



**WATFORD
BOROUGH
COUNCIL**

CABINET

4 March 2019

7.00 pm

Town Hall Watford

Contact

Caroline Harris Democratic Services Manager

legalanddemocratic@watford.gov.uk .

01923 278372

Publication date: 22 February 2019

Cabinet Membership

Mayor	P Taylor	(Chair)
Councillor	K Collett	(Deputy Mayor)
Councillors	S Bolton, S Johnson, I Sharpe, M Watkin and T Williams	

Agenda

Part A – Open to the Public

1. Apologies for absence

2. Disclosure of interests (if any)

3. Minutes of previous meeting

The [minutes](#) of the meeting held on 11 February 2018 to be submitted and signed.

4. Conduct of meeting

The Cabinet may wish to consider whether there are any items on which there is general agreement which could be considered now, to enable discussion to focus on those items where the Cabinet sees a need for further debate.

5. Agreement to approve the Memorandum of Understanding between the six local authorities forming the South West Hertfordshire Partnership (Pages 5 - 13)

Report of the Deputy Managing Director to ask Cabinet to endorse the Memorandum of Understanding.

6. Destination Management Plan (Pages 14 - 41)

Report of the Culture and Community Section Head to ask Cabinet to approve the overall destination management strategy and endorse the new brand development and proposal from the Watford BID.

7. Ombudsman Decision (Pages 42 - 48)

A report of the Head of Democracy and Governance to ask Cabinet to note the Ombudsman's decision.

8. Notification of exemption to contract procedure rules re: Watford BIG Beach 2019 (Pages 49 - 53)

A report of the Head of Community and Environmental Services to ask Cabinet to note the procurement exemption.

9. External wall insulation contract - procurement exemption note (Pages 54 - 59)

Report of Head of Community and Environmental Services to ask Cabinet to note a procurement exemption.

10. Notification of exemption to contract procedure rules re: lighting and electrical works at Watford Market (Pages 60 - 65)

Report of Head of Community and Environmental Services for Cabinet to note the procurement exemption.

11. Resolution to promote a CPO at Watford Business Park 'Gateway Zone' (Pages 66 - 97)

A report of the Property Development Project Manager regarding Watford Business Park.

Two appendices to the report are considered Part B in accordance with Paragraph 3, Part1, Schedule 12A as they contain information relating to the financial and business affairs of the Council.

12. Exclusion of press & public

The Chair to move: that, under Section 100A (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during consideration of the item there would be disclosure to them of exempt information as defined in Section 100(1) of the Act for the reasons stated below in terms of Schedule 12A.

Note: if approved, the Chair will ask members of the press and public to leave the meeting at this point.

13. Watford 2020 - Tranche 2: Corporate Asset Management Detailed Design Approval

Report of Business Transformation Consultant to ask Cabinet to approve the proposed future design for the Corporate Asset Management and Property Investment functions and the implementation of the proposed design.

This report is considered Part B in accordance with Paragraph 2 of Part 1 Schedule 12A as it contains information which is likely to reveal the identity of an individual.

Part A

Report to: Cabinet

Date of meeting: 4 March 2019

Report author: Deputy Managing Director

Title: South-West Hertfordshire Partnership – Memorandum of Understanding

1 Summary

- 1.1 The purpose of the report is to advise the Cabinet on the work being carried out by the South West Herts Partnership (SWHP) comprising The Watford Elected Mayor, Leaders and Chief Executives to prepare for future challenges and opportunities facing the sub-region.
- 1.2 It seeks Cabinet approval to sign the Memorandum of Understanding attached to this report.

2 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
The council not having a voice in the regional and sub regional context.	This will likely affect future funding opportunities to secure essential infrastructure across Herefordshire	Collaboration to understand and work toward solutions to deal with common issues related to growth	3	3

3 Recommendations

- 3.1 That Cabinet endorse the Memorandum of Understanding, in order to provide place leadership for South West Herts and to develop and deliver a vision for the SWHP area up to 2050, promoting healthy sustainable growth for our communities.

Contact Officer: Nick Fenwick Deputy Managing Director

Report approved by: Manny Lewis, Managing Director

4 Detailed proposal

- 4.1 The Elected Mayor for Watford, The Leaders, and Chief Executives of five local authorities, Hertsmere Borough Council; St. Albans District Council; Three Rivers District Council; Watford Borough Council and Dacorum Borough Council have for some time come to the view that existing mechanisms and approaches have not delivered the strategic responses needed to deal with the major cross-border challenges facing the whole area. There has been a growing recognition of the opportunity for strategic place-shaping and infrastructure-planning across a broader spatial canvas. From this, potential benefits such as increased access to infrastructure funding, devolved powers from government and delivery of sound and legally compliant local development plans might be realised. The group agreed to work together to explore what their collective ambition for the place is, to identify shared growth priorities and strategically important infrastructure challenges.
- 4.2 Accordingly, the group members have attended a programme of fortnightly workshops from September 2018 to January 2019. The workshops have been independently facilitated, time-bound, and designed to create a shared understanding of key imperatives followed by a long term-ambition. This is to support the leadership in creating joint working arrangements that will be needed to move forward specific proposals and programmes, particularly the Planning and Infrastructure demands of the Government's housing targets. Hertfordshire County Council has also participated fully at member and officer level in these discussions and is therefore included in the partnership.
- 4.3 The dialogue to date has identified many common challenges, particularly around housing affordability, housing supply, employment, travel to work area, transport and other infrastructure. The SWHP considers that, by presenting a common voice and working together, there is a greater chance of successfully addressing these challenges strategically. The SWHP will work as a distinct voice for the area while maintaining the sovereign position of each authority.

4.4 The aims of SWHP will be to focus on 5 strategic priorities

- Leadership: creating the place narrative, political relationships & agreements
- Developments that meet our housing and employment needs
- Connectivity: ensuring our places are accessible & sustainable
- Well Being: planning and designing our places for healthy living
- Public Services: enabling a greater influence on outcomes and being more self-sufficient in energy, recycling, housing mix and jobs.

4.5 The discussions between the respective Elected Mayor/Leaders and Chief Executives have focused on areas that cannot be addressed individually, identifying areas where our collective voice and resources can have a greater impact and enabling the Partnership to promote a common proposition within and beyond the region to potential stakeholders such as government.

5

5.1 The Elected Mayor/Leaders have agreed to adopt the following seven principles:

- We shall establish an effective political and officer forum for effective joint working
- We shall seek to formalise our joint working through a S101 formal committee or other structure
- We shall develop and share opportunities together
- We shall build our governance incrementally – learning from the lessons from other places who are more advanced
- Through our collaboration we should be gaining something, not losing something
- Local identities will not be lost
- We shall be a voice for South West Herts.

5.2 A similar approach to the SWHP is now being commenced by the North East Hertfordshire grouping of authorities. In parallel, and in a complementary fashion, all councils in Hertfordshire have agreed to participate along with the LEP in a Regional Growth Board which is chaired by the Leader of Herts County Council, Cllr David Williams.

6 Implications

6.1 Financial

6.2 The recommendations in this report enhance the Council's agreed policy to develop its Local Plan. There are no financial implications at this stage because the Council has already agreed to contribute £5,000 along with all other Herts LAs (and matched with £50,000 from HCC, to support resources working through the Growth Board

and the emerging sub-regional partnerships. It is envisaged that, as part of the work to develop an investment strategy and Joint Strategic Plan, this will include consideration of any further funding including contributions from the LEP, LGA, EELGA and the Growth Fund as part of the business rates pilot'.

- 6.3 The recommendations in this report relate to the achievement of the key objective which is to develop a vision and Joint Strategic Plan for the SWHP area up to 2050 that promotes healthy sustainable growth for our communities. Alongside will be developed an Investment Strategy.
- 6.4 As above at present. Once the Investment Strategy has been developed, the financial implications will be identified across all the LAs in the partnership and will be agreed as part of the LAs budget processes.

7 Legal Issues

There are no specific legal issues at this time. This is a voluntary and co-operative undertaking that any signatory can withdraw from. There is also a MOU relating to how the Councils will work at officer level. A statement of Common Ground is being prepared which will have contractual commitments that the parties will need to agree to.

8 Equalities, Human Rights and Data Protection

N/A at this stage

9 Staffing

None specific.

10 Accommodation

10.1 N/A

11 Community Safety/Crime and Disorder

11.1 N/A

12 Sustainability

12.1 The work emanating from any joint arrangements will need to ensure that it fulfils legislative requirements and outcomes will be expected to factor in sustainability measure

Appendices

Proposed Memorandum of Understanding for endorsement. Appendix A

Background papers

Hertfordshire Fit for the Future – A collaborative ambition for sustainable growth and thriving communities.

South West Herts Partnership

Memorandum of Understanding

Between

Hertsmere Borough Council

St Albans District Council

Three Rivers District Council

Watford Borough Council

Dacorum Borough Council

Hertfordshire County Council

1. Background

- 1.1 The South West Herts Partnership (SWHP) group of councils has been considering the challenges and opportunities ahead for their part of Hertfordshire. These include developing spatial strategies, social and affordable housing, the green belt, employment and external investment, the role of central government as a key partner in realising economic and infrastructure objectives. The combined authorities are seeking to respond to such challenges within existing borders and beyond, recognising that shared resources and a combined voice representing over 500,000 residents is more effective, powerful and cogent than the voice of any single authority.
- 1.2 To explore the potential for collaborative working further, the Council Leaders and Chief Executives have been meeting every fortnight since September to assess whether a partnership could be established among willing partners. Representatives from the County's political administration and officers were also present to make their contribution. Parallel to these developments, the HCC has now established a Growth Board for the region that includes all the local authorities' Leaders and Chief Executives, as well as the LEP. The Eastern Region is also beginning to explore its own discrete partnership similar to the SWHP.

- 1.3 The dialogue to date has identified many common challenges, particularly around housing affordability, housing supply, employment, travel to work area, transport and other infrastructure. The SWHP considers that, by presenting a common voice and working together, there is a greater chance of successfully addressing these challenges strategically. The time frame is accordingly medium to long-term up to 2050. The LAs acknowledge the pressing needs of their communities to be able to live and work in areas that support a good quality of life, leisure, educational and employment opportunities.
- 1.4 The SWHP will both work together as a distinctive voice for the South West while also collaborating with the emerging agenda of the Hertfordshire Growth Board, the LEP and local business. The SWHP acknowledges this approach will provide challenges at the political and organisational levels that are new, uncharted and challenging. However, we consider that by working in an open collaborative manner we can apply our local knowledge and skills to taking our own agenda forward. We are therefore adopting a Memorandum of Understanding (MOU) that will be a declaration of intent and an important building block for each authority involved and the wider region.
- 1.5 This MoU sets out:
- a) The core purpose and aims of the SWHP
 - b) The principles of collaboration

2. **Core Purpose and Aims**

- 2.1 The core purpose of SWHP is to provide place leadership for South West Herts recognising that through our collaborative approach we will be best placed to develop and deliver a vision for the SWHP area up to 2050, promoting healthy sustainable growth for our communities.
- 2.2 SWHP will focus on the strategic opportunities to influence and secure the strategic infrastructure that will help our individual areas to flourish and realise their full economic and social potential. This is regardless of individual local authority boundaries.
- 2.3 The aims of SWHP will be to focus on 5 strategic priorities:
- Leadership: creating the place narrative, political relationships & agreements
 - Development: creating a joint spatial plan to that meets our housing and employment space needs
 - Connectivity: ensuring our places are accessible & sustainable

- Well Being: planning and designing our places for healthy living
- Public Services: enabling a greater influence on outcomes and being more self-sufficient

3. Principles of Collaboration

3.1 Our collaboration will be focused on three key areas:

- Tackling problems we can't solve individually
- Creating collective scale and impact
- Providing the place leadership to promote the SWHP proposition

3.2 The Authorities agree to adopt the following principles in working together:

- We will establish an effective political and officer forum for effective joint working
- We will seek to formalise our joint working through a S101 formal committee or other structure
- We shall develop and share opportunities together
- We will build our governance incrementally – learning from the lessons from other places who are more advanced
- Through our collaboration we should be gaining something, not losing something
- Local identities will not be lost
- We need to be a voice for South West Herts.

4. Term and Termination

4.1 This MoU shall commence on the date of the final signature by all Authorities, and shall expire if the SWHP dissolves.

5. Variation

5.1 The MoU can only be varied by written agreement of all the Authorities.

6. Charges and liabilities

6.1 Except as otherwise provided, the Parties shall bear their own costs and expenses incurred in complying with their obligations under this MoU.

7. Status

7.1 This MoU cannot override the statutory duties and powers of the parties and is not enforceable by law. However, the parties agree to the principles set out in this MoU.

Signed by

Local Authority	Leader	Chief Executive	Date
Hertsmere Borough Council			
St Albans District Council			
Three Rivers District Council			
Watford Borough Council			
Dacorum Borough Council			
Hertfordshire County Council			

Agenda Item 6

Part A

Report to: Cabinet

Date of meeting: 4 March 2019

Report author: Section Head – Culture and Events

Title: Destination Management Plan

1.0 Summary

1.1 Back in September 2018, Fourth St, who are specialist brand and place consultants were commissioned to support the development and transformation of our Destination Management approach. Real progress has been made on developing a new brand for the town, a new look website, destination marketing strategy and plan, inward Investment plans as well as a viable proposal to deliver the Destination Management Organisation(DMO) responsible for the delivery of the above.

This report seeks approval to implement the plan and the above arrangements, so that the new DMO can be in place as soon as possible.

There are no additional budget implications as funds have already been set aside in the MTFS for both the consultancy work and the delivery of the website and the Destination Management Organisation.

Both the work on the brand and the DMO proposal, structure and governance arrangements are attached as papers to this report.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
BID fail to get re-elected in 2 years' time	No DMO	Visit Herts could step in as an interim DMO or WBC take back the service and run it in house.	Tolerate	6

Partners do not support with additional funding contributions.	Lack of financial support long term	Encourage benefits of wider DMP WBC has funding to cover for first 4 years of the DMO. Negotiations with partners has confirmed commitment to contributions.	Tolerate	6
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3.0 Recommendations

- 3.1 To approve the overall destination management strategy
- 3.2 To endorse the new brand development and approve the proposal from the Watford BID attached as the Destination Management Organisation (DMO) service provider.

