
From: JERRY FLYNN

Sent: 08 May 2017 09:31

To: 'eleanor.kelly@southwark.gov.'

Subject: **Corporate Compliant - Aylesbury CPO Press Statement**

Dear Ms Kelly,

I am writing to make a formal complaint about a press release issued by Southwark Council on 25 April 2017.

The press release was headed '*Secretary of State overturns previous decision regarding Aylesbury estate compulsory purchase order*'.

The press release was inaccurate and misleading and showed discourtesy to the High Court.

1. It omitted the reason for the Secretary of State's decision, which was on the single ground described as 'Ground 1: £16,000 policy' in Southwark's Skeleton Argument, 20 April 2017. This was the change of the policy requiring leaseholders to contribute all but £16,000 of their savings to the purchase of a new home via one of the rehousing options. I attach the Consent Order quashing the SoS's decision, with its Schedule, which makes this clear, see in particular paras 7 & 8.
2. The press release instead says that '*the council has continued to make further better offers to leaseholders*' since the date of the SoS's decision, not to grant the CPO on 16 September 2017. This creates the misleading impression that this was the reason the decision was quashed. I attach reports from the BBC and Inside Housing which both adopt this interpretation.
3. No improved offers have been made to the leaseholders in this time and the statement that there have been such offers is untrue.
4. The press release was issued before the Consent Order was either agreed with the interested Parties or submitted to the High Court and was discourteous to both. I attach page from Consent Order with the signature on behalf of the Interested Parties, dated 2 May 2017.
5. The press release misleadingly presents the decision to quash as a *fait accompli* in both its headline and quote from Cllr Peter John and in doing so it publicly misrepresented the situation as it stood on 25 April 2017.
6. The press release interfered with the leaseholder's and the Interested Parties' decision-making, by making public what should have been a matter solely for the consideration of the parties to the claim and the court, until the High Court formally quashed the decision.

By way of remedy we seek a further press release, acknowledging these faults.

We look forward to your response within 15 working days, in accordance with the Corporate Complaints procedure.

Yours faithfully

Jerry Flynn

35% Campaign

www.35percent.org

Attachments:

1. Southwark Council press release – 25 April 2017
2. Resulting press article – ‘Inside Housing Magazine’ (26 April 2017)
3. Resulting press article – ‘BBC News’ (27 April 2017)

Secretary of State overturns previous decision regarding Aylesbury estate compulsory purchase order

25 April 2017

On 21st April, the Secretary of State for Communities and Local Government, notified Southwark Council that he would consent to judgment and ask the court to quash his decision not to confirm the Compulsory Purchase Order for the remaining properties in Phase 1 of the regeneration.

Since the Secretary of State's Decision Letter dated 16 September 2016 the council has continued to make further better offers to leaseholders. The number of leaseholders on the Order Land has now been reduced to seven. The revised offers take into account the increases in values in the local property market and the availability of additional local properties which were considered affordable and suitable for residents' needs.

[Cllr Peter John \(http://moderngov.southwark.gov.uk/mgUserInfo.aspx?UID=189\)](http://moderngov.southwark.gov.uk/mgUserInfo.aspx?UID=189), Leader of Southwark Council, said: "We are really pleased that the Secretary of State has quashed his previous decision, and will now allow us to hold a new CPO inquiry. We remain committed to regenerating the Aylesbury Estate for the benefit of local residents."

A Consent Order is being agreed with the Secretary of State's lawyers and will be forwarded to the Interested Parties (Aylesbury leaseholders, their legal representatives and the 35% Campaign) shortly for their agreement. If the Court decides to quash the decision, then in accordance with the terms of the Consent Order the Secretary of State will arrange a new public inquiry to decide the merits of the Compulsory Purchase Order, to be held as soon as practicable.

