

Contains Confidential or Exempt Information	Yes – Appendices 3 to 8
Title	CEX485: Proposed Acquisition and Disposal of Land at Bell Road, Hounslow and exercise of s203 Housing and Planning Act 2016 powers
Member Reporting	Councillor Steve Curran, Leader of the Council and Cabinet Member for Corporate Strategy, Planning and Regeneration; Steve.Curran@hounslow.gov.uk
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For Consideration By	SMD
Date to be Considered	15 July 2020
Implementation Date if Not Called In	27 July 2020
Affected Wards	Hounslow Heath
Keywords/Index	Regeneration, Hounslow, Bell Road, Compulsory Purchase Order, Acquisition

1. Details of Recommendations

The Cabinet is asked to:

- 1) Approve the use of the Council’s powers pursuant to section 227 of the Town and Country Planning Act 1990 so as to engage section 203 of the Housing and Planning Act 2016 in respect of land at Bell Road, Hounslow (outlined in red on the Map at Appendix 1 (“the Site”), currently owned by A2Dominion Homes Ltd (“A2D”), the effect of which is, subject to the matters set out in note 9 below being satisfactory, to permit the carrying out of building or maintenance work even if it involves (a) interfering with a relevant right or interest, or (b) breaching a restriction as to the user of land arising by virtue of a contract.
- 2) Authorise the Executive Director of Housing, Planning and Communities (“the Director”), in consultation with the Head of Governance, to enter into any ancillary agreements necessary to give effect to this decision with the Site to be acquired by agreement with A2D with regards to s227 of the Town and Country Planning Act 1990, before being transferred back to A2D pursuant to s233 of the Town and Country Planning Act 1990.

- 3) Authorise the Director to use the Borough's statutory powers as set out above so as to engage s203-204 of the Housing and Planning Act 2016, including reliance on s227 and s233 of the Town and Country Planning Act 1990, including allocation of compensation if necessary resulting from reliance on s.203, subject to the Director and the Executive Director of Finance and Resources being satisfied as to the provision of a full and sufficient indemnity by A2D covering all the Council's costs in and incidental to the use of those powers including the acquisition of the Site and the payment of compensation if necessary.
- 4) Authorise the terms of the acquisition and disposal of the Site which shall be based on the terms set out in Appendix [5] (exempt) of this Report.
- 5) Approve the Council entering into an Indemnity Agreement with A2D regarding the costs associated with the use of the Council's reliance on s203-204 of the Housing and Planning Act 2016, and use of its powers under s227 and s233 of the Town and Country Planning Act 1990 to engage the same, relating to the Site including the costs of compensation, any compensation hearings and other associated proceedings arising from the Council's use of such powers.
- 6) Authorise the Director to enter into any documentation required to acquire and effect the transfer and disposal of any land interests relating to the Site having regard to s227 and s233 of the Town and Country Planning Act 1990 in order to permit reliance upon s203 of the Housing and Planning Act 2016, in order to facilitate the delivery of the redevelopment of the Site.
- 7) To note that the Council will consult with potential rights holders and consider all responses made prior to the taking of an interest in the Site such as to give rise to the s203 protections.
- 8) Authorise the Director to make any other decisions ancillary to and required to facilitate recommendations 1-7 above.
- 9) To note that entry into the transactions which will facilitate the reliance upon s203 will be subject to:
 - a) the proper consideration of consultation with the affected parties;
 - b) the Indemnity Agreement being entered into;
 - c) the Council receiving satisfactory valuation advice: (i) on the amount of estimated compensation payable to affected parties, (ii) on the structure of the acquisition and disposal, and (iii) confirmation that such structure will comply with State Aid requirements and section 123 Local Government Act 1972
 - d) the Council and A2D completing the release of the Council's rights and benefits over the Site by negotiated agreement.



