

	<p>CHIEF OFFICER IN CONSULTATION WITH COMMITTEE CHAIRMAN DELEGATED POWERS REPORT 6th June 2018</p>
Title	<p>Brent Cross Cricklewood - Brent Cross West Station – Commencement of Early Works</p>
Report of	<p>Deputy Chief Executive in consultation with the Chairman of the Asset, Regeneration and Growth Committee</p>
Wards	<p>Childs Hill, Golders Green and West Hendon</p>
Status	<p>Public with accompanying exempt report</p>
Enclosures	<p>No</p>
Officer Contact Details	<p>Karen Mercer, Programme Director Re, Karen.Mercer@barnet.gov.uk, 0208 359 7563</p>

Summary

On the 27th November 2018 the Assets Regeneration and Growth Committee delegated authority to the Deputy Chief Executive in consultation with the Chairman of the Committee inter alia:

- A. to agree to take all necessary steps to enter into various agreements including an Implementation Agreement with Network Rail to continue the GRIP 5 design and early works; and
- B. to authorise the commencement of the early works (rail and non-rail) subject to progress on the wider BXC programme.

The Assets Regeneration and Growth Committee on the 12th March 2018 inter alia approved in principle that the Council procure Network Rail to deliver the Brent Cross West Station and sidings and delegated authority to the Deputy Chief Executive to finalise and agree the detailed Implementation Agreement for approval by the Committee in September 2018.

The Deputy Chief Executive has in accordance with the above agreed the terms of the early works Implementation Agreement with Network Rail in respect of early enabling works to remove construction spoil as well as removal/treatment of vegetation and invasive species, construction of a temporary haulage road and site clearance and remediation and commencement of those works having regard to the wider BXC programme

This report authorises accordingly the completion by the Council of the Implementation Agreement with Network Rail in respect of early works to remove construction spoil as well as removal / treatment of vegetation and invasive species, construction of a temporary haulage road and site clearance and

remediation and commencement of those works having regard to the wider BXC programme.

These works are required to facilitate construction of the main sidings and station work, anticipated later this year to meet the Brent Cross West Station opening date of May 2022 as reported to the Assets, Regeneration and Growth Committee on 27 November 2017 and 12 March 2018.

Decisions

1. That following agreement by the Deputy Chief Executive in consultation with the Chairman of the Assets Regeneration and Growth Committee that the Council now proceeds to enter into and complete the Implementation Agreement with Network Rail in respect of the early works to remove construction spoil and invasive species to facilitate the main construction works later this year.

2. To authorise commencement of the early works.

1. WHY THIS REPORT IS NEEDED

- 1.1 This report is required pursuant to the delegation provided to the Deputy Chief Executive as referred to above to enable the formal completion of the Implementation Agreement with Network Rail in respect of early works to remove construction spoil as well as removal/treatment of vegetation and invasive species, the construction of a temporary haulage road and site clearance and remediation and commencement of those works having regard to the wider BXC programme. These works are required to facilitate construction of the main sidings and station work, anticipated later this year to meet the Brent Cross West Station opening date of May 2022.
- 1.2 In relation to the wider BXC programme, significant progress is being made. The BXN partners are committed to commencement of the main construction works in January 2019, while BXS partners will begin shortly after in early 2019.
- 1.3 As previously reported to the Assets, Regeneration and Growth Committee, the Brent Cross North (BXN) partners have completed their works to clear invasive species and vegetation (including trees) that commenced in November last year. They are now due to commence early works utility diversions in June 2018, with the main shopping centre and infrastructure contract works commencing January 2019. The required lease restructuring to facilitate the additional equity funding will be completed shortly and the contractor for the main critical infrastructure road works will be announced shortly. This marks a significant milestone in the project, with BXN having procured all the required contractors to undertake the BXN development later this year.
- 1.4 In respect of Brent Cross South (BXS), the first reserved matters application for 110 replacement homes for the residents of Whitefield Estate (Part 2) and a further 182 residential units was unanimously approved by the Planning

Committee on 21 February 2018. Work is now progressing on designing the temporary open space proposals, which will be subject to public consultation in June / July 2018.

