



Cabinet
20 April 2020

**Report from Strategic Director
Regeneration & Environment**

Highway Works funded under the HIF Grant in South Kilburn

Wards Affected:	Kilburn
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	One Appendix 1: Site Area
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Emma Sweeney, Programme Manager Estates Regeneration Email: emma.sweeney@brent.gov.uk Tel:020 8937 1650

1.0 Purpose of the Report

- 1.1 To seek agreement to vary the Development Agreement with Countryside Properties Limited to include the construction of adjacent and intersecting highway works at Peel.

2.0 Recommendations

- 2.1 That cabinet approves the Development Agreement between the Council and Countryside Properties Limited entered into on 31 July 2018 be modified to include the construction of an adjacent and intersecting highway works at Peel as shown in Appendix A (Peel Highway Works) at an estimated value of three million pounds (£3,000,000).

3.0 Detail and brief summary of decision

3.1 Reasons for decision

3.2 On 16th December 2019 Brent Council entered into a funding agreement with GLA for the Highways Infrastructure Funding (HIF) in South Kilburn. HIF is a government capital grant programme to help unlock new homes in areas with the greatest housing demand. An award of £10m was agreed for South Kilburn for:

- (a) A route through the Peel development to assist with the reconnection of the South Kilburn estate into the wider area, reconnect cul de sacs, give a greater emphasis to pedestrians and cyclists;
- (b) The acquisition of Blue Box storage company currently sited in Hereford and Exeter; and
- (c) The gyratory system around the Queens Park Cullen site.

3.3 Item a) above is a section of road that intersects the existing site of Peel which is the site already in a Development Agreement with Countryside Properties. The HIF works area is also covering the access route for the main site. The site areas can be seen in Appendix A.

3.4 Programme synergies could be found by using the same contractor across both elements which is of benefit to the HIF funding as the tight timescales for spending is important.

3.5 The estimated value of the Peel Highway Works is three million pounds (£3,000,000). This is less than 3% of the value of the Development Agreement with Countryside Properties.

3.6 The agreement for the construction of the Peel Highway Works will be a variation of the Development Agreement.

4.0 Alternative Options Considered

4.1 The alternative option is to procure the Peel Highways Works contained within the HIF Grant as a separate contract.

This option was discounted due to complications on site with having more than one contractor and access routes to the main site being blocked by the HIF works.

Also there are stringent timescales associated with the HIF Grant, engaging in a new procurement exercise could make meeting these deadlines difficult.

5.0 Additional background

5.1 On 13th August 2018 Cabinet resolved as follows:

- (i) Cabinet agreed to receive grant funding and enter into grant agreements with the Greater London Authority for two Housing Infrastructure Fund

bids relating to South Kilburn and Northwick Park regeneration Programmes

(ii) Cabinet delegated to the Strategic Director Regeneration and Environment in consultation with the Chief Finance Officer and the Lead Member for Regeneration, Highways and Planning authority to agree the detail of the grant agreements for the bid relating to South Kilburn (emphasis added)

(iii) Cabinet delegated to the Strategic Director Regeneration and Environment in consultation with the Chief Finance Officer and the Deputy Leader (as Lead Member for Resources) authority to agree the detail of the grant agreements for the bid relating to Northwick Park.

5.2 On 12th December 2019 a Recordable Decision to the Strategic Director Regeneration and Environment agreed the detail of the Grant Agreement with the GLA for South Kilburn HIF

6.0 Financial Implications

6.1 This decision will increase the value of the Peel Highways Works to be carried out by Countryside Properties by £3m.

6.2 This highways works value is in accordance with the agreed HIF funding. The full HIF allocation for South Kilburn is £10m.

6.3 The cost of the works will initially be paid from available budget within the programme prior to reimbursement from the GLA at six monthly milestones.

7.0 Legal Implications

7.1 The power to proceed with the proposed variation without engaging in a new procurement process is covered by Section 72 (1) (f) and 72(5) of the Public Contract Regulations 2015 (Regulation).

7.2 The Council's Contract Standing Orders give Chief Officers the powers to agree a variation to contracts in Part 3, section 9.5 at paragraph 3(b) of the table contained therein. Sub paragraphs (f) (i) limits this powers to variations estimated to be less than one million pounds (£1,000,000). The estimated value of this variation is three million pounds (3,000,000), therefore the power to approve it, lies with the Cabinet. Subject to the approval sought, the proposed variation is legally permissible.

7.3 Officers should be aware that the variation would require a construction contract.

8.0 Equality Implications

8.1 The Council must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment and victimisation

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, pursuant to s149 Equality Act 2010. This is known as the Public Sector Equality Duty.

8.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.3 The purpose of the duty is to enquire into whether a proposed decision disproportionately affects people with a protected characteristic. In other words, the indirect discriminatory effects of a proposed decision. Due regard is the regard that is appropriate in all the circumstances.

8.4 The decision sought in this proposal has been subject to screening and officers believe that there are no adverse equality implications.

9.0 Consultation with Ward Members and Stakeholders

9.1 Ward members and stakeholders have not been consulted on the details of the grant agreement. For the wider programme, consultation is an ongoing part of the programme and bi-monthly meetings are offered to ward members. At a project level projects have a series of consultation activities in taking the projects forward. The South Kilburn masterplan review took place in 2016 with a high level of consultation and engagement with residents and stakeholders, which directly fed into the drafting of a revised South Kilburn SPD (2017).

9.0 Human Resources/Property Implications (if appropriate)

9.1 The contract management requires the input of expertise from Regeneration officers.

Related Document

Cabinet report: Peel – Development Site South Kilburn - 24 April 2017

Report sign off:

Amar Dave

Strategic Director Regeneration and Environment