

## REQUEST FOR ASSISTANT DIRECTOR DECISION – ADD2026

### Title: Kingston Town Centre OAPF/Area Action Plan consultancy work

#### Executive Summary:

The Kingston Town Centre Opportunity Area Planning Framework Area Action Plan (AAP) is a joint project being undertaken with the Royal Borough of Kingston upon Thames. The area is anticipated to have significant development growth over the next 15-20 years linked to potential transport improvements.

Work on this project began in September 2015 when consultants We Made That (WMT) were procured to provide technical support for the development capacity study, and produce specialist graphics and desktop publishing for the production of the Kingston Town Centre AAP document. See ADD340.

The scope of area action plan has now expanded to include all of the Crossrail 2 stations within Kingston and further development capacity study work is now required. The planning team does not have the capacity or the expertise to carry out this work. Consultants WMT are required to provide technical support for the development capacity study and specialist graphic and desktop publishing.

#### Decision:

That the Assistant Director approves:

- The receipt of £13,389 from the Royal Borough of Kingston upon Thames as a contribution to the cost of the development capacity study work relating to Kingston Town Centre.
- An exemption from the Contracts and Funding Code to allow the direct appointment of We Made That to carry out the development capacity study work.
- Expenditure of £13,389 in relation to the development capacity study.

#### AUTHORISING ASSISTANT DIRECTOR/HEAD OF UNIT:

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.

It has my approval.

Name: Stewart Murray

Position: Assistant Director

Signature: 

Date:

19.10.2016

## **PART I - NON-CONFIDENTIAL FACTS AND ADVICE**

### **Decision required – supporting report**

#### **1. Introduction and background**

- 1.1 The GLA Planning Unit is working with the Royal Borough of Kingston upon Thames (RBK) to prepare an Opportunity Area Planning Framework (OAPF) for Kingston. This will cover the area identified as a potential new opportunity area in the London Plan (2015). The area faces significant development pressures and it is therefore important that the OAPF is in place as soon as possible.
- 1.2 It is essential that an assessment of development capacity study, draft OAPF, specialist graphics and desktop publishing work is undertaken on this project to enable its delivery to a high quality standard. Specialist consultancy services were employed in September 2015 (see ADD340) to provide technical support for the development capacity study, and produce specialist graphics and desktop publishing for the production of the Kingston OAPF.
- 1.3 During the project and following consultation with RBK and Transport for London (TfL), it was decided to expand the scope of the OAPF to include opportunities for growth around the 10 proposed Crossrail 2 stations in the borough. As such, the development capacity study needs to be expanded. The GLA planning team does not have capacity to undertake this work and consultants are required to provide the specialist graphic and desktop publishing required to expand the development capacity work already completed by WMT.
- 1.4 At the beginning of this project WMT were competitively procured in accordance with GLA procurement procedures. The planning team received 3 tenders from different consultants. All consultants were scored according to pre agreed criteria contained based upon the description of works.
- 1.5 The completion of the development capacity study is holding up work on the OAPF and the Transport Study. TfL are holding funds to complete the Transport Study once it has the final development capacity numbers. However these funds cannot be held indefinitely. TfL funds may be redirected if the development capacity study is not completed soon. RBK is also waiting upon the findings of the completed development capacity study to continue working on the new Local Plan for the borough. It is therefore imperative the planning team has the technical support it needs to finish the work. Given that the study is underway and that the technical skills and methodology applied to the sites were developed by WMT it would be impossible to separate this new piece of work to complete the study from the work already under taken. A new consultant would need to use its own methodology for determining capacity. Procurement of a new contractor would therefore lead to a delay in production of the documents as they would need to redo much of the work already undertaken by WMT. WMT have also proven their work to be of high quality.

#### **2. Objectives and expected outcomes**

- 2.1 The objective of this project is to produce a complete development capacity study by 13 October 2016.

#### **3. Equality comments**

- 3.1 In arriving at the recommended decision to approve this proposed budget, equalities issues have been considered in line with the GLA's duties under the Equalities Act 2010. It is unlikely that this project will have negative equalities impacts but identified equalities issues (both positive and negative) will be covered in the Integrated Impact Assessment that will accompany the project. This

will ensure that at each point of the drafting and consultation process for the proposed document, equalities impacts are considered and actions decided upon to address any emerging issues. The project will also be subject to a review and this will also address equalities impacts.

- 3.2 Given the regeneration focus of the proposed project, identification of relevant equalities groups and potentially vulnerable locally affected populations has been undertaken at the outset of the project. Population data is available for this purpose such as indices of deprivation used to identify regeneration areas in the London Plan. A detailed public consultation strategy has been drawn up in consultation with RBK to ensure that any local hard to reach groups are engaged in the process to ensure that resulting document is appropriate and accessible to all and meets the needs of different Londoners.

#### **4. Other considerations**

##### *a) Key risks and issues*

- 4.1 If the financial support is not provided to this opportunity area, there is a risk that the OAPF and accompanying development capacity study will not be completed or will not be completed within the required timeframes. This would undermine the Mayor's growth agenda set out in the London Plan 2016 (consolidated with alterations since 2011).

##### *b) links to Mayoral strategic and priorities*

- 4.2 The specialist development capacity, graphics and design consultant will assist in the production of the OAPF. OAPFs are supplementary to the London Plan and bring together the Mayoral priorities for housing, economic development, development, transport and the environment. Realising the development potential of Opportunity Areas is a Mayoral Priority, and OAPFs bring together strategic and local stakeholders to deliver an area-wide spatial planning framework in accordance with Government policy, as set out in the National Planning Policy Framework (NPPF).

