

GREATER **LONDON** AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2315

Title: West Ham Bus Garage Historical S106 Liability

Executive Summary:

The GLA has inherited an historical liability for a S106 payment relating to an Olympic relocation at West Ham which has now become due.

Decision:

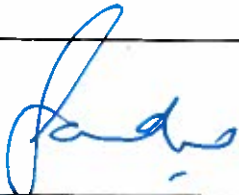
The Mayor is asked to approve the payment of £1,974,700 to the London Borough of Newham in consideration of a historical liability for a S106 payment relating to an Olympic relocation at West Ham which has now become due.

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:

27/8/18

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 An historical S106 liability relating to an Olympic relocation inherited from the LDA has become due and GLAP is required to make a payment.
- 1.2 GLAP inherited this liability from the LDA under statutory transfer in 2012, who disposed of the land to the south of Stephenson Street in order to facilitate the relocation of a Stagecoach bus garage that was formerly sited in Stratford for the Olympic Games. The S106 related to the planning permission granted in May 2008 for the bus garage, and contained an obligation on the LDA and successors in title to pay £1,500,000 in 'Transport Contributions'. This was to become due upon the sooner of the grant of a planning permission on the residual land to the north, or upon the 10 year anniversary of the permission, which fell on 11th May 2018.
- 1.3 As a result of the uprating mechanisms contained in the agreement the sum now due is expected to be up to £1,974,700, dependent upon exactly when the payment is made.

2. Objectives and expected outcomes

- 2.1 See part 2

3. Equality comments

- 3.1 Under section 149 of the Equality Act 2010, as public authorities, the Mayor and GLAP are subject to a public-sector equality duty and must have 'due regard' to the need to (i) eliminate unlawful discrimination, harassment and victimisation; (ii) advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and (iii) foster good relations between people who share a relevant protected characteristic and those who do not. Protected characteristics under section 149 of the Equality Act are age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status.
- 3.2 The obligation in section 149(1) is placed upon the Mayor, as decision maker. Due regard must be had at the time a particular decision is being considered. The duty is non-delegable and must be exercised with an open mind.
- 3.3 Throughout the decision-making process relating to the approval sought in this paper to due regard has been given to the likely potential impacts, both positive and negative, and officers assess that as the decision is required due to a legal obligation that is purely financial in nature, it does not have any equality impact.

4 Other considerations

- 4.1 See part 2.

5 Financial comments

- 5.1 The paper is seeking approval for GLAP to settle its S106 obligation of £1,974,700 with London Borough of Newham, for the development at Stephenson Street, in relation to the Olympic relocation.

6 Legal comments

6.1 Section 30 of the Greater London Authority Act 1999 (as amended) (GLA Act) gives the Mayor a general power to do anything which he considers will further one or more of the principal purposes of the GLA as set out in section 30(2) which are:

- i. Promoting economic development and wealth creation in Greater London;
- ii. Promoting social development in Greater London; and
- iii. Promoting the improvement of the environment in Greater London

and, in formulating the proposals in respect of which a decision is sought, officers confirm they have complied with the GLA's related statutory duties to:

- Pay due regard to the principle that there should be equality of opportunity for all people;
- Consider how the proposals will promote the improvement of health of persons in Greater London, promote the reduction of health inequalities between persons living in Greater London, contribute towards the achievement of sustainable development in the United Kingdom and contribute towards the mitigation of or adaptation to climate change in the United Kingdom; and
- Consult with appropriate bodies.

6.2 Sections 1 to 3 of this report indicate that the Mayor has the power to proceed to make the decisions as requested within this report.

7. Planned delivery approach and next steps

Activity	Timeline
Payment of sums due	August 2018

Appendices and supporting papers:

None.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – YES

ORIGINATING OFFICER DECLARATION:

Drafting officer to
confirm the
following (✓)

Drafting officer:

Caroline Cameron has drafted this report in accordance with GLA procedures and confirms the following:

✓

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:

James Murray has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on the 9 July 2018.

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. D. HLA

Date

14.8.18

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

D. Bellamy

Date

16/8/2018.