If the recommendations are adopted, how will residents benefit?	
Benefits to residents and reasons why they will benefit, [link to Values]	Dates by which they can expect to notice a difference
<p>1) The proposal would facilitate the delivery of a large mixed-use scheme comprising new commercial space (flexible use A1-3, B1, D1 or D2) and 127 homes (to be 100% affordable) within Hounslow town centre (the “Development”). A variety of tenure options are available including affordable rent and low cost home ownership offering housing choice is proposed. The Development once delivered would provide a significant contribution of units to meeting the affordable housing need in the area.</p> <p>2) The Development would transform the previously developed site, which is presently vacant, adding a high quality building at the gateway to the town centre, helping to implement the allocation of the site for development in the Hounslow Local Plan and the aims of the Hounslow Town Centre Masterplan to improve the environment of the area.</p> <p>3) The Development (in relation to the commercial elements) would generate Community Infrastructure Levy payments that could be invested in improvements to the area</p> <p>4) The resultant economic activity from the Development, during the construction phase, as well as the once completed, would make a significant contribution to employment and economic growth, enhancing the vitality and vibrancy of the town centre.</p> <p>5) Overall the Development will make a significant positive contribution to the economic, environmental and social well-being of the area.</p>	<p>Planning permission was granted on 24 January 2018 for the comprehensive redevelopment of the Site (00108/9-21/P4) on 24 January 2018. The Development must therefore commence prior to 24 January 2021. A2D has requested the Council’s assistance in order to help the delivery of the Development.</p>

2. Report Summary

- 2.1 Approval is being sought for the use of the Council's statutory powers so as to engage protections afforded to the Council under section 203 of the Housing and Planning Act 2016 ("HPA") in respect of land at Bell Road, Hounslow which is owned by A2D. The effect of these powers will permit the carrying out of building or maintenance work on the Site even if it involves interference with a relevant right or interest, or breaching a restriction as to the user of land arising by virtue of a contract. Section 203 HPA has the effect of converting the rights of a property owner to an entitlement to compensation only.
- 2.2 As this power is limited to use on land owned by the Council or where ownership (title) has been derived from the Council, its use will be subject to the Site having first been acquired by the Council, with the Site to then be disposed of back to A2D. The Council has power under s227 of the Town and Country Planning Act 1990 ("TCPA") to acquire by agreement any land which it requires for any purpose for which it may be authorised to acquire land compulsorily under section 226 of the same Act.
- 2.3 In April 2019 the Cabinet authorised the use of a Compulsory Purchase Order to acquire the Site to facilitate the delivery of the approved Development at the Site (see Appendix 2). No further action on the proposed Order has been undertaken as there is no indemnity agreement in place.
- 2.4 The s203 power would allow the Development to proceed in spite of the rights and other restrictions burdening the Site. If necessary, and subject to valuation of the same in accordance with s204, compensation would be payable to third parties whose rights are affected.
- 2.5 It is recommended the Council enters into an Indemnity Agreement with A2D to ensure the Council's costs in utilising its powers are fully underwritten by A2D, including for any work to facilitate the process, compensation payable, and any associated legal proceedings relating to the decision.
- 2.6 If adopted, the key financial implications for the Council are minimal. Consultant costs for professional advice, costs of external lawyers and costs in respect of officer time will be paid by A2D together with all associated expenditure to include property transfer costs and legal costs.
- 2.7 These recommendations are being made to facilitate the delivery of the redevelopment of the Site, which has wider public benefits that will improve the economic, social and environmental well-being of the area.

3. Reason for Decision and Options Considered

Background to Use of s203 powers

- 3.1 A2D owns the Site at Bell Road, Hounslow, and has planning permission for its redevelopment with a mixed-use scheme including 127 homes (proposed to be 100% affordable).
- 3.2 The s203 protections have the effect of overriding private property rights such as rights of way, rights of light, plus any other easements, covenants etc. to permit the Development to be built (the rights will continue but cannot be enforced against the developer). This will prevent other parties with a property interest on the Site from seeking an injunction to halt or delay the Development.
- 3.3 Where section 203 protections are relied upon, any third party affected by the exercise of the powers is entitled to compensation based on the diminution in value to property arising as a consequence of the interference to their rights. The cost of any compensation would be the responsibility of A2D, with this to be secured by an Indemnity Agreement.
- 3.4 The rights and covenants that burden the Site are set out in the tables at Appendix [4] (exempt). In summary these can be grouped as follows:
 - a) Rights and covenants (including historic rights and potential rights to light) over the Site;
 - b) Various rights and covenants of which the Council is the beneficiary
 - c) right of way that benefits neighbouring landowners of 10 Staines Road and land adjoining 10 Staines Road, which traverses parts of the Site. .

Together the “Rights”.

