

KEY DECISION

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Mayor and Cabinet

Catford Regeneration Programme – Approval to Tender works to refurbish the former Catford Constitutional Club (CCC), approval to consider the Wates Dangerous Structures Contract for future projects and information relating to the seeking of a new tenants for the former CCC.

Date: 3 November 2021

Key decision: Yes

Ward(s) affected: Rushey Green/ Catford South

Class: Part 1

Contributors: Executive Director for Housing, Regeneration and Public Realm; Director of Regeneration and Inclusive Growth (Interim); Acting Chief Finance Officer, Director of Law and Governance and Elections

Outline and recommendations

This paper seeks endorsement by Mayor and Cabinet to provide the following approvals:

Mayor and Cabinet is recommended to:

- 1.1. Formally approve the pursuance of a tender process to engage a suitable contractor to undertake the refurbishment of the former CCC building.
- 1.2. Authorise the Executive Director of Housing, Regeneration and Public Realm, in consultation with the Executive Director for Corporate Services, to approve the most suitable procurement route to seek a contractor for the refurbishment of the former CCC building.
- 1.3. Authorise the Executive Director of Housing, Regeneration and Public Realm, in consultation with the Executive Director for Corporate Services to approve the engagement of the most economically viable contractor to undertake the refurbishment of the former CCC building up to a maximum value. Pre-tender estimates and approval thresholds are outlined within Part 2 of this report for reasons of commercial sensitivity.
- 1.4. Lewisham Council are already affiliated to the London wide Dangerous Structures Consortium framework contract that was retendered via an Official Journal of the European Union (OJEU) process by Hounslow Council and won by Wates Property Services Ltd on 18 March 2021. Changes made via the retendered process now include a Planned Works section that requires approval from Mayor and Cabinet for officers to use and authorisation for this is sought.

Timeline of engagement and decision-making

The refurbishment of the CCC is part funded by the GLA following the successful bid to attract Good Growth Grant Funding for the project. The terms and conditions of the grant funding require spend of the grant by March 2023. These conditions will inform the decision making processes to: engage and secure a contractor for the project and to engage a suitable operator for the building, to bring it back into use at the earliest opportunity realising the benefits of the grant to provide jobs, apprenticeships training and business support.

Exclusion of Press and Public

It is recommended that under Section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during discussion of this item because it involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A of the Act as set out below and the public interest in

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maintaining the exemption outweighs the public interest in disclosing the information.

- Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Summary

This paper seeks endorsement by Mayor and Cabinet to proceed with a tender process to engage a contractor at the earliest opportunity to refurbish the former CCC and to realise the benefits of the Good Growth Grant Funding to deliver jobs, training and business support to Catford town centre via the building.

The project forms part of the wider strategy for Catford's housing and economic growth as outlined in the Catford Town Centre Framework that was endorsed by Mayor and Cabinet on 14 July 2021.

The Catford Town Centre Framework (CTCF) contains guiding principles for the future evolution and growth of Catford town centre and the immediate vicinity. The Framework Plan will support, accords with and will energise the Council's post-pandemic recovery plans by providing a route to achieving inclusive regeneration. It will also support elected Members, partners, Officers, landowners and other stakeholders to shape investment in Catford town centre, based on a set of principles and high-level aspirations that residents have been consulted on and largely endorsed. The Framework Plan also sets out guidance for a number of key regeneration sites in terms of layout, scale and massing, and potential uses. Each key site plays a part in greening Catford, sustaining business and leisure activities in Catford, providing good homes in Catford and improving safety and connectivity of places and spaces in Catford. The Framework Plan will be a material consideration in the determination of planning applications across the town centre. Other stakeholders – including developers and the public will use this document when preparing and considering proposals in the area.