Further information:

Gary Avery Oliver
 Gary.oliver@watford.gov.uk
 07454 205815

Report approved by: Alan Gough and Manny Lewis

4.0 Detailed proposal

4.1 Background

As detailed in the Watford BID proposal, the website www.watfordforyou.org is the current website and brand used to advertise what's on in Watford. Both are dated and the time allocated for their update and management is significantly limited.

Stakeholders, business partners and cultural leaders supported a refresh, seeking a modern fit for purpose website to match the growing reputation and ambition of our town. In addition a new dedicated and resourced destination management service is recommended to deliver a range of plans designed to raise the profile of Watford attracting more visitors and businesses.

The timing is right, with large scale investment, significant improvements in the infrastructure, strong cultural assets, and high quality places to stay, shop and eat, Watford is primed to become a top destination of choice.. Hertfordshire as a county has a strong tourist offer and appeal and this proposal aims to maximise the visitor potential to Watford.

The website has the addition of a business section which supports potential businesses looking to locate to Watford. This focus on business support and attracting inward investment is a key difference to the old style tourism websites and our previous offer on www.watfordforyou.org.

Support was commissioned from Fourth St who specialise in place marketing and Bolland and Lowe, brand and website experts.

The aim is to achieve a brand that is highly visible, modern, a new vibrant website with improved functionality whilst in addition, supporting plans for attracting additional visitors and encouraging businesses to Watford and providing a much improved managed service.

The new brand and website will be owned by Watford Borough Council and the day to day management of this will be via a commissioned service from the Watford BID, proposal attached.

4.2 **Definition and purpose**

As a way of introduction to Destination Management, Visit England describe Destination Management as the planning, development and marketing of a destination, as well as how it is managed physically, financially, operationally and in other ways

There are 3 main roles in making places more successful, developing an improvement strategy, marketing strategy and effective management of the above. The marketing strategy covers the website, brand identity, visitor marketing plan and inward investment plan.

In addition the objectives of any destination strategy would provide a template for how Watford can become more effective in 3 areas;

- visiting the town for shopping or leisure
- visiting the town for meetings , conferences and small exhibitions
- investing in Watford as an organisation or as an individual

The above will be reflected in the structure and design of the new website and marketing activity.

4.3 Watford as a visitor destination now

Watford has many strengths, highlighted below are just a few;

- excellent connectivity
- regional standard shopping
- large hotel stock
- Warner Bros Studios and Harry Potter brand
- award winning Cassiobury Park
- strong cultural and leisure offer
- regional standard performing arts
- Watford football club
- close to Wembley for sporting events and conferences
- close to London as a stop off or a break
- being part of Hertfordshire's visitor offer
- an award winning BID that covers a large area
- exceptional business offer

4.4 What would Watford be potentially perceived as by 2025?

Whilst there are continuous improvements in infrastructure to make Watford even more of a great place to live, work and visit – the Destination Management Plan will support Watford to become and be perceived as, nationally and internationally;

- an outstanding place to go shopping and spend leisure time
- culture and leisure activities are broad and high quality
- a place for distinctive events worth broad appeal
- a great place to raise a family, for leisure, education, retail, parks and open spaces
- an excellent base for making visits to London
- a good place in its own right due to attractions, hotel offer, meetings and conferences
- the image of being a vibrant, progressive, progressive place to live
- excellent place to locate business due to its competitive costs, transport links, corporate facilities and quality of life

4.5 Target markets of the Destination Management Plan

Being so close to London and in a prime location the target markets are vast and have significant potential;

- c 2 million people living within 30 minutes drive and very affluent compared to the UK average
- 95,000 people living in the Borough and growing fast, young, affluent and diverse
- 750,000 visit Warner Bros per year via Watford Junction station but generally do not go into the town centre
- 10 million UK residents with an interest of visiting Watford, Warner Bros and London
- organisations close to London planning events and conferences
- companies looking to locate to Watford with a special focus on business, IT , creative

4.6 Destination Improvement and Marketing Plan

This part of the strategy is aligned to many improvements in the town and the recently approved Cultural Strategy 2018 -2025. There are 4 Primary distinct areas of improvement Clarendon Corridor, High St, the Parade and Cassiobury Park.

The Clarendon Road corridor represents the next biggest opportunity for improvement resulting in much improved connections from Watford Junction station to the town centre - improved wayfinding, new cafes/restaurants, new grade A business stock, improved pedestrian facilities, a high quality hotel cluster and the Mayor's demand responsive transport scheme proposal as well as the bike scheme proposal all centred in this area.

The High St has already benefited from significant investment with improvements to lighting, public realm transformation, the events space, the newly developed INTU shopping complex and further improvements to St Marys Square planned.

The Parade is more challenging and lacks a significant permanent new attraction. It has a mix of charity shops, independent retail, pub chains, clubs, restaurants, markets. Work is underway to review the totality of the mix and form a new vision for the 'top of the town' going forward.

Cassiobury Park has had significant lottery fund investment which has created a lively hub site and bandstand. It is award winning and been seen as one of the top 10 parks in the UK.

The Marketing Plan and activities will help to stimulate and drive attention to Watford and target key audiences. This will be through social media, advertising and event promotion.

4.7 Inward Investment Strategy

Watford is well placed and has many advantages, it provides a London solution with lower property prices, less congestion, lower staff turnover and a highly skilled workforce.

The town lies within 1 hour of 6 international airports.

Many traditional tourism plans did not take into account the potential economic opportunity to attract more businesses.

The inward investment plan will target HQ operations, Creative Digital, IT and Pharmaceutical as well as business and professional services. It is envisaged support can be provided by a Watford welcome package, alongside other soft landing packages and the creation of business ambassadors. The inward investment part of the website will stimulate business engagement, retention and attracting new businesses. This work will be led by the Council's Economic Development Officer working closely with the BID DMO.

Watford is already an established and proven location for many local, regional and national HQ's. We have an ambitious regeneration programme with high quality property options which lay the foundations for a successful approach in this area.

There is a strong sense of community and well established business networks.

All of these positively support the framework for the inward investment improvement plan going forward.

4.8 Delivery Model – Destination management Organisation (DMO)

Options have been considered for the delivery of the above plans and service and the attached proposal from the Watford BID working in partnership with Visit Herts, Watford Borough Council and a range of cultural and business partners and or stakeholders offers the best value for money and the most effective model.

An independent board of stakeholders representing business, retail and cultural interests will be set up to oversee the DMO. To help fund the proposal financial support from partners is being sought alongside Watford Borough Council's contribution.

There is sufficient allocation in the MTFs for a period of 4 years for the commission to go ahead. So far £40,000 of partnership funding has been levered in with ongoing discussions taking place.

Staff outlined in the proposal will be directly employed by the Watford BID on 2 year fixed term contracts and the Watford BID will be responsible for their management, for dealing with all employment issues and any redundancy costs if appropriate.

The BID will report to an independent board as outlined in the proposal of which the council is a member. The council will set up the independent Board and this will be largely made up of cross section of existing well established cultural, retail and business partners such as Warner Bros, Watford Palace Theatre, West Herts College, Watford Football Club, Visit Herts, Canals and Waterways Trust, Weatherspoon's, transport provider, Intu, Hotel group such as the Grove, Jurys, Hilton, and Business representatives. The independent Board will be responsible for the effective monitoring of the Watford BIDS' proposal including marketing plans and activity, website content and activity, performance against key performance indicators.

In the first year benchmark data will be gathered on website hits, coverage on social media for Watford, footfall, hotel occupancy rates, surveys and regional and national coverage. Below is a snapshot of the key outcomes of the DMO and how they might be measured via KPIs.

They need to be measurable in a reliable way. This is typically very difficult to do, especially for the ultimate outcomes which are desired e.g. number of visitors and the amount they spend. Methods of measuring that are crude at best.

The work of the DMO will only be one element having an impact. Footfall on the High Street will, for example, be greatly affected by factors such as the success of Intu, the general trend in footfall on high streets nationwide, Brexit etc. It may or may not be correct to either give the DMO credit for any big upswing in numbers or blame for any downswing.

Draft Performance Indicators

Outcome	KPIs
The DMO is established, sustainable, has high local profile and is well-regarded by organisations involved in the visitor economy.	Ability to fund a marketing campaign of minimum £x with x staff. Number of organisations contributing financially and otherwise. Opinion of the DMO of visitor economy organisations when surveyed.
The DMO has created a widely used brand identity.	Number of businesses and partners carrying the brand on marketing and other material. Awareness of the brand identity and strapline by people living in and around the town, and by visitors, when surveyed.
The DMO has resulted in more and better media coverage for Watford.	Number of social media followers and likes. Number and value of earned media coverage.
The DMO is helping the town centre attract more footfall.	Footfall counts compared to benchmark towns. Number of visitors saying they have been influenced by DMO activities when surveyed.
The DMO is attracting more tourists, and expenditure by them, to the district and into the town centre.	Proportion of people surveyed in the town centre that live outside the district. Trends indicated by estimates of volume and value of the visitor economy. Opinion of hoteliers when surveyed.
The DMO is helping to attract more FDI enquiries.	Number of enquiries. Number of enquirers saying they have been influenced by DMO activities when surveyed.

Via the independent Board, the Watford BID will be held to account for effective performance and delivery of all the plans, management of staff, website and promotions.

Terms of reference will be developed for the independent Board covering these responsibilities and regular meetings of the Board will be convened to receive progress reports. The independent Board will be able to request an improvement plan and remedial action if performance is unsatisfactory. Failure to improve could potentially result in a termination of the service, with the council and partners seeking an alternative provider.

These responsibilities and service expectations will be outlined in a service level agreement between WBC and the Watford BID.

The Watford BID will go back to ballot in November 2020, if the ballot is unsuccessful, the period from mid-November to 31 March 2021 would be the close down period. During this time the council would seek an alternative provider either on an interim basis or longer term pending a procurement process. Any residue budget would be transferred to the Council or the new operating body.

4.9 Schedule

Since September 2018, real progress has been made, we are now in the final stages of delivery, and these stages are highlighted below.

Output	Timeline	Progress
Development of Brand	December 2019	Completed
Marketing Strategy	January	Completed
Visitor Marketing Plan	January 2019	Completed
Inward investment plan	January 2019	Completed
Development of New Website	March 2019	On track
Delivery model approved	March 2019	On track
Board terms of reference	March 2019	On track
SLA in place and signed	April 2019	On track
Soft Launch	April 2019	On track
Staff appointed, trained and appointed	June 2019	On track
Board members appointed	June 2019	On track
Full service commences	June 2019	On track

5.1 Financial

5.1.1 The Shared Director of Finance comments that resources of £120,000 per annum have been agreed and allocated to the implementation of the DMO.

5.2 Legal Issues (Monitoring Officer)

5.2.1 The Head of Democracy and Governance comments that a service level agreement will be in place between the BID and the council. Terms of reference will support the governance arrangements for the independent board.

5.3 Equalities, Human Rights and Data Protection

Having had regard to the council's obligations under s149, it is considered that an equalities impact assessment is not required.

Data Protection Impact Assessment

Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

5.4 **Staffing**

5.4.1 The staff are contracted directly to the Watford BID so none contained in this report

5.5 **Accommodation**

5.5.1 The DMO will be based at the Watford BID offices so none contained in this report

5.6 **Community Safety/Crime and Disorder**

5.6.1 None

5.7 **Sustainability**

5.7.1 None

Appendices;

Appendix A Branding

Appendix B Watford BID Destination Proposal

Appendix C Proposed Governance structure

Background papers;

Destination Audit, Destination Strategy, Destination Marketing Plan, Destination Inward Investment Plan



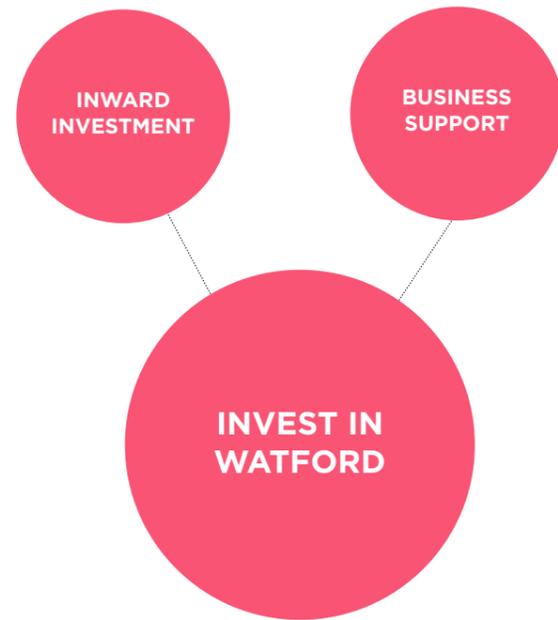
bolland & lowe...

...a strategic design & digital agency

Watford Branding

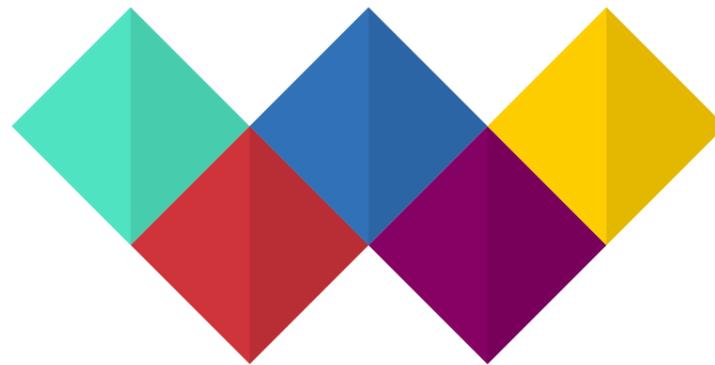
9 November 2018

Watford Place Marketing Framework



Watford master logo

*Following feedback, yellow has been introduced to the master logo.
We feel yellow is synonymous with the town and has
historical links to the town.*



WATFORD

WE WILL SURPRISE YOU

Watford master logo



Indicative Use for Underground Poster



Indicative Use for Underground Poster



Fantastic range of entertainment
20 mins from London Euston
Brilliant new shopping centre
24 mins from Wembley
Harry Potter's home
30 mins from Heathrow
Many places to stay
20 mins to the Chilterns
One of England's best parks
Great range of bars and restaurants


WATFORD
WE WILL SURPRISE YOU

Indicative Use for Underground Poster



WE WILL SURPRISE YOU

- Fantastic range of entertainment
- 20 mins from London Euston
- Brilliant new shopping centre
- 24 mins from Wembley
- Harry Potter's home
- 30 mins from Heathrow
- Many places to stay
- 20 mins to the Chilterns
- One of England's best parks
- Great range of bars and restaurants


WATFORD

WATFORD.CO.UK

Website Visual



Taxi Wrap



Welcome Sign



Welcome Sign



WATFORD
WELCOME

Watford and WBC logos side by side





Destination Watford

Management proposals – February 2019

Proposal summary

The proposal is for Watford BID to manage and be responsible for the Destination Watford Team and the delivery of the Watford Destination Marketing Plan.

