


<p>London Borough of Hammersmith & Fulham</p> <p>FULL COUNCIL</p> <p>17 July 2019</p>	 <p>h&f hammersmith & fulham</p>
<p>WHITE CITY ESTATE – NEW COUNCIL HOMES AND COMMUNITY FACILITIES</p>	
<p>Report of the Cabinet Member for the Economy – Councillor Andrew Jones</p>	
<p>Open report with exempt appendices Appendix 1 and 2 are exempt from disclosure on the grounds that they contain information relating to the financial or business affairs of a particular person (including the authority holding that information) under paragraph 3 of Schedule 12A of the Local Government Act 1972, and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	
<p>Classification: For Decision Key Decision: Yes</p>	
<p>Consultation Equalities, Legal, Finance, Business, Commercial, IT, Risk</p>	
<p>Wards Affected: Wormholt and White City</p>	
<p>Accountable Director: Jo Rowlands, Strategic Director for the Economy</p>	
<p>Report Author: David Burns, Assistant Director – Growth</p>	<p>Contact Details: E-mail: David.Burns@lbhf.gov.uk</p>

1. EXECUTIVE SUMMARY

- 1.1. This report sets out the rationale for consulting with residents to explore the options for the central area of White City Estate, to:
- Create additional affordable housing
 - Provide modern community facilities
 - Enhance the open space and play provision
 - Support thriving neighbourhoods
- 1.2. The central area of White City contains a number of community facilities including the White City Community Centre, disused over 55s centre and the North Area Housing Office.

- 1.3. The Council will carry out an open and detailed consultation process with residents on the estate to determine the parameters of the proposed development area and provision of new Council homes and community facilities.
- 1.4. Officers will also consult with key groups and stakeholders including the Adventure Playground and Randolph Beresford School and the White City Residents Association.
- 1.5. The Council will work closely with residents and stakeholder groups to develop ideas for building new Council homes and community facilities on the estate. Subject to support from residents through this engagement process, the Council aims to submit a planning application in the summer of 2020.
- 1.6. Initial feasibility work suggests potentially viable schemes which would enable the Council to construct between 100 and 250 new homes and provide new community facilities, in a mixed-use development, and 50% affordable housing.
- 1.7. This report provides authority and budget provision to appoint a design team to work with residents to develop briefs, and progress to planning stage.
- 1.8. Further to the report to Cabinet (dated 4th March 2019) negotiation with NHS PS have now reached a critical stage with NHS PS setting out their price expectations for their Property and further clarity being provided by the Local Planning Authority on the development that could be supported on the NHS PS Site.
- 1.9. This report provides authority and budget provision to acquire the NHS PS Property in light of negotiations to date.

2. RECOMMENDATIONS

- 2.1. That Full Council approve the budget set out in exempt Appendix 2 to acquire the NHS PS property and that this additional budget will need to be funded from retained right to buy receipts and HRA borrowing.

Note: A version of this report went to Cabinet on 3 June 2019 and the Cabinet-level recommendations were agreed. The report can be found on the H&F website: www.lbhf.gov.uk/committees

3. REASONS FOR DECISION

- 3.1. Enables the Council to begin consultation with residents so that designs can be developed and proposals brought forward for implementation, and delivering new affordable housing, and new community facilities in a mixed-use development.

- 3.2. The decisions are required to allow the Council to tender the appointment of a multi-disciplinary design team of professional consultants, to consult with residents in the development of the brief, and to move forward a detailed design to allow the Council to submit a planning application and determine final business case for any scheme.
- 3.3. Enable the Council to conclude negotiations with the NHS PS and acquire their freehold property interest outright.

