



Cabinet
21 May 2018

**Report from the Strategic Director
of Regeneration & Environment**

**RE-EXAMINE THE FUNDING DECISION FOR OLYMPIC WAY
IMPROVEMENTS FOLLOWING THE ANNOUNCEMENTS OF
THE POSSIBLE SALE OF WEMBLEY STADIUM TO A
PRIVATE INDIVIDUAL / COMPANY**

Wards Affected:	Tokyington, Preston
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Aktar Choudhury Operational Director Regeneration Tel: 020 8937 1764 Email: aktar.choudhury@brent.gov.uk

1.0 Purpose of the Report

- 1.1 In July 2017 Cabinet gave approval for allocating funds of up to £17.8 million to accelerate the delivery of the public realm for two of the three zones on Olympic Way. One zone is between Wembley Park underground station and the northern edge of Fulton Road (Zone B). The other zone is the area comprising the Wembley National Stadium 'pedway' with improvements being the replacement of the pedway with steps and public realm works from the foot of the pedway to the stadium (Zone C) to ensure delivery prior to Euro2020. The third zone is from Fulton Road to the foot of the pedway (Zone A) and public realm works for this Zone A have been entirely funded by Quintain.
- 1.2 A "Statement of Common Ground" dating back to 2010 exists between the council and Quintain that allows for the application of CIL funds by London Borough of Brent (LBB) for the delivery of strategic infrastructure as identified in policy and the Infrastructure and Investment Framework (IIF). The above projects are within the IIF.
- 1.3 Quintain have undertaken considerable design development for Zone C and are ready to instruct their design team to undertake detailed design for the steps and Zone C generally so that an order for the steps can be placed in September 2018.

- 1.4 The purpose of this report is to re-examine the funding decision for Olympic Way Improvements following the announcements of the possible sale of Wembley Stadium to a private individual/company. This report also updates Members on the progress made in implementing the improvement works.

2.0 Recommendations

That Members:

- 2.1 Re-examine the funding decision for Olympic Way improvements in the light of the possible change in ownership of Wembley Stadium and confirm that funding from Quintain and the Stadium owners forms a three way funding stream for Zone C.
- 2.2 Confirm or otherwise the contribution of up to £12.1 million +VAT towards Zone C improvements, such contribution being contingent on Quintain:
- a. Not pursuing development of site NW04 adjacent to the Civic Centre to the extent currently permitted in the parameters plans associated with outline planning permission 10/3032
 - b. Working with the Council to deliver a development that better complements the role and setting of the Civic Centre, in particular creating a significant new square outside the Civic Centre Library
 - c. Agreeing a business plan and agreement, between Quintain and the council, for the future sharing and reinvestment of the net income generated through assets on Olympic Way in Zones A, B and C.
 - d. Securing up to one third funding contribution from Wembley Stadium owners.
- 2.3 Confirm the decision to contribute up to £5.7million+VAT for works to Zone B including Fulton Road Crossing, such contribution contingent on Quintain completing Zone A works and agreeing a business plan and agreement, between Quintain and the council for the future sharing and reinvestment of the net income generated through assets on Zones A and B of Olympic Way.
- 2.4 Note that if item 2.2 is confirmed the total contribution for Olympic Way improvements will be up to £17.8 million plus VAT.
- 2.5 Delegate agreement of the Business Plan and entering into an agreement for the future sharing and reinvestment of net income generated through assets on Olympic Way to the Strategic Director Regeneration and Environment in consultation with the Cabinet Member of Regeneration, Highways & Planning.
- 2.6 Subject to the level of funding contribution from Wembley Stadium owners for Zone C improvements as detailed in recommendation 2.2 (d), delegate to the Strategic Director Regeneration and Environment in consultation with the Cabinet Member of Regeneration, Highways & Planning authority to agree the adequacy of such contribution secured.