The CTCF will not comprise part of the Council's statutory development plan and therefore not carry the full weight as a Development Plan Document (DPD) or Supplementary Planning Document (SPD). However, as a document endorsed by the Council after extensive review and engagement it will be a material consideration for planning decisions. The key development principles and parameters in the CTCF are consistent with the Site Allocations in Lewisham's Draft Local Plan and, subject to the formal adoption of the Local Plan, will be reflected in the statutory development plan.

Mayor and Cabinet is asked to note the procurement processes undertaken to seek a new operator for the former CCC. Details pertaining to the name of the preferred bidder are provided in Part 2 of this report due to reasons of commercial sensitivity whilst the Council's company: Catford Regeneration Partnership Ltd (CRPL) enter into negotiation on Heads of Terms with the group.

Mayor and Cabinet is asked to note the authorisation to the Executive Director of Housing, Regeneration and Public Realm, in consultation with the Executive Director for Corporate Services provided in the Mayor & Cabinet Report of 16 September 2020 to enter into the terms & conditions of the Good Growth Grant Agreement note that this delegation may involve acceptance of further grant funding relating to the Good Growth programme without further need to match fund any additional sum (details are noted in 3.5 and 3.6 of this report).

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Recommendations

Mayor and Cabinet is recommended to:

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Policy Context

- 2.1 The Catford Town Centre Framework contributes to the implementation of the Council's Corporate Priorities as detailed in the "Corporate Strategy 2018-2022" document which are:
 - Open Lewisham: Lewisham is a welcoming place of safety for all where we celebrate the diversity that strengthens us.
 - Tackling the housing crisis: Everyone has a decent home that is secure and affordable.
 - Giving children and young people the best start in life: Every child has access to an outstanding and inspiring education and is given the support they need to keep them safe, well and able to achieve their full potential.
 - Building an inclusive local economy: Everyone can access high quality job opportunities, with decent pay and security in our thriving and inclusive local economy.
 - Delivering and defending health, social care and support: Ensuring everyone receives the health, mental health, social care and support services they need.
 - Making Lewisham greener: Everyone enjoys our green spaces and benefits from a healthy environment as we work to protect and improve our local environment.
 - Building safer communities: Every resident feels safe and secure living here as we work together towards a borough free from fear of crime.
- 2.2 Lewisham's new Local Plan will build on the existing growth strategy contained within the Core Strategy 2011, which identifies a growth corridor extending from New Cross and Deptford to Catford. Lewisham's new Local Plan proposes a strengthened focus on Lewisham's places, to ensure that development is positively managed with communities over the long-term for the benefit of all.

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- 2.3 Lewisham Council declared a climate emergency in 2019, committing to reach an ambition to be carbon neutral by 2030. Change and growth must be positively managed, to build green infrastructure and harness opportunities for walking and cycling alongside more sustainable forms of development in the borough.
- 2.4 The Framework also directly supports the Mayor's framework and principles that respond to the Pandemic – with the pillars on which the framework has been formed responding directly to the four key recovery principles – an economically sound future, a healthy and well future, a greener future and a future we all have a part in.
- 2.5 The Catford Town Centre Framework will form part of the evidence base for the new Lewisham Local Plan's place-making approach. The process of plan making involves significant information gathering and specialist studies at the front end of the process. This information is then used to set policy options and preferred approaches for the plan going forward. Local plans are required to meet prescribed 'tests of soundness' as set out in the NPPF. This includes that they must be 'justified' by evidence. The evidence base will be published alongside the submission Local Plan and be subject to scrutiny through the independent examination process. The Catford Town Centre Framework will form part of this evidence base along with other Area Frameworks.

Background

CCC

- 3.1 The Catford Regeneration Partnership Limited (CRPL) is a wholly owned company of Lewisham Council. The company was originally created in January 2010 to purchase the leasehold interests in and around the Catford Centre in order to manage and regenerate the assets to improve the economic, social and environmental wellbeing of the people of the London Borough of Lewisham.