4. PROPOSAL AND ISSUES

- 4.1. The 2018-2022 Business Plan sets out clear priorities around delivering 1,500 new affordable homes, including 500 for affordable home ownership and to review all sites including smaller areas to use every available piece of land for housing. The Council also has London Plan commitments to deliver new housing.
- 4.2. To support these policies the Council has been preparing an assets and growth strategy, with the objectives of:
 - Increase the supply of affordable housing in line with the administration's priorities;
 - Use capital resource to increase the Council's income in line with the long term financial strategy; and
 - Utilise assets to help manage demand and avoid costs, for instance from specialist housing or temporary accommodation
- 4.3. There is a clear commitment from the Council to work closely with its residents to shape the scope and plans of the development. The scale of the development is dependent on the outcome of the engagement process with residents. The Council will only proceed with the development if residents are in favour of the proposed scheme.

Strategic Opportunity at White City

- 4.4. As part of developing the assets and growth strategy, the Council has conducted ward-based reviews of its non-residential assets. The central area of the White City Estate is one area that has been reviewed and identified as having potential for new development.
- 4.5. This area includes a number of non-residential buildings that are owned by the Council - the Council's North Area Housing Office, the former over 55s centre, the White City Community Centre, a number of play and open areas. It also includes the former White City GP Surgery, owned by NHS Property Services. Some of these buildings, although well used, are at the end of their useful life or there are opportunities to re-provide them in a more efficient manner while providing affordable housing.
- 4.6. The Council has commissioned a high-level capacity study of this area to understand what opportunity there is. The study did not include any residential

buildings. The study identified a range of interventions that have the capacity for between 100 and 250 new homes, alongside new community buildings. Initial financial feasibility work shows that there are potentially viable schemes that could move through public consultation and design development towards a planning application.

- 4.7. The core drivers for any development comprise a mixture of financial and strategic drivers. These are summarised below:

Strategic drivers

- The potential to renew key community assets so that they are modern, fit-for-purpose and which can support key outcomes in the community
- Leveraging Council land to increase the supply of affordable homes, contributing to London Plan targets and the administration's commitment to delivery 1,500 new genuinely affordable homes
- The potential to change the way the Council delivers services, so that they are focused in community locations

Financial drivers

- Lower life-cycle maintenance costs of re-provided community assets
- Avoidance of major planned maintenance;
- The potential for cash receipts to invest across the wider area, subject to viability and business case; and
- The potential for future income to help support the provision of Council housing and other services.
- The potential to increase the Council's council tax and business rates base
- The potential to avoid Council costs such as temporary accommodation costs

Consulting residents at White City

- 4.8. A communications and consultation strategy will be developed by the Council to engage with local residents and interest groups.
- 4.9. The Growth Service will work closely with internal services include: Housing, Children's Services, Corporate Communications and Planning to develop this strategy.
- 4.10. The key objectives will be to engage with residents on proposals, in an open way that ensures they have meaningful and early opportunities to shape the future of the estate.
- 4.11. Once appointed, the Design Team will organise community engagement events to understand how residents can shape their built environment. They will present their design concept and work through these with local residents and stakeholders, using iterative and interactive methods. An initial vision will be agreed, so that a design brief can be formalised.

- 4.12. This will produce an outline scheme concept, that can be presented back to residents, and tested by the Council for financial viability before it moves on to the detailed stage of design.
- 4.13. This consultation process is expected to start in July and last up to nine months (further details set out in appendix 3).

Appointing a consultant team

- 4.14. Further details regarding the procurement of a Design Team are set out in the Procurement Strategy – Appendix 1.
- 4.15. A cost consultant will be procured for this project in order to provide estimates, and advice regarding the cost of construction works.
- 4.16. It is anticipated that the costs of the cost consultant appointment will be less than £100,000 therefore a Procurement Strategy is not required.
- 4.17. Officers will carry out an open tender process or use a suitable framework to carry out the procurement of a cost consultant. Officers will launch this process on capitalEsourcing.
- 4.18. At this stage an initial allocation of £720,300 is required from the total budget of £2,880,000.
- 4.19. A high-level breakdown of the associated costs is set out below.

Stage costs	White City Estate Area
Associated budget	
Project / design team fees through to procuring a building contractor	£2,880,000
Initial allocated sum	
Project / design team fees RIBA 1 and surveys	£576,000
Cost consultant	£90,000
Planning fees up to RIBA stage 1	£20,000
Contingency at 5%	£34,300.00
Total	£720,300.00

NHS negotiations

Background:

- 4.20. The Economy Department has been in discussions with NHS Property Services (NHS PS) since early 2017 regarding the Council's interest in purchasing the former White City Health Centre on the White City Estate.