3.0 Detail

- 3.1 In July 2017 Cabinet approved a contribution of £17.8 million to accelerate the delivery of the public realm for two of the three Zones on Olympic Way: one zone between Wembley Park underground station and the northern edge of Fulton Road (Zone B); and the other zone being the area comprising Wembley National Stadium 'pedway' with improvements being the replacement of the pedway with steps including public realm works from the foot of the pedway to the stadium (Zone C) to ensure delivery prior to Euro2020. The third zone is from Fulton Road to the foot of the pedway (Zone A). Public realm works for this Zone A have been entirely funded by Quintain.
- 3.2 A "Statement of Common Ground" dating back to 2010 exists between the council and Quintain that allows for the application of CIL funds by LBB for the delivery of strategic infrastructure as identified in policy and the Infrastructure and Investment Framework (IIF). The above projects are within the IIF. The strategic CIL collected across the Borough, as a consequence of new development, is intended to be spent on infrastructure projects to support the ongoing development of the area, enhanced public realm falls within this, and it is proposed that a contribution from CIL to the costs of the works is appropriate. As the collection of CIL relates directly to development, so areas which take more development, such as Wembley, generate the most CIL. Fifteen percent (25% where there is a neighbourhood plan) of CIL collected will be allocated to neighbourhood infrastructure projects in the area which generated the income from development.
- 3.3 Improvements to Fulton Road crossing have previously been subject to Cabinet approval (February 2016) for £120k of s106 funding. In recent discussions with Quintain, the £120k has been indicated to be part of the £17.8 million.
- 3.4 The July 2017 Cabinet report highlighted key outcomes that the Olympic Way improvements will bring and these have remained. The key outcomes are:
- Significantly enhancing Olympic Way reflecting its importance as the arrival point and processional route for millions of visitors and its place making role for new residents, students and businesses occupying the developments in Wembley Park Regeneration;
 - Create an attractive and desirable route that is itself a destination, leaving lasting memories to its visitors, active throughout the day, every day to encourage visitors to stay longer before and after events, capturing the economic benefit and activity of visitors to help deliver wider regeneration aims;
 - Improve public safety for the many users of Olympic Way through the installation of well-designed Hostile Vehicle Mitigation barriers and;
 - Create new opportunities to generate income from the assets on Olympic Way, which could be used for enhanced management of Olympic Way and revenue stream to partners in the long term.
- 3.5 Considerable progress has been made by Quintain towards fulfilling the conditions attached to the funding and in taking forward the improvement works in design development and on site. These include:

- Zone A works has been completed and totally funded by Quintain;
- Quintain have secured planning consent for Zone B works and have started works in this Zone at their risk as a result of the July 2017 Cabinet decision;
- Quintain and the Council have substantially agreed a draft Memorandum of Understanding for the mechanism for releasing the funding for Zones B and C and the principles of the Business Plan under which any net income sharing between Brent Council and Quintain will apply;
- WNSL/FA and Quintain have undertaken considerable technical and modelling work to validate the operational efficiency and safety of the proposed steps replacing the pedway;
- A planning application has been submitted for the reorientation of the NW04 building which will better complement the role and setting of the Civic Centre, and create a significant new square outside the Civic Centre Library;
- A planning application have been submitted for the removal of the pedway and installation of the steps and all Zone C improvement work;
- To date Quintain have spent in excess of £1m and are anticipating spending a further £1.5m to £2m (subject to Brent's confirmation of the funding contribution and WSNL/FA or the new owners agreement to the removal of the pedway) on design fees alone related to Zone B and Zone C.

3.6 Due to the confirmed programme of events at the Stadium it is not feasible to build the steps in-situ and therefore the construction methodology is for the steps proposed in Zone C to be precast offsite in a factory and installed within a timeslot agreed with the Stadium.

3.7 The only time window available for the installation of steps prior to the Euro 2020 is in December 2019/January 2020. In order to meet this installation time slot, Quintain need to instruct continuation of the design development for Zone C in the first week of June 2018, to be in a position to award a contract by September 2018 for the manufacture of the precast steps. Quintain will not continue design development for Zone C without funding confirmation from the council by the end of May.

3.8 In light of recent news that Wembley Stadium is proposed to transfer from Football Association ownership to a private individual/company, Cabinet is being asked to re-examine the funding decision made in July 2017 to contribute funding for Olympic Way Improvements to enable the Council to advise Quintain accordingly.