CRPL was set up in January 2010 following Council approval. The company was tasked with the following core activities:

- To continue the effective management of the Catford Centre, ensuring that the operational management standards remain high and that the full commercial potential of the centre is being realised through letting and renewal strategies.
 - To enable the redevelopment of the Catford Centre by working with Lewisham Council to undertake a regeneration process and reach a commercial agreement with key stakeholders in the town centre, in order to contribute to the regeneration aims for the town centre as a whole.
- 3.2 On 14 July 2021 Mayor and Cabinet approved a report which introduced the Catford Regeneration Partnership Limited's Business Plan for 2020 – 2023. The Business Plan has been structured around delivery of the Corporate Plan 2019/22.
 - 3.3 The former CCC is part of the CRPL estate and the report noted in 3.2 above provided an update noting that Lewisham officers had secured GLA Good Growth funding that includes regeneration of the Thomas Lane car park site the refurbishment of the CCC alongside public realm improvements.
 - 3.4 The total value of the grant is: £1.65M and on 16 September 2020 Mayor & Cabinet approved match funding to be provided from the Capital Programme budget and approval to appoint multi-disciplinary architects: Turner Works to design and deliver the refurbishment of the CCC to re-establish it as a pub with additional community uses. The Business Plan also advised of the proposal to seek to engage a new operator who can

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deliver the objectives for Catford's regeneration aims and provide other social value outputs including jobs, apprenticeships training and support for businesses. The GLA have remained closely involved in the development of designs and a Planning application that will see the currently derelict but original Georgian section of the building, restored.

- 3.5 Furthermore, the Good Growth grant has been supplemented by an additional £389K from the GLA to enable public realm improvements to the pedestrianised section of Holbeach Rd via accelerator funding from the Get Britain Building grant. This shares the same outputs in terms of job creation, apprenticeships, training and business support and is delivered through the same Good Growth Grant agreement.
- 3.6 The GLA are currently in discussion with officers in relation to provision of further additional Get Building grant that may also supplement the same grant agreement. The Get Building grant does not require any additional match funding.
- 3.7 The Mayor and Cabinet report of 20 September 2020 provided the Executive Director of Housing, Regeneration and Public Realm, in consultation with the Executive Director for Corporate Services to enter into the terms and conditions of the Good Growth grant Agreement therefore detail provided in 3.5 and 3.6 above are points for Mayor and Cabinet to note within this report.

Dangerous Structures Framework

- 3.8 Local Authorities are responsible under the London Building Acts (Amended Act) 1939 (as amended), the Building Act 1983 Section 77 to 79 and the recommendations of the British Standards Code of practice for demolition BS 6187 and for shoring BS 8004 Section 9. To ensure that dangerous buildings in each Authorities borough are made safe and to carry out emergency works as necessary for such buildings.
- 3.9 These circumstances are overseen by the Building Control department and come into play when a building or structure presents risk or danger to the public or other property in the event of a dangerous occurrence, e.g. fire, collapse.
- 3.10 LB Hounslow lead a London wide consortium to which LB Lewisham are affiliated to enable use of a term contractor for circumstances of a dangerous structures nature within the borough.
- 3.11 LB Hounslow re-procured the contract formally held by Wates Property Services Ltd via an OJEU process which was won again by Wates Property Services Ltd in March 2021. The contract provides the same uses as before but now contains an additional benefit of a Planned Works section for all boroughs to use. This single contractor can provide rapid response, emergency shoring, demolition and remedial works to dangerous buildings and structures on a 24 hour a day, 365 days a year basis across the Consortium's geographical area encompassing London, Dartford and Spelthorne. The contract now contains a provision for specific planned maintenance works as and when required up to a value of £50M.

The Consortium is comprised of: the Royal Borough of Greenwich, the London Boroughs of: Barking and Dagenham, Barnet, Bexley, Brent, Bromley, Croydon, Ealing, Hackney, Hammersmith and Fulham, Harrow, Haverling, Hillingdon, Hounslow, Islington, Lambeth, Lewisham, Merton, Newham, Richmond, Royal Borough of Kensington and Chelsea, Royal Borough of Kingston upon Thames, Southwark, Sutton, Tower Hamlets, Waltham Forest, the Council of the London Borough of Camden, the Council of the City of

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Westminster, the City of London Corporation, Dartford Borough Council, Spelthorne Borough Council.

