

DIRECTOR DECISION – DD 175

Title: Harlesden Canalside - Additional requirement from Brent for S278 Fees

Executive summary

OPDC is currently delivering a series of public realm improvements to Harlesden Canalside, from capital funding secured through the Mayor's Good Growth Fund. This Decision requests approval to pay a refundable deposit and bond plus fees to Brent Council to allow them to grant a S278 Licence, which will enable improvement works to Steel Road, an integral element to the project, to go ahead.

Decision

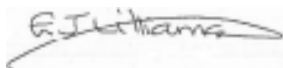
The Director approves the total additional expenditure of £56,034.81

- i. Transfer of £49,527.35 from the Head of Planning's MCIL budget to the Good Growth Fund Budget to pay for the Highway Deposit (£5,000) and the Bond (£44,527.35). This will be refunded and returned to MCIL budget
- ii. Expenditure of £6,507.46 from the remaining Good Growth Funding Contingency Budget to pay for technical approval and inspection fees (£4,007.46) and Legal Fees (£2,500).

Authorising Director

I do not have any disclosable interest in the proposed Decision. It is consistent with OPDC's priorities and has my approval.

Signature:



22/08/2023

Date:

25/08/2023

PART 1: NON-CONFIDENTIAL FACTS AND ADVICE

1. Background and context

- 1.1 OPDC secured £1,950,004 in capital funding through the Mayor's Good Growth Fund, Round 1 and Round 2, to deliver a series of public realm improvements around Willesden Junction Station, and along the Grand Union Canal.
- 1.2 OPDC has completed the delivery of projects for the Old Oak Lane tow-path ramp and Willesden Junction station. This is the final project to be delivered. The improvements to Harlesden Canalside will include widening the towpath, improved facilities for boaters with a new hub, landscaped amphitheatre for community gatherings, mooring spaces to be operated by community organisations, a pontoon and new stepped access to the towpath. The scheme will deliver improvements to enable boaters, walkers, cyclists, wheelchair and push chair users to have access to the towpath to enjoy the Grand Union Canal.
- 1.3 In order to move forward with final stages of the project, it is necessary to pay a highway deposit and bond before any highway improvements can take place at Steel Road.
- 1.4 When CD186 was approved in December 2022 OPDC were not aware of the requirement for the following fees, which therefore, meant they were not included in CD186:
 - technical approval and inspection fees 9% of the total value of the highway works - £4,007.46 (taking the full S278 costs which does also include paved area, kerbs etc)
 - legal fees - £2500
 - highway deposit 10% of the total value of the highway works, limited to £5000 minimum - £5000 (because 10% is £4,453)
 - bond for the total value of the highway works -£44,527.35
- 1.5 The deposit is refundable at Practical Completion and the bond will be released in two stages. 90% of the value of the bond at Practical Completion and the remaining 10% at the end of the defect notification period, 12 months following completion.
- 1.6 OPDC have taken advice from TfL Legal who have advised that this fee request is standard procedure for this type of work. Conversations have also taken place at Director level between OPDC and Brent Council and it has been confirmed these fees are non-negotiable.

Relevant Decision History

OPDC's Board approved receipt and expenditure of the funding in September 2019 for Round 2, which relates to Harlesden Canalside. In this case, detailed approvals were delegated to the CEO. The decisions that have been approved for the series of public realm improvements projects thus far are CD128 (February 2020), CD163 (July 2021), CD172 (November 2021) and CD186 (December 2022).

2. The proposal and how it will be delivered

- 2.1 This decision directly follows CD186, which approved £846,000 for improvements to Harlesden Canalside. please see the relevant form hyperlinked under 'Other

supporting papers' below to get an overview of the general proposal and planned delivery for the Project This supporting documentation includes details of OPDC's contractor procurement process, Third Party Approval requirements and the project's Financial and Programme Management.

- 2.2 The additional £56,034.81 expenditure is required by Brent Council before they will allow works to take place at Steele Road.
- 2.3 These works will be undertaken by the appointed contractor, Camway Limited. The cost of the works is within the contract value approved under CD186. A plan showing the scope of the S278 works can be found in Appendix A

3. Objectives and expected outcomes

Objectives

- 3.1 Provide Brent with the additional fees, a deposit, and a bond to allow them to grant the S278 Licence, enabling works to go ahead

Outcome

- 3.2 Completion of the approved contract scope which in this instance is the highway improvement to the end of Steel Road, which is owned by Brent Council.