The regeneration of the Aylesbury estate will bring the following benefits for local people:

- 50 per cent affordable homes, with 75 per cent of those at social rents and the

remainder as shared ownership or shared equity homes for leaseholders

- mixed communities - between social rent, shared ownership and private sale
- improving existing open space, (invested £11m to improve Burgess Park for local residents, with a further £6m to be spent over the next three years, and improved grounds maintenance)
- £30m investment in local education including a brand new building for Faraday Primary School and a new secondary school - University Academy of Engineering Southbank
- A brand new library and health centre for local people
- Working with the Creation Trust to support the economic and social regeneration of the estate by helping residents into education, training and employment, as well as supporting a range of other projects and programmes Creation run including their resident involvement activities

The Secretary of State will be paying Southwark's reasonable legal costs to the date of the Consent Order.

Last updated: 25 April 2017

Aylesbury Estate: Compulsory purchase orders reintroduced

27 April 2017 | London



Plans to force residents of a London council estate to sell their flats ahead of a regeneration scheme have been given the go ahead.

The government had **blocked Southwark Council's** Compulsory Purchase Orders (CPO), claiming Aylesbury Estate residents were not being protected.

Minister Sajid Javid dropped his opposition after increased offers were made to remaining property owners.

Campaigners say the offers are not high enough for owners to stay in the area.

The council has also agreed to hold a new public inquiry on the increased CPO offers to the remaining seven leaseholders in Phase One of the regeneration project.

According to the 35% Campaign, which contested Southwark Council's previous CPOs, there are still more than 200 leaseholders living on the estate.



The Aylesbury Estate in Elephant and Castle was the largest social housing estate in Europe, but it is to be demolished to make way for a £1.5bn regeneration scheme.

Previous CPOs had **offered sums below market rates, leaseholders told the BBC.**

Resident Beverley Robinson claimed the council valued her property at £117,000, while two independent valuers priced it at about £300,000.

The new offers "take into account the increases in values in the local property market" and availability of local properties "considered affordable and suitable for residents' needs" the government said.

But Jerry Flynn of the 35% Campaign said: "Contrary to Southwark Council's press statement no offers of compensation have been made that which would allow leaseholders to remain in the area and maintain their community.

"If there is a fresh CPO, we look forward to the opportunity to examine thoroughly Southwark's case," he added.

Peter John, leader of Southwark Council, said: "We remain committed to regenerating the Aylesbury Estate for the benefit of local residents."

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Thursday, 27 April 2017

Javid reverses decision on Aylesbury CPO

26 April 2017 12:14 pm | **By Nick Johnstone**

Sajid Javid has lifted his block of a planned compulsory purchase order (CPO) which was delaying a major south London estate regeneration scheme.

The communities secretary has removed his block on the CPO of leasehold properties in phase one of the Aylesbury Estate redevelopment, in Southwark.

He had originally prevented the CPO in September last year on human rights grounds. He said at the time that many leaseholders would be unable to afford the options of either a shared ownership or shared equity property on the estate, and the plans would “probably force many of those concerned to move from this area”.

He added the council had not taken “reasonable steps” to acquire the land through agreement with the residents and the use of the CPO would have “considerable economic and social dis-benefits” for leaseholders who still live on the estate.

However, Southwark Council said yesterday that Mr Javid had asked the court to quash his decision, after the council made “further better offers to leaseholders”.

A statement from the council said: “The revised offers take into account the increases in values in the local property market and the availability of additional local properties which were considered affordable and suitable for residents’ needs.”

The first phase of the regeneration will see 830 new homes built, including around 300 at social rent.

READ MORE ABOUT THIS STORY



Javid rejects Aylesbury CPO bid on human rights grounds

A new CPO inquiry will now take place, with a consent order being forwarded to interested parties, which include the Aylesbury leaseholders, their legal representatives and lobby group the 35% Campaign.

The Aylesbury Leaseholders Action Group, which lodged an objection to the council’s plans, had previously said the regeneration scheme would fail to deliver enough social rented housing and the estate could be regenerated without being demolished.