- 3.12 Use of the contract for the purpose of Planned Works by Lewisham officers would be subject to individual project circumstances.
- 3.13 Permission to enable officers of the Council to use the Planned Works element of the Waters property Services Ltd contract is therefore sought and if approval is given this would be one of the options that may be considered by officers to enable the refurbishment of the former CCC given that part of the building contains a derelict section that cannot currently be accessed due to its unsafe condition. This would be subject to further delegated authority approval should this be provided from this report.

CCC- Seeking a New Operator

- 4.1 As noted in 3.4 above, the Council engaged a multi-disciplinary team led by Architects, Turner Works who commenced work with the Council in January 2021 to design and deliver the refurbishment of the CCC. The brief for the building is to restore the building as a public house but with a much greater and wider community offer.
- 4.2 The project seeks to restore the Georgian section of the building, and to bring back full use of all rooms within the building and to incorporate a community kitchen, equalities access and new facilities that can provide for many supplementary uses for access by the community of Catford and beyond.
- 4.3 Officers have been working closely with Turner Works and the GLA to realise the outputs of the Good Growth grant objectives; to deliver Jobs, apprenticeships, training and business support, via the former CCC. In order to secure these outputs, officers have sought to procure a new operator for the former CCC in conjunction with CRPL in advance of the final design stage.
- 4.4 The reason for such an early engagement is to:
- To enable the new operator to be engaged in the design detail for the newly refurbished building to ensure it is fit for operation and prevent any risk of abortive or unnecessary work.
 - Ensure that Head of Terms can be agreed at an early stage to ensure that on completion of works to the former CCC the new operator is secured and ready to complete the final tenant fit out before opening.
 - To prevent any period that the building is completed but remains empty awaiting a new tenant to take occupation, thus presenting a risk of squatting.
 - To reduce the cost to CRPL of providing security measures if the former CCC had to remain empty after refurbishment was complete.
 - To achieve the jobs, apprenticeships, training and business support to be offered from the building via the new operator as soon as possible.
- 4.5 Pre-planning consultation with the public to seek their views and help form the designs for the former CCC building has already been undertaken via a number of events earlier in the year that included:
- Postcards issued to 15,000 homes across both Rushey Green and Catford South Wards in conjunction with an article inside the Catford Conversations magazine in May 2021. This informed people of the Beyond Broadway website address

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www.beyondbroadwaycatford.co.uk that had been developed specifically for the project by Turner Works. This provides information about the developing plans for the former CCC and also collates comments and feedback, the postcards also offered a Freepost address for returned comments and an article in the magazine provided a wider background to the scheme. An additional email feedback address was provided along with details about the forthcoming Zoom events.

- Two Zoom event held on 18 and 20 May between the hours of: 6pm and 7pm.
- Wider social media outputs to the community.

The events also highlighted the opportunity for a new operator for the former CCC which received 7 expressions of interest

4.6 An Operator tender brief was then issued via the Beyond Broadway website and to the wider community via social media as well being promoted via the Councils own Economy, Jobs & Partnerships Team to organisations on 23 August 2021 including:

- Chamber of Commerce and FSB for circulation to their members
- Local pub operators, breweries and any other relevant local hospitality businesses – especially those on our Inclusive Growth Builder list
- Additional workspace operators or others who might be able to provide some of the social value element of the operation were also contacted by the team.

4.7 In total 5 bids were received. These were independently evaluated by 5 officers from the following areas:

- CRPL x 1
- LBL Catford Regeneration team x 2
- LBL Economy, Jobs and Partnerships Team x 1
- GLA x 1
- Turner Works Director x1

4.8 In total 3 of the 5 bidders were invited to interview following a moderation meeting attended by the evaluators.

4.9 Following the interview process a favoured operator was selected by four of the same evaluation panel, with a further operator held in a reserve position. A process of further negotiation relating to Heads of Terms will be entered into between CRPL and the preferred bidder.