- 3.5 The Development cannot be implemented without interference with the Rights given its position and the nature of the approved building layout.
- 3.6 Rights in favour of the Council are subject to already ongoing negotiations regarding release which will need to be settled before the Council will rely upon s203. If the Council acquires the Site pursuant to s203 the remaining Rights will be overridden, and translated into a right to compensation. Any compensation payable will be covered by the Indemnity Agreement.
- 3.7 The following sub-sections set out:
 - (a) how the criteria for engaging s203 are satisfied; and
 - (b) the justification for using s203 in this case.
- 3.8 Using s203 will help deliver the comprehensive development of the Site which will allow for new affordable housing, retail and commercial space and environmental improvements. It is noted that the Council has previously

agreed in principle to make a Compulsory Purchase Order (see Appendix 2) in relation to the Site.

Land which is the subject of the s203 powers

- 3.9 The Site which would be the subject to the s203 power comprises land at 9-21 Bell Road, Hounslow. It has an area of approximately 0.38 hectares and is located on a corner plot bounded by Bell Road to the east, Grove Road to the south, the pedestrianised High Street to the north and Parsonage Road (A315) to the west. The Site is currently owned by A2D. An overage benefitting the Council exists on part of the Site. Its value would be determined prior to the use of s203 powers.

Requirements for Use of s203 Powers

- 3.10 There are four conditions that must be met for s203 to be engaged:

(a) There is planning permission for the work

- 3.11 There is planning permission to redevelop the site (0108/9-21/P4).

(b) The Site has been acquired by the Council

- 3.12 The ability to rely upon s203 protections can only be exercised once the land has been acquired by the Council for planning purposes. This means the Council cannot exercise its powers under s203 until it has an interest in the Site.

- 3.13 Accordingly A2D has requested that the Council use its power under s227 of the TCPA to acquire an interest in the Site for planning purposes to permit use of the s203 powers.

- 3.14 Section 233 of the TCPA relates to the disposal of land held for planning purposes by the Council and permits the disposal of land in such manner and subject to such conditions as appears expedient to the Council in order to secure the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it (whether by itself or another person). In this instance the best use of the land would be the delivery of the extant planning permission to deliver affordable housing, and so the land would be disposed of to A2D for them to carry out the Development.

- 3.15 The heads of terms of the proposed acquisition and disposal are set out in Appendix 5 (exempt).

(c) The Council could acquire the Site compulsorily for planning purposes.

3.16 Section 227 of the TCPA provides that the Council may acquire by agreement any land which it requires for any purpose for which it may be authorised to acquire land compulsorily under s226 of the TCPA. As noted in paragraph 3.8 above, justification for the compulsory purchase of the Site to secure its regeneration was provided in the Cabinet report seeking authorisation for use of CPO powers (see Appendix 2), and it is considered that the appropriate tests set out by S226 are still satisfied, namely that it is considered that the Development will contribute to:

- (a) the promotion or improvement of the economic well-being of the Council's area;
- (b) the promotion or improvement of the social well-being of Council's area;
- (c) the promotion or improvement of the environmental well-being of the Council's area.

(d) The work is for purposes that the land was acquired for.

3.17 The Site would be acquired for purposes of delivering the approved Development (0108/9-2/P4) and related Affordable Housing.

Justification for Use of s203 Powers

(a) Public Interest: Benefits of the Scheme

3.18 At present the Site is vacant and surrounded by hoardings. The previous buildings on the Site have been demolished. The Site benefits from planning permission for a mixed-use development with new buildings being part 6 and part 11-storeys, providing 127 homes (to be 100% affordable) and commercial floor space (1,127 sqm) along with parking and landscaping.

3.19 The Site occupies a prominent location on the approach to Hounslow town centre from Hounslow Railway Station. It is part of a site allocated for mixed-use development in the Hounslow Local Plan 2015 (site no. 35).

3.20 The assessment of the planning application for the Development concluded that it would bring an extensive range of positive impacts and public benefits. These positive impacts and benefits include aiding the regeneration of the town centre, providing much needed affordable homes and commercial space, increasing employment and spending in the area, as well as environmental improvements to the townscape. Overall the Development is considered to be in the public interest, taking into account relevant Development Plan policies, the emerging Local Plan policies, and the National Planning Policy Framework.

(b) Last resort

3.21 Appendix 6 (exempt) details the level of engagement and negotiation that A2D have undertaken to date to secure the release of the Rights. As part of

the consultation required prior to exercise of the powers under s203, the beneficiaries of the Rights will have the opportunity to make representations to the Council which will be considered and have the opportunity to reach a negotiated settlement with A2D for the release of their respective rights.

