

REQUEST FOR DIRECTOR DECISION – DD2373

Royal Docks and Beckton Riverside Opportunity Area Planning Framework

Executive Summary:

The GLA Growth Strategies team (part of GLA Planning) plan to commission Fluid Design Ltd. to support the first phase of public engagement on the Royal Docks Opportunity Area Planning Framework (OAPF) in July-September 2019. Two further phases of consultation will follow later in 2019 and 2020, with a final draft Royal Docks OAPF for adoption in Spring 2020. If a need for consultation support for these later stages is identified following the first phase of consultation, this will be subject to a separate procurement process. The Royal Docks OAPF will provide a strategic vision for the Royal Docks Opportunity Area, showing how the Mayor's Good Growth agenda can be delivered at the Royal Docks. It is the intention to appoint Fluid Design Ltd. through a Single Source Request agreement. The GLA Royal Docks Delivery Team have already appointed Fluid Design Ltd through a competitive tender process to support engagement on a separate but complementary project in the Royal Docks. Utilising Fluid Design Ltd will allow OAPF engagement to align with the GLA Royal Docks Delivery Team engagement, with numerous benefits. NB Fluid Design Ltd will have a specific contract with GLA Planning for the OAPF commission.

The total cost of this commission will be £52,784. The GLA Growth Strategies Team will client the work. The GLA Royal Docks team will contribute £39,620 towards the cost of the commission, which will be transferred to GLA Planning budget. GLA Planning will contribute £13,164.

Decision:

The Executive Director of Development, Enterprise & Environment approves:

1. £52,784 of revenue expenditure in Financial Year 2019-2020 on consultancy services, with the commission to be awarded to Fluid Design Ltd;
2. A related exemption from the requirements of the GLA's Contracts and Funding Code (which normally requires a formal tender process for contracts with a value between £10,000 and £150,000);
3. The transfer of £39,620 in Financial Year 2019-2020 from the Royal Docks to Growth Strategies team as a contribution towards the costs of the above; and
4. The transfer of £13,164 in Financial Year 2019-2020 from overall GLA Planning team budget to GLA Growth Strategies Team as a contribution towards the procurement and commissioning of Fluid Design Ltd.

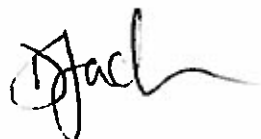
AUTHORISING DIRECTOR

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: Debbie Jackson

Position: Interim Executive Director for Development, Enterprise and Environment

Signature:



Date:

22 / 07 / 19.