4.10 Further details pertaining to the submitted bids are provided in Part 2 of this report due to reasons of commercial sensitivity. Subject to acceptance of Heads of Terms it is hoped that an announcement confirming the engagement of the new operator can be made public later in the year.

CCC Next Steps

5.1 A Planning submission for the restoration and refurbishment of the CCC was submitted on 30 June 2021. The planning process has been subject to some delays, the team are currently awaiting the decision.

5.2 Once permission is in place Turner Works and officers from Catford's Regeneration team can then proceed to RIBA stage 4 of the programme that entails production of detailed design and preparation for tender.

5.3 The Good Growth programme has already been compromised by some delays with

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receiving planning consent. In addition the team are also working through the challenges of the next stage of the programme to specify the works to the former CCC without full access to certain derelict areas of the building due to health and safety reasons. Current surveys reveal that the works are also likely to take at least 11 months to complete rather than 9 months that was the earlier indicative timeframe.

- 5.4 Furthermore, with the pressing timeframe placed upon the team by the conditions of the grant agreement to spend the Good Growth grant by 2023 coupled with the further programme to have a new operator take occupation of the former CCC in Spring 2023 measures to avoid the requirement to have to return to Mayor and Cabinet again are being sought.
- 5.5 It is for this reason that delegated approval is sought from Mayor and Cabinet to authorise the Executive Director of Housing, Regeneration and Public Realm, in consultation with the Executive Director for Corporate Services to decide upon the appropriate procurement route to seek a contractor to undertake the refurbishment of the former CCC and to agree to have delegation to approve the appointment of the most economically viable contract submission following a procurement process up to an agreed value. Further details of this value are provided in Part 2 of this report due to commercially sensitive reasons.
- 5.6 The approval of Mayor and Cabinet to provide power of delegation as outlined in 5.5 above is one for the Mayor and Cabinet to make.

Financial implications

- 6.1 Approval to match fund the Good Growth Fund of £1.65M with the equivalent sum of £1.65M from the Capital Programme budget was provided by Mayor and Cabinet on 16 September 2020.
- 6.2 The report indicated a distribution of spend across the Good Growth projects as noted in the table below:

<u>Good Growth Fund – Value of Distribution</u>			
	GLA Funding	LBL Match Fund	Total
CCC	£ 750,000	£ 750,000	£1,500,000
Thomas Lane Yards	£ 900,000	£ 900,000	£1,800,000
Overall Total	£1,650,000	£1,650,000	£3,300,000

- 6.3 Following further development of the project it will be necessary to liaise with the GLA to amend the allocation of spend across the two elements of the Good Growth Grant within the Grant Agreement. Further financial information is provided within part 2 of this report due to the commercial sensitivity of its content.
- 6.4 The GLA have supplemented the grant with a further £389K via the Get Building accelerator grant to enable public realm improvements to the pedestrianised section of Holbeach

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Road and have indicated that further accelerator funding could be available subject to further discussions. The Get Building Accelerator grant does not require further match funding from the Council. The Mayor and Cabinet report dated 16 September 2020 gave delegated authority to the Executive Director of Housing, Regeneration and Public Realm, in consultation with the Executive Director for Corporate Services to approve the terms and conditions of the Good Growth Grant Agreement. Financial amendments constitute changes to the Good Growth Grant agreement

- 6.5 A requirement of the grant agreement is that the GLA grant is spent by March 2023 with Get Building Funding to be spent by March 2022. Further financial information is provided within part 2 of this report due to the commercial sensitivity of its content. This includes detail on the proposal to achieve spend of the Get Building funding.