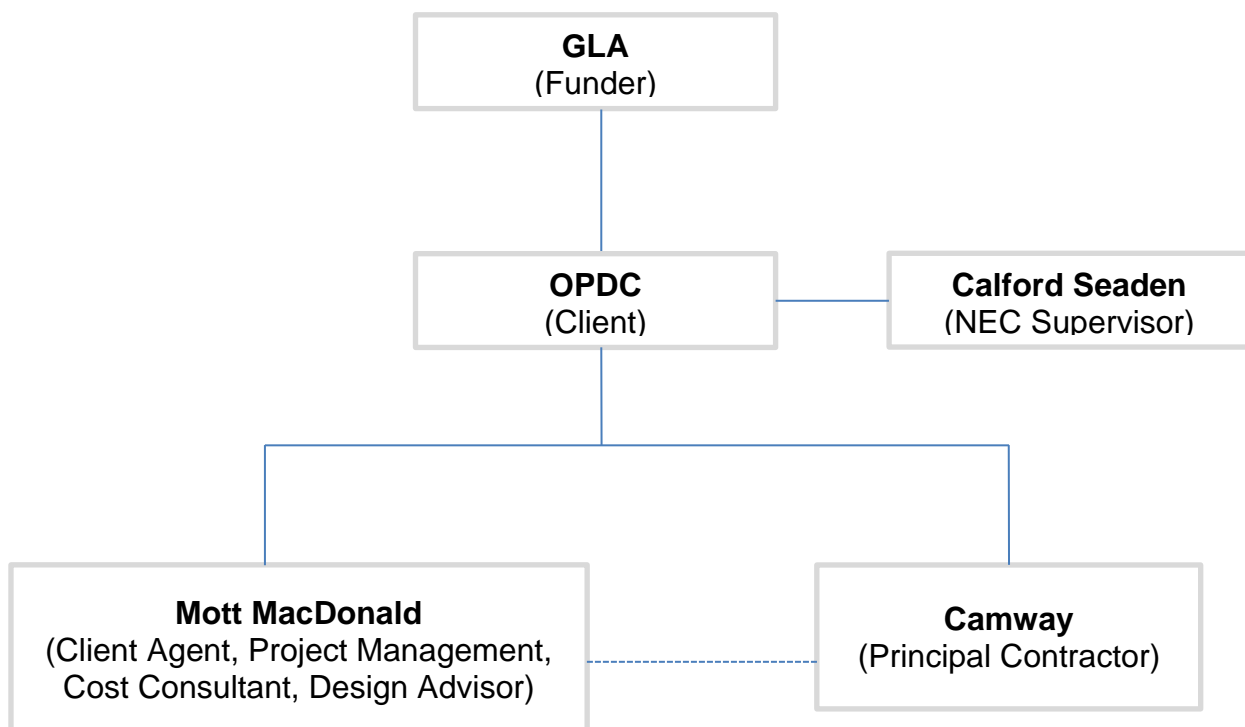
4. Strategic fit

- 4.1 This proposal builds on the commitment to improve Harlesden Canalside, as set out in CD186 and below. This decision sets out requirement to pay a refundable deposit and bond, as well as associated fees, to enable highway improvements at Steel Road, integral to the wider project.
- 4.2 The Harlesden project forms part of OPDC's 'In the Making' initiative and will meet grant obligations under our two Good Growth awards.
- 4.3 The Harlesden project, alongside the Great Place Scheme, will deliver benefits to the local communities across Old Oak and Park Royal. The 'In the Making' capital projects form part of the OPDC's wider delivery strategy to make early positive changes in advance of organisation's longer-term regeneration plans.
- 4.4 The delivery of the Harlesden project will support OPDC's Local Plan by:
 - activating the Grand Union Canal through introducing moorings and Canalside activities to support its role as a community asset and lively leisure and recreation destination.
 - improving the towpath for pedestrians and cyclists to enable excellent connections to the east and west of Old Oak and Park Royal.
- 4.5 The projects also align with London Recovery Missions, including:
 - Strong Communities, through creating volunteering opportunities, creating community networks, and building capacity.

- Green New Deal, through making the OPDC area greener.
- Young People, through creating activities and engaging young people through the life of the projects.

