

THE LONDON BOROUGH OF HARINGEY (HIGH ROAD
WEST PHASE A) COMPULSORY PURCHASE ORDER 2023

WITNESS: ADRIAN SHERBANOV

OVERVIEW PROOF OF EVIDENCE

I am tenant at Whitehall Street for more than 5 years now. I am resident in the area since 2010. I do have strong local connections with the area where my child is going to school, where my GP is, and where I do have friends and family members. I do have more compelling reasons to be in the area, which I cannot disclose in public hearing.

On March this year I saw 'Notice' attached to the fence of parking space of our estate Whitehall Street stating that Local Authority published CPO. I have checked the CPO and become aware of the intention of the Local Authority and their partnership with Lendlease then. Up to that point I was not aware of their intention, I was not notified by my landlord and their agent as well, first time ever realised that Local Authorities has this power at all.

Up to that point no fliers with more information reached us, no letters regarding their intentions was sent, no assessment of our housing situation was made, no 'knock on door' consultation was made as stated by the Local Authority.

In detailed check of the Compulsory Purchase Order, I have identified that we are not included as interested parties in the CPO (page 35 column 5). The reason as confessed by the Local Authority is obvious- they did not identify us as a resident at all, confirming by itself **no consultation and no impact assessment** made.

Identifying relevant facts

As stated above and confessed in various points in Overview proof of evidence attached to this hearing from the Acquiring Authority, they missed identifying us as interested and affected party. They have missed identifying my family as someone whom house will be demolished in near future with ever shorter notice, where initially stated during 2028, now Q1 2025, soon expecting to be notified I am homeless tomorrow.

1. We are not identified as interested and affected party by the Compulsory Purchase Order.

Lack of identifying itself is proving that there were not any actions taken to consult with us before March 2023. They were not aware of my family residing in relevant affected property at all as they confirm. I am sorry I was not able to attend to ask questions, but I really wonder: How many residing leaseholders (where LA assumes they are residing) did not respond to Questionnaires sent by private sector representatives of the Acquiring Authority to identify actual residents? And what

actions the Local Authority took since my objection to mitigate obvious wrong identifications of affected parties? If you did not identify who you are affecting with your actions or omissions, it is obvious you did not consult with them.

2. No consultations attempted before making Compulsory Purchase Order.

Where no consultations made, where there is obvious and established fact of misidentification of interested and affected parties, it is matter of fact, not conclusion that:

3. No impact assessment made how Compulsory Purchase Order will affect residents.

Legal rights breached.

All statutory references stated are extracted this morning from Legislation.gov.uk

4. Compulsory Purchase Order is in defect form where defect relates to substantive matter, namely identifying interested and affected parties, contrary to **s 12 Acquisition of Land Act 1981**. That results in breach of **Article 1 HRA 1998** where Acquiring Authority fails to follow correct procedure, such as the service of additional or amended personal notices. LA states that they have appointed private sector partner to send questionnaires to affected properties to identify residents. They also state that after sending identification questionnaires wrongly addressed to the leaseholders, there was not any response. As a matter of good administration, if there is no answer to substantive matter as who you affect with your decision, I would expect Acquiring Authority to take further action to identify, rather gross substantive matter omitting facts and base policies, consultation conclusions and overall direct itself on wrong data.
5. Where following **GLA Capital Funding Guide s 8 , for funding purposes** (emphasise added it is Guide for funding purposes) and performing residents' ballot with secure and non-secure council tenants only, this is not discharge of duty instrument for the purposes of **s3 Local Government Act 1999**. Local Authority do have an obligation to consult with private tenants and ordinary taxpayers. Taking into account established facts above, Acquiring Authority did not fulfil their obligations under the meaning of s 3 Local Government Act 1999. I believe this is the case not only with my family but with

all identified and not identified yet private residents, confirmed by LA around 40 families, and obvious from my case most likely much more and which soon will be homeless with further obligations of the Local Authority. For such significant plans with enormous socioeconomic and environmental impact I would expect fiduciary authority to consult, assess and revise where necessary with all stakeholders including with taxpayers as obliged by the statute. Not identifying, not consulting, and assessing private tenants has been extraordinary failure to appreciate the impact of the transaction. It is hard to see why Local Authority should be entitled to fulfil their duty to consult in a way which avoided seeking views on the central issue raised by substantive duty.