Legal Implications

- 7.1 The value of the proposed contract makes this a category A works contract under Council's Contract Procedure Rules. It is a works contract below the former OJEU (now Find a Tender) limit.
- 7.2 The potential value of the proposed contract puts it above the delegated contract spend limits for the Executive Directors, therefore the report seeks authorisation for the Executive Director of Housing, Regeneration and Public Realm, in consultation with the Executive Director for Corporate Services to approve procurement and engagement of a contract up to the maximum spend limits for their delegated authority set out in Part 2 of the report
- 7.3 The decision is a key decision and should go in the Forward Plan.
- 7.4 The Council can utilise contract frameworks established under the required OJEU processes to procure contract works. The report also seeks authority with regard to membership of the framework from Mayor and Cabinet, as set out in the body of the report.
- 7.5 The Council has a public sector equality duty (the equality duty or the duty - The Equality Act 2010, or the Act). It covers the following protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 7.6 It is not an absolute requirement to eliminate unlawful discrimination, harassment, victimisation or other prohibited conduct, or to promote equality of opportunity or foster good relations between persons who share a protected characteristic and those who do not. It is a duty to have due regard to the need to achieve the goals listed above. The weight to be attached to the duty will be dependent on the nature of the decision and the circumstances in which it is made. This is a matter for Mayor and Cabinet, bearing in mind the issues of relevance and proportionality. Mayor and Cabinet must understand the impact or likely impact of the decision on those with protected characteristics who are potentially affected by the decision. The extent of the duty will necessarily vary from case to case and due regard is such regard as is appropriate in all the circumstances.

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- 7.7 The Equality and Human Rights Commission (EHRC) has issued Technical Guidance on the Public Sector Equality Duty and statutory guidance. The Council must have regard to the statutory code in so far as it relates to the duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found on the EHRC website.
- 7.8 The EHRC has issued five guides for public authorities in England giving advice on the equality duty. The 'Essential' guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice.

Equalities implications

- 8.1 The Council's Comprehensive Equality Scheme for 2016-20 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.
- 8.2 The refurbishment of the former CCC will provide interventions which improve accessibility and will seek to deliver a range of community offers that will aim to integrate communities and embrace the diversity of the borough.
- 8.3 It will be a requirement of the new operator for the former CCC to provide new jobs and to pay a minimum of the London Living wage to its employees.

Climate change and environmental implications

- 9.1 The Design of the former CCC building will seek to provide efficient forms of heating and power that can be resourced through low carbon solutions.
- 9.2 Refurbishment and re-use of an existing building provides an embodied carbon saving.
- 9.3 The new operator for the former CCC will need to demonstrate their commitment to recycling and considered management to reduce impact upon the environment through their operations.

Crime and disorder implications

- 10.1 Refurbishment of the CCC will help to improve the town centre environment, increase the volume of footfall, night time economy, provide for better natural surveillance and therefore reduce the potential for anti-social behaviour.

Health and wellbeing implications

- 11.1 The Catford Town Centre Framework upholds the ambition for Catford to be the greenest

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town centre in London and to regenerate through design that generate health and well-being.

- 11.2 Improved opportunities for walking and cycling in Catford will be implemented providing a greener environment and surroundings to benefit those living, working and visiting Catford.
- 11.3 The Framework proposals for the development of the town centre will seek to deliver social integration through the enhancement of public realm that will link to areas that incorporate work, business and leisure activities amongst the green and aesthetically pleasing redesign of public spaces.
- 11.4 These interventions aim to promote better health by providing an environment where users can feel safer and more encouraged to enjoy the benefits of walking, cycling and leisure pursuits offered by the town centre.
- 11.5 The aspirations for the former CCC building are to provide an enhanced garden space and a new building that can provide a healthy food offer as well as a place to draw the community together to enhance well-being and social integration.

Report author and contact

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Financial implications were entered into this report by Peter Allery on behalf of the Executive Director for Corporate Resources

Comments for and on behalf of the Director of Law, Governance and Elections were entered by Mia Agnew (Ref JW)

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