



London Borough of Hammersmith & Fulham

# Cabinet

18 JULY 2011

**LEADER**

*Councillor Stephen Greenhalgh*

**DEPUTY LEADER  
(+ ENVIRONMENT  
ASSET  
MANAGEMENT)**

*Councillor Nicholas Botterill*

**TRANSFER OF S106 FINANCE FOR THE GLA  
TO TENDER FOR A DIF STUDY**

This report seeks approval for the transfer of £120,000 of S106 funds held by H&F to the GLA. This sum is to be used by the GLA to commission a consultant to undertake a Development Funding Infrastructure Study for the White City Opportunity Area. The GLA will issue the tender notice for the proposed DIF Study and a consultant will be awarded the contract on the strength of the contract.

**Ward:**

**Wormholt and  
White city**

**CONTRIBUTORS**

DENV  
ADLDS  
DFCS

**Recommendation:**

**That approval is given to the transfer of £120,000 from Hammersmith and Fulham to the Greater London Authority for the purposes of commissioning an appointed consultant (subject to tender) to undertake a Development Infrastructure Funding Study (DIFS).**

**HAS A EIA BEEN  
COMPLETED?  
Incorporated in the  
report**

**HAS THE REPORT  
CONTENT BEEN RISK  
ASSESSED?  
N/A**

## **1. BACKGROUND**

- 1.1. The Council holds Section 106 funds for the purpose of undertaking a Development Infrastructure Funding Study for the White City Opportunity Area. The objective of this study is to identify the infrastructure needs that are likely to result from different development scenarios that arise in the Opportunity Area. The DIFS is a critical element in the development process since it will provide developers with certainty about the level of contribution or infrastructure investment they are expected to make as a result of their proposed development.
- 1.2 The Greater London Authority has an existing tender framework and already has experience in commissioning a DIFS through the Vauxhall Nine Elms project. As such it would be expedient and desirable to utilise the experience and framework of the GLA to commission the DIFS.
- 1.3 H&F would transfer the finance that they received as part of the Woodlands Development to the GLA. The GLA would then use their existing tender framework to appoint consultants to undertake the DIFS.

## **2. AVAILABLE SECTION 106 FINANCE**

- 2.1 The following Section 106 agreement is identified as the appropriate sources of finance from which funds may be drawn for the DIF Study:

2010/02218/S106 - Woodlands, 80 Wood Lane, London, W12, 0TT

- 2.2 The London Borough of Hammersmith and Fulham currently have £120,000 for the purpose of commissioning a DIF Study

## **3. TIMETABLE**

- 3.1 The GLA is willing to begin the tender and commissioning process as soon as they receive the finance from H&F.

## **4. RISK MANAGEMENT**

- 4.1. Not applicable.

## **5. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES**

- 5.1. The Council has received £500,000 from Imperial College London for the Woodlands Development, of which £120,000 can be made available to the GLA to commission a DIF study.

5.2 There are no other budgetary implications.

## **6. EQUALITY IMPLICATIONS**

6.1 As per the Equality Act 2010, the Council must consider its obligations with regard to the Public Sector Equality Duty (PSED). It must carry out its functions (as defined by the Human Rights Act 1998) with due regard to the duty and its effect on the protected characteristics (below) in relevant and proportionate a way. The duty came into effect on 5th April 2011. The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion/belief (including non-belief)
- Sex
- Sexual orientation

6.2 At a later date, the Council will need to have due regard for the potential implications that the policies and guidance proposed in the White City Opportunity Area Planning Framework (WCOAPF) would have on the various protected characteristics: some may be more relevant to the WCOAPF than others, and the SPD may impact on some more than others. The duty to have "due regard" to the various identified "needs" in the relevant sections of the Equality Act 2010 does not impose a duty to achieve results. It is a duty to have "due regard" to the "need" to achieve the identified goals.

6.3 However, this report relates specifically to the Development Infrastructure Funding Study (DIFS) which is required in order to provide an evidence base and detailed justification to inform and support various policies within the WCOAPF. The DIFS is anticipated to provide an endorsement of the Section 106 approach to pooling financial contributions from development within the WCOAPF area to towards infrastructure interventions which are recommended in the study.

6.4 The various proposed social, economic and environmental infrastructure improvements would need to be assessed against the various protected characteristics and groups and to what extent they will be affected as a result of the recommended interventions. The full implications of the WCOAPF including the infrastructure works would be demonstrated as part of a comprehensive Equality Impact Assessment (EIA) for the whole WCOAPF.

6.5 Notwithstanding the content of the EIA – which would be prepared before the WCOAPF is fully adopted; the Council need to be satisfied that the DIF study consultants (subject to appointment) have demonstrated that their research and findings take account of all protected characteristics in their

recommendations back to the Council. The Council ultimately remains responsible for inquiring into any gaps, and using the findings to inform the EIA.

**7. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)**

7.1 The Assistant Director (Legal and Democratic Services) is satisfied that the use of the money for the Development Infrastructure Funding Study falls within the scope of the s.106 agreement identified in the report.

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

<b>No.</b>	<b>Description of Background Papers</b>	<b>Name/Ext of holder of file/copy</b>	<b>Department/ Location</b>
1.	Woodlands Section 106	Gavin McCreadie	Environment, Planning
<b>CONTACT OFFICER: Gavin McCreadie</b>		<b>EXT: 3478</b>	