6. Acquiring Authority did not follow correct procedures for identifying, consulting, and accessing affected parties. This is indicating **Wednesbury unreasonableness** in taking decisions and erroneous assessment conclusions about social, health and economic impact of proposed CPO. Building modern homes but creating substantial amounts of homelessness and not identifying actual impact for families with long established local connections, which LA did not identify, recognise, and assess, shows lack of substantial consideration failing **Wednesbury consideration test** and wrong balance analysis for 'compelling case in the public interest'.
7. As proof of neglected assessment, I would refer to s 10.19 Statement of Case where Acquiring Authority states: 'The impact are likely however to be minor given the limited number of private tenants'. LA does not currently know how many private tenants will affect with their decisions. In my everyday life and occasional conversations with neighbours, private and council tenants, I never met anyone supporting plans to demolish their home.

Conclusion

Taking into account all above, I am feeling distressed with coming unknowns, with breached human rights, and with the feeling that my Local Authority offensively disregarded me and my family in pursuing interests which should be matching with ours. I am in favour of Tottenham to become thriving area with educational, employment and economic opportunities for all. However, Acquiring Authority's Statement of Reason is based on wrong assessments. Gross disregard for substantial matters indicates pursuing Project Management targets, considering wrong matters and not considering relevant ones resulting in Wednesbury unreasonableness, and appearance of pursuing and giving preference to commercial before socio economic values. The apple is poisoned, lets not bait it.

Statutory References:

S 12 Acquisition of Land Act

12 Notices to owners, lessees [F1, occupiers and others].

(1) The acquiring authority shall serve on every [F2 qualifying person] a notice in the prescribed form—

(a) stating the effect of the order,

(b) stating that it is about to be submitted for confirmation, and

(c) specifying the time (not being less than twenty-one days from service of the notice) within which, and the manner in which, objections to the order can be made.

(2) [F3 A person is a qualifying person, in relation to land comprised in an order, if—

(a) he is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land, F4...

(b) he falls within subsection (2A) [F5, or

(c) the person is entitled to the benefit of an obligation under a conservation covenant (within the meaning of Part 7 of the Environment Act 2021) relating to the land.]

(2A) A person falls within this subsection if he is—

(a) a person to whom the acquiring authority would, if proceeding under section 5(1) of the Compulsory Purchase Act 1965, be required to give a notice to treat, or

(b) a person the acquiring authority thinks is likely to be entitled to make a relevant claim if the order is confirmed and the compulsory purchase takes place, so far as he is known to the acquiring authority after making diligent inquiry.

(2B) A relevant claim is a claim for compensation under section 10 of the Compulsory Purchase Act 1965 (compensation for injurious affection).]

(3) Where under this section any notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the [F6 Church Commissioners] [F6 Diocesan Board of Finance for the diocese in which the land is situated]. In this subsection “ecclesiastical property” means land belonging to any ecclesiastical benefice [F7 of the Church of England], or being or forming part of a church subject to the jurisdiction of the bishop of any diocese [F7 of the Church of England] or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction [F8 [F9 or being diocesan glebe land within the meaning of the Endowments and Glebe Measure 1976]].

s3 Local Government Act 1999

The general duty.

(1) A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

(2) For the purpose of deciding how to fulfil the duty arising under subsection (1) an authority must consult—

(a) representatives of persons liable to pay any tax, precept or levy to or in respect of the authority,

(b) representatives of persons liable to pay non-domestic rates in respect of any area within which the authority carries out functions,

(c) representatives of persons who use or are likely to use services provided by the authority, and

(d) representatives of persons appearing to the authority to have an interest in any area within which the authority carries out functions.

(3) For the purposes of subsection (2) “representatives” in relation to a group of persons means persons who appear to the authority to be representative of that group.

[F1(4) In deciding—

(a) how to fulfil the duty arising under subsection (1),

(b) who to consult under subsection (2), or

(c) the form, content and timing of consultations under that subsection, an authority must have regard to any guidance issued by the Secretary of State.]

Article 1 HRA 1998

Protection of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions.

No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