We propose the team would have different governance structure to the BID, reporting to a Board made up of key stakeholders with a vested interest in the successful delivery of the Destination Marketing Plan.

The staff would be based with the BID team in the offices in Kings Court (this has been agreed in principle by intu). The BID have the offices secured with intu until 31 March 2021.

Budgets would be managed separately from the BID and tracked/recorded accordingly. Budgets need to be secured prior to the appointment of staff.

The BID would initially provide: basic admin support to the team; professional advice and guidance; management of the team and a broad knowledge and understanding of Watford and the stakeholder relationships currently in place.

The initial appointments would be fixed term until March 2021, the term of the BID. If the contract is not renewed or the ballot is unsuccessful redundancy costs would be met by the BID via the budget allocated to manage the Destination Watford team. Following the winding up of the company any residue Destination Management budget remaining would be returned to Watford Borough Council.

Why the BID?

The BID currently manages Watford For You, the current consumer facing brand for the town, and have been since April 2016, utilising it to support various projects, including partnership projects such as Winter in Watford. The BID has a good working knowledge and understanding of the town, and the consumer networks currently operating in the town.

The BID manages footfall data across the town and GPS tracking, which are used to support different marketing campaigns, there would be costs associated to other organisations accessing this information. The BID are also responsible for the Welcome Ambassadors which will start in October 2018. The Ambassadors will be the public facing link between Watford and the consumer and the BID and local businesses.

The BID has an excellent working relationship with Visit Herts, and the Visit Herts Destination Manager has approached the BID about hot-desking in the office one day/week. The BID is a Visit Herts partner.

The BID has a highly experienced and qualified team of staff, who will be able to offer local advice and professional support. The team have experience in destination marketing (award winning), public

relations, communications, marketing & comms, legal & technical editing, company management & governance (national recognition & award), financial management and office management.

The BID is local to Watford and has an understanding of the local, regional, national dynamics.

Current arrangements

The current town brand Watford For You (WFY) is managed on a day to day basis by Watford BID, the BID has managed Watford For You since April 2016, when the past local partnership funding run out.

The BID has committed time and financial resources to the development of Watford For You, over and above that identified below, however, it is fair to say that since 2016 this investment has been limited and focused on developing the profile of the town centre with consumers. The BID's primary responsibility is to levy payers and ensuring we deliver against the five year Business Plan.

It is estimated that in an average week 7hrs are spent on the management and development of Watford For You via Facebook and other social media outlets. This increases when the BID is running a campaign or project which requires consumer buy-in/awareness. This time and spend is allocated to a project rather than to Watford For You development.

The minimum investment from the BID to WFY in relation to manhours equates to £7,0000/annum.

The BID has also spent £4,800 on the website development over the past 2 years, this does not take into account incidental spend which may be associated to other projects; we also have an agreement with Penknife design agency for the placement of news items and small editorial changes - significant changes incur a cost. As mentioned above, the majority of other costs have been absorbed within other BID projects and are difficult to separate out.

In total this equates to a BID minimum financial commitment of £9,400/annum

There are no other contributions, financial or time, by any other partners to Watford For You.

Opportunities

This paper only looks at B2C, inward investment will be managed by Watford Borough Council. Although, we would see the two elements working closely together and supporting each other, especially in areas such as promotional activities, events and marketing.

The new brand and website provide the opportunity for key businesses in the town to commit to an overarching brand and destination marketing plan for the town, both through the appropriate use of the brand and through a financial commitment to its development.

Benefits of being associated with the BID

The BID was established in April 2016 following a successful ballot in 2015. It represents approx. 496 businesses/levy payers in the town centre (2017/18 figure). Plus we also have some voluntary members from outside the BID area. The company is run on a day to day basis by a team of 5 staff, two are part time. BID terms are for 5 years, prior to the term coming to an end the BID will go to ballot in October 2020. If successful it will run for another 5-year term. All staff are on fixed term contracts until 31 March 2021.

- The BID now has an established reputation in Watford with businesses and partners, it's profile regionally and nationally is growing. Locally it is a member of the Chamber of Commerce and a Visit Herts partner; nationally it is a member of British BIDs, Institute of Place Management/BID Foundation and ATCM.
- The BID is well placed and connected with town centre businesses to ensure effective and efficient dissemination of information.
- The BID is one of only 17 in the country which has been awarded the British BIDs accreditation for its management, governance and communication with businesses.
- In 2018 Watford BID won the British BIDs national Place Making Award
- Watford holds a Purple Flag Award for its management of the early evening and night time economy – the only one in Herts. This is led and managed by the BID.
- The BID successfully manages the Business Against Crime Scheme, this transferred from the Chamber of Commerce in April 2017.
- The Chief Executive is a Director of West Herts & Watford Chamber of Commerce; on the Visit Herts Partnership Group; Chairs the Hertfordshire Vibrant Towns forum; is a member of the Cultural Leaders Group; ONE Watford; Watford – Our town; and Big Business Connect.
- The Chief Executive has a background in tourism and regeneration.
- The Marketing Comms Manager has a background within the cultural sector in Watford.
- The Head of Operations & Development has a background in press and public relations and political management.
- The BID Administrator is fully conversant with office management and day to day company financial management.
- The BID employs a professional company secretary.
- The BID team on a day to day basis report to a Board of Directors.
- The BID operates on a five-year cycle, which provides the opportunity to review how it operates, is managed, governed and its key priorities for delivery. All staff are on fixed term contracts.

Proposed Structure

Location: It is proposed the new destination team will be based with the BID team in the town centre offices, utilising the office currently used as the Board room.

The advantages of this is its central location and the sharing of existing resources. There would be no office rental costs for the new team, as these would be met by the BID.

Costs for equipment would need to be met from the new structure, along with any additional telephone/broadband costs. Other utility costs would be met by the BID.

Management of staff: Staff would on a day to day basis be supported and managed by existing BID staff, the primary point of contact would be the Chief Executive. This would help any staff hit the ground running.

The advantages of this is the support of experienced staff, familiar with Watford, and with marketing, PR and tourism experience. The balance of experience and ideas will also provide the team with people to bounce ideas off, they won't be working in isolation. The BID team have an excellent working relationship with Visit Herts, with the Visit Herts Manager to hot desking from the BID office. We will continue to encourage this to further help develop the relationship between Visit Herts and the Watford destination team.

The team would report bi monthly to a Destination Management Board comprising of key stakeholders. The Manager would report progress to the Cultural Leaders Group .

The branding team would have their own budgets, which could be managed either within or out of the BID company. This is similar to the Business Against Crime Scheme, where the budget is held by the BID but reported and identified separately.

A proposed staff structure is attached.

The advantage of the proposal is that it provides the ability to maintain lower staff costs, due the BID taking on a part managerial role. This cost and time element could be met by the BID as we currently commit time and resources to the current WFY.

Consideration could be given to the appointment of apprentices to support the manager.

Governance: It is proposed the Destination Management team would report to a small Board of Directors (Destination Management Board) comprising of partners and stakeholders from across Watford, with an interest in the promotion and marketing of Watford. This structure would be completely independent of the BID. We would recommend this Board should comprise of representatives from:

- Key attraction based in or associated with the Watford area
- Key major business based in Watford
- Hotel/accommodation provider
- Visit Herts
- Local Authority
- Watford BID
- Cultural Sector representative

The Board would meet every two months, and full updates would be provided by the Team Leader.

The team would also report to the Cultural Leaders Group which meets on a quarterly basis.

Staffing structure & responsibilities

All staff will be on fixed term contracts

Watford brand Manager f/t 37hrs up to £35,000 (with on costs £46,000)

Responsible for the overall development of the Watford brand, changing perceptions of Watford.

Stakeholder development

Social Media Officer: p/t 20 hrs £20,000 pro rata (with on costs £15,600)

Communications Officer: p/t 20hrs £20,000 pro rata (with on costs £15,600)

Estimated total annual staff (including on costs): £77,200

There is an option to consider full time apprentices to support the development of the DMO.

The Ambassadors are employed (via Welcome People) by the BID, however we would see this as a resource which Destination Watford could utilise for specific campaigns, although the priority for work allocation would be with the BID and within the BID area.

Costs

Based on the above staffing costs we have estimated the following annual running costs for yr 1 and 2.

Staff costs	£77,200
Memberships (including Visit Herts)	£7,500
Equipment (yr 1 only including licenses)	£6,000
Accountancy services	£2,000
Marketing, comms, print, exhibitions/support, on social media & misc including travel & expenses	£25,000
Total budget per annum	£111,700 (£117,700 yr 1)

We would hope to see a level of partner commitment and contributions established for 2 years, this would enable the team to initially focus on delivery of projects rather than chasing money from partners – which will be time consuming, and may change the focus of the priorities for the team.

Performance and performance monitoring

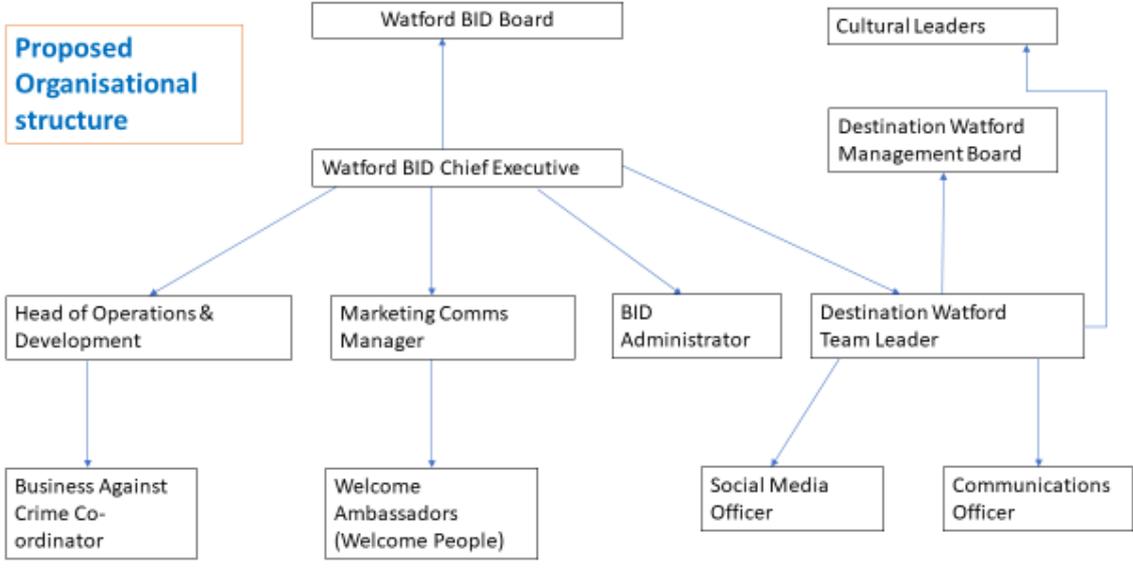
The Manager would be supported on a day to day basis by the BID Team, and report directly to the Chief Executive.

Performance indicators would be put in place in consultation with the Destination Management Board, with the sense checking being provided by the BID team and Visit Herts.

Performance would be reported to the Destination Management Board and to Cultural Leaders. We would also suggest a quarterly partners newsletter, which detailed activities and progress.

Prepared by:

Maria Manion
Chief Executive, Watford BID
February 2019



Agenda Item 7

Part A

Report to: Cabinet

Date of meeting: 4 March 2019

Report author: Head of Democracy and Governance

Title: Ombudsman Decision

1.0 Summary

1.1 Under Section 5A of the Local Government and Housing Act 1989 the Council's Monitoring Officer is obliged to report to Cabinet any finding of maladministration by the Local Government and Social Care Ombudsman.

1.2 On 8 February the Council received a final report from the Ombudsman relating to a failure to properly consider an Applicants request for reconsideration of her priority on the Housing Register due to medical circumstances. A copy of the decision is attached as Appendix 1.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
The Council does not comply with the Ombudsman's recommendation	The Council gets a bad reputation with the Ombudsman	The Council agrees with the Ombudsman's recommendation and implements it	treat	1
The Council does not learn from the issues raised in the report	Further findings of maladministration against the Council	The Revenues and Benefits team have implemented revised procedures regarding enforcement	treat	2

3.0 **Recommendations**

3.1 That the Ombudsman's decision be noted

Further information:

Name Carol Chen

Email carol.chen@watford.gov.uk

Phone 8350

4.0 **Detailed proposal**

4.1 Under section 5A of the Local Government and Housing Act 1989 the Monitoring Officer is obliged to report any Ombudsman findings of maladministration to Cabinet. When the Ombudsman finds fault that is classified as maladministration.

4.2 On 8 February 2019 the Council received the final report of the Ombudsman in relation to a complaint that the Council had failed to consider properly medical needs when determining the applicant's priority on the Housing Register. A copy of the decision is attached at Appendix 1.

4.3 The Council has accepted the Ombudsman's findings and has agreed to reassess the applicant's application based on the medical information provided.

4.4 The Deputy Managing Director comments that as a result of the Ombudsman's decision the Housing Department have introduced a two stage Banding Review Process so a more senior officer will conduct the second review if the applicant is not satisfied with the first decision.

4.5 The Ombudsman now publishes all her decisions so this will be available to view on the Ombudsman's website.

Implications

5.1 **Financial**

5.1.1 There are no financial implications in this report

5.2 **Legal Issues (Monitoring Officer)**

5.2.1 The Head of Democracy and Governance comments that as stated there is a legal requirement for Cabinet to be made aware of any findings of maladministration

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 None applicable to this case.

Appendices

Appendix 1 Ombudsman Report

Background papers

No papers were used in the preparation of this report.

The Ombudsman's final decision

Summary: The Council was at fault for failing to properly consider medical evidence Mrs B provided when deciding her medical housing priority. It has agreed to reconsider her application.

