

THE LONDON BOROUGH OF HARINGEY
(HIGH ROAD WEST PHASE A) CPO 2023

OBJECTOR : ADRIAN SHERBANOV

WITNESS STATEMENT

STATEMENT OF CASE

A. Witness statement

Beginning of March 2023, I become aware of Local Authority's (LA) intention to proceed with Compulsory Purchase Order (CPO) to fulfil plans for redevelopment of the area where our only home is located. Until I have submitted objection to CPO order I was not approached, notified by Landlord (agent), been aware and engaged in any way with public consultations.

No letter, or flyers reached us before that, indicating redevelopment plans and intention to proceed with CPO. I was not aware at all about timing of proposed stages of redevelopment.

When checked publicised CPO order, my family was not identified as interested party and stated as tenants in the column 'Tenants or reputed tenants (other than lessees)'.

Since then, I have met substantial number of private residents in the area still not aware of CPO and LA's plans for the estates.

I do have local connections with redevelopment area for more than 10 years.

Later I was approached by representatives of LA to discuss timings of the Scheme. Recently received by email ' Homeless Leaflet'.

B. Statement of case

1. Breach of s 3 Local Government Act 1999

It is my understanding that LA following the 'GLA Capital Funding Guide s 8' engaged proactively with consultation and ballot with secure and non-secure council tenants only, as target group with importance to redevelopments plans, and where on the ballots majority of 55.7% backed the proposal with turnaround of 69.4% (actual 38.65% yes voters), (4.44 CD9.1.), which in everyday encounters with neighbours I never met.

Obligation of LA under above statute is not fulfilled, where my witness statement as proof is attached above. For such significant plans with enormous socioeconomic, environmental and efficiency impact I would expect fiduciary authority to consult and revise where necessary with all stakeholders including private tenants as myself.

Not identifying and consulting private tenants has been an extraordinary failure to appreciate the impact of the transaction. It is hard to see why LA should be entitled to fulfil their duty to consult in a way which avoided seeking views on the central issue raised by substantive duty.

2. Defect on the form of CPO

As stated in my Objection Letter, and in my witness statement above we are not included as interested party in the CPO order (page 35 column 5).

In my understanding LA appointed third party to deal with identifying interested parties, with letters not addressed to 'The Occupier', rather to the leaseholder which I do not have right to open (15.70 CD9.1.).

Taking into consideration caselaw as well in this matter, I believe such a decision of unitary authority to appoint third party to identify occupiers and interested parties is significant lack of due diligence. Private sector organisations cannot evince the public service ethos which is so important in the delivery of the Councils' service. Especially noncomplex task as identifying interested parties and residents, information otherwise readily available to the unitary authority.

Not receiving individually addressed notice do have adverse impact as it leaves us with lesser time to react, confirms lack of consultation. LIQs sent cannot be answered as they are wrongly addressed to non-resident leaseholders (15.70 CD 9.1.).

3. Infringement of rights under HRA 1998.

Where with statements above is obvious that as a matter-of-fact LA did not follow correct procedures for consultation and identifying interested parties, indicates erroneous assessment conclusions about social, health and economic impact of proposed CPO. Building more homes but creating substantial amount of homelessness and not identifying actual impact for families which LA did not recognise until objections raised, indicates lack of consideration and wrong balance analysis for 'compelling case in the public interest'.

In good faith I am withdrawing my objection based on Article 6 HRA 1998.

Further evaluation of the rest of HRA 1998 infringement will be stated during hearing.

4. Ancillary breaches

As stated in my objection letter I believe that LA is in breach of s 12 Acquisition of Land Act 1981 in connection with s 2 above.

Impression of ignoring private tenants, classifying as '*The impacts are likely however to be minor given the limited number of private tenants, who make up less than 15% of the residents within the Order Land.*' (s10.19 Statement of Reason) , where there is doubt if true scale of private tenants correctly identified taking into account my case, indicates and confirm all above objections, point to fundamental errors in procedural requirements for substantive matters, lacks fiduciary care and duty of unitary authority.

I do confirm that I am in favour of Tottenham to become thriving area with educational, employment and economic opportunities, and would assist with whatever I can. However, balance of commercial interests and social values should be considered in every step of building our future.

A Sherbanov
17/10/2023