3.9 It should be noted that the basis for the Cabinet decision in July 2017 in relation to Zone B will not materially change if the stadium is sold to a private owner /company. This report has therefore separated the recommendations for Zone B and Zone C so that Zone B can continue in the event Zone C is not implemented. With Zone A now complete, it is even more important to complete

Zone B to ensure Olympic Way does not give an impression of an incomplete project, but also to ensure the public safety improvements are delivered.

- 3.10 As indicated in the Cabinet report of July 2017, the intention was to seek contribution from the Football Association towards Zone C works. Officers have been advised there has been a positive indication that the potential new owner may be willing to contribute towards Zone C works.
- 3.11 In the event Zone C improvements do not proceed, the pedway will remain in place, the new NW04 building orientation and public square is not likely to progress with the existing NW04 consent taken forward to implementation and the public realm from the foot of the pedway to the stadium will remain unchanged providing an even more uninspiring and disappointing “front door” for the stadium against the new public realm in Zones A and B. A new safety audit may be required to ensure the integrity of the public safety improvements through the installation of Hostile Vehicle Mitigation barriers is not compromised.

4.0 Financial Implications

- 4.1 This report considers matters that were considered previously at the Cabinet meeting of 24 July 2017, and the financial implications were set out at that time. It requests clarity, and reconfirmation (or otherwise) of that decision in the light of recent developments as set out in the report. It remains the case that there are sufficient unallocated Strategic CIL funds to finance the £17.8m contribution to the works, or such lower sum as may be negotiated

5.0 Legal Implications

- 5.1 As detailed in the Cabinet report of 24th July 2017, Part VII of the Highways Act 1980 provides the Council with powers to undertake works which includes the ability to enhance the pedestrian walkway. Olympic Way is deemed a highway but it is not a highway maintained at the public expense.
- 5.2 Section 115E of the Highways Act 1980 provides powers to the Council to provide permission to persons other than the Council to undertake anything a Council could do in under or over a highway. Quintain, having competitively tendered for and appointed a contractor, have carried out works to Zone A and are currently carrying out works to Zone B at risk but as a result of the “Statement of Common Ground” dating back to 2010 and the Cabinet decision of 24 July 2017.
- 5.3 In view of the possible change in ownership of Wembley Stadium, Officers recommend that Members re-examine the Cabinet decision of 24 July 2017 in relation to Zone C but for the reasons detailed in paragraph 3.9 and in view of the position detailed in paragraph 5.2 above, seek confirmation of funding in respect of Zone B.
- 5.4 Officers have been negotiating a memorandum of understanding with Quintain for the future sharing and reinvestment of the net income generated through assets on Olympic Way in Zones A, B and C. Negotiations are at an advanced stage and delegated authority is sought for the Strategic Director Regeneration and Environment in consultation with the Cabinet Member of Regeneration,

Highways & Planning to agree final terms and enter into an agreement reflective of Members decisions.

6.0 Equality Implications

6.1 The Equality Act 2010 introduced a new public sector equality duty under section 149. It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council must, in exercising its functions, have “due regard” to the need to:

1. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
2. Advance equality of opportunity between people who share a protected characteristic and those who do not.
3. Foster good relations between people who share a protected characteristic and those who do not.

6.2 Statutory public consultation has been carried out in the determination of the planning application for the works to Olympic Way which have taken account of the impacts with regards to disabilities and pregnancy/maternity through inclusive and accessible design consistent with policy and guidance. This includes issues such as gradients/obstructions, appropriate spacing of seating/resting points for mobility issues, use of contrasting colours/tones for materials, tactile surfaces and lighting for visibility impairment. However an Equalities Analysis Assessment screening opinion has been undertaken which confirms that the impacts on those with a disability and those with a pregnancy/maternity protected characteristics will not be adversely affected by changes to Olympic Way.

7.0 Consultation with Ward Members and Stakeholders

7.1 This report considers matters that were considered previously at the Cabinet meeting of 24 July 2017 and no further consultation has been undertaken.

8.0 Human Resources/Property Implications (if appropriate)

8.1 None arising from this report save as to the property implications detailed in the body of the report.

Report sign off:

AMAR DAVE

Strategic Director of Regeneration & Environment