- 1.5 Officers are also finalising the Delegated Powers Report and supporting information to enable the Chief Executive to appropriate the Council-owned land within the first phases for planning purposes subject to complying with the statutory procedures for such appropriation and obtaining any necessary consents.
- 1.6 In respect of the delivery of the Brent Cross West Thameslink station, the GRIP 4 design sign off by Network Rail was received in February 2018, which satisfied the conditions to release the HM Government Grant Funding for the project. On 15 May 2018, the CPO3 Order to facilitate the land needed to deliver the Thameslink Station and associated infrastructure was also confirmed. Following the Assets, Regeneration and Growth Committee in principle approval on 12 March 2018 to deliver the Station and Sidings through Network Rail, the Deputy Chief Executive and Council officers are finalisation the detailed Implementation Agreement for the main works for finalisation by the Committee in September 2018. This will facilitate the station/sidings main works commencing later this year, following the BXN partners going unconditional. The station opening date remains May 2022, the commencement of the station will in turn ensure the commencement and delivery of the new homes within BXS.
- 1.7 Given the considerable progress being made across the BXC programme, this DPR confirms that in accordance with the decisions made by the Assets Regeneration and Growth Committees referred to above that the Implementation Agreement with Network Rail be entered into to undertake the works necessary to prepare the site in anticipation of the main station/sidings works starting later this year to deliver the new station by 2022. This is in accordance with the strategy approved by the Assets, Regeneration and Growth Committee on 27 November 2018 and 12 March 2018. The procurement strategy for the new waste facility was approved by the Chief Executive, in consultation with the Chairman of the Committee on 18 January 2018.
- 1.8 The early works will focus on the sidings area within the operational railway area and includes the removal of construction spoil as well as removal/treatment of vegetation and invasive species, construction of a temporary haulage road and site clearance and remediation.
- 1.9 As reported to the Assets, Regeneration and Growth Committee in November 2017 and 12 March 2018, the early works have been procured through Network Rail's procurement framework. Network Rail has engaged the contractor Murphys to undertake these works following the liquidation of Carillion. Murphys have now undertaken the required site surveys and investigation and works to enable works to commence by the end of May 2018. The required contract documentation has now been concluded and in accordance with the delegation

provided to the Deputy Chief Executive that the early works Implementation Agreement be completed and the works commenced as per the same.

1.10 The scope of the works being delivered are as follows:

- Design and construction of a rail head on site, connected to the Network, to allow for the disposal of material from these Works and future works to be carried out under other agreements;
- Provision of trains, as required, to transport material from site (excluding Japanese Knotweed, to be removed via road);
- Manage and undertake the temporary relocation of Network Rail maintenance yard to facilitate the move to temporary location.
- Temporary works design and construction of temporary walkway to existing Govia Thameslink Railway (GTR) accommodation from Cricklewood Station.
- Removal of material, spoil and redundant materials, and levelling of the area identified within the Early Works Area.
- Treatment and agreed disposal of non-invasive heavily overgrown areas of the site;
- Controlled removal and disposal of areas of invasive species – as defined within red-line drawing;
- Capping and diversion of utilities, as required.
- Existing Cricklewood Site office improvements.

1.11 In support of these Works and in order to progress the Brent Cross South development, Network Rail will provide those Services necessary to meet the requirements of this Agreement and the following complementary or additional Services:

- Services of a Network Rail sponsor and support staff to support and provide guidance to the customer during the works;
- The appointment of a project manager and appropriate supporting resources;
- Network Rail's personnel attending meetings and site visits;
- Provision of staff to carry out site management activities;
- Administration and management of internal Network Rail procedures to prepare and consider all applications for Network Rail Consents;
- Provision of a Designated Project Engineer and Project Engineers for relevant engineering disciplines to undertake duties under Standard RT/E/P02009 and RT/CE/S/003 as and when reasonably required. Management of GTR and East Midlands Train (EMT) as key stakeholders during the Early Works to keep them informed of the ongoing site works, including for site meetings, as required.
- Preparation of all appropriate Network Rail correspondence, reports, and internal papers.
- Network Rail will report progress on a periodic basis.
- Monitoring and reporting expenditure against budget on a Payment Period basis.