- 4.21. The White City Health Centre is owned freehold by NHS PS. The property adjoins the Council's existing freehold interest in the White City Estate area. The site comprises of a two-storey building and open green space.
- 4.22. The White City Health Centre moved its operation in 2013 to Bloemfontein Road following the redevelopment of the area. The site has since been occupied by Property Guardians and managed by NHS PS.
- 4.23. A Cabinet Report was presented in March 2019 to acquire the site through a solus transaction at Market Value and a deadline of 31 March 2019 was set by NHS PS to complete the transaction.
- 4.24. This deadline has not been met but negotiations are at a critical stage and NHS PS has continued to engage in active discussion with the Council in order to conclude matters beyond the 31 March 2019 deadline.
- 4.25. Further details are set out in Appendix 2 – exempt report.

5. OPTIONS AND ANALYSIS OF OPTIONS

Option 1 – Do Nothing

- 5.1. This option is not preferred. It would mean that the Council and the wider community would not benefit from the potential for new affordable housing, the income generated through market rent of homes built, and an opportunity to provide new community facilities in the borough would not be taken. It would also mean that residents would not have the opportunity to be involved in the development of ideas and proposals for the site, and a co-production opportunity would be missed.
- 5.2. Conversely, the Council would avoid the potentially abortive costs of design work which may not result in a viable scheme reaching planning or construction stage.

Option 2 – Progress in principle with public consultation and design development, subject to a gateway process to manage financial risk

- 5.3. This is the preferred option. There is a clear opportunity for the provision of new affordable housing, community facilities and private housing, as well as financial benefits from avoiding investment in existing planned maintenance, and reductions in running costs.
- 5.4. Management of financial and development risk will be through a gateway process which enables the Council to review the feasibility and financial business case before committing additional investment. This is set out briefly below with stages 1 and 3 requiring Cabinet decisions:

Gateway 0	Feasibility Stage	Identification of the Opportunity
Gateway 1	Strategic Outline Business Case	Approval to procure and appoint consultant team and consult with residents
Gateway 2	Outline Business case	Approval to submit planning application
Gateway 3	Final Business Case	Approval to enter into contract
Gateway 4	Completion	Review at both completion and final account, to include lessons learned

5.5. There is sufficient evidence to proceed to Gateway 1 and approve initial budgets to consult with resident's progress towards a planning application. Any future costs and risk would be managed through additional approvals, in line with the Council's Constitution and Financial Regulations.

5.6. In order to manage the risk of potentially abortive costs, the Council will determine the viability of progressing to RIBA stage 3 (a comprehensive design enabling submission of a planning application) when an outline design has been developed (outline design is RIBA stage 1). This decision will be taken by the Director for The Economy in consultation with the Strategic Director for Finance and Governance.

6. CONSULTATION

6.1. Section 4 above sets out the Council's proposed approach to consulting with local residents.

Internal consultation

6.2. Consultation with key stakeholders in relation to the proposed redevelopment including Children's Services, Housing, Planning and Property has commenced and will continue throughout the project.

Highways

6.3. The Council's Housing and Highways Department is looking to retrofit Sustainable Urban Drainage (SuDS) in the White City Estate. There is an opportunity to align both Highways and Housing assets in one to deliver one of the largest urban retrofit greening projects in London.

6.4. Officers will work closely with the Highways team and where possible, both teams have a joint consultation approach towards the plans.

White City Residents Association

6.5. Officers met the Chair and Vice-Chair of the local White City Resident Association where an overview of the proposed plans was presented. Officers

will be presenting at the June 2019 Residents Association meeting to discuss the plans with a wider group.

- 6.6. Officers will continue to engage with the Residents Association throughout the design and consultation process.

Wider Stakeholders

- 6.7. Officers will ensure that the wider stakeholders and groups on the estate will be included within the design engagement process.