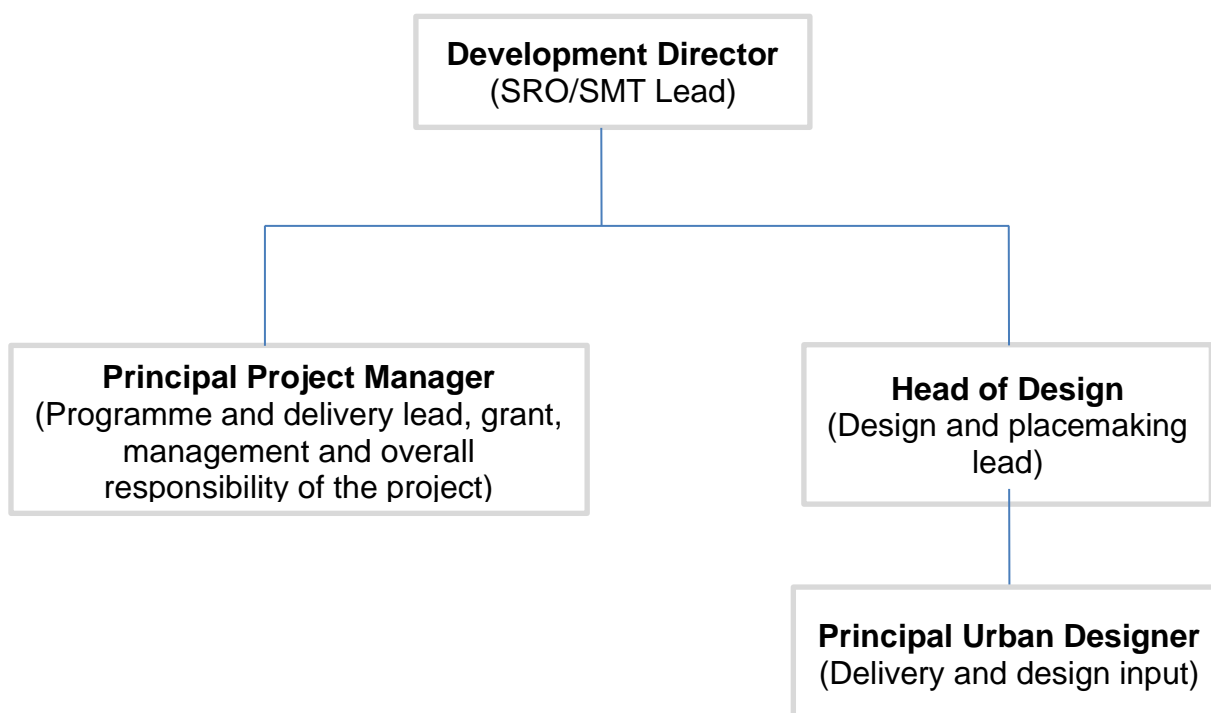
5. Project governance and assurance

- 5.1 The chart below shows the organisational contractual structure during the construction stage.
- 5.2 Mott MacDonald will continue to provide monthly reports to OPDC outline cost, programme, and quality.



- 5.3 Mott MacDonald will continue to act as contract administrators, managing the construction contract, and Quantity Surveyors, who will be responsible for managing cost during construction.
- 5.4 The NEC Option A contract is a priced contract with an activity schedule, which relates to the contractor's programme, where each activity is allocated a price and interim payments are made against the completion of each activity. This process will be managed by Mott Macdonald and all interim payments will be authorised by OPDC.
- 5.5 In December 2022, Camway were appointed as the project's principal contractor, Camway have also been appointed as Principal Contractor and Principal Designer in line with the Construction Design and Management Regulations 2015, which covers the client duties in managing health, safety, and welfare during the construction of Harlesden project.

- 5.6 The team will continue to report to the GLA through quarterly monitoring reports and meetings with GLA Senior Officer. OPDC claim grant funding in arrears quarterly from the GLA.
- 5.7 Calford Seaden were appointed under the NEC Supervisor role in March 2023 and act as the 'custodian for quality' during the construction phase. They are responsible for notifying the Client of any defects, undertaking any testing and inspections, to ensure construction is compliant with the contract and monitoring the quality of the works. CD186 predates this proposal and approved expenditure for this appointment, with a budget of up to £10,000.
- 5.8 The chart below shows how the OPDC Team is organised to deliver the works:



Risks and issues

- 5.9 OPDC has been informed payment of the deposit and bond are non-negotiable and has proceeded on this basis.

Risk description	Inherent score	Mitigations	Target score
1. If this additional budget is not made available this project will not be able to deliver the S278 works to Steel Road.	Likelihood: [1] Impact: [5] Total: [5]	An agreement has been made between the Head of Planning and the CFO to make a transfer from the MCIL budget for the refundable elements of the Brent Fee requirements.	Likelihood: [1] Impact: [1] Total: [1]

2. If this additional budget is not secured in a timely manner, they may be additional unbudgeted delay costs	Likelihood: [4] Impact: [5] Total: [20]	Streamlined governance approval process to ensure the budget is made available to the project team so on-site delays are avoided.	Likelihood: [3] Impact: [3] Total: [9]
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6. Equality comments