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

- 1.1 The previously published public consultation draft Royal Dock and Beckton Riverside Opportunity Area Planning Framework (OAPF) was released in 2015 and is now outdated given the adoption of the Newham Local Plan (Dec 2018) and the publication of the draft new London Plan (2017).
- 1.2 These policy documents provide an updated policy context for growth in the Royal Docks area and have been supported in their production by key pieces of evidence base, which a revised OAPF will need to respond to and build upon. A strong part of this process will involve stakeholder engagement and consultation, where outputs can influence the strategic principles of the creation of the OAPF. Initial engagement (phase 1) will build upon recent consultation for Newham's Local Plan and the new London Plan.
- 1.3 There is still considerable current and potential development activity in the Royal Docks Opportunity Area, as signalled by Newham's Local Plan site allocations and ongoing pre-planning application discussions on sites within the OA. Given the land use designations and allocations, there is a need to clarify the implementation of the policy challenges of both the London Borough of Newham (LBN) local plan and the draft New London Plan at a site level to ensure there is a smooth process of delivering growth. These include management of Strategic Industrial Land (SIL) and housing development, infrastructure sufficiency relating to development capacity, green and open spaces, and water-focussed 'blue infrastructure' enhancement, such as dockside and riverside access).
- 1.4 There is also a need to establish the mechanisms to deliver potential for strategic transport connections and upgrades within this OA, including the proposed cross-river DLR extension to support delivery of growth in housing and employment, through detailed master-planning and design-based development capacity modelling.
- 1.5 Although much of the work of producing OAPFs and supporting studies is now being brought in-house for consistency and efficiency purposes, there may be additional studies and services required to underpin the evidence base for the document.
- 1.6 Given the requirement to fulfil new and robust engagement and consultation processes to inform the OAPF, engagement consultants are to play a vital role in planning and delivering the beginning of the Consultation and Engagement Strategy for Newham and the OAPF (approved by the Royal Docks OAPF Strategic Board in May 2019).
- 1.7 Engagement expertise from relevant consultants with knowledge of related projects and stakeholders in the area, will be fundamental in effectively delivering this project from the outset. The plan and delivery of this process will set a standard for other OAPFs as the first on prepared under the new London Plan.
- 1.8 Given the current need to deliver multiple OAPFs in a quicker timescale and the pressures on staff capacity within the Planning team, the resource from these consultants will help mitigate delayed timescales for this OAPF. Where consultant expertise of engagement activity is utilised, staff can provide a more efficient use of their time.
- 1.9 Overall timescales for phase 1 engagement is from June – September 2019, where the programme consists of research and planning, events and area-based workshops and reporting of feedback.
- 1.10 The Royal Docks team will contribute £39,620 towards the costs of phase 1 engagement and its preparation. This will be supplemented by a contribution from GLA Planning of £13,164. Feedback

from phase 1 will be a key driver to shape the initial draft OAPF. Developments on the draft can then progress accordingly for public consultation on the draft document, at phase 2.

1.11 The funding will be used to pay for the consultants (Fluid Design Ltd.), GLA officers acknowledge that section 9 of the GLA's Contracts and Funding Code ("Code") requires a competitive tender process for all goods and services contracts with a value above £10,000. However, section 10 of the Code provides that an exemption from that requirement may be approved upon certain specified grounds, including where a supplier has been involved with continuing work that cannot be separated from the new work. For the reasons set out below, GLA officers are of the view that this ground is applicable in this case:

- Align engagement already occurring for related projects in the Royal Docks area; avoid engagement fatigue; and facilitate efficient use of research already undertaken by the consultants in the area. The consultants will be procured solely for the first phase of public engagement. The requirement for any further consultation support on future phases of the project will be assessed and procured under a separate contract.

1.12 This DD seeks approval for

- Expenditure of £52,784 by GLA Growth Strategies to procure consultancy services from the consultants, comprising a consultation strategy, programme of events, project management, and reporting as detailed in the Fluid Design Ltd. Consultation Plan attached. This is in accordance with the Single Source Justification, also attached.
- A related exemption from the requirements of the GLA's Contracts and Funding Code (which normally requires a formal tender process for contracts with a value between £10,000 and £150,000).
- The transfer of £39,620 from the GLA Royal Docks budget, DD 2297 – Royal Docks Place, Economy and Connectivity project fees, to GLA Growth Strategies as a contribution towards the procurement of engagement-related consultancy services.
- The transfer of £13,164 from GLA Planning to GLA Growth Strategies as contribution towards the procurement of engagement-related consultancy services.

2. Objectives and Expected Outcomes

2.1 Consultation and engagement form a major part in the production of an OAPF / SPD and is key to 'adding value' by ensuring it reflects local needs and interests. Initial engagement methods for the OAPF will be developed and detailed from the basis of the OAPF Consultation and Engagement Strategy for the London Borough of Newham. With reference to this strategy, key collaboration and outputs are requested to fulfil Phase 1 of this engagement process.

2.2 Material gathered within consultation and engagement for the OAPF should align with Integrated Impact Assessment (IIA) criteria where relevant and applicable, this is to be developed as the project progresses. A Statement of Consultation will also form part of the OAPF and is to be factored in when feedback is collated and reported at the end of phase 1. Newham Council's Statement of Community Involvement sets out how the borough will involve the community in plan making and help ensure local communities have greater involvement, shaping the places where they live. The consultant should also consider and comply with this where necessary.