- Supporting the Customer in external consultation and liaison with the Department for Transport, the Office of Rail Regulation, Train and Freight Operators and other identified stakeholders.
- Application of the Governance of Railway Investment Projects (GRIP) to the Project to the completion of these stages and any proceeding stages as necessary.
- Principal Designer role under the Construction (Design and Management) Regulations 2015
- Procure and manage a contractor to achieve the works

1.12 The agreed programme is as follows:

- Signed Agreement (both parties) – 24/05/2018
- Contract Award to Network Rail Contractor – 29/05/2018
- Start on site – 30/05/2018
- LBB confirm planning permissions granted to complete Early Works – 15/06/2018
- Completion of Works – 30/09/2018

2. REASONS FOR RECOMMENDATIONS

2.1 The comprehensive regeneration of Brent Cross Cricklewood is a long-standing objective of the Council and a key regeneration priority of the Mayor of London. The details of the scheme are set out in previous reports to the Assets, Regeneration and Growth Committee.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 There are no alternative options in this instance. This work is to be undertaken by Network Rail in line with the procurement strategy approved by the Assets, Regeneration and Growth Committee on 24 April 2017.

4. POST DECISION IMPLEMENTATION

4.1 Once the decision has been approved, officers will complete the legal documentation to enable the contract to be completed and early works to commence on 30 May 2018.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The reports to the Assets, Regeneration and Growth Committee describe in detail the ways in which the regeneration of Brent Cross Cricklewood supports the Council's Corporate Plan 2015-20 as updated. The reports relevant to this decision are included within the background documents.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The current total approved Capital Budget for Thameslink is £70.516m as

approved in September 2017 Policy & Resources Committee. Current spend to date is £23.128m.

5.2.2 Of the £70.516m budget, £35.24m has been committed to external parties, leaving an overall available budget of £35.276m as at 22 May 2018. The delivery of the Thameslink works, including land acquisitions, is contained within the council's capital programme and partly funded by grant of £97m from the Ministry of Housing, Communities and Local Government (MHCLG). To date £33.6m has been received from MHCLG to fund project costs and land acquisitions. Following the completion of the GRIP4 and satisfaction of the conditions attached to the Grant Funding, it has been agreed that the Council will drawdown funding on a quarterly basis. The next invoice will be issued on to MHCLG on 1 July for payment.

5.2.3 As set out in the exempt report.

5.2.4 Under the terms of the agreement, Network Rail will attend monthly project development meetings and provide a monthly cost report to ensure that the contract is monitored correctly and to ensure value for money. Re will maintain a project assurance role to ensure that the project is carried out within the approved budget and within the agreed timescales.

5.2.5 As set out in the exempt report.

5.2.6 The total cost of these works is **£5,508,937**

5.2.7 The agreement can be terminated with a three month notice period if the costs are projected to exceed 25% of budget or the programme is likely to extend by more than one month.

5.3 **Social Value**

5.3.1 As indicated in sections within this report, the Brent Cross Cricklewood programme will secure wider social, economic and environmental benefits.

5.4 **Legal and Constitutional References**

5.4.1 The Council's power to enter into various arrangements to progress the redevelopment of the Brent Cross Cricklewood scheme is contained in the general power of competence under Section 1 of Chapter 1 of the Localism Act 2011. Section 1 of the Localism Act 2011 provides local authorities with a broad power to do anything that individuals can do subject to any specific restrictions contained in legislation.

5.4.2 The Local Government (Contracts) Act 1997 provides an express general power for local authorities to enter into contracts with third parties.

5.4.3 Section 111 of the local Government Act 1972 provides that a local authority has power to do anything which is calculated to facilitate, or is conducive or is incidental to the discharge of its functions.