The complaint

1. The complainant, whom I refer to as Mrs B, complains that the Council did not properly take account of her son's medical needs when deciding her housing allocation priority. I refer to her son as C.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
3. We cannot question whether a council's decision is right or wrong simply because the complainant disagrees with it. We must consider whether there was fault in the way the decision was reached. (*Local Government Act 1974, section 34(3), as amended*)
4. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

How I considered this complaint

5. I considered information from Mrs B and the Council. I wrote to Mrs B and the Council with my draft decision and gave them the opportunity to comment.

What I found

What happened

6. Mrs B lives in a two-bedroom house with her partner and their two sons. C, who is 4 years old, has autism. In 2018 Mrs B asked the Council for medical priority to move to a larger property. She said C's condition meant he needed his own room.
7. On 1 May an occupational therapist (OT) completed a report on C's needs. The report said C needed an upstairs toilet (as well as a downstairs toilet), and would benefit from having his own bedroom because he shows aggression and violent

behaviour towards his brother and wakes him up during the night. The report said this violent behaviour happened in the car and in the home. It also said C's brother had become more aggressive and had started fighting back.

8. On 20 June the Council's medical adviser wrote to the Council and said the family's circumstances did not justify medical housing priority. He said C's aggression was mainly in the car, and noted that C's brother is older. He did not mention C disturbing his brother's sleep, his brother's retaliation to C's violent behaviour, or the OT's recommendation for a property with an upstairs toilet.
9. On 12 July Mrs B asked the Council to review her medical priority. In July and August she provided letters from C's GP, his community nursery nurse and his paediatrician, all of which supported her assertion that C needed his own room. The letters referred to C's behaviour towards his brother, his difficulties sleeping in a room with his brother, and his lack of a "*safe calm space to go [to] when he is overwhelmed ... he is struggling to manage his emotions and sensory overload due to his condition*".
10. The Council wrote to Mrs B on 17 September and said it had not increased her medical priority. It said C's behavioural issues, meltdowns and decreased safety awareness would not be improved by moving to a larger property. It said the OT's intervention plan did not support the need for a third bedroom but identified other areas of support which could be met in the family's current property. It said its medical adviser had said there was no medical need for an extra bedroom.
11. The Council told Mrs B that it had completed its review, and referred her to the Ombudsman if she was dissatisfied.

The Council's housing nominations policy

12. This policy says that, where an applicant or a member of their household has a medical condition or disability that is affected by their housing circumstances, they will be asked to complete a medical self-assessment form. This may be referred to the council's Independent Medical Adviser if the Council needs more advice or guidance.
13. The policy says the Council will review all advice and information provided from the applicant or other professional involved in their care. It says it is the Housing Officer's final decision whether or not to award priority on medical grounds.
14. The policy says that, in deciding priority, the Council will consider how the current accommodation is causing or affecting a medical condition, and the severity of the effect the housing is having on the condition.

Analysis

15. It is not the Ombudsman's role to decide housing priority. That is for the Council to decide, having considered relevant evidence.
16. However, in making such decisions the Council must take account of its nominations policy and must properly consider an applicant's circumstances (including any medical evidence). If it does not do so, the Ombudsman may find fault.
17. In Mrs B's case, the Council followed correct procedure in referring her application to its medical advisor and in considering whether C's condition requires Mrs B to have medical priority for a transfer to a three-bedroom property.
18. However, the medical adviser's decision pre-dates most of the medical letters Mrs B provided to the Council. The OT assessment was completed before, but

the adviser's decision does not appear to have taken account of large parts of the OT's report.

19. The adviser said C's aggression towards his brother took place "*mainly in the car*", whereas the OT report said it took place "*predominantly in the car and in the home*". The adviser's decision letter did not mention C disturbing his brother's sleep, or the OT's recommendation for a property with an upstairs toilet. He says C's brother is older – with the implication seeming to be that this reduces the impact of C's violence – without mentioning C's brother's retaliations to his violent behaviour.
20. The Council's medical advisers do not make decisions on medical priority – they only provide advice and guidance. It is for the Council to make final decisions, although it can consider input from a medical adviser before doing so. The Council, in Mrs B's case, refers to the medical adviser's recommendation in its decision letter of September 2018, so this clearly formed a part of its consideration.
21. In the same decision letter, the Council said it had considered medical evidence which Mrs B provided after June 2018 (which the medical adviser was clearly unable to consider).
22. However, the letter says the OT's intervention plan did not support the need for a third bedroom. Although the intervention plan did not mention a third bedroom, the accompanying report said C would benefit from having his own bedroom because he shows aggression and violent behaviour towards his brother and wakes him up during the night. The Council's letter did not mention this, and the letter suggests the OT had not supported C's need for a third bedroom at all, which was not the case.
23. The Council's letter does refer to C's behavioural difficulties, and says they will probably remain unchanged in a larger property. However, the letter does not demonstrate a consideration of how the impact of such behaviour on the family – especially C's brother – would decrease in a larger property (as suggested by medical professionals), or why this did not justify medical priority.
24. I cannot say whether Mrs B should or should not be eligible for a three-bedroom property. However, I have concluded that the Council did not fully consider the medical evidence available when deciding her priority, and did not fully explain why the evidence did not justify a transfer to a larger property.
25. As a result, I have found fault with the Council. It should reconsider its decision, taking up-to-date medical information into account. If it needs advice from a medical adviser, it should ask for new advice, rather than relying on the advice of June 2018.

Agreed action

26. The Council has agreed to reconsider Mrs B's application for medical priority for a transfer to a larger property.
27. This action should be completed within six weeks of the date of this decision statement.

Final decision

28. The Council was at fault for failing to properly consider medical evidence Mrs B provided when deciding her medical housing priority. The agreed action remedies her injustice.

Investigator's final decision on behalf of the Ombudsman

Part A

Report to: Cabinet

Date of meeting: 4 March 2019

Report author: Head of Community & Environmental Services

Title: Notification of Exemption to Contract Procedure Rules Re: Watford BIG Beach 2019

1.0 Summary

1.1 To note that the Head of Community & Environmental Services and Managing Director approved an exemption to the Contract Procedure Rules relating to the procurement of a contractor to carry out the BIG Beach 2019.

2.0 Risks

2.1 There are no identified risks as this report is for noting only.

3.0 Recommendations

3.1 That Cabinet notes the exemption has been given.

Further information:

Name: Gary Oliver

Email gary.oliver@watford.gov.uk

Phone ext: 8251

4.0 Detailed proposal

4.1 Attached as an appendix is a report granting an exemption to compliance with the Contract Procedure Rules.

4.2 Following receipt of the termination of the contract with A&K Events the council needs to deliver the BIG Beach for 2019.

4.3 From the previous tender exercise, the second highest bidder Beach and Events Solutions L.T.D. satisfies the council on quality and value for money.

5.0 **Implications**

5.1 **Financial**

5.1.1 The Shared Director of Finance comments that there are no implications in this report.

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Head of Democracy and Governance comments that there are no implications in this report.

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 There are no implications

5.4 **Staffing**

5.4.1 There are no implications

5.5 **Accommodation**

5.5.1 There are no implications

5.6 **Community Safety/Crime and Disorder**

5.6.1 No implications

5.7 **Sustainability**

5.7.1 No implications

Appendices

Contract Exemption Report

Background papers

No papers were used in the preparation of this report.

Central Register of Exemptions

The Audit Plan 2013/14 – “Procurement and Contract Management Baseline Assessment” Recommended: “We recommend that consideration should be given to maintaining a central record of waivers and exemptions that have been approved.”

The Council’s Contract Procedure Rules (updated September 2016) state:

Exemptions

- Acquisition or disposal of Land:

These Rules do not apply to the acquisition or disposal of Land except where a lease or licence is granted as a part of a principal contract for other Works, Supplies or Services.

- Unforeseeable emergency:

Where exemption from these Rules is unavoidable due to an unforeseeable or emergency event involving immediate risk to persons or property or likely to give rise to major or serious disruption to the Council’s services, a Head of Service and the Managing Director may jointly approve an exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken. Urgency caused by undue delay will not be a valid reason for an exemption.

- Exceptional Circumstances:

An exceptional circumstances exemption may be jointly approved by a Head of Service and the Managing Director in limited and exceptional circumstances. This applies at the Managing Director’s discretion and only below the EU thresholds examples of which may include but not be limited to:

- Events which may involve significant risk to a key contract, for example where a key supplier goes into Administration or Receivership
- Situations which may cause significant disruption to a Council service
- Extensions of or additions to existing contracts where demonstrable benefits and clear savings can be shown
- Single tender action or use of a substitute contractor from the original tender responses to complete a contract or part of a contract
- Short term provisions to enable more effective and efficient procurement to be undertaken
- Other circumstances where clear synergies with existing services can be evidenced or where supported by substantial market research

They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

- Limited market:

A partial exemption may apply where a supply or service is only obtainable from a single or a very limited number of contractors. In such a case, evidence of the limited market must be provided, such as by public advertisement or detailed market research. A Head of Service and the Managing Director may jointly approve a partial exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

- Prior approval:

Other than as specified above no exemption from these Rules shall be made unless prior approval has been granted at a Cabinet meeting. Cabinet cannot authorise an exemption where the value of the contract would exceed the EU threshold or in non-compliance with the PCR2015.

Record of Exemptions – Heads of Service must ensure that full details of approved waivers and exemptions are recorded in a central register held by the Corporate Procurement Manager on behalf of the MD.

**Approved Exemption Record Form
Watford BIG Beach - February 2019**

	Details
Exemption category <ul style="list-style-type: none"> • Exceptional Circumstances 	<p>In 2018, A&K Events L.T.D. were appointed the management operator on a 2 year contract for the delivery and management of the Watford BIG Beach.</p> <p>On the 29th January 2019, we received a letter of resignation from them within the 60 days termination clause detailed within the contract.</p>
Details / Circumstances / Explanation of why an exemption was required:	<p>Following the termination of the contract the council needs to secure a contractor for this year 2019.</p>
Approved by (Name and date): <ul style="list-style-type: none"> • MD (sign or attach copy of e-mail if appropriate)	<p>Manny Lewis - Managing Director</p> <p>February 2019</p>
Approved by (Name and date): <ul style="list-style-type: none"> • HoS (sign or attach copy of e-mail if appropriate)	<p>Alan Gough - Head of Community & Environmental Services</p> <p>February 2019</p>
Portfolio Holder informed (Name and Date):	<p>Cllr Karen Collett- Portfolio Holder</p> <p>February 2019</p>
Date reported to Cabinet:	<p>N/A</p>
Contract Title:	<p>Watford BIG Beach 2019.</p>
Vendor / Contractor:	<p>Beach Events and Solutions LT.D</p>
Date Contract let:	<p>Once consent has been granted as part of this request for exemption from standing orders</p>
Term / Duration of Contract:	<p>1 Year or as soon as the works are completed</p>
End date:	<p>11th August 2019 – 4th Sept 2019 this includes set up and set down, the actual event is 16th August 2019 – 30 August 2019</p>
Total Value of Contract:	<p>The value for this work Total value of works - £28,000</p>
WBC Contract Manager (Name and contact details):	<p>Gary Oliver Culture and Events Section Head</p>

	07454 205815 Gary.oliver@watford.gov.uk
Comments / Other Information:	<p>Following the termination notice received by A & K Events council officers referred back to the tender and evaluation exercise for the BIG beach back in October/November 2017.</p> <p>The second highest bidder was Beach and Events Solutions which would still represent value for money and quality sought for the delivery of the BIG Beach for 2019.</p> <p>Beach and Event solutions is a contractor that the council has used before to carry out the delivery of the BIG Beach and has been satisfied with the quality of the programme and finished product/works.</p>
Date entered onto Exemptions Register:	
Signed by Responsible Officer:	

Copies to:

Contract File
Head of Service
Corporate Procurement Manager
Central Register of Exemptions

Agenda Item 9

Part A

Report to: Cabinet

Date of meeting: 4 March 2019

Report author: Head of Community and Environmental Services

Title: External Wall Insulation contract – Procurement exemption note

1.0 Summary

- 1.1 The council commenced a solid wall insulation programme to privately owned homes in the borough, with external funding from a managing agent, Warmzones (a community interest company who sourced energy company obligation and fine redress monies towards the project).
- 1.2 Warmzones contracted Hamiltons Building Contractors to undertake the works through a framework agreement.
- 1.3 Warmzones went into administration mid contract, leaving works unfinished and sums owing to Hamiltons for completed work. 29 of the 37 properties were completed or started.
- 1.4 Contracts were clear that monies could only be used from the council to facilitate the works through the nominated contractor, Hamiltons for completion of the contract.
- 1.5 Council capital monies were held in retention against completion of the project. The contractor has now invoiced the Council directly for the uncompleted works.
- 1.6 Following clarification and mutual agreement from parties this exemption enables WBC to directly employ Hamiltons to complete (in their entirety) the 29 properties and be paid directly by WBC for this work.
- 1.7 This insolvency process will allow the council to pay the outstanding debt from our existing allocated capital budget to Hamiltons instead of paying to the Warmzones administrators. This cost, dealt with through this exemption, is £51,988 net and replicates the original agreed works cost that would have been paid to Warmzones.

1.8 Any future non-started properties will be re-tendered by WBC for future consideration in the normal procurement process.

2.0 Risks

2.1 There are no identified risks to this exemption based upon the council's procurement procedure.

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
None identified				

3.0 Recommendations

3.1 That Cabinet notes the Approved Exemption to the Council's Procurement Procedures in relation to External Wall Insulation contract

Further information:

Neil Walker
Neil.walker@watford.gov.uk
01923 278149

Report approved by:

Alan Gough, Head of Community and Environmental Services

4.0 Detailed proposal

4.1 Details of the Exemption can be found at Appendix A to this report along with an extract of the Council's Contract Procedure Rules as they relate to Exemptions.

5.1 Financial

5.1.1 The Shared Director of Finance comments that the scheme will be completed within the original budget and that no additional capital funds are required for this exemption. Funds are being paid to the work contractor directly as opposed to the insolvent funder, which has been agreed through the insolvency process.

5.2 Legal Issues (Monitoring Officer)

5.2.1 The Head of Democracy and Governance comments that the council engaged a solicitor who has obtained an agreement for the payment to be made directly to the contractor instead of the administrator.

5.2.2 The Head of Democracy & Governance comments that under the Council's contract procedure rules exemptions can be agreed in exceptional circumstances. This may apply where a key supplier has gone into Administration or Receivership. The rules require that all exemptions are reported to cabinet and recorded in a central register held by the Corporate Procurement Manager.

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 Not applicable in relation to this item.

