

## REQUEST FOR MAYORAL DECISION – MD1195

**Title: Agreement of terms for full and final settlement with Mc Fen Plant Ltd ('The Claimant') for interests acquired under Compulsory Purchase Powers**

### Executive Summary:

Following negotiations with a CPO claimant the GLA has reached a provisional settlement of terms for compensation with 'the Claimant'. This report sets out the terms for the agreement and seeks authority to formally agree those terms and settle the claim.

### Decision:

That the Mayor approves:

1. The GLA to reach a full and final settlement with McFen Plant Ltd.
2. The delegation to the Executive Director of Resources authority to:
  - a) execute (whether by deed or otherwise on behalf of GLA as appropriate) such agreement and any other documentation to be entered into in connection with such agreement; and
  - b) to do all such other things as he considers necessary or desirable to facilitate the matters described in the paper.

### Mayor of London

I confirm that I do not have any Disclosable Pecuniary Interests in the proposed decision, and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

**Signature**

**Date**

## **PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR**

### **Decision required – supporting report**

#### **1. Introduction and background**

'The Claimant' had the leasehold interest of a parcel of land which was compulsorily acquired for the London 2012 Olympic Games. The GLA have been in negotiations with 'The Claimant' to try and seek a full and final settlement of the outstanding claim within the Compensation Code. A provisional full and final settlement has been reached.

#### **Issues for consideration**

- a) Links to strategies and Mayoral and corporate priorities  
The interests in the ownership of the claimant related to plots within the CPO and needed to be acquired, along with others, to provide a clear and usable site for the Games and for legacy. The Mayoral and corporate priority "Making the most of London 2012" and "Improving the supply and access to Housing" as well as "Leaving a legacy of wonderful open spaces" are all relevant to the content of this report as legacy, public open space and housing could not be achieved without securing the land and therefore paying the compensation.
- b) Impact assessments and Consultation  
The period for consultation regarding the CPO was set by the Secretary of State when the CPO powers were first applied for in 2005 and objectors had the right to make their views known to the Secretary of State's inspector who held a public Inquiry to listen to the objectors and to the LDA's responses. The offer letter is an attempt to settle the claim.
- c) Risk  
The offer to settle reported in this report is recommended by the Executive Director of Land and Housing and is based upon the report also recommending the settlement prepared by the agent's specialist valuation adviser to GLA.

If an offer to settle is not made the GLA will be at risk of paying all the Claimants costs should the Upper Tribunal (Lands Chamber) make an adverse decision.

#### **3. Financial Comments**

See Part 2.

#### **4. Legal Comments**

See Part 2.

#### **5. Investment & Performance Board**

The overall strategy for managing the CPOs and settlements was agreed at IPB in February 2012.

#### **6. Background/supporting papers**

None

**Public access to information**

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the GLA website within 1 working day of approval. Any facts and advice that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form. Deferment is only applicable where release before that date would compromise the implementation of the decision being approved.

Is the publication of this approval to be deferred? Yes

If yes, for what reason: If the mayoral Decision is to approve the proposal the case will remain subject to contract until the documentation is completed. To reveal the existence of the decision before then would risk the claimant withdrawing the provisional agreement.

Until what date: 1 August 2013

Is there a part 2 form - YES

**ORIGINATING OFFICER DECLARATION:**

	Tick to indicate approval (✓)
<b>Drafting officer:</b> <u>David Clarke MRICS</u> has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.	✓
<b>Assistant Director/Head of Service:</b> Simon Powell has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.	✓
<b>Sponsoring Director:</b> <u>David Lunts</u> has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.	✓
<b>Mayoral Adviser:</b> <u>Richard Blakeway</u> has been consulted about the proposal and agrees the recommendations.	✓
<b>Advice:</b> The Finance and Legal teams have commented on this proposal.	✓

**OFFICER APPROVAL****Executive Director, Resources**

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report.

**Signature**

**Date**

**Chief of Staff**

I am satisfied that this is an appropriate request to be submitted to the Mayor

**Signature**

**Date**