The number of leaseholders on the land in the first phase who would face CPO now stands at seven.

The council restated the benefits it said the redevelopment would bring to Southwark, including 50% affordable homes, with 75% of those at social rents and the remainder as shared ownership.

Peter John, leader of Southwark Council, said: “We are really pleased that the secretary of state has quashed his previous decision, and will now allow us to hold a new CPO inquiry. We remain committed to regenerating the Aylesbury Estate for the benefit of local residents.”

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Shock as Southwark given permission to go ahead with trying to seize Aylesbury Estate land

By **Toby Porter** - April 26, 2017



The Aylesbury Estate

The government has reversed its decision to block the flattening of the Aylesbury Estate, after increased pressure was made to the seven property owners living there.

Communities Secretary Sajid Javid had in September last year blocked Southwark council's bid to seize homes owned by leaseholders and then hand them over to housing associations to rebuild on the site.

He said at the time that the human rights of those families were being infringed – but he has now made a U-turn and will allow the properties to be the subject of a new, redrafted compulsory purchase order (CPO).

The remaining owners are now expected to have to fight the demolition of the estate at a new public inquiry.

Resident Aysen Dennis said: "We are not going to give up. Our aim is to block the development. It is gent

and social cleansing. It is becoming more and more part of a wider issue – people are fighting back on estate facing demolition. Resistance is growing.”

A statement from Southwark council said: “Since the Secretary of State’s Decision Letter dated 16 September 2016 the council has continued to make further better offers to leaseholders.

“The number of leaseholders on the order land has now been reduced to seven. The revised offers take into account the increases in values in the local property market and the availability of additional local properties which were considered affordable and suitable for residents’ needs.”

Cllr Peter John, Leader of Southwark Council, said: “We are really pleased that the Secretary of State has upheld his previous decision, and will now allow us to hold a new CPO inquiry. We remain committed to regenerate Aylesbury Estate for the benefit of local residents.”

A consent order is being agreed with the Secretary of State’s lawyers and will be forwarded to Aylesbury leaseholders, their lawyers and the 35% Campaign which campaigns for more public housing, who all favour CPO. If the court decides to quash the decision, then in accordance with the terms of the consent order the Secretary of State will arrange a new public inquiry to decide the merits of the Compulsory Purchase Order held as soon as practicable.

Southwark says the regeneration of the Aylesbury estate will bring the following benefits for local people

- 50 per cent affordable homes, with 75 per cent of those at social rents and the remainder as shared ownership or shared equity homes for leaseholders
- mixed communities – between social rent, shared ownership and private sale
- improving existing open space, (invested £11m to improve Burgess Park for local residents, with a further £10m to be spent over the next three years, and improved grounds maintenance)
- £30m investment in local education including a brand new building for Faraday Primary School and a secondary school – University Academy of Engineering Southbank
- A brand new library and health centre for local people
- Working with the Creation Trust to support the economic and social regeneration of the estate by helping residents into education, training and employment, as well as supporting a range of other projects and programmes Creation run including their resident involvement activities.

The Department for Communities and Local Government will be paying Southwark's reasonable legal costs from the date of the Consent Order.

Jerry Flynn of the 35 per cent campaign said: "If there is a fresh CPO, we look forward to the opportunity to examine thoroughly Southwark's case."

Cllr Adele Morris, Liberal Democrat Spokesperson for Regeneration in Southwark said: "We remain deeply concerned that regeneration projects, like on the Aylesbury Estate, are forcing residents out of the area but their compensation packages mean they can't afford to re-purchase locally."

"Liberal Democrats will continue to fight residents' corner and ensure that a fair deal is reached."

Toby Porter

Chief Reporter | Former news reporter on Daily Mail and Times, former editor in Edinburgh and Barnet. Spent 15 years as editor and father for 15 years. Once made nine doormats for Harrods entrances. They lasted two years.