Local Lettings Policy (LLP)

- 6.8. The Council will consult on implementing an LLP to assist in the letting of new properties for social rent. The purpose of the LLP is to set out how the properties will be let out and which households will be prioritised for lettings on the White City Estate.
- 6.9. The main aim of an LLP is to support the local community by facilitating as many moves across the estate. The LLP allows an opportunity to improve housing conditions across the immediate and wider areas by prioritising those households experiencing overcrowding.

7. EQUALITY IMPLICATIONS

- 7.1. It is not anticipated that there will be any negative impact on groups with protected characteristics, under the terms of the Equality Act 2010 at this stage. The resident communication and consultation strategy proposed should outline further considerations on this matter.

Implications completed by Fawad Bhatti, Social Inclusion Policy Manager, tel: 02087533437

8. LEGAL IMPLICATIONS

Procurement Legal Advice

Type of contract and threshold

- 8.1. Under the Public Contracts Regulations 2015 ("PCR 2015"), the contracts proposed in this report (the "Contracts") are a services contracts. The current threshold for services contracts under the PCR 2015 is £181,302 (the "Threshold").

Above Threshold competition requirements

- 8.2. Any of the Contracts that are above the Threshold must be procured in accordance with the PCR 2015. This means either a new procurement

competition or the use of a framework. This is also the requirement under table 10.2a of the Council's CSOs.

Procurement strategy

- 8.3. The procurement strategy sets out a number of different frameworks that the Council could use to award the various Contracts and an analysis of the suitability of each of these. Before using any framework that is considered suitable the Council must ensure that it is entitled to access it.

Legal comments completed by Hector Denfield, associate at Sharpe Pritchard LLP, on secondment to the Council

Purchasing White City Health Centre

- 8.4. The Local Government Act 1972 section 120 empowers the Council to acquire by agreement any land inside or outside its area:
- (1) For the purposes of:
- (a) its functions under any enactment, or
 - (b) for the benefit, improvement or development of its area,
- (2) The Council may acquire by agreement any land for any purpose for which they:
- are authorised by this or any other enactment to acquire land. Notwithstanding
 - that the land is not immediately required for that purpose; and, until it is
 - required for the purpose for which it was acquired, any land acquired under
 - this subsection may be used for the purpose of any of the Council's functions.
- 8.5. The Local Government Act 2003 section 12 gives local authorities' power to invest. It provides that a local authority may invest:
- (a) for any purpose relevant to its functions under any enactment, or
 - (b) for the purposes of the prudent management of its financial affairs.

Legal Implications completed by: Rachel Silverstone, Senior Solicitor

9. FINANCIAL IMPLICATIONS

- 9.1. On 3 June 2019 Cabinet:
- Approved a capital budget of up to £2,880,000 required for the initial business case, design, and survey costs, with an initial allocation of £720,300 to costs to RIBA stage 1 (outline scheme plan).
 - Recommended to Full Council a revised capital budget set out in Appendix 2 – exempt report to purchase the NHS Property Services owned property on the White City Estate.

Capital budget and funding

- 9.2. A capital budget allocation of £2,880,000 was approved on 3 June 2019 to fund consultants, design, survey, legal and planning fees required to achieve planning permission for this scheme.
- 9.3. A further capital budget allocation is required for the acquisition of the White City Health centre, of which the implications are set out in exempt appendix 2.
- 9.4. Use of the budget will be subject to the required approvals to enter into contracts with the relevant contractors.

Appointment of consultants

- 9.5. For the design and associated consultant contracts, including the cost consultants contract, all potential contractors will be credit checked to ensure that they meet a minimum standard. This will be reflected in the final Instruction to Tenderer document.