5.4 **Staffing**

5.4.1 There are no staffing implications from this report.

5.5 **Accommodation**

5.5.1 There are no accommodation implications from this report.

5.6 **Community Safety/Crime and Disorder**

5.6.1 There are no implications from this report.

5.7 **Sustainability**

5.7.1 There are no sustainability implications from this report.

Appendices

Appendix A

Exemption Record Application incorporating an extract from Watford Borough Council's Contract Procedure in relation to Exemptions and signed approval form dated 1 February 2019.

Background papers

No background papers were used in the preparation of this report

Central Register of Exemptions

The Audit Plan 2013/14 – “Procurement and Contract Management Baseline Assessment”
Recommended: “We recommend that consideration should be given to maintaining a central record of waivers and exemptions that have been approved.”

The Council’s Contract Procedure Rules state:

Exemptions:

- Acquisition or disposal of Land:

These Rules do not apply to the acquisition or disposal of Land except where a lease or licence is granted as a part of a principal contract for other Works, Supplies or Services.

- Unforeseeable emergency:

Where exemption from these Rules is unavoidable due to an unforeseeable emergency involving immediate risk to persons or property or likely to give rise to major or serious disruption to the Council’s services, a Head of Service and the Managing Director may jointly approve an exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken. Urgency caused by undue delay will not be a valid reason for an exemption.

- Exceptional Circumstances:

An exceptional exemption may be considered by the Managing Director in limited and unusual circumstances. This may, for example, apply where a key supplier has gone into Administration or Receivership. It applies where the event will involve significant risk to a key contract and is likely to give rise to a significant disruption to a Council service. In such an event a Head of Service and the Managing Director may jointly approve an exceptional exemption. This may, for example, be a single tender action or the use of a substitute contractor from the original tender responses to complete a contract or part of a contract. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

- Limited market:

A partial exemption may apply where a supply or service is only obtainable from a single or a very limited number of contractors. In such a case, evidence of the limited market must be provided, such as by public advertisement or detailed market research. A Head of Service and the Managing Director may jointly approve a partial exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

- Prior approval:

Other than as specified above no exemption from these Rules shall be made unless prior approval has been granted at a Cabinet meeting.

Record of Exemptions – Heads of Service must ensure that full details of approved waivers and exemptions are recorded in a central register held by the Corporate Procurement Manager on behalf of the MD.

A record form must be completed and signed for each approved Exemption.

v1.0 Nov 2013

Approved Exemption Record Form

	Details
<p>Exemption category</p> <ul style="list-style-type: none"> • Unforeseeable emergency • Exceptional Circumstances • Limited market • Prior approval 	<ul style="list-style-type: none"> • <u>Exceptional Circumstances</u>
<p>Details / Circumstances / Explanation of why an exemption was required:</p>	<p>We commenced a solid wall insulation programme with external funding from a managing agent, Warmzones (a community interest company who sourced energy company obligation and fine redress monies towards the project).</p> <p>Warmzones contracted Hamiltons Building Contractors to undertake the works through a framework agreement.</p> <p>Warmzones went into administration mid contract, leaving works unfinished and sums owing to Hamiltons for completed work. 29 of the 37 properties were completed or started.</p> <p>Contracts were clear that monies could only be used from the council to facilitate the works through the nominated contractor, Hamiltons for completion of the contract.</p> <p>The administrators claim for remaining monies have been disputed by us with external solicitors in conjunction with Bolton Council who are in a similar situation.</p> <p>Following clarification of the legal dispute this exemption enables WBC to directly employ Hamiltons to complete in their entirety the 29 properties and be paid directly by WBC for this work. Any non-started properties will be re-tendered by WBC for future consideration in the normal procurement process - but this exemption is to complete commenced work.</p> <p>The insolvency process has allowed us to pay the outstanding debt to Hamiltons directly from the existing capital budget we held in retention to complete this</p>

	work. The amount to be dealt with through this exemption is £51,988 net with no new capital monies required.
Approved by (Name and date): <ul style="list-style-type: none"> • MD: Manny Lewis • HoS: Alan Gough 	Manny Lewis 1 st Feb 2019 Alan Gough 1 st Feb 2019
Portfolio Holder informed (Name and Date):	Councillor Stephen Johnson 31 st Jan 2019
Date reported to Cabinet:	4 th March 2019
Contract Title:	External Wall Insulation project – Procurement exemption
Vendor / Contractor:	Hamiltons Building Contractors
Date Contract let:	TBC following approval
Term of Contract:	2 months
End date:	By March 2019
Total Value of Contract:	£51,988 net
WBC Contract Manager (Name and contact details):	Neil Walker, 01923 278149 Neil.walker@watford.gov.uk
Comments / Other Information:	This exemption and subsequent contract will only enact following clarification of the legal position in consultation with Carol Chen.
Date entered onto Exemptions Register:	
Signed by Head of Service:	Alan Gough

Copies to:

Contract File
Head of Service
Corporate Procurement Manager
Central Register of Exemptions

Agenda Item 10

Part A

Report to: Cabinet

Date of meeting: 4 March 2019

Report author: Head of Community & Environmental Services

Title: Notification of Exemption to Contract Procedure Rules Re: Lighting and Electrical Works at Watford Market

1.0 Summary

1.1 To note that the Head of Community & Environmental Services and Managing Director approved an exemption to the Contract Procedure Rules relating to the procurement of a contractor to carry out lighting and electrical works at Watford Market

2.0 Risks

2.1 There are no identified risks as this report is for noting only.

3.0 Recommendations

3.1 That Cabinet notes the exemption has been given.

Further information:

Name: Chris Fennell

Email chris.fennell@watford.gov.uk

Phone ext: 817

4.0 Detailed proposal

4.1 Attached as an appendix is a report granting an exemption to compliance with the Contract Procedure Rules following works that were required to be undertaken to the lighting and electrical systems at Watford Market in February 2019.

4.2 Following the termination of the management contract with Town & Country Markets (TCM) and the recent compliance assessment of the site by SSE, the council needs to carry out repair and maintenance works to the lighting and electrical systems at Watford Market.

5.0 **Implications**

5.1 **Financial**

5.1.1 The Shared Director of Finance comments that there are no implications in this report.

5.2 **Legal Issues** (Monitoring Officer)

5.2.1 The Head of Democracy and Governance comments that there are no implications in this report.

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 There are no implications

5.4 **Staffing**

5.4.1 There are no implications

5.5 **Accommodation**

5.5.1 Changes and improvements to the light and electrical systems at Watford Market.

5.6 **Community Safety/Crime and Disorder**

5.6.1 No implications

5.7 **Sustainability**

5.7.1 No implications

Appendices

Contract Exemption Report

Background papers

No papers were used in the preparation of this report.

Central Register of Exemptions

The Audit Plan 2013/14 – “Procurement and Contract Management Baseline Assessment” Recommended: “We recommend that consideration should be given to maintaining a central record of waivers and exemptions that have been approved.”

The Council’s Contract Procedure Rules (updated September 2016) state:

Exemptions

- Acquisition or disposal of Land:

These Rules do not apply to the acquisition or disposal of Land except where a lease or licence is granted as a part of a principal contract for other Works, Supplies or Services.

- Unforeseeable emergency:

Where exemption from these Rules is unavoidable due to an unforeseeable or emergency event involving immediate risk to persons or property or likely to give rise to major or serious disruption to the Council’s services, a Head of Service and the Managing Director may jointly approve an exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken. Urgency caused by undue delay will not be a valid reason for an exemption.

- Exceptional Circumstances:

An exceptional circumstances exemption may be jointly approved by a Head of Service and the Managing Director in limited and exceptional circumstances. This applies at the Managing Director’s discretion and only below the EU thresholds examples of which may include but not be limited to:

- Events which may involve significant risk to a key contract, for example where a key supplier goes into Administration or Receivership
- Situations which may cause significant disruption to a Council service
- Extensions of or additions to existing contracts where demonstrable benefits and clear savings can be shown
- Single tender action or use of a substitute contractor from the original tender responses to complete a contract or part of a contract
- Short term provisions to enable more effective and efficient procurement to be undertaken
- Other circumstances where clear synergies with existing services can be evidenced or where supported by substantial market research

They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

- Limited market:

A partial exemption may apply where a supply or service is only obtainable from a single or a very limited number of contractors. In such a case, evidence of the limited market must be provided, such as by public advertisement or detailed market research. A Head of Service and the Managing Director may jointly approve a partial exemption. They must inform the relevant Portfolio Holder and make a report to the next Cabinet meeting on the action taken.

- Prior approval:

Other than as specified above no exemption from these Rules shall be made unless prior approval has been granted at a Cabinet meeting. Cabinet cannot authorise an exemption where the value of the contract would exceed the EU threshold or in non-compliance with the PCR2015.

Record of Exemptions – Heads of Service must ensure that full details of approved waivers and exemptions are recorded in a central register held by the Corporate Procurement Manager on behalf of the MD.

Approved Exemption Record Form
Watford Market - Lighting and Electrical Works - January 2019

	Details
Exemption category <ul style="list-style-type: none"> • Exceptional Circumstances 	<p>Town & Country Markets (TCM) was the appointed management operator for Watford Market until 31 July 2018.</p> <p>Due to outstanding debt and rent payments the council took the decision to terminate the contract and lease with TCM and take back control of Watford Market.</p> <p>This happened on 31 July 2018 when the Council forfeited the lease.</p>
Details / Circumstances / Explanation of why an exemption was required:	<p>Following the termination of the management contract and the recent compliance assessment of the site by SSE, the council needs to carry out repair and maintenance works to the following:</p> <ol style="list-style-type: none"> 1. Down lights throughout the site (including the pigeon protection wiring) 2. Emergency lighting system 3. Fire alarm and detection system
Approved by (Name and date): <ul style="list-style-type: none"> • MD (sign or attach copy of e-mail if appropriate)	Manny Lewis - Managing Director January 2019
Approved by (Name and date): <ul style="list-style-type: none"> • HoS (sign or attach copy of e-mail if appropriate)	Alan Gough - Head of Community & Environmental Services January 2019
Portfolio Holder informed (Name and Date):	Cllr Tim Williams - Portfolio Holder January 2019
Date reported to Cabinet:	N/A
Contract Title:	Lighting and fire alarm maintenance and associated repairs at Watford Market
Vendor / Contractor:	S. Henson Ltd
Date Contract let:	Once consent has been granted as part of this request for exemption from standing orders
Term / Duration of Contract:	1 month or as soon as the works are completed
End date:	February – March 2019
Total Value of Contract:	The value for this work <ul style="list-style-type: none"> ○ Emergency Lighting Compliance Work - £9,860 ○ Down lighting and other materials - £4,860 ○ Fit 22 x 100W Down lighting - £5,000

	<ul style="list-style-type: none"> ○ Fit 27 x 70W Down lighting - £5,000 ○ Fire Detection And Alarm System - £22,660 <p>Total value of works - £ 47,380</p>
<p>WBC Contract Manager (Name and contact details):</p>	<p>Chris Fennell Leisure & Environmental Services Section Head 07748920868 Chris.fennell@watford.gov.uk</p>
<p>Comments / Other Information:</p>	<p>Under the terms of the management contract and lease to operate Watford Market the contractor TCM were responsible for the ongoing repair and maintenance of the site.</p> <p>Following the decision to terminate the management contract with TCM in July 2018, the council has identified that the contractor had failed to meet a number of their obligations under the lease regarding repairs and maintenance of the site, which included the lighting system.</p> <p>During July 2018 the council instructed its compliance contractor SSE to conduct a site survey of Watford Market. The report identified that the majority of the markets down lights were not operational.</p> <p>An original quotation for the down lighting works (installation of new LED units and pigeon wiring system) was estimated to cost £47,000.</p> <p>Following further compliance assessment and investigations by council's specialist contactors, the emergency lighting and fire detection systems at Watford Market were found to require additional works or repairs.</p> <p>Subsequently the council officers sought a second quote which would represent value for money to the compliance issues identified at the market.</p> <p>A second more cost effective quote and solution was sought from S. Henson Ltd for down lights (non LED units).</p> <p>The cost difference between the quotes was £14,860 (non LED units) vs £47,000 for the high specification LED option.</p>

	<p>Following the additional information regarding the non-compliance issues at the market - the scope of the original quotation from S. Henson Ltd was also extend to include the emergency lighting and fire detection system.</p> <p>The cost for the 3 different elements is valued at £47,380.</p> <p>S. Henson Ltd is a contractor that the council has used before to carry our lighting and electrical works to the town hall complex and the Colosseum and has been satisfied with the quality of the workmanship and finished product/works.</p>
Date entered onto Exemptions Register:	
Signed by Responsible Officer:	

Copies to:

Contract File
Head of Service
Corporate Procurement Manager
Central Register of Exemptions

Agenda Item 11

Part A

Report to: Cabinet

Date of meeting: 4 March 2019

Report of: Property Development Project Manager, Place Shaping and Corporate Performance

Title: Resolution to promote a CPO at Watford Business Park 'Gateway Zone'

1.0. Summary

- 1.1. This report provides an update to Cabinet on the progress to date regarding the proposed regeneration of Watford Business Park in line with the aspirations set out in the council's Local Plan Part 1 (Core Strategy adopted January 2013).
- 1.2. It outlines the next steps required to bring forward the first phase of regeneration within the business park through a comprehensive redevelopment proposal.
- 1.3. The report seeks approval for the council to acquire compulsorily, by means of a Compulsory Purchase Order (CPO) pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) the land and existing rights and interests within the area shown edged red on the plan attached at Appendix 1 entitled "WBC001". This CPO would be progressed where agreement to acquire cannot be reached.
- 1.4. The proposed order lands are shown on the plan attached to this report at Appendix 1. The proposed site, also referred to as the 'Gateway Zone' is edged red on the plan. The area hatched blue indicates land over which the council proposes to extinguish (or override) any existing rights that these interests may have over the area edged red. It is important to highlight that no land or interests will be acquired over the area hatched in blue. In addition the CPO would also extinguish any private rights benefiting any other land over the land edged in red.

- 1.5. Cabinet should be satisfied at this stage that the relevant criteria for making a Compulsory Purchase Order are justifiable.