2.3 The consultant is required to plan and deliver phase one of the OAPF engagement programme in alignment with engagement for the Royal Docks strategy projects (including Royal Docks Culture and Placemaking Strategy and Implementation Plan) and in the wider strategic context of London Borough of Newham and Mayor of London strategies (Good Growth, draft Culture Strategy, Economic Development Strategy and major cultural regeneration initiatives).

2.4 Royal Docks projects and the OAPF programme will run in parallel in a complementary manner over June – September 2019. This provides a unique opportunity to maximise impact and efficiency whilst mitigating against consultation fatigue and unnecessary duplication of engagement activities which could result in a poor response rate from stakeholders.

3. Equality comments

3.1 Under section 149 of the Equality Act 2010, the GLA is subject to a public-sector equality duty (“the 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 Throughout the process relating to the approvals sought in this paper to facilitate phase 1 engagement, due regard has been had to the legislation outlined above. The OAPF engagement will provide supplementary guidance to the new London Plan once published. The policies contained within the draft new London Plan has been subjected to a full Equalities Impact Assessment in relation to those with protected characteristics. This is broadly positive across the population of London as a whole. It seeks to help to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

3.3 Initial engagement processes will be planned and delivered with this Duty in mind and will be in accordance with the Equality Act 2010, as well as LB Newham’s Statement of Community Involvement 2019 and the objectives set out in the LB Newham Local Plan and associated evidence base.

3.4 Equality impact considerations and mitigations will be built into the project, including IIA scoping and assessment from the outset to ensure this. The relevant equalities groups for the OAPF will be identified during the early public engagement being undertaken by the consultant, and material gathered during this early phase is to align with Integrated Impact Assessment (IIA) criteria and form part of the IIA scoping report. Consequent impact assessments can determine any negative impacts on those with protected characteristics and identify mitigation measures.

4. Other considerations

a) Risks

Risk	Impact	Mitigation	Likelihood (RAG)
Delay in procurement affecting overall Royal Docks OAPF programme	<ul style="list-style-type: none"> Reduced ability to benefit from engagement events run collaboratively with GLA Royal Docks team Project milestones like Spatial Strategy draft OAPF, final consultation draft OAPF, and final OAPF adoption are pushed back due to delay in undertaking initial engagement 	Expedite relevant procurement sign offs, including DD, SSJ, and contract sign off	Amber
Integrated Impact Assessment (IIA)	<ul style="list-style-type: none"> Analytical rigour of final OAPF strategy is eroded 	GLA Planning ensure thorough and extensive	Green

associated with the document identifies groups and individuals within the OAPF study area who should be consulted, but are not	due to failure to acknowledge and account for views and needs of identified but 'un-consulted' group	review of local demographics is undertaken through the Fluid Design Ltd commission, identifying and approaching all relevant community groups and individuals to ensure IIA compliance	
Consultation data produced by consultants does not align with overall OAPF methodology, and subsequent rounds of consultation undertaken by the GLA	<ul style="list-style-type: none"> • Potential non-compliance with the IIA • Failure to act on consultation responses received during phase 1 consultation in later stages 	GLA Project Manager will define clear deliverables in terms of reporting and data handling, setting up clear milestones to assess and monitor delivery.	Green

b) Links to Mayoral strategies and priorities

4.1 In the draft new London Plan, the Mayor committed to:

- Making the best use of land;
- Delivering the homes Londoners need;
- Growing a good economy; and
- Building strong and inclusive communities.

4.2 Planning and undertaking a thorough and extensive consultation strategy from the earliest stages of the development of the Royal Docks and Beckton Riverside OAPF makes it more likely the final document will achieve these commitments. The process of consultation itself can also support 'building strong and inclusive communities.'