Wider scheme

- 9.6. The appointment of design team and associated consultants to develop an outline scheme concept will enable the Council to assess the financial viability of the wider scheme. The structure of funding and delivering the wider regeneration scheme is yet to be confirmed and will be addressed in a subsequent report which will be based on the outcome of the findings of the design team and resident consultation.
- 9.7. High level modelling of the minimum indicative overall scheme costs assuming 100 units equates to £19.04m. The minimum delivery of 30 affordable rented homes within the HRA can be contained within the current approved HRA Business Plan. The delivery mechanism for non-affordable homes will be investigated as part of the outline scheme context and will need to include an assessment of general fund costs and expected revenue. The report that recommends the preferred option will contain full financial and tax implications which will include the necessary capital and revenue budget and funding approvals.
- 9.8. On 1 July 2019 Cabinet approved the outline strategic case for the Council's Building Homes and Communities Strategy to meet the Council's priority of delivering new affordable homes. The strategy objectives also include increasing Council income and managing demand/ avoiding costs through better utilisation of assets. This strategy will provide an overview and framework for Council capital investment priorities. At the same Cabinet meeting the Council's Housing Revenue Account Asset Management Strategy to prioritise capital investment in its current housing stock was approved. Any future decision on capital investment by the general fund and/ or the HRA will need to be made in the context of potentially competing demands for capital investment and the affordability of the revenue implications of these within

available resources and may influence the potential options through which schemes can be delivered.

Financial context

- 9.9. This decision is not expected to affect the level of HRA cashable reserves as the funding requested is capital and it is not proposed to fund these from revenue reserves or contributions. The impact on the level of debt in the HRA as measured by the HRA Capital Financing Requirement (CFR), is set out in exempt appendix 2.

Financial risks and mitigation

- 9.10. There is an inherent risk with capital projects that if the scheme is not considered viable or the scheme is aborted the capitalised costs to date are required to be written off as an unbudgeted charge to revenue.
- 9.11. Whilst the total project/ design fees are expected to be £2,880,000, at this stage the Council is only committing to £720,300 to enable the development of an outline scheme concept, consultation with residents and work towards a planning application. The Council will operate a gateway process before committing further investment. To mitigate the risk of unbudgeted revenue costs in the event the scheme does not proceed, £720,300 of general reserves would need to be set aside to the HRA Regeneration Reserve to fully mitigate for the potential crystallisation of this risk.
- 9.12. There is a further risk that costs to progressing to RIBA stage 3 might exceed £720,300. This includes a 5% contingency sum to allow for increases in costs and the project team and Finance will monitor the contract awards, costs and variations against the budget. Where necessary any further budget approvals will be requested in line with the Council's Constitution and Financial Regulations.
- 9.13. The Council is seeking to acquire the White City Health Centre in advance of a decision to proceed with the wider project. There is a risk that the development may not proceed as envisaged. In which case the Council will consider re-developing the acquired site only, retain site for other use or dispose it.
- 9.14. Further information is set out in Appendix 2.

Implications completed by: Firas Al-Sheikh, Head of Housing Financial Investment and Strategy

Implications verified by: Emily Hill, Assistant Director, Corporate Finance

10. IMPLICATIONS FOR LOCAL BUSINESS

- 10.1. It is proposed that established relevant frameworks and DPS arrangements are utilised to select design services to ensure high quality and to proceed at pace.
- 10.2. As part of the procurement exercise for consultants, bidders will be scored on their approach to community engagement.
- 10.3. If the outline design scheme is agreed, then opportunities for local SMEs are likely to be created in future phases such as the enabling works and main build contract.
- 10.4. The environment of local businesses in the area should improve through the development of more homes with mixed tenure in the area. There will also be community space and potentially more office space.
- 10.5. The Growth team can work closely with colleagues in Economic Development to provide progress updates. Both teams will work together to co-ordinate communications to ensure that local businesses are informed and engaged to bid for work like this.
- 10.6. As part of the procurement exercise for the works contract, bidders will be scored on their approach to community engagement, local supply chain, local labour and training opportunities.