2.0. Risks

Nature of Risk	Consequence	Control Measure	Response	Risk Rating
It is not possible to acquire all interests by agreement	CPO powers may need to be exercised to enable comprehensive redevelopment.	Treat	Through its appointed consultants, the council will exhaust all possible options to acquire by agreement prior to making an order and will continue to do so alongside making the order.	8
Financial implications	Abortive costs if CPO not confirmed by the Secretary of State.	Tolerate	An order will only be made if the council is confident it has a strong case for confirmation of the CPO. Project holistically budgeted and resourced from the outset.	9
Market uncertainty	Acquisition values fluctuate and impact on budget and/or viability of the scheme.	Tolerate	This will be monitored closely and advice sought from consultants when appropriate. However a property cost estimate is in place covering the anticipated acquisition costs and the Council has the funding allocated to cover this.	9
Objections to the CPO	Increased costs and programme with regard to proceeding with a CPO inquiry.	Tolerate	Monitor and assume high probability that inquiry may be required.	8

Business relocation	Risk of extinguishment if alternative premises can't be found.	Treat	Comprehensive business relocation strategy drafted and implemented subject to Cabinet's decision to promote a CPO.	8
Reputational Risk	Risk of negative perception by the public if council are not seen to be providing sufficient support	Treat	Comprehensive business relocation strategy implemented with packages of support, combined with communications strategy to ensure negative press is addressed with evidenced actions.	8
Legal challenge / Judicial review	Significant programme implications if the CPO decision is challenged.	Terminate	Monitor risk and have a contingency plan in place should this become an eventuality.	8

3.0. Recommendations

3.1. It is recommended that Cabinet:

- a) Agree that the council makes a Compulsory Purchase Order (CPO) under section 226(1)(a) of the Town & Country Planning Act 1990 (as amended) for the acquisition of the land and rights within the area and edged red on the plan at Appendix 1 entitled "WBC001" for the purpose of delivering a modern, fit for purpose industrial scheme in order to achieve the objectives outlined for the Business Park in Special Policy Area 6 'Western Gateway' of the Local Plan Part 1.
- b) Authorise the Property and Regeneration Section Head to:
 - i. take all necessary steps to secure the making, confirmation and implementation of the CPO including the publication and service of all notices and the presentation of the council's case at Public Inquiry should one be called;

- ii. acquire all interests in land within the CPO boundary either by agreement or compulsorily;
 - iii. approve agreements with land owners including the terms for the withdrawal of objections to the CPO, including where appropriate seeking exclusion from the CPO;
 - iv. exercise the compulsory purchase powers authorised by the CPO by way of general vesting declaration and/or notice to treat;
 - v. to approve the acquisition of all interests, where possible, by negotiation pursuant to the CPO, approving payments to interest holders in line with the statutory compensation provisions within the budget allocation set out in Part B Appendix 3.
- c) Give authority under Section 6(4) of the Acquisition of Land Act 1981 to dispense with individual service of notices in respect of areas of land where the Council is satisfied that it has not been possible following proper enquiry to establish the ownership of the land in question and for the service of notices in the manner set out in Section 6(4) of the Acquisition of Land Act 1981.
- d) Consider the provisions of the Human Rights Act 1998 contained in section 5.3. of this report so far as they might be applicable in deciding whether or not to make the Compulsory Purchase Order(s) and all other statutory powers that the Council seeks to exercise and resolves the following:
- i. With regard to Article 8 it is considered that in balancing the rights of the individuals who are affected by the Order(s) against the benefit to the community of proceeding with the Order(s), the making of the Order resulting in the interference with the individuals rights is justified in the interests of improving the economic and social well-being of Watford as detailed in paragraphs 4.4 to 4.6.
 - ii. With regard to Article 1 Protocol 1, it is considered that the interference with the individual's property is justified by the advantages accruing to the public by proceeding with the Scheme particularly taking into account the fact that there is a legal right to compensation for the property taken and any rights extinguished under the Order(s).

- e) In addition the Council has had due regard to the Equalities Act 2010 as set out in this report at section 5.3.
- f) Note the progress made with regard to acquisitions and the application for £5,000,000 of Local Enterprise Partnership grant funding to support the delivery of the project.

Contact Officer:

For further information on this report please contact:

Lauren Sharkey, Property Development Project Manager

Telephone: 01923 278 265

Email: lauren.sharkey@watford.gov.uk

Report approved by: Nick Fenwick, Deputy Managing Director, Place Shaping and Corporate Performance

4.0. Detailed proposal

4.1. Overview

4.1.1. Watford Business Park (WBP) is a major strategic land holding of approximately 75 acres (or 30 hectares) accommodating 65 businesses and employing in the region of 1,000 people. However, a significant proportion of the existing built stock is over 50 years old and is deteriorating.

4.1.2. Whilst Watford Borough Council holds the freehold title to the park, the majority of the buildings have been sold with long leasehold interests, many of which now have less than 40 years remaining. This fragmented leasehold structure is a significant barrier to comprehensive redevelopment or regeneration in the form of new investment either from occupiers, the council or in attracting third party funding.

4.1.3. The 'Gateway Zone' is located at the entrance to the business park and has potential to accommodate a flagship development at the entrance to the estate. It is currently characterised by low density and inefficiently planned buildings comprising low quality office and warehouse accommodation.

4.1.4. Without a significant rationalisation of land holdings and uses this strategic site will fail to attract new business, it risks deteriorating further and losing employment opportunities for the borough. The proposal to redevelop the Gateway Zone is considered to be a much needed catalyst to regenerate WBP as an employment destination.

4.2. Progress to date

4.2.1. In 2013 a joint funding bid to the Hertfordshire Local Enterprise Partnership (LEP), led by Greenhill Asset Management on behalf of Watford Borough Council, secured £1.5m of loan funding to develop a strategy and master plan to bring forward the redevelopment of Watford Business Park.

4.2.2. Following the development of the strategy and master plan, the council have made good progress with its implementation by acquiring interests within the Gateway Zone. Acquisitions have been funded by the remaining LEP loan and additional capital commitments from the council's budget.

4.2.3. The council have successfully negotiated terms and acquired five of the six head leases and a number of the subleases that sit under its freehold interest within the Gateway site. However, the council have been unable to agree terms with the last remaining head lessee and the two occupational interests within this property. In addition to this there are a number of rights over the existing car park that need to be acquired. A summary of these interests and rights is contained within Part B Appendix 2.

4.2.4. Therefore, in order to secure the remaining head lease and sub lease interests and facilitate a comprehensive redevelopment of the site, the council will need to use its Compulsory Purchase Powers.

4.2.5. With regard to the scheme development, the council and its advisors (Lambert Smith Hampton) have undertaken a comprehensive options analysis to define the most suitable quantum and type of development. In assessing the current market demand and shortfalls, the options analysis looked to generate the greatest economic uplift, contribute to the social and economic well-being of the area whilst balancing demand and viability parameters.

4.2.6. The council concluded that a scheme comprising modern, flexible industrial units would enable the borough to attract and retain a number of employers in

expanding industries such as film and TV production, life-sciences and advance engineering/manufacturing, who are finding it increasingly difficult to identify suitable accommodation for their needs in the region.

4.2.7. An outline planning application is currently being developed that reflects this aspiration for the site. It is anticipated that a planning application will be submitted in March 2019 for determination by the local planning authority and is in accordance with planning policy. In summary this will provide:

- a) 7,100 square metres of B Class (employment) premises
- b) Associated parking and landscaping
- c) New access route into the site

4.2.8. The outline industrial scheme has been designed alongside advice from the council's letting agents and funding advisors who have stated that the scheme is viable and fundable. However, the delivery options will be finalised once planning consent is obtained.

4.2.9. With regards to the Compulsory Purchase Order, officers have commissioned an initial referencing exercise to establish the number and nature of the legal interests and registered occupiers within the CPO boundary, as well as those who may have rights over the proposed order lands.

4.2.10. With regard to equalities monitoring, initial surveys have been issued and data collected to ascertain the protected characteristics that the CPO process will need to consider. An initial Equalities Impact Assessment has been completed and, subject to Cabinet's agreement to the recommendations in this report, the council will then commission a further equalities impact assessment to be undertaken to ensure that all equalities and issues have been addressed and mitigated where possible prior to making the CPO.

4.2.11. With regard to relocation of existing businesses, on-going support is being provided by the council's agents, LSH. They have ascertained the requirements of a number of occupational interests and have been assisting in property searches, sharing particulars as and when a suitable property is available. The council is currently looking to relocate an occupational interest into the council's delivered scheme at Caxton Way.

4.2.12. Subject to Cabinet's agreement to the recommendations in this report, the council will further progress with a comprehensive relocation strategy for the

businesses operating under a licence. This strategy will ensure that the council will make every reasonable endeavour to assist businesses to find appropriate alternative commercial premises to enable them to continue to operate from Watford. An allowance has been made for business support and the strategy will be implemented in accordance with the allocated budget.

4.3. Next steps

- 4.3.1. Now that a significant number of the interests have been acquired through agreement, and the council has concluded a comprehensive development appraisal, it is in a position to progress its aspiration to deliver and complete the regeneration of the Gateway Zone.
- 4.3.2. The council have attempted to progress this without recourse to a CPO. However, due to the complex legal arrangements within the CPO boundary an Order is required to resolve the acquisitions of any residual interests that are not registered, where the registered proprietor is absent / untraceable or any interests where agreement cannot be reached.
- 4.3.3. The council is now seeking authority to progress with the final steps in compiling its compelling case for a CPO and then make the order. Alongside the relevant steps and processes associated with making a Compulsory Purchase Order, the council will continue to engage with leaseholders in the Gateway Zone with the intention to acquire as many interests as possible through agreement.

4.4. Economic justification

- 4.4.1. This project will be a key catalyst in the wider regeneration of Watford Business Park, reinforcing its status as a strategic industrial area that provides a range of high quality employment opportunities and supports the growth of emerging and establish industries in the region.
- 4.4.2. The Watford Borough Council Monitoring Report for 2018 suggests that job growth in Watford could be as much as 21,900 for the period from 2006 to 2031. Growth of Watford's economic base is being boosted by major developments such as Watford Riverwell, the redevelopment of Watford Junction Station interchange, a £220m regeneration programme for the town centre as well as the regeneration of Watford Business Park itself. Together,

these opportunities are expected to bring about a significant expansion of the Watford economy but with it a growing demand for employment floorspace.

- 4.4.3. The regeneration of Watford Business Park represents a major opportunity to feed this demand and to improve the supply and utilisation of employment floorspace to help reverse current shortages.
- 4.4.4. There is evidence of a growing shortage of industrial land across the South East region as demand for housing and other competing uses increases. Data from the Greater London Authority shows that industrial land is being released for other uses at double the rate than originally benchmarked. As the stock of industrial land in Greater London diminishes the remaining market demand is concentrated on areas such as the Hertfordshire M1 corridor, where Watford's location is a strategic asset to many businesses.
- 4.4.5. The Watford Borough Council Monitoring Report 2018 states that there has been a net loss of 85,000sq m of 'employment' floorspace in Watford since 2006. The Economic Development Strategy highlights the need to reverse the erosion in the quantity and quality of employment space within the town by the balancing of land uses if it is to maintain its position as a regional economic centre.
- 4.4.6. This is further reinforced by LSH's Watford Industrial market report (2018) which outlines the falling vacancy rates from 13% in 2010 to around 3% as of October 2018. Healthy demand and a lack of new supply have allowed rents to continue to increase in recent quarters with no indication that these will plateau. If the acute lack of supply allows this pattern to continue, the borough risks pricing out many of its less resilient SMEs which employ vast numbers of people and sustain the local economy. As demand in the Watford industrial market is largely comprised of local occupiers with demand for modest sized units (PROMIS Watford Industrial Report, 2018), this could be a damaging consequence of not taking this project forward.
- 4.4.7. Despite the demand for this type of premises, it is not possible for the market to deliver a scheme of this nature in the business park. The complex leasehold structures in place are a significant barrier to private investment. This coupled with the competing demand and higher values for residential scheme have meant that the council have needed to intervene to drive this project forward.

4.5. Social justification

4.5.1. This scheme is intended to bring with it a number of social benefits through the creation of new jobs, the safeguarding of existing jobs and new training and development opportunities. The following outputs for this development have been calculated based on the existing and proposed employment floor space:

Output	Quantity
New Jobs Created	188
Construction Jobs during construction phase	157
Jobs Safeguarded by relocation support	50
Additional Annual High Level Skills Qualifications Attained	24

4.6. Environmental justification

4.6.1. The majority of buildings within the Gateway Zone date back to the 1960s and are inefficient both in terms of configuration and do not meet basic energy standards. The comprehensive redevelopment of this site will significantly improve the existing environmental performance of employment accommodation within the business park. Sustainability considerations will be built into the design development process from the onset and development will meet the BREEAM rating of 'Very Good' as a minimum.

4.6.2. The Gateway Zone has been used for a range of uses over the decades, many of which have contributed contaminants into the ground. As part of the proposed redevelopment the site will be fully remediated and ground contaminants removed to ensure that there is no risk of discharge into the nearby watercourse.

4.6.3. The council's local plan identifies that development on Watford Business Park should provide a high quality of urban design and public realm. Legibility and connections to the existing adjoining areas are important, as is the concept of the creation of a new place which knits well into the existing urban fabric. This aspiration will be incorporated in the design of the scheme as it is developed, enabling a better connected and more inviting urban environment.

4.7. Planning Policy justification

- 4.7.1. The redevelopment and regeneration of the Gateway Zone is supported in planning policy. The relevant planning policy being:
- a) the National Planning Policy Framework (NPPF) (guidance)
 - b) Watford Borough Council's Local Plan Part 1
- 4.7.2. The NPPF confirms the government's commitment to economic growth, and that planning policies should recognise and seek to address potential barriers to investment, including poor environment, lack of infrastructure and services. This should include identifying priority areas for economic regeneration, infrastructure provision and environmental enhancement.
- 4.7.3. The Local Plan Part 1 (Core Strategy adopted January 2013) sets out the vision, objectives and spatial strategy for Watford Borough to 2031 and forms the strategic planning context.
- 4.7.4. Strategic Objective 3 in the Local Plan Part 1 (LPP1) is to enhance Watford's strategic economic and transportation role, highlighting the significance of its major transport interchange and how this helps promote sustainable development and regeneration. It envisages improvements to the quality and diversity of employment space across the borough.
- 4.7.5. Furthermore, LPP1 specifically outlines the need to improve and upgrade Watford Business Park to facilitate economic development and environmental improvements. Watford Business Park is contained within Special Policy Area 6 'Western Gateway' of the LPP1.
- 4.7.6. The objective of Special Policy Area 6 is to deliver redevelopment that improves and upgrades this area from an economic development and environmental perspective.
- 4.7.7. The LPP1 states that the suitable land uses within Special Policy Area 6 will largely remain in the B Class employment category, with additional jobs to be delivered by reoccupying or redeveloping vacant sites and premises in Watford Business Park.
- 4.7.8. The LPP1 defines a target of delivering between 700 to 2,000 additional jobs in Watford Business Park. Policy EMP 1 of the LPP1 identifies Watford Business

Park as an area where improvements to the quality of the employment stock are essential for delivering this target.