- 6.1 Under Section 149 of the Quality Act 2010, as a public authority, OPDC must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation as well as to the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.^{12[OBJ]}
- 6.2 There is a low risk of having adverse impacts on protected groups. The Harlesden project aims to engage with, benefit and empower those with protected characteristics.
- 6.3 The Harlesden project seeks to make the space more accessible for those with diverse mobility requirements.
- 6.4 The Harlesden project promotes sustainable transport, by encouraging the use of the Canal for walking, cycling, and supporting outdoor activity, such as canoeing of the canal. It has been carefully considered to deliver the best possible outcome in terms of accessible and inclusive design, improving the connection to the Canal towpath at Steele Road, irrespective of mobility requirements or restrictions, making the site more convenient and welcoming as well as providing different accessible solutions to meet a range of needs. By providing improved connection to the canal, delivering boater facilities, and infrastructure to support canoeing and outdoor activity, this project protects and enhances the Canal and encourages its use.

7. Other considerations

7.1 *Consultants and impact assessment*

¹ The protected characteristics and groups are: age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation and marriage/ civil partnership status. Fulfilling this duty involves having due regard to: the need to remove or minimise any disadvantage suffered by those who share a protected characteristic or one that is connected to that characteristic; taking steps to meet the different needs of such people; and encouraging them to participate in public life or in any other activity where their participation is disproportionately low. Compliance with the Equality Act may involve treating people with a protected characteristic more favourably than those without the characteristic. The duty must be exercised with an open mind and at the time a Decision is taken in the exercise of the OPDC's functions.

Social Life, evaluation consultants, have been appointed to undertake an impact assessment of the project to measure agreed outputs detailed in section 3.3 of CD 186.

The Harlesden Project has undergone stakeholder consultation through the planning process and landowner consultation processes.

Communication and engagement

Thorough consultation and community engagement has been undertaken for the Harlesden project. There will be ongoing communication with local people, especially around planned construction activity that may cause disruption.

Health in all policies

The appointed contract will act as Principal Contractor and Principal Designer under CDM Regulation 2015. A Health and Safety file and all pre-construction information has been provided during the tendering process. All (RAMs) will be signed off by the relevant third parties.

Sustainability

For the Harlesden project best practice sustainability approaches during the design stages were considered. Contractors were also assessed on their approach to minimising environment impact during the construction stage.

Data protection.

All events and activities will adhere to the GDPR regulations.

8. Conflicts of interest

No one involved in the preparation or clearance of this Form, or its substantive proposal, has any conflict of interest.

9. Financial comments

- 9.1 The Harlesden Canalside Project requires an additional £56,034.81 to fund requirement from Brent for S278 Fees as approved by the Director.
- 9.2 This will be funded by £49,527.35 from Planning MCIL Budget, this is a bond of which £44,527.35 is expected to be returned on work completion in September and the remaining £5,000 in 12 months. Expenditure for technical and legal fees of £6,507.46 will be funded from the remaining Good Growth funding Contingency Budget.
- 9.3 There are no new financial implications beyond what has already been approved.

10. Summary timeline

Activity	Original Date	Changes
Issue ITT	September 2022	N/A
ITT Deadline	October 2022	N/A
Contract Award (indicative)	December 2022	N/A
Start on – site	January 2023	April 2023
Delivery end date/completion	May 2023	September 2023
Project closure	July 2023	October 2023

Appendices

- Appendix A: 100104369-MMD-00-XX-C-DR-0026_S278 _General Arrangement Layout Plan.pdf

Other supporting papers

- [CD186 Good Growth Fund Construction of public realm improvements at Harlesden Canalside -signed](#)

PUBLIC ACCESS TO INFORMATION

Information in this Form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA). OPDC aims to publish the Form within three working days of approval.

If immediate publication risks compromising the implementation of the Decision (for example, impacting a procurement process), it can be deferred until a specific date (when it will be published). Deferral periods are kept to the shortest length strictly necessary.

Part 1 – Deferral

Publication of this Part 1 is to be deferred: **No**

Part 2 – Confidential information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in or attached to any separate Part 2 Form, together with the rationale for withholding the information at this time.

There is a separate and confidential Part 2 Form: **/No**

DECLARATIONS

Drafting officer: Liam Caulfield has drafted this Form in accordance with OPDC procedures, including for handling conflicts of interests, and confirms that:



Advice: The Finance and legal teams have commented on the proposal.



CONFIRMATIONS

Section 106 funding: This use of S106 to fund the expenditure proposal was approved via a Section 106 spend proposal form on N/A.

SMT review: This Decision was circulated to the **Senior Management Team** for review on Monday 7th August 2023.

Chief Finance Officer

Financial and legal implications have been appropriately considered in the preparation of this Form.

Signature:

A handwritten signature in black ink, consisting of several overlapping loops and a final vertical stroke.

Date: 25 August 2023