 2.2 The Council has no interest in delaying or charging for handover of any interests vested to it, since the area is predominantly owned and managed by Poplar HARCA following the transfers to Poplar HARCA of former Council housing in 1998 and 2007. Any delay or additional costs that affect the delivery of Poplar HARCA's regeneration project, which has outline planning approval, would impact negatively on those local residents for whose benefit the CPO is being made. The regeneration is intended to fulfil commitments made by Poplar HARCA and the Council to the local community.
- 2.3 There will be a contractual requirement for the Council to transfer these interests to Poplar HARCA under the terms of the proposed Indemnity Agreement (Appendix 3). Acquired interests which will have been paid for by Poplar HARCA will be held in trust by the Council pending transfer (paras. 15.1.3 of the Indemnity Agreement). Poplar HARCA has sought assurances that the relevant authority for transfer at nil consideration will be in place prior to the Council's making of the CPO. Commissioner approval of the recommendations in this report will provide this assurance.

3. ALTERNATIVE OPTIONS

- 3.1 There is no practical alternative option. The pending CPO will be made with the intention of enabling Poplar HARCA's regeneration scheme of the Aberfeldy Estate. The land interests to be acquired under the CPO, which was authorised by the Mayor in Cabinet on 6 October 2015, will be held in trust by the Council under the provisions of the proposed Indemnity Agreement with Poplar HARCA.
- 3.2 Any acquisitions achieved either by Poplar HARCA, through voluntary negotiation with individual land interests, or by vesting in the Council following confirmation of the CPO, will be fully funded by Poplar HARCA. Failure to transfer the interests held in trust at nil consideration will not fulfil the purpose of the CPO, which is being made with the aim of supporting Poplar HARCA's regeneration scheme, and not to generate financial income or profit for the Council.

4. DETAILS OF REPORT

- 4.1 On 6 October 2015 authorisation was delegated by the Mayor in Cabinet to the Corporate Director of Development and Renewal following consultation with the Director of Law, Probity and Governance, or their nominee to take all necessary steps to make and effect a CPO in respect of land located at the Aberfeldy Estate (phases 3-6).
- 4.2 The land to be subject to compulsory purchase was shown edged red on a plan of the Aberfeldy Estate (phases 3-6) and the known interests, including residential and commercial leaseholders of Poplar HARCA, plus other interests, were set out in

Appendix 3 respectively of the October 2015 Cabinet report. The decisions in relation to the CPO on 6 October 2015 are set out in Appendix 1 of this report. Appendix 2 of this report comprises the October 2015 Cabinet report in full.

- 4.3 The delegation of authority to make the CPO includes:
- Power to acquire all interests, including those to be identified through a land referencing process, within the CPO boundary;
 - Transfer of any land interests compulsorily acquired by the Council to Poplar HARCA at nil consideration, once vacant possession is achieved.
- 4.4 It was noted that all costs incurred by the Council in managing the CPO shall be funded by Poplar HARCA. The Indemnity Agreement has provisions for interests that are vested in the Council to be held solely on trust and then transferred to Poplar HARCA at nil consideration. It was not the purpose of this Agreement to give the Council an opportunity to profit from the CPO through the selling-on of interests.
- 4.5 The Aberfeldy Estate, including all housing and retail provision, was transferred by the Council to Poplar HARCA in two tranches, one in 1998 and another in 2007 following positive outcomes from ballots of residents and government sign-off. The Council has to date, made several similar CPOs on behalf of local stock transfer Housing Associations to support their regeneration initiatives, where these meet the Council's own strategic objectives. The reason for making the CPO at Aberfeldy Estate (phases 3-6) is to support Poplar HARCA's regeneration objectives.
- 4.6 The CPO is deemed necessary as a precautionary process, which will run in tandem with Poplar HARCA's efforts to seek negotiated settlements with the remaining land interests. The Council uses the compulsory purchase route and becomes the "Acquiring Authority" in order to support projects that meet stringent criteria for the use of such powers, including Public Benefits and Human Rights considerations. It is the usual practice that the Council transfers, at nil consideration, all interests held on trust following confirmation of a CPO carried out on behalf of a Housing Association Partner.
- 4.7 The Council is required to obtain the prior written agreement of the Commissioners before entering into any commitment to dispose of, or otherwise transfer to third parties, any real property other than existing single dwellings for the purposes of residential occupation. Therefore, the Commissioners' consent is required to enter into the Indemnity Agreement which contains an obligation on the Council to dispose of the land interests to Poplar HARCA at nil consideration.
- 4.8 Commissioners' consent will be required for the proposed disposal of the three land interests referred to at paragraph 1.5 to Poplar HARCA at market value. A separate report will be submitted once the valuations are complete and a negotiation has taken place to agree the values.