5.4.4 On 27 November 2017, Assets Regeneration and Growth Committee, delegated authority to the Deputy Chief Executive in consultation with the Chairman of the Committee to

- a) authorise the commencement of the early works (rail and non-rail) subject to progress on the wider BXC programme and;
- b) agree and take all necessary steps to enter into Implementation / Design Services Agreement / Asset Protection Agreements with Network Rail to continue the GRIP 5 design and early works and'

5.4.5 Under paragraph 8.1 of Contract Procedure Rules acceptance of contracts must be in accordance with Article 10 Table B of the Constitution, and in all cases is subject to budget provision, a compliant procurement process, and confirmation of acceptable financial status of the contractor.

5.4.6 The Council's Contract Procedure Rules in paragraph 4.2 states that any procurement which has not been authorised in the Procurement Forward Plan must be authorised in accordance with the Article 10 of the Constitution, Table B. The Table states that if procurement is within budget, the authorisation for procurement over £500,000 is via Full DPR (Committee Chairman jointly with Chief Officer) The Chairman of Assets Regeneration Committee has been consulted accordingly.

5.5 Risk Management

5.5.1 As set out in the exempt report.

5.5.2 As set out in the exempt report.

5.6 Equalities and Diversity

5.6.1 The 2010 Equality Act which outlines the provisions of the Public Sector Equality Duty (PSED), requires all Local Authorities to pay due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between people from different groups;
- Foster good relations between people from different groups

5.6.2 This places a legal obligation on the Council to pay due regard to equalities in an appropriate and proportionate manner and to take account of how the Council's decisions might impact on different groups across the borough including those identified in equality legislation as protected characteristics, namely: Age, disability, gender, gender reassignment, marriage, civil partnership, pregnancy and maternity, sexual orientation and religion or belief.

5.6.3 Equality and diversity issues are a mandatory consideration in the decision-making of the Council. This requires elected Members to satisfy themselves that equality considerations are integrated into day to day business and that all

proposals put to committees have properly taken into consideration what impact, if any, there is on any protected group and what mitigating factors can be put in train.

5.6.4 It is important to highlight that Brent Cross Cricklewood will be place for people of all ages, with housing mix that reflects different life stages, a range of housing tenures, and public spaces which are accessible to all. The scheme proposals emphasises the promotion of health and wellbeing and reducing dependency will be ingrained in the place.

5.6.5 It is important to note that all relevant equalities and diversity issues were considered as part of the original planning application, which was approved in October 2010.

5.6.6 The equalities implications will be regularly reviewed and updated during the life of the project.

5.7 Consultation and Engagement

5.7.1 The development of the Thameslink Station requires significant consultation with key strategic stakeholders for example DfT, GLA, TFL, Network Rail, LB Brent alongside rail industry operators (including train and freight operators) local landowners and the local community. A stakeholder management plan and community engagement plan is being developed within this process. Network Rail has communicated to with lineside neighbours advising that these early works are due to commence on 30 May 2018. Both Network Rail and Council officers will be available to deal with any queries or concerns, and will be overseeing the communications work steam.

6. BACKGROUND PAPERS

6.1.1 Assets, Regeneration and Growth Committee, 24 April 2017, Brent Cross Cricklewood Update Report
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=8641&Ver=4>

6.1.2 Assets, Regeneration and Growth Committee, 27th November 2017, Brent Cross Cricklewood Update Report,
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9435&Ver=4>

6.1.3 Assets, Regeneration and Growth Committee, 12th March 2018, Brent Cross Cricklewood Update Report,
<https://barnetintranet.moderngov.co.uk/ieListDocuments.aspx?CId=696&MId=9083&Ver=4>

Chairman: Cllr Gabriel Rozenberg
Has been consulted

Signed (via email)

06/06/2018

Date

Chief Officer: Cath Shaw, Deputy Chief Executive
Decision maker having taken into account the views of the Chairman

Signed

Date 06/06/2018
