

## CABINET ITEM COVERING SHEET PROFORMA

**AGENDA ITEM**

**REPORT TO CABINET**

**18 APRIL 2013**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

### **CABINET DECISION**

Regeneration and Transport – Lead Cabinet Member – Councillor Michael Smith

#### **LINDSAY HOUSE COMPULSORY PURCHASE ORDER**

1. Summary

This report updates on progress of the Compulsory Purchase Order (CPO) of leasehold interests within the council owned Lindsay House building on Stockton High Street and seeks the relevant authority to confirm and finalise the CPO process, allowing the Council to gain vacant possession of the property and ultimately demolish the building and redevelop the site as part of wider redevelopment proposals for Stockton High Street which are underway.

2. Recommendations

1. That the Council of the Borough of Stockton-on-Tees (Lindsay House, Stockton-on-Tees) Compulsory Purchase Order 2012 be confirmed.
2. That all necessary declarations, orders or notices, including a General Vesting Declaration, Notices to Treat or Notices of Entry be made or served to give effect to the Compulsory Purchase Order and all remaining interests be acquired by the Council.

3. Reasons for the Recommendations/Decision(s)

Confirmation of the CPO will enable the Council to gain vacant possession of the property and ultimately demolish the buildings and redevelop the site as part of wider redevelopment proposals for Stockton High Street which are underway.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so

significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

### **Disclosable Pecuniary Interests**

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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**RECOMMENDATIONS**

1. That the Council of the Borough of Stockton-on-Tees (Lindsay House, Stockton-on-Tees) Compulsory Purchase Order 2012 be confirmed.
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**DETAIL**

1. Cabinet will recall the approval, at Cabinet on 8<sup>th</sup> December 2011, for the use of CPO powers under section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) to acquire all necessary interests in Lindsay House and the adjacent area required for the implementation of the redevelopment of the Lindsay House site.
2. The rationale for the CPO is set out in the attached Statement of Reasons at **Appendix 1**. This document sets out the basis upon which the CPO was made and details the reasons upon which a decision on the confirmation of the CPO will be based.
3. Following Cabinet approval in December 2011 the CPO was made on 17 August 2012 to acquire the leasehold interests of 5 remaining tenants. The CPO is appended at **Appendix 2** for members to be aware of the interests that were subject to the order. Since then the Council has been successful in either relocating businesses to alternative premises in the town centre or terminating the leases of some of the tenants who did not seek to relocate or had already left the premises. Two tenants (Arriva and Instant Cash Loans Ltd) are the only remaining tenants occupying the building.

4. The making of the CPO went through statutory consultation and only one objection to the CPO was received, from Instant Cash Loans Ltd. As a result the Secretary of State was required to list the matter for a Public Inquiry to consider the objection and determine whether to confirm the CPO or refuse it. The Inquiry was scheduled for 23<sup>rd</sup> April 2013. Officers have been in discussion with both remaining interests over options for relocation and compensation payable under CPO code of compensation.
5. Arriva did not object to the CPO but they remain a tenant with rights to occupy and their lease must still be acquired by implementing the CPO or by a deed of surrender which is also being negotiated with them, and will continue to be negotiated even if the CPO is confirmed. The confirmation of the CPO is required to ensure that the Council can acquire all remaining interests within a reasonable timescale to progress demolition of the building as part of the regeneration improvements to the Town Centre, should a deed of surrender not be forthcoming. Discussions are progressing well with Arriva on the identification of alternative accommodation and officers are confident that they will relocate into a unit on the High St in the coming months.
6. Discussion with Instant Cash Loans Ltd has resulted in them withdrawing their objection to the CPO as they have secured alternative premises in the town centre at 140 High Street. The withdrawal of the CPO has negated the need for the CPO Inquiry scheduled for 23<sup>rd</sup> April, which has now been cancelled with DCLG granting authority for the Council to confirm the CPO and finalise the process of bringing all remaining interests into the Councils ownership. As with Arriva, their lease also requires formal termination by the confirmation of the CPO or a deed of surrender.

## FINANCIAL IMPLICATIONS

7. There are no direct financial implications arising from this report

## LEGAL IMPLICATIONS

8. The confirmation of the Compulsory Purchase Order will give the full authority to the Council to acquire the remaining legal interests in Lindsay House and once vacated to demolish it. The need for the Order and the consideration of the rights of the tenants are contained in the Statement of Reasons. Anyone affected by the confirmation of the CPO has a right to challenge the validity of the order at the High Court within 6 weeks of the Council publishing a notice in a local newspaper.

## RISK ASSESSMENT

9. The CPO of Lindsay House is categorised as low risk at this stage. A Risk Register has been developed for the project which is monitored as part of project management arrangements and is overseen by the Central Area Programme Board

## SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

10. **Economic Regeneration and Transport** - the proposals support the key ambition to create *vibrant and successful town centres* through creating a modern and vibrant Stockton town centre, including improved access and parking.
11. **Environment and Housing** – the redevelopment of the Lindsay House site will contribute towards and improved physical environment in Stockton town centre

12. **Safer Communities** - the public realm improvements have been developed to design out crime, and will assist in achieving the key ambition to *reduce crime, fear of crime* and anti-social behaviour.
13. **Healthier Communities and Adults** –the proposed regeneration scheme will contribute to the achievement of the ambition to *promote healthy living* by developing and improving the town centre environment to encourage residents to maximise the opportunities provided by the built and natural environment of the town centre and riverside to improve their physical and mental health.
14. **Stronger Communities** – when the regeneration vision for town centre, to which this project contributes is realised, it will help to achieve the ambition to generate *increased community pride*, with the radically transformed town centre which will encourage pride in the local area.
15. **Older Adults** – the town centre regeneration schemes will assist in achieving the ambition to create a *welcoming community* for older adults, by improving the physical environment to ease access to and use of the town centre, through the provision of seating areas and on-street car parking at the heart of the town centre.
16. **Art, Leisure and Culture** – the public realm improvements support the ambitions to *promote our festivals* and *promote the performing and visual arts* by providing a specially designed area of public realm to be used for performances at the heart of the town centre.

## EQUALITIES IMPACT ASSESSMENT

17. This report is not subject to an Equalities Impact Assessment as it is an update on a previous approval and is not seeking approval for a new policy.

## CONSULTATION INCLUDING WARD/COUNCILLORS

Public and Stakeholder consultation March 2011  
Public and Stakeholder update October/November 2011  
Ward Member briefing December 2012

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Education related? No

### Background Papers

Reports to Cabinet on 10.01.13, 14.06.12 (Town Centre Regeneration Update), 08.12.11 (Stockton Town Centre Regeneration), 14.07.11 (Stockton Town Centre Progress Report), 17.03.11 (Stockton Town Centre Urban Design Guide), and 05.08.10 (Stockton Central Area Update), all available from <http://www.stockton.gov.uk/egenda>

### Ward(s) and Ward Councillors:

Stockton Town Centre Ward - Cllr David Coleman & Cllr Paul Kirton

Property

The property covered in this report is Council owned