5. COMMENTS OF THE CHIEF FINANCE OFFICER

- 5.1 On 6 October 2015, the Mayor in Cabinet approved a programme to support the Aberfeldy Estate (phases 3-6) regeneration scheme being undertaken by Poplar HARCA. The proposed scheme required the acquisition of various property interests, and it was agreed that the Council would begin a Compulsory Purchase Order process on behalf of the Registered Social Housing Provider to acquire these interests in case settlement could not be reached through voluntary negotiation.

- 5.2 The Cabinet report outlined the need for an Indemnity Agreement to be negotiated with Poplar HARCA, in order to ensure that the Council's interests are protected, and to mitigate against any potential risk that Poplar HARCA and its partners are not able to meet their contractual liabilities. Subject to the Indemnity Agreement being approved, there are no overall financial implications for the Authority because the costs of the purchases and associated compensation packages are being borne by Poplar HARCA, with the cost of all officer time involved in the CPO process also being recharged to the organisation.
- 5.3 On completion of the CPO process, any properties/interests that are not acquired via negotiation will ultimately be vested in the Council. This report seeks approval to formally transfer the interests of these properties to Poplar HARCA at nil consideration, in accordance with the terms of the proposed Indemnity Agreement. Although, this situation will only have arisen through the technicalities of the CPO process, in accordance with legislation the Council must receive best consideration on the disposal of assets. Paragraph 6.9 of the Legal comments outlines the appropriate legislation that applies and explains why the transfer should take place at nil consideration in this case.

6. LEGAL COMMENTS

- 6.1 The legal comments in the report to Cabinet of 6 October 2015 (Appendix 2 of this report to commissioners) explained the provisions under which a CPO may be made.
- 6.2 The Council has the power to make a CPO under Section 17 Housing Act 1985 (as amended) or alternatively under section 226(1) of the Town and Country Planning Act 1990 as amended. Since a CPO deprives people of their property, compulsory acquisition is always the last resort and will be preceded by continued efforts to buy the land by private agreement. Confirmation of a CPO will only be made if there is a compelling case in the public interest.
- 6.3 On 6 October 2015 authorisation was delegated by the Mayor in Cabinet to the Corporate Director of Development and Renewal following consultation with the Director of Law, Probity and Governance, or their nominee,, to take all necessary steps to make and effect a CPO in respect of land located at the Aberfeldy Estate (phases 3-6).
- 6.4 The land to be subject to compulsory purchase was shown edged red on a plan of the Aberfeldy Estate (phases 3-6), and the known interests at that time, including residential and commercial leaseholders of Poplar HARCA, plus other interests, were set out in Appendix 3 respectively of the October 2015 Cabinet report.
- 6.5 For information only, Appendix 2 comprises the October 2015 Cabinet report in full, including the illustration of the red-line CPO area, which Commissioners are advised is unchanged.
- 6.6 The delegation of authority to make the CPO includes:
- Power to acquire all interests, including those to be identified through a land referencing process, within the CPO boundary approved in October 2015, and
 - The transfer of any land interests compulsorily acquired by the Council to Poplar HARCA at nil consideration, once vacant possession is achieved.