4.8. Delivery options

4.8.1. A number of delivery and procurement options have been reviewed to bring forward a comprehensive redevelopment of the Gateway Zone. The council will need to ensure compliance with its contract procurement rules for all options presented and needs the certainty of land ownership to finalise options.

4.8.2. The council has sufficient capital to acquire the outstanding interests and progress a CPO. Please refer to Part B Appendix 3 for a summary of the anticipated costs.

4.8.3. On 29 January 2019, Full Council agreed to the following draft capital commitment for future financial years:

Financial Year	Total (£)
FY 19/20	4,900,000
FY 20/21	7,800,000
FY 21/22	300,000
TOTAL	13,000,000

4.8.4. The current appraisal identifies the need to raise additional capital to deliver the current proposal. At present there are two options for delivery;

- a) The council deliver the scheme by funding the construction costs through lending from the Public Works Loans Board.
- b) The council seek a development partner either through existing Joint Venture arrangements or a new arrangement with the intention to match the council's equity investment on the basis of a profit share arrangement.

4.8.5. It should be noted that an industrial scheme is substantially developed for planning purposes alongside advice from the council's letting agents and funding advisors. They have advised that a scheme of this nature is viable and fundable although the delivery options need to be finalised once planning is obtained. In the absence of a delivery partner the Council would deliver the development itself using option a.

4.8.6. It should also be noted that the council have applied to the Hertfordshire Local Enterprise Partnership (LEP) for £5,000,000 of grant capital funding to facilitate this project. The outcome of this application will be announced in April 2019.

4.8.7. A further option to revise the scheme and deliver it in phases or to a lesser scale may be considered. This could reduce construction costs to be accommodated within the existing capital allowance. However, the economic benefits of the project may not be fully realised to the extent that delivering the entirety of the scheme in a comprehensive development would. In any event the Council would expect to have secured possession and commenced construction of all of the phases of all of the land within 3 years of a confirmed CPO.

5.0. Implications

5.1. Financial

5.1.1. The Shared Director of Finance comments that the council has approved a capital budget as follows

2018/19	2019/20	2020/21	2021/22	Total
£1.5M	£4.9M	£7.8M	£0.3M	£14.5M

5.1.2. To date, expenditure has totalled £4,644,166 in 2017/18 and it is forecast that the 2018/19 spend will total £1,564,042. This expenditure has been primarily for the acquisition of any outstanding interests within the development area and the development of the Caxton Way scheme elsewhere in the business park.

5.1.3. As detailed in Part B Appendix 3, there is an allowance for the progression of a Compulsory Purchase Order should it not be possible to acquire the interests through negotiation with the lessees. There is also an allowance for the design development of a scheme to be delivered on the site should the CPO be confirmed.

5.1.4. The Gateway Zone generates approximately £250,000 per annum from the ground and occupational leases the council presently holds. This contributes to the council's income from its investment property portfolio. It is anticipated that there will be some short term loss of income as a result of redevelopment. However, the redevelopment of Zone A is expected to increase long term

revenue and capital gain, reversing the erosion of income as a result of progressing redevelopment.

5.1.5. Additionally, the delivery of new industrial units at 18 Caxton Way will bring in a new revenue stream which will offset the loss in income in Zone A to some extent whilst the development takes place.

5.1.6. The resultant commercial development will create an asset for the council which could be sold for a capital receipt, or could realise a rental income for the council, the anticipated values of which are detailed in Part B Appendix 3.

5.1.7. It is anticipated that the redevelopment of the Gateway Zone is likely to produce an uplift in business rates income, the extent of which will be calculated as the detailed design for the scheme emerges.

5.2. Legal Issues (Monitoring Officer)

5.2.1. The report at paragraph 1.3. refers to the appropriate power under 226(1)(a) of the Town and Country Planning Act 1990 (as amended) which the council can seek to secure the compulsory purchase of land. It is considered that the redevelopment of land and rights in the Gateway Zone will assist the council in promoting and improving the economic, social and environmental well-being of the wider area and therefore there are adequate powers available to the council to acquire all the land and property interests within the area shown edged red on the plan at Appendix 1 either compulsorily or by agreement.

5.2.2. It is explained in the report that the area proposed for redevelopment has altered from the plan presented to cabinet on 5 March 2018. The area edged red at Appendix 1 does not include the properties at 12-14 Greenhills Crescent, 16, 18 and 22 Greenhills Crescent and 4 Caxton Way. These properties were removed from the extent of the red line boundary following the development appraisal exercise. All other properties are retained within the red line boundary and negotiations with the relevant leaseholders and businesses have been pursued and offers made. Reference is made in the table at Section 2.0 'Risks' to the council's commitment to continue negotiations throughout the CPO process.

5.2.3. The financial implications of making the compulsory purchase order are set out in Part B Appendix 3. By agreeing to make a CPO, the council becomes liable to claims from leaseholders and businesses and this could include blight claims.

5.3. Equalities and Human Rights

5.3.1. A Compulsory Purchase Order should only be made as a last resort where there is a compelling case in the public interest that is considered to outweigh the human rights of the owners and occupiers affected.

5.3.2. Compulsory purchase powers can deprive individuals of their legal right to their possessions and may also interfere with their private and family life. These rights are protected by the Human Rights Act 1998. Particularly Article 8 and Article 1 and the European Convention on Human Rights.

5.3.3. The Human Rights Act 1998 (HRA) came into force on 2 October 2000. Provisions of the HRA which are relevant in relation to the CPO are:

- a) The European Convention on Human Rights (the Convention) is an international treaty signed under the auspices of the Council of Europe. Whilst the United Kingdom was instrumental in drafting the Convention it was never incorporated into United Kingdom law.
- b) The HRA still does not incorporate the Convention into United Kingdom law but what it does is to enable individuals to invoke Convention rights for certain purposes and for certain effects.
- c) The main articles of the Convention which are of importance in circumstances where the Council is considering making a compulsory purchase order are Article 8 – the right to respect for private and family life and his/her home and Article 1 of Protocol 1 – the protection of property.

5.3.4. In making a CPO an acquiring authority must show that the acquisition is justified in the public interest. Article 8 is clarified below.

- a) Article 8(1) provides that everyone has the right to respect for his/her home but Article 8(2) allows the State to restrict the rights to respect for the home to the extent necessary in a democratic society and for certain

listed public interest purposes for example; public safety, economic well-being, protection of health and protection of the rights of others.

- b) When considering Article 8 in the context of a CPO the Council needs to ask the following questions:
 - i. Firstly, does a right protected by Article 8 apply – to which the answer is "yes".
 - ii. Secondly, has an interference with that right taken place or will take place as a result of the compulsory purchase being made - to which the answer is again "yes".
- c) The answers to these two questions being in the affirmative confirms that Article 8 applies and it is therefore necessary to consider the possible justifications for the interference under Article 8(2). There are 3 questions for the Council to consider:
 - i. Firstly, is the interference in accordance with the law? The answer is "yes", there being a legal basis for making the CPO under section 226(1)(a) of the Town and Country Planning Act 1990.
 - ii. Secondly, does the interference pursue a legitimate aim? The justification for the CPO is that the scheme seeks to improve the economic and social well-being of Watford in the public interest.
 - iii. Thirdly, is the interference necessary in a democratic society? Here the council must make a balancing judgment between the public interest and the rights of the individual – the CPO must be both necessary and proportionate.

5.3.5. Article 1 of Protocol 1 provides that:

- 5.3.5.1. Every natural or legal person is entitled to the peaceful enjoyment of his possessions.
- 5.3.5.2. No one shall be deprived of those possessions except in the public interest and subject to the conditions provided for by law.

- 5.3.5.3. However, the above rules shall not prevent a State enforcing such laws as it deems necessary to control the use of property in accordance with the general interest.
- 5.3.5.4. The Council must decide in relation to Article 1 whether a fair balance has been struck between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. The right to compensation is an important factor in considering the balance between the two.
- 5.3.6. Recommendations Relating to the Human Rights Act:
- 5.3.6.1. With regard to Article 8 it is considered that in balancing the rights of the individuals who are affected by the CPO against the benefit to the wider public, economic and social well-being of local residents, visitors and stakeholders of proceeding with the CPO, the making of the CPO and the interference with the individuals rights is justified in the interests of the community in order to effect the improvements.
- 5.3.6.2. With regard to Article 1 of Protocol 1, it is considered that the interference with the individual's property is justified by the advantages accruing to the public by proceeding with the works particularly taking into account the fact that there is a legal right to compensation for the property taken and rights extinguished under the CPO.
- 5.3.7. The case law of the European Court of Human Rights shows that these articles do not forbid compulsory purchase of homes and other property. Rather, in deciding whether to exercise compulsory purchase powers, it is necessary to consider Article 8(2) in the case of homes (which include not only dwellings, but also professional offices) and the public interest and other factors mentioned in First Protocol Article 1 in the case of all property.
- 5.3.8. In this instance it is considered that to ensure the successful regeneration of the Watford Business Park Gateway site and the provision of new fit for purpose, modern commercial facilities will outweigh the rights of particular individuals. In addition, individuals are entitled to statutory compensation for losses they incur as a consequence of CPO.

5.3.9. In addition to Human Rights, the council is required to comply with the Equalities Act 2010. Section 149 of the Equalities Act 2010 requires the Council to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.3.10. The council carried out an initial equality impact analysis on February 2019 which can be found at Appendix 4. This first of all assessed from a relevance perspective whether a full impact assessment was needed. This assessment concluded that the Scheme would not negatively impact on any particular group in a disproportionate way. However, in order to fully understand the potential effects of the CPO it will commission a full Equalities Impact Assessment prior to making the CPO. The council considers that subject to commissioning and implementing the recommendations of this Assessment, it will have complied with its duty under the Equalities Act 2010.

5.3.11. The economic, social and environmental rationale in the public interest is set out in paragraphs 4.4.1 to 4.6.3 of this report. Together with a comprehensive Equalities Impact Assessment, that case will be set out in full when evidence is submitted to the Secretary of State when making the Order.

5.4. Staffing

5.4.1. The Property Development Project Manager within the council's Regeneration and Property Team will be the primary resource for this project. External advisors will be appointed where appropriate to provide additional resource and expertise.

5.4.2. The Council has instructed external solicitors Womble Bond Dickinson to assist it in promoting the CPO.

5.5. Sustainability

- 5.5.1. Section 4.6 of this report details the environmental justification for this proposal. Sustainability will be engrained into the design as the scheme develops. Environmentally conscious practices and methodologies will be considered at all opportunities and incorporated where viable. The comprehensive redevelopment of this site will significantly improve the existing environmental performance of employment accommodation within the business park.
- 5.5.2. Research by property consultants Savills identifies a lack of ‘move on’ accommodation for office based businesses in Watford. This exposes the borough to the risk of losing major employers to other locations should the local market not provide an appropriate mix of available premises. This proposal will seek to increase the economic sustainability of the town and provide high quality commercial premises to create and retain jobs in the borough.

Appendices

PART A

- Appendix 1 Plan “WBC001” of the proposed order lands, Watford Business Park Gateway Zone.
- Appendix 4 Equalities Impact Assessment

PART B

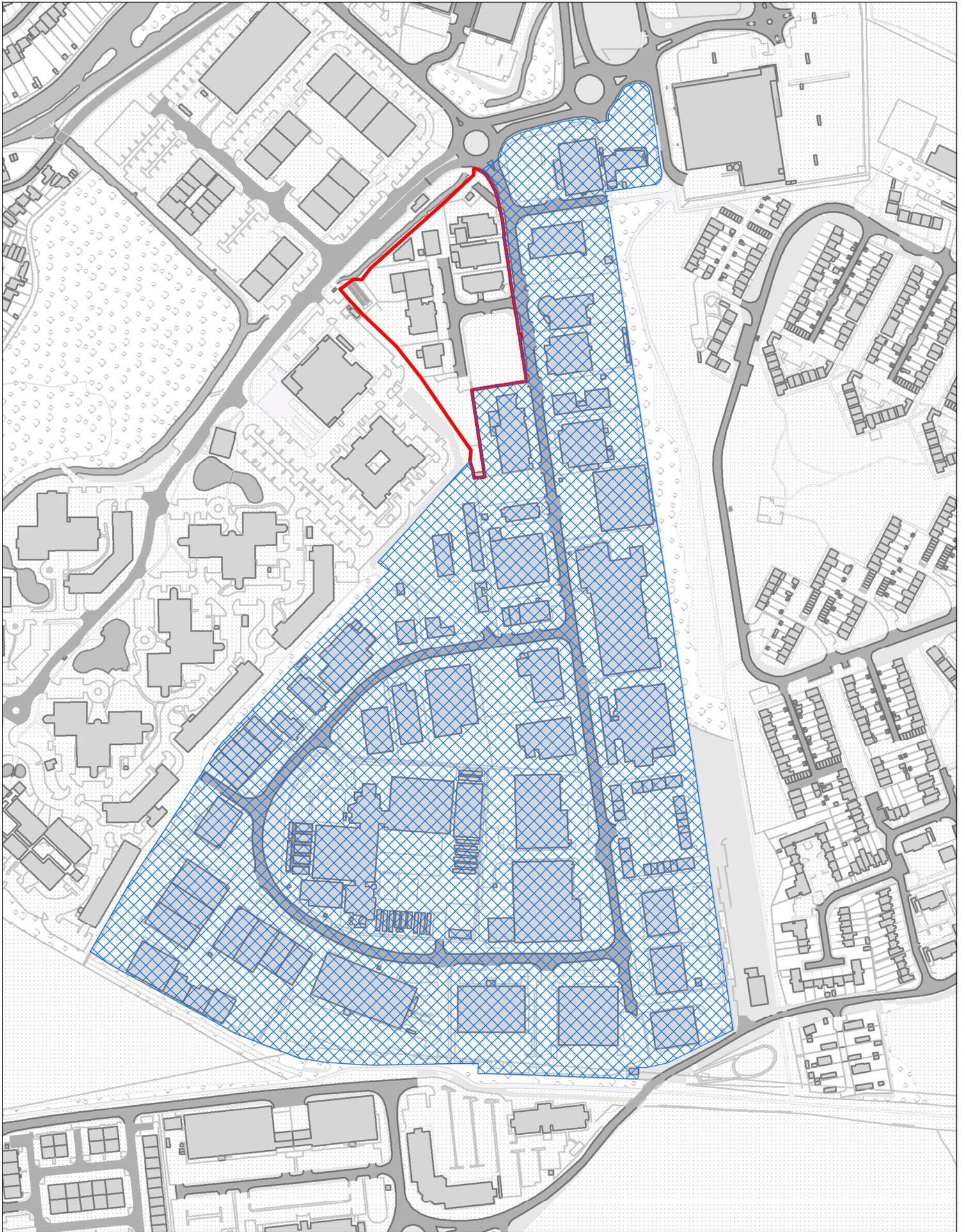
- Appendix 2 Watford Business Park - Gateway Site Acquisition Schedule
- Appendix 3 Watford Business Park - Financial implications