4.3 In Opportunity Areas, like the Royal Docks and Beckton Riverside, the Mayor will:

- Provide support and leadership for the collaborative preparation and implementation of planning frameworks that:
 - Set out a clear strategy for accommodating growth;
 - Assist in delivering specific infrastructure requirements that unlock capacity for new homes and jobs;
 - Support regeneration; and
 - Are prepared in a timely manner.

4.4 Planning and undertaking a thorough and extensive consultation strategy from the earliest stages of the development of the Royal Docks and Beckton Riverside OAPF is in accordance with these commitments.

c) Consultation and Impact assessments

- 4.5 Successful delivery of the Royal Docks and Beckton Riverside OAPF will be dependent on engagement with a range of stakeholders in the public and private sector, including local authorities, landowners, businesses, residents and other users. This process during the first phase of public consultation will be managed by the GLA Growth Strategies team and the appointed consultant team, with the oversight from the Strategic Board which includes GLA, and the LB Newham.
- 4.6 The work will not require the processing of personal data that is likely to result in a high risk to individuals.

Data collection and GPDR

- 4.7 The first phase of engagement will involve the collection of responses from the public and contact information should respondents wish to share it. The gathering and use of this information throughout the project will be in compliance with the legal responsibilities of the GLA under the data protection laws; the General Data Protection Regulation 2016 and Data Protection Act 2018.

5 Financial comments

- 5.1 Director's approval is sought for the expenditure of £52,784 on consultation services to support the first phase of public engagement on the Royal Docks Opportunity Area Planning Framework (OAPF).
- 5.2 This will be funded from the GLA Planning team 2019-20 budget (£39,620) and the Royal Docks (£13,164).

6 Legal comments

- 6.1 The sections above indicate that the decision requested of the Director falls within the Mayor's statutory powers 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 Mayor also has a subsidiary power pursuant to Section 34 of the Act to do anything which is calculated to facilitate or, is conducive or incidental to the exercise of any of the statutory functions. In this case this piece of work is incidental to the section 30 powers defined above as well as 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

consultancy services to undertake this work to inform the Opportunity Area Planning Framework may reasonably be regarded as facilitating, being conducive or incidental to, the exercise of the Mayor's power detailed above.

Procurement

- 6.4 Officers should ensure that the services be procured by Transport for London Procurement who will determine the detail of the procurement strategy to be adopted in accordance with the GLA's Contracts and Funding Code. Officers must ensure that appropriate contract documentation is put in place and executed by the successful bidder(s) and the GLA before the commencement of the services.
- 6.5 Section 9 of the Contracts and Funding Code (the 'Code') requires the GLA to seek a call-off from a suitable framework, where possible, or if not, undertake a formal tender process which will be managed by TfL in respect of the services. However, the director may approve an exemption from this requirement under section 10 of the Code upon certain specified grounds. One of those grounds is where a supplier has been involved with continuing work that cannot be separated from the new work. Officers have indicated at paragraph 1.11 of this report that this ground applies and that the proposed contracts affords value for money.

On this basis the director may approve the proposed exemption if satisfied with the content of this report.

7. Planned delivery approach and next steps

Activity	Timeline
Inception, research and planning	Summer 2019
Local events and outreach	Summer 2019
Area based workshops	Autumn 2019
Reporting feedback and key findings	Autumn 2019

Appendices and supporting papers:

Appendix A – Join the Docks Consultation Plan

Appendix B – Fluid Royal Docks & OAPF Engagement Resource Schedule

Appendix C – GLA Royal Docks & OAPF Engagement Resource Schedule

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

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:

Mathieu Proctor has drafted this report in accordance with GLA procedures and confirms that:

✓

Assistant Director/Head of Service:

Juliemma McLoughlin has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

Financial and Legal advice:

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

Corporate Investment Board:

The Corporate Investment Board reviewed this proposal on 22 July 2019.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

Date

22.7.19