##### *c) Impact assessments and consultations*

- 4.3 OAPFs are subject to public consultation, and equality and environmental assessments.
- 4.4 The need for this service is immediate

#### **5. Financial comments**

- 5.1 ADD340 and ADD414 approved expenditure of up to £25,000 and £3,021 respectively on a consultancy service for the Kingston OAPF. Approval is now being sought for the additional expenditure of £13,389. This will bring the total expenditure on the Kingston OAPF up to £41,410. As this is a joint project The Royal Borough of Kingston has agreed to reimburse the Greater London Authority £13,389 for the consultancy services. The work will be delivered in 2016-17.
- 5.2 The Kingston OAPF project is funded from the OAPF budget of the Planning budget within the Development, Environment and Enterprise Directorate (as per DD1359). Additionally there is an agreement with St George and British Land to each provide £15,000 to fund the production of the OAPF document which will be paid into the OAPF planning budget. Contributions from other developers will also be sought during the production of the OAPF.
- 5.3 The Planning Unit within the Development Environment and Enterprise will be responsible for managing this contract and work.

## 6 Legal comments

- 6.1 The sections above indicate that the decision requested of the Mayor fall within his statutory power under section 30 of the Greater London Authority 1999 (as amended) ("the Act"), acting on behalf of the Authority, to do anything he considers will promote the improvement of the environment in Greater London; and in formulating the proposals in respect of which a decision is sought officers have complied with the Authority's related statutory duties to:
- (a) pay due regard to the principle that there should be equality of opportunity for all people;
  - (b) consider how the proposals will affect:
    - i. the health of persons in Greater London,
    - ii. the health inequalities between persons living in Greater London;
    - iii. the achievement of sustainable development in the United Kingdom; and
    - iv. climate change, and the consequences of climate change; and
  - (c) consult with appropriate bodies.
- 6.2 The Authority also has a subsidiary power pursuant to Section 34 of the Act. This gives the Mayor the authority to do anything which is calculated to facilitate or, is conducive or incidental to the exercise of any of the statutory functions of the Authority. In this case this piece of work is incidental to its section 30 powers defined above as well as its powers under section 334 and 339 of the Act.
- 6.3 Section 334 of the Act requires the Mayor to prepare and publish a spatial development strategy (known as the London Plan). Section 339 of the Act requires the Mayor to keep the London Plan under review, especially matters which may be expected to affect the development of Greater London or the planning of its development. In this case, the decision to procure specialist technical services to undertake this work to inform the Kingston Opportunity Area Plan may reasonably be regarded as facilitating, being conducive or incidental to, the exercise of the Mayor's power detailed above.

### *Conflict of interest*

- 6.4 The fact that the production of this OAPF is partly funded by financial contributions from developers raises issues regarding potential conflicts of interest. To ensure that these are appropriately managed each developer has confirmed in writing that it will have no involvement or control over the production of the OPAF over or above that which they would normally have as an interested landowner. The OAPF will be produced by the Planning Unit, for adoption by the Mayor, quite independently from the developers. It will be drawn up in the context of the London Plan, and will be consistent with strategic guidance which that plan provides. When it comes to the stage of adoption, the decision will be made by the Mayor personally in the light of all the consultation responses and material considerations.

### *Provision of Discretionary Services*

- 6.5 Section 93 of the Local Government Act 2003 ("the Act") provides the Authority with the power to charge for discretionary services. Discretionary services are services that the Authority has the power to provide, but is not obliged to provide. The power to charge is subject to a duty to secure that the income from charges does not exceed the cost of provision.

### *Procurement*

- 6.6 Paragraph 4.1 of the GLA's Contracts and Funding Code (the "Code") requires the GLA to seek three or more written quotes or to call the services off from an available framework for a contract with a value between £10,000 and £125,000. The proposed contract with We Made That for the expanded development capacity study work is valued at £13,389. Accordingly, the requirement to seek three or more written quotes or to call off from an available framework applies to the procurement of the said contract, unless grounds exist to support an exemption from the requirements of the Code.
- 6.7 Paragraph 5.4 of the Code lists the grounds, upon which the assistant director may authorise an exemption from the requirements of the Code, including the ground that the relevant service provider has "previous involvement in a specific current project or continuation of existing work which cannot be separated from the new project/work". The officers have set out in section 1 above how the requirements of paragraph 5.4 have been met. Accordingly, the assistant director may authorise the direct appointment of We Made That without a prior competitive procurement, if he is satisfied that the grounds to justify an exemption from the Code have been satisfied.
- 6.8 Officers must ensure that an appropriate contract be put in place between the service provider and the GLA.

## **7. Planned delivery approach and next steps**

<b>Activity</b>	<b>Timeline</b>
Procurement of contract [for externally delivered projects]	N/A
Announcement [if applicable]	N/A
Delivery Start Date [for project proposals]	October 2016
Final evaluation start and finish (self/external)	Ongoing
Delivery End Date [for project proposals]	November 2016
Project Closure: [for project proposals]	November 2016

**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 – NO**

**ORIGINATING OFFICER DECLARATION:**

Drafting officer  
to confirm the  
following (✓)

**Drafting officer:**

Kim Tagliarini has drafted this report in accordance with GLA procedures and confirms that the Finance and Legal teams have commented on this proposal as required, and this decision reflects their comments.

✓

**Corporate Investment Board:**

The Corporate Investment Board reviewed this proposal on 17 October 2016.

**HEAD OF FINANCE AND GOVERNANCE:**

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

Signature:



Date:

19.10.16