- 6.7 Decision 1 of this report seeks Commissioners' agreement that the Council may transfer to Poplar HARCA, at nil consideration, all land interests acquired and vested to the Council under a CPO (save for the three properties detailed at paragraph 1.5), for the purpose of delivering the Aberfeldy Estate (phases 3-6) Regeneration Scheme, including those which will be identified through land referencing.
- 6.8 The Council is proposing to enter into an Indemnity Agreement (Appendix 3 of this report) with Poplar HARCA, under which the Council will hold any acquired interests on trust for Poplar HARCA. There will be a contractual requirement for the Council to transfer such interests, which will have been paid for by Poplar HARCA, under sections 15.1.3 of the Indemnity Agreement.
- 6.9 The Council has power under section 123 of the Local Government Act 1972 ("the 1972 Act") to dispose of land which it holds. Section 123(2) of the 1972 Act requires a disposal to be for a consideration not less than can reasonably be obtained. Since it is proposed that the Council should transfer to Poplar HARCA properties which it will have acquired with funds provided entirely by Poplar HARCA, it would be acting in breach of the trust on which it holds the properties, if it did not transfer them at nil value. Therefore, it must be transferring them for the best consideration which can reasonably be obtained.
- 6.10 The Secretary of State for Communities and Local Government issued Directions dated 17 December 2014, pursuant to the powers under sections 15(5) and 15(6) of the Local Government Act 1999 ("the Directions"). The Directions at paragraph 4(i) provide that the Council must "take the actions set out in Annex A". Paragraph 5 of Annex A requires that the Council until March 31 2017 obtains the prior written agreement of the Commissioners before entering into any commitment to dispose of or otherwise transfer to third parties any property other than existing single dwellings for the purpose of residential occupation". Accordingly, the proposed transaction (and entering into the Indemnity Agreement which compels the Council to proceed with the proposed transaction) requires the prior written agreement of the Commissioners.
- 6.11 The Council is obliged under section 3 of the Local Government Act 1999 to "make arrangements to secure continuous improvements in the way, in which its functions are exercised having regard to a combination of economy, efficiency and effectiveness". Since the Council is exercising its powers both to secure regeneration of the estate and on the basis that in so doing it is fully indemnified by Poplar HARCA, it is considered that the Council is complying with this duty.

7. ONE TOWER HAMLETS CONSIDERATIONS

- 7.1 In the exercise of its functions the Council has a duty to comply with Section 149 of the Equality Act 2010, namely to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. In this instance the Council is seeking consent to dispose of land and properties which it will hold on trust for the benefit of Poplar HARCA. The social landlord partners whose regeneration schemes require the supportive Council measures proposed have adopted Equal Opportunities Policies and will implement procedures that reflect the needs and experiences of the communities they serve.
- 7.2 The improvements to the various estates through regeneration activity, which are outlined in the October 2015 Cabinet report, will provide a better quality of life for

residents. The proposed CPO processes are intended to support and where necessary help enable major regeneration activity in these areas, which will direct resources to secure improved housing conditions. Producing better housing is integral to the core aims of these social landlord partners, along with more say for residents in the management of their homes and measures to promote community development and economic regeneration.

- 7.3 This scheme will contribute to One Tower Hamlets objectives. The three objectives are to reduce inequalities; ensure community cohesion; and, strengthen community leadership.
- 7.4 On **reducing inequalities**, the scheme has led to an increase in affordable housing on the site by providing units at social rent and for shared ownership. There has also been the creation of local jobs in the construction and management processes, and training for employment.
- 7.5 On **ensuring community cohesion**, the Registered Provider has been working with community representatives to facilitate the regeneration project, and minimise disruption. The new scheme has already achieved a transformational change.
- 7.6 On **strengthening community leadership**, the Registered Provider continues to work closely with residents. The successful redevelopment of the Aberfeldy Estate is predicated on continuing successful engagement with residents and other local stakeholders.

8. **BEST VALUE (BV) IMPLICATIONS**

- 8.1 All expenditure to be incurred in managing and delivering the proposed CPO processes, including costs arising from work by the Council's Legal and Housing Regeneration Teams, will be reimbursed by Poplar HARCA.

