

REQUEST FOR MAYORAL DECISION – MD1213

Title: Advance Payment under s.52 of the Land Compensation Act 1973 in relation to land acquired under Olympic and Legacy CPO 2005

Executive Summary:

The GLA is in litigation with James Anthony Fennessey and Jonton Executive Pension Scheme as a result of the London Development Agency (Lower Lea Valley, Olympic and Legacy) Compulsory Purchase Order 2005.

This report sets out the terms to make an Advance Payment under s.52 of the Land Compensation Act 1973 to James Anthony Fennessey and the Jonton Executive Pension Scheme.

Decision:

That the Mayor grants approval to the actions described in part 2 of this paper in relation to the claimants, who had land acquired under compulsory purchase powers arising from the London Development Agency (Lower Lea Valley, Olympic and Legacy) Compulsory Purchase Order 2005.

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

a) James Anthony Fennessey held two long leasehold interests granted by the LB of Newham at 79 Stanley Road Stratford London E15. This site was 0.075 hectares. These leases were compulsorily acquired for the Olympic Games and subsequent legacy and site was identified as plot 751 in the Olympic CPO.

b) Jonton Executive Pension Scheme owned the freehold of land to the rear of 79 Stanley Road Stratford London E15. This site was 0.667 hectares. This site was compulsorily acquired for the Olympic Games and subsequent legacy and was identified as plot 758 in the Olympic CPO.

'The Claimants' claim for compensation has been referred to the Upper Tribunal (Lands Chamber) for determination.

2. Objectives and expected outcomes

To make an Advance Payment to 'the Claimants in accordance with s.52 of the Land Compensation Act 1973 to:

- a) James Anthony Fennessey
- b) Jonton Executive Pension Scheme

3. Other considerations

- a) Key risks and strategies

To bring to a conclusion all outstanding compensation claims.

- b) 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.

- c) Impact assessments and consultations

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. Meetings and negotiations with the claimants have taken place. In April 2013 the London Development Agency referred the claims to the Upper Tribunal (Lands Chamber) for determination.

4. Financial comments

The financial comments are included in the part 2 confidential section.

5. Legal Comments

The legal comments are included in the part 2 confidential section.

6. Investment & Performance Board

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

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.

Part 1 deferral: any fact or information whose release before a specific date would compromise the implementation of the decision may be included in Part 1, with Part 1 being deferred until after that date. Deferral periods should be kept to the shortest length strictly necessary.

Is the publication of this approval to be deferred? YES

If YES, for what reason: So that the offer letter can be sent to the Claimants.

Until what date: 1 September 2013

Part 2 confidentiality: any fact and advice that should not be automatically made public should be in the separate Part 2 form, together with the rationale for confidentiality.

Is there a part 2 form – YES

ORIGINATING OFFICER DECLARATION:

Tick to indicate approval (✓)

Drafting officer:

David Clarke MRICS has drafted this report in accordance with GLA procedures and confirms the following have been consulted on the final decision.

✓

Assistant Director/Head of Service:

Simon Powell has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Sponsoring Director:

David Lunts has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Richard Blakeway has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered 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