- 3.22 The Council's preference is to reach agreement with the beneficiaries of any Rights by negotiation. The Council has requested that A2D use all reasonable endeavours to reach agreement. Further consultation of all beneficiaries and consideration of their representations will be undertaken prior to the entry into the transactions which would give rise to the S203 protections' engagement.

(c) Alternative options considered and rejected

- 3.23 The Rights run across a substantial parts of the Site. A2D has advised and the Council concur that it is not possible to make any alterations to the design approved under the extant permission which will allow the Rights to remain in their current form.

(d) Timing

- 3.25 The planning permission expires for the Development in January 2021. There is also a pressing need for affordable housing in the Borough. Taken together, there is an urgency in ensuring delivery of the Development.

Summary

- 3.26 The proposed reliance on s203 protections will facilitate the delivery of the Development benefitting from the Planning Permission. Without the use of this power there is a high risk that the Development as permitted by the extant permission cannot be implemented by the expiry date of January 2021 and all associated benefits of the delivered Development will be lost. Nevertheless it is recommended, but without prejudice to the delivery of the Development, that further consultation of the third party interests be undertaken throughout the process to attempt to negotiate agreements.

4. Indemnity Agreement

- 4.1 A2D is prepared to underwrite the Council's costs in engaging S203. These costs will cover such heads of expenditure as:

1. Staff time.
2. Land/rights transfer and disposal costs
3. Compensation to affected third parties.
4. Costs of administrating the s203 process including fees for external legal, tax, valuation and property advice.
5. All tax (including SDLT and VAT) arising from the process.
6. Costs fees and expenses of any compensation hearing in the Upper

Tribunal (Lands Chamber) and any and all other legal proceedings related to use of s203 powers by the Council.

7. Costs fees and expenses associated with any dispute resolution.

4.2 Any agreement to rely upon s203 protections will be conditional upon an Indemnity Agreement being in place to minimise the Council's exposure to financial liability. This agreement will include (a) provision of a full and sufficient indemnity, covering all the Council's costs of and incidental to the use of s203 powers and transfer of land; and (b) a requirement that the Council's costs are reimbursed on a monthly basis, and (c) that the development of the Site by A2D pursuant to planning permission 00108/9-21/P4 (or in substantially that form) is satisfactorily secured.

4. Key Implications

How is success to be measured?					
Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
Facilitation of delivery of a mixed-use scheme delivering 127 homes (proposed to be 100% affordable) and commercial space	S203 process not completed	S203 process completed.	Scheme starts before 24 January 2021		January 2021

5. Financial Details

a) Financial Impact On The Budget (Mandatory)

5.1 A2D will provide an Indemnity Agreement which will cover all costs associated with the s203 process and land transfer, including officer time, and will explore how to reduce residual risks. As discussed earlier, officers will assess and confirm that the financial status of A2D is acceptable prior to entering into any Indemnity Agreement.

5.2 The Council has received independent tax advice on the likely tax payments arising from the s203 process. See Appendix 7 (exempt). Any tax due will be payable by A2D by virtue of the Indemnity Agreement.

5.3 The Council has received a valuation report from A2D setting out the estimated compensation. See Appendix 8 (exempt).

5.4 The Council will seek its own independent advice on the valuation of compensation and has instructed a valuer to assess the following:

- a) The amount of compensation due to the beneficiaries of the Rights in the event that the Council enters into the proposed transactions so as to enable reliance on s203 protections.
- b) Whether the proposed structure complies with State Aid requirements and best value requirements under section 123 Local Government Act 1972.
- c) An estimate of the consideration payable to the Council for the release of right of way over part of the Site, the release of its restrictive covenant, and whether any overage payment has been/will be triggered.

b) Comments of the Director Finance and Corporate Services

This report seeks approval to make use of the s203 powers to support A2D to develop Land at Bell Road in Hounslow. Due to existing third party rights A2D have been unable to progress the development. The s203 process allows the Local Authority to override the rights which are constraining the progress.

Subject to agreement with the Executive Director of Finance and Resources that A2D are of sufficient financial standing an indemnity agreement will be put in place to indemnify the London Borough of Hounslow from responsibility for the costs related to the s203 arrangements.