9. **SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 9.1 The housing stock formerly owned by the Council has suffered from a backlog of investment due to lack of resources. As a consequence, these properties suffer from poor thermal efficiency and inefficient heating systems resulting in higher than necessary fuel usage and the creation of fuel poverty. As Poplar HARCA have secured the resources to improve and regenerate these areas, the schemes will improve the living circumstances of residents as well as improving the environmental performance of new and existing property in the area.

10. **RISK MANAGEMENT IMPLICATIONS**

- 10.1 The key risks arising from this report are: -

Risk	Mitigating Actions
<ul style="list-style-type: none"> • Failure by RSL to secure vacant possession of the land interests to be identified through land referencing. 	<ul style="list-style-type: none"> • Delegated authority obtained to make CPO where required, to operate in tandem with negotiated procedures.

<ul style="list-style-type: none"> • Failure by the Council to transfer land interests vested in it at nil value. • Lengthy and costly delays to works programmes, which could also jeopardise cross-subsidy to deliver the affordable homes. • Failure to deliver the promises made to residents. 	<ul style="list-style-type: none"> • Provision of Indemnity Agreement under which acquired interests are held by Council in trust only and should be transferred. • Regular liaison with Poplar HARCA to anticipate difficulties within their buy-back programmes and address these through the measures proposed in this report. • Covenants put in place at transfer. <ul style="list-style-type: none"> • Partnership agreement in place. • Monitoring and reporting arrangements put in place. • Council support to RP partner to deliver the scheme, i.e. use of CPO powers.
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11. **CRIME AND DISORDER REDUCTION IMPLICATIONS**

11.1 The Aberfeldy Estate has experienced issues of anti-social behaviour and crime. The proposed re-developments are applying the following principles to address the ASB issues:

- The Masterplan seeks to achieve the development of a vibrant core to the new neighbourhood. This is achieved by relocating the existing retail core south along Aberfeldy Street, The position of the new hub is designed to be an anchor to draw footfall through the site, via the new A13 crossing.
- This will ensure that the public realm of the scheme is truly public with people walking through to go to the commercial/community uses.
- Aberfeldy Gateway is a key arrival point into this new community, the new pedestrian crossing traversing the busy East India Dock Road connects this area to the East India Dock DLR reinforcing this as a primary location for retail and community uses.
- The widening of Aberfeldy Street at this location creates long sightlines from the south; the scale of the adjacent blocks reinforces the urban nature of this shared surface public space. The eastern block marks the arrival point and brings the commercial uses into clear visibility from the A13.
- The new shared surface street encourages people to use the shops which is in line with the desires of residents
- The commercial hub includes the potential for a small amount of A3 space to accommodate a cafe/bar or restaurant. This will be of a relatively small scale and will service the occupants of Aberfeldy and the immediate environs.
- The facilities are grouped around a new public space featuring dancing water jets that offer children opportunities to play at the point where the new East India Green interfaces with the space. The aim is to create a lively space, a new focus for the residents of Aberfeldy and visitors alike.
- The A12 transformed into boulevard faced with active frontages, widened edges to incorporate avenues of trees, dedicated cycle ways, roads and parking to serve local movement
- Delivering the principles and requirements of the Secured by Design application and Checklist

- 11.2 The indemnity Agreement itself will not have a direct impact on the reduction of crime and disorder.

12. SAFEGUARDING IMPLICATIONS

- 12.1 There are no immediate safeguarding implications arising from this report.
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Linked Reports, Appendices and Background Documents

Linked Report

- Decision Sheet: Cabinet 6 October 2015
- Report Pack: Cabinet 6 October 2015, including report appendices showing the approved red-line CPO area

Appendices

- Appendix 1 - Decision Sheet: Cabinet 6 October 2015
- Appendix 2 - Report Pack: Cabinet 6 October 2015
- EXEMPT Appendix 3 - Indemnity Agreement between LBTH and Poplar HARCA

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE

Officer contact details for documents:

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