Implications verified/completed by: Albena Karameros, Economic Development Team

11. COMMERCIAL IMPLICATIONS

Procurement of a Cost Consultant

- 11.1. The proposal is to procure a cost consultant for an estimated value of £90,000 through an open tender or via a call-off under a G15 framework agreement. The value of the contract is under the statutory threshold for services currently set at £181,302. Therefore, the full Public Contracts Regulations (PCR) 2015 do not apply.
- 11.2. The recommended approach is compliant with both the Council's CSOs that requires undertaking an open tender process or calling off from an established framework agreement and the PCR 2015. It is however recommended that any framework agreement used is verified by Legal Services prior to the process beginning.
- 11.3. An open tender shall be advertised on the Council's E-tendering System and Contracts Finder.

Procurement of a Design Team

- 11.4. The Procurement Strategy has been developed in line with the CSOs requirements as the value of the proposed procurement exercise is over the internal threshold for Cabinet approval of £100,000. The estimated value of the contract is also over the statutory threshold for services (£181,302). Therefore, the full implications of the PCR 2015 apply.
- 11.5. The recommendations presented are compliant with the PCR 2015 and the CSOs which require the call off from an established framework agreement or seeking open tenders. Both the Dynamic Purchasing System (DPS) and the proposed Framework Agreements are compliant with the Regulations, having been procured at OJEU level (at values over the statutory threshold).
- 11.6. It is advised that Procurement and Legal Services are consulted before engaging in the mini-competition process to ensure the chosen framework agreement is compliant with the Council's T&Cs.
- 11.7. Regardless of the chosen framework, the mini-competition shall be conducted via the Council's e-tendering system, capitalEsourcing (unless otherwise stated by the framework provided).
- 11.8. Social value has been considered and will represent 10% of the Technical awarding criteria. This is in line with the Social Value Act and the Council's commitment to implementing Social Value in its contracts.

Implications verified/completed by: Andra Ulianov, Procurement Consultant

12. IT IMPLICATIONS

- 12.1. No IT implications are considered to arise from this report as it focuses on seeking approval for the approach to consulting with residents; the procurement strategy for appointing a design team. Should this not be the case, for example, by requiring new systems to be procured or existing systems to be modified, IT Services should be consulted.
- 12.2. IM implications: A Privacy Impact Assessment(s) should be carried out to ensure that all the potential data protection risks (e.g. in consulting with Residents) around the White City Estate Area Redevelopment Scheme are properly assessed with mitigating actions agreed and implemented.
- 12.3. Any contracts arising from this report will need to include H&F's data protection and processing schedule. This is compliant with the General Data Protection Regulation (GDPR) enacted from 25 May 2018.

Implications verified/completed by: Tina Akpogheneta, Interim Head of Strategy and Strategic Relationship Manager, IT Services

13. RISK MANAGEMENT

- 13.1. Option 2 of the report 5.3 to 5.6 frame some of the strategic, proximate risks, challenges and mitigations associated with the proposals. Procurement of the Design Team is being undertaken to ensure that the best possible value for money to the local taxpayer in accordance with our Corporate Priority, Being Ruthlessly Financially Efficient. Resident consultation and input to the design is essential to ensuring that the scheme meets our residents needs and expectations for the local area, this would include ensuring that the design fully appreciates and evaluates any environmental impacts or benefits. Financial Context, risks and mitigation are outlined in sections of the report.
- 13.2. There are a number of programme risks associated as follows:
- Risk that architect will not be appointed
 - Risk of challenge by consultants not on the DPS
 - Risk of tender price being unaffordable
 - Risk of delay
 - Wider risks within the programme which will be the subject of discussion and decision at later stages e.g. sales risk, rental risk etc.
 - Consultation with local residents is unsuccessful

Implications verified by: Michael Sloniowski Risk Manager

LIST OF APPENDICES:

- Appendix 1 – Exempt Procurement Strategy
- Appendix 2 – Exempt Elements of the Report
- Appendix 3 – Project Timetable

Timetable

	2019						2020					
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Cabinet Approval												
Full Council Approval												
Procurement of Design Team												
Consultation and engagement period with local residents and group												
Pre-app meetings with planners												
Viability checks to ensure that the scheme works												
Quarterly updates to Ward Members and Cabinet Member												
Architects to present an outline design scheme to local residents												
Gateway 2 Outline Business Case – officers to present outline design scheme, proposed delivery model and next steps												