Tax advice has been provided indicating that is unlikely that there will any liability for SDLT and the VAT is negligible. The indemnity agreement will allow London Borough of Hounslow to recover any sums that are incurred for tax from A2D.

6. Legal Details/Comments of the Head of Governance

The Council has received legal advice on

- a) The use of s203 powers;
- b) Compensation under s204;
- c) The proposed transactional structure;
- d) Tax liability;
- e) The application of the Public Contracts Regulations 2015. See Appendix 3 (exempt) and State Aid.; and
- f) The heads of terms of the Indemnity Agreement.

7. Value For Money

- 7.1 Delivery of 127 new homes will bring New Homes Bonus payments, whilst the proposal would develop the Site with a high quality scheme that will contribute towards the wider regeneration of Hounslow town centre.

8. Sustainability Impact Appraisal

- 8.1 The delivery of the Development, which will be facilitated by reliance upon s203 will provide the following key benefits:

Social

- Provision of 127 new homes to meet relevant Housing SPG baseline standards for quality, including 10% adaptable for wheelchair users helping to address the current high demand for housing.
- It is proposed that 100% of the homes are affordable housing which would providing housing opportunities for local residents as meet the Borough's affordable housing targets.
- Increased employment and training opportunities for local people

Environmental

- Re-use of a previously developed site for housing, off-setting need for greenfield development.
- Regeneration of vacant land of low townscape value with a high quality building, thereby enhancing the appearance of the land and acting as a catalyst for improvements to the wider area and within the town centre.
- Scheme to meet relevant targets for energy efficiency and carbon reduction targets, contributing to mitigation of climate change.

Economic

- Significant contribution to economic activity through increased employment and expenditure from construction of the development.
- Significant contribution to economic growth through increased employment and expenditure from new residents.

9. Risk Management

- 9.1 The Council must consider if the use of its statutory powers so as to engage s203 is justified and attempts to negotiate an agreement relating to the rights should continue. The case for using such powers so as to engage those protections needs to be robust and deemed to be in the public interest. Consideration of any adverse effects on protected equality groups identified in the Equality Act 2010 and human rights as required in the Human Rights 1998 is required and are assessed below in section 11
- 9.2 Any agreement to use statutory powers to engage s203 will be conditional upon an Indemnity Agreement being in place therefore minimising the Council's exposure to financial liability.

10. Links to Council Priorities

- 10.1 Facilitating the delivery of the approved Development would help achieve objectives of the Hounslow Local Plan relating to regeneration of the area, providing new housing, revitalising the town centre economy and improving the townscape, which is supported by the Corporate Plan, Regeneration and Economic Development Strategy, Housing Strategy and Hounslow Town Centre Masterplan.

11. Equalities, Human Rights and Community Cohesion

- 11.1 The Council has to give due regard to its Equalities Duties, in particular with respect to general duties arising pursuant to the Equality Act 2010, section 149. Having due regard to the need to advance equality involves, in particular, the need to remove or minimize disadvantages suffered by persons who share a relevant characteristic that are connected to that characteristic.
- 11.2 The Council has considered the relevance of the proposal to the provisions of the Equality Act 2010 and the Human Rights Act 1998 and concluded that based on the information known at present, Equalities Duties are not engaged by this proposal. The proposal is also compatible with Human Rights Articles and as the report does not have any significant bearing on the substantive equality duty it is not considered necessary to undertake an Equality Analysis. Further consultation of potentially affected parties and consideration of representations made is proposed prior to the exercise of the s203 powers and following this consultation the Equalities and Human Rights implications will be reviewed.
- 11.3 The Human Rights Act 1998 protects particular European convention rights to include: (a) the right of everyone to the peaceful enjoyment of their possessions, which can only be impinged upon in the public interest and subject to relevant national and international laws (Article 1 of the First Protocol); (b) the right to a fair and public hearing for those affected by the decision (Article 6), and (c) no interference with the existence of the right to a home life except in accordance with the law and, as necessary in a democratic society in the interest of the economic well-being of the country, protection of health and the protection of rights and freedoms of others (Article 8 of the First Protocol).
- 11.3 In determining the level of permissible interference with enjoyment the courts have held that any interference must achieve a fair balance between the general interests of the community and the protection of the rights of individuals. There must be reasonable proportionality between the means employed and the aim pursued. The availability of an effective remedy and compensation to affected persons is relevant in assessing whether a fair balance has been struck.
- 11.4 In light of the matters detailed in this report (including compensation payable, and provision of alternative equivalent rights where appropriate (including during construction), the exercise of the proposed use of powers to engage s203 is justified on the basis that it is in the public interest, authorised by law and necessary and proportionate towards achieving the comprehensive regeneration of the Site. The Development will also contribute towards meeting the Council's priorities to promote mixed communities in well-designed neighbourhoods and deliver affordable housing.
- 11.5 The proposed process will be consistent with Article 6 of the Human Rights Act 1998. The beneficiaries of the Rights will be informed of the process, given

the opportunity to make representations, and these representations will be considered by the Council before deciding whether to exercise its powers to engage s203. s204 HPA also provides for the payment of compensation (if applicable under the legislation).

- 11.6 Officers have carried out an Equality Impact Assessment to comply with the Public Sector Equality Duty prescribed within section 149 of the Equality Act 2010 and can confirm there are no adverse impacts on protected characteristics. Accordingly, it is considered that in approving the recommendations, the Council will be acting in accordance with its Public Sector Equality Duty. Officers will update their assessment as set out in paragraph 11.2 following consultation.

12. Staffing/Workforce and Accommodation implications:

- 12.1 The Council will need to cover officers input into the preparation and support of the use of powers to engage s203. A2D will cover the financial costs of doing this including the appointment of any external legal advice and property support through the proposed Indemnity Agreement.

13. Property and Assets

N/A

14. Any Other Implications

N/A

15. Consultation

- 15.1 Comprehensive and detailed consultation on the scheme was carried out through the planning process.
- 15.2 The Council will consult with those persons that the reliance on S203 is thought to affect in order to inform them that the Council is considering acquiring an interest in the Site, explaining the legal effect this would have, and inviting representations.
- 15.3 The Council will also as part of the consultation process post a site notice and publicise the consultation details on its website.
- 15.4 Any responses will be taken into account before the Council makes any final decision to exercise its s203 power in the relation to the Site.

16. Timetable for Implementation

- 16.1 Authorisation is sought to utilise statutory powers so as to enable reliance on S203 protections, subject to conditions of that section being met, the outcome

of the consultation and an Indemnity Agreement to cover all associated costs for the Council being met by A2D. It is anticipated that should the process be undertaken, it will be completed to allow implementation of planning permission 108/9-21/P4 prior to January 24 2021.

17. Appendices

- Appendix 1 – Site Map
- Appendix 2 – CEX245 – CPO Report
- Appendix 3 – Legal Advice on procurement (exempt)
- Appendix 4 – Schedule of rights (exempt)
- Appendix 5 – Transactional Structure: Heads of Terms (exempt)
- Appendix 6 - Details of Engagement of Negotiation by A2D with the beneficiaries of the Rights (exempt)
- Appendix 7 – Tax Note (exempt)
- Appendix 8 – Compensation Valuation Report provided by A2D (exempt)

The identified information is exempt by virtue of one or all of the following paragraphs of Schedule 12A to the Local Government Act 1972 (as amended) namely:

- 1 Information relating to any individual.
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).

18. Background Information

- None.

SIGNATURES AND AGREEMENT

Using the authority delegated to me as the relevant Cabinet Member, I agree to the recommendations.



.....
Councillor Steve Curran, Leader of the Council and Cabinet Member for Corporate Strategy, Planning and Regeneration

Dated: 15 July 2020.....

Notes:

This decision cannot be implemented until after seven clear working days have elapsed from the publication of the decision to allow for the decision to be called in for consideration by the Overview and Scrutiny Committee. It may only be exempted from this using the appropriate process as detailed in the Constitution.

If this is a key decision, a copy of this document should be provided to Democratic Services in advance of the decision to be taken, so that it can be published five clear working days beforehand in accordance with legal requirements on access to information. If it is not a key decision, it is good practice in any event to meet the same publication requirement. Please liaise with Democratic Services to alert them to the fact this decision is to be made and will need to be published.

If the decision is exempt from publication, you will still need to provide a copy but clearly marked that it is exempt and the legal reasons for exemption as set out in the constitution.

You will also need to speak to your Forward Plan Co-ordinator to ensure that this decision has a directorate report number. It will also need to be listed in the Forward Plan for 28 days if it relates to a key decision.

REPORT ENDS