Background Papers

Cabinet Report - 5 March 2018 Item 67

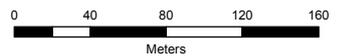
<http://watford.moderngov.co.uk/ieListDocuments.aspx?CIId=121&MIId=1922&Ver=4>

Document path: P:\PROPERTY MANAGEMENT\1\Investment\Outsource\Watford Business Park\WatfordBusinessPark.mxd



Watford Business Park
WBC001

-  Rights to be acquired over Gateway Zone
-  Gateway Zone



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2018 Ordnance Survey 1000186689
Aerial 2010 © Geoperspectives
GI & Aerial 2013 © Watford BC



Town Hall, Watford,
Hertfordshire WD17 3EX

Map Produced by: Matthew Wilson
Publication Date: 19/02/2019

Scale 1:4,000



**WATFORD
BOROUGH
COUNCIL**

Equality Impact Analysis

Title of policy, function or service	Watford Business Park 'Gateway Zone'
Lead officer	Lauren Sharkey
Person completing the EIA	Lauren Sharkey
Type of policy, function or service	Project – First review
Version & Date	11 February 2019

1. Background

- 1.1. Watford Business Park (WBP) is a major strategic land holding of approximately 75 acres (or 30 hectares) accommodating 65 businesses and employing in the region of 1,000 people. However, a significant proportion of the existing built stock is over 50 years old and is deteriorating.
- 1.2. Whilst Watford Borough Council holds the freehold title to the park, the majority of the buildings have been sold with long leasehold interests, many of which now have less than 40 years remaining. This fragmented leasehold structure is a significant barrier to comprehensive redevelopment or regeneration in the form of new investment either from occupiers, the council or in attracting third party funding.
- 1.3. The 'Gateway Zone' is located at the entrance to the business park and has potential to accommodate a flagship development at the entrance to the estate. It is currently characterised by low density and inefficiently planned buildings comprising low quality office and warehouse accommodation.
- 1.4. Without a significant rationalisation of land holdings and uses this strategic site will fail to attract new business, it risks deteriorating further and losing employment opportunities for the borough. The proposal to redevelop the Gateway Zone is considered to be a much needed catalyst to regenerate WBP as an employment destination.

2. Focus of the Equality Impact Analysis

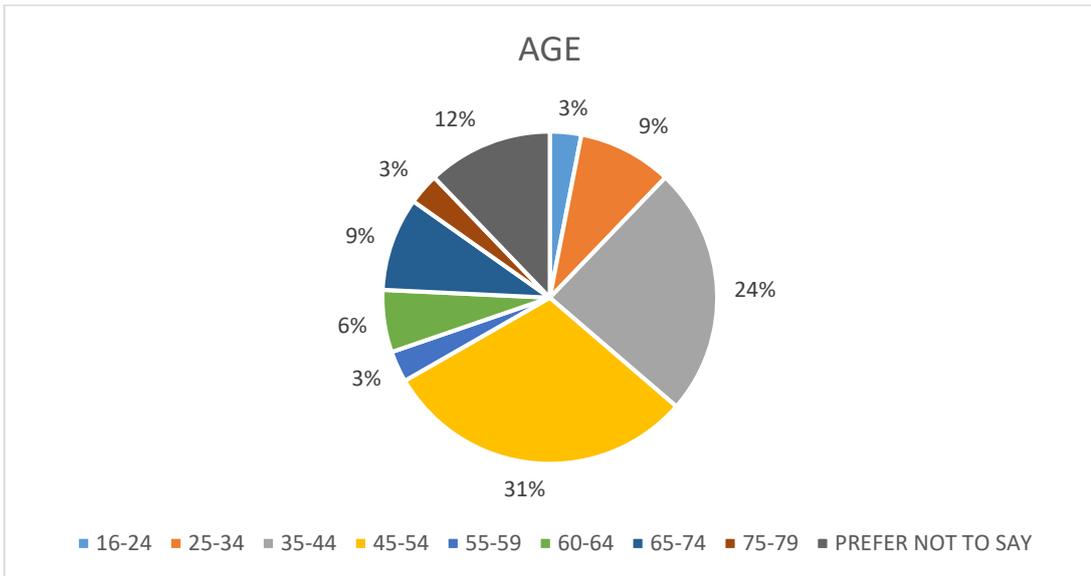
This EIA, therefore, considers the potential equality related impacts, both positive and negative of the Compulsory Purchase Order (CPO) and subsequent redevelopment of the Gateway Zone in Watford Business Park on the people in the groups or with the characteristics protected in the Equalities Act 2010.

These are:

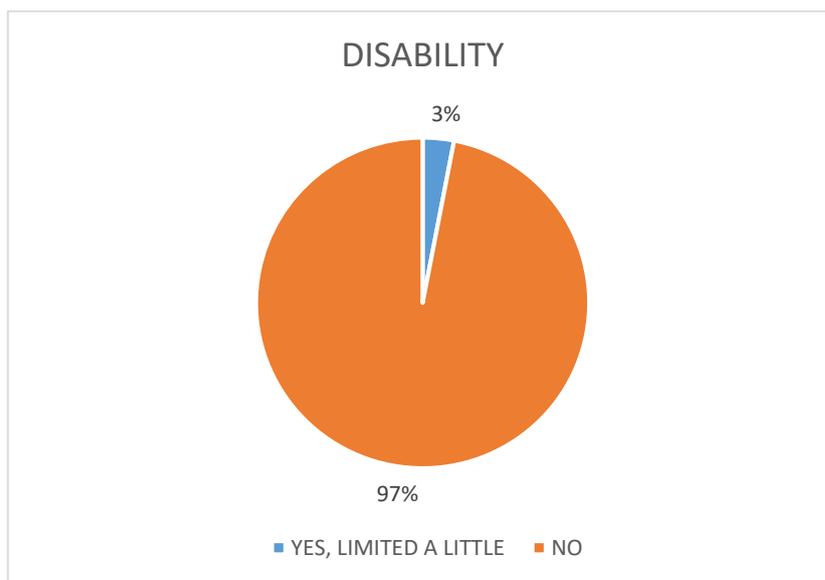
1. Age
2. Disability
3. Gender Reassignment
4. Pregnancy and maternity
5. Race
6. Religion or belief
7. Sex (gender)
8. Sexual Orientation
9. Marriage and Civil Partnership.

3. Engagement and consultation

- 3.1. As part of the CPO a referencing exercise was carried out. The purpose of this exercise was to ascertain the occupiers, lessees and those with rights over the land within the red line of the Gateway Zone.
- 3.2. The council appointed Ardent Management Ltd. to carry out this exercise. Their methodology to collect the equalities data was as follows;
 - 3.2.1. Review the current land usage for the site and its leases creating a comprehensive and rational properties database covering the land, its rights, usage and titles held by persons affected by the CPO.
 - 3.2.2. Apply to the Land Registry for title information and ascertain contact details for the titles provided in preparation for serving notices.
 - 3.2.3. Issue a Section 16 'Requisition for Information' (RFI) notice along with the council's standard Equalities Monitoring questionnaire (Appendix A) served on all known interest holders in accordance with statutory provisions, including Statutory Undertakers and mortgagees.
 - 3.2.4. Upon expiry of the statutory return period for RFI's capture any outstanding information, by following up by post, telephone and property visits as appropriate (including site notices).
- 3.3. Following this initial data gathering exercise and follow up site visits, Ardent Management collected the equalities data from 33 individuals who will be affected by the CPO.
- 3.4. With regard to age, the largest category represented was 45-54 year olds with 31% of respondents within this age group, followed by 35-44 year olds representing 24% of respondents. All other age groups were represented by less than 10% of total respondents and 12% either did not state their age or would 'prefer not to say'.

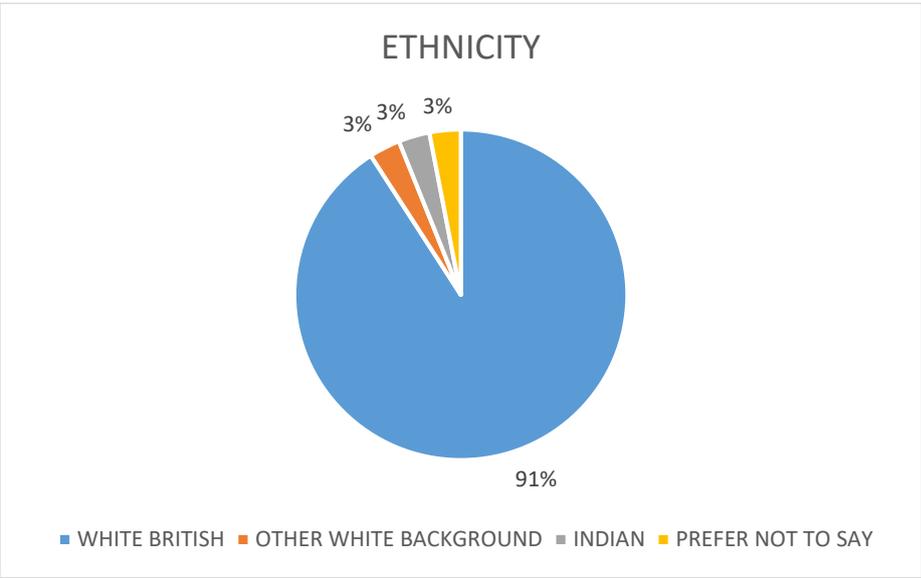


3.5. With regard to disability, 97% of respondents stated that they did not consider themselves to have a disability. 3% of respondents said that they were 'limited a little'. 0% of respondents said that they were 'limited a lot'.

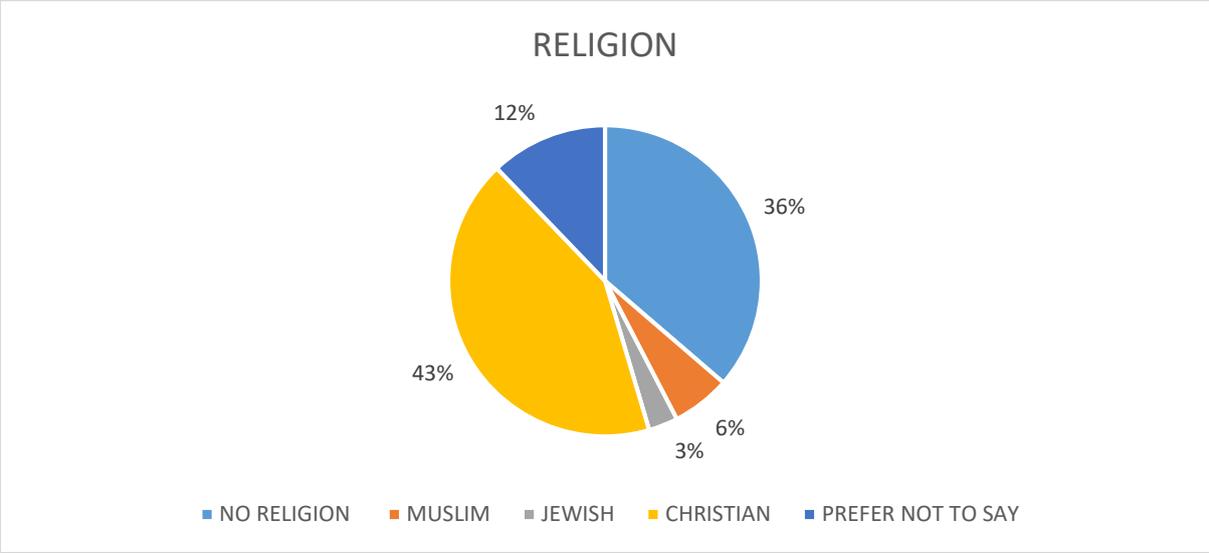


3.6. With regard to Gender reassignment, 88% of respondents said that they were same the gender that they were assigned at birth. 12% of respondents did not provide this information or would 'prefer not to say'.

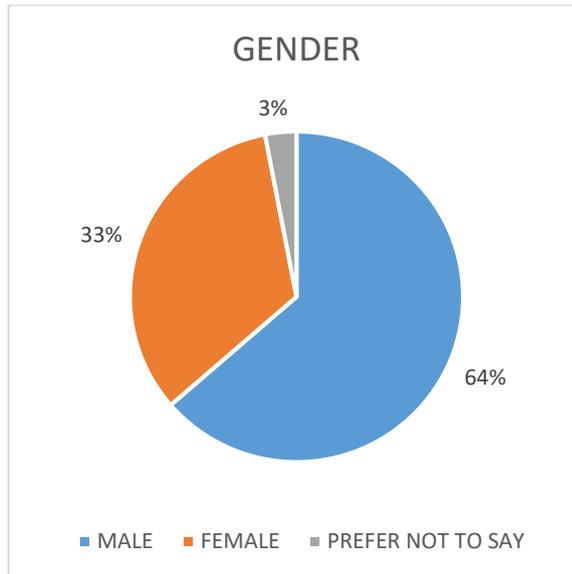
3.7. With regard to race and ethnicity, 91% of respondents categorised themselves as 'White British'. 3% categorised themselves as 'Other White Background', 3% as 'Indian' and 3% did not provide this information or would 'prefer not to say'.



3.8. With regard to religion and beliefs, 43% of respondents stated that they were Christian, 6% stated they were Muslim and 3% stated they were Jewish. 36% of respondents said they had no religion and 12% did not provide this information or would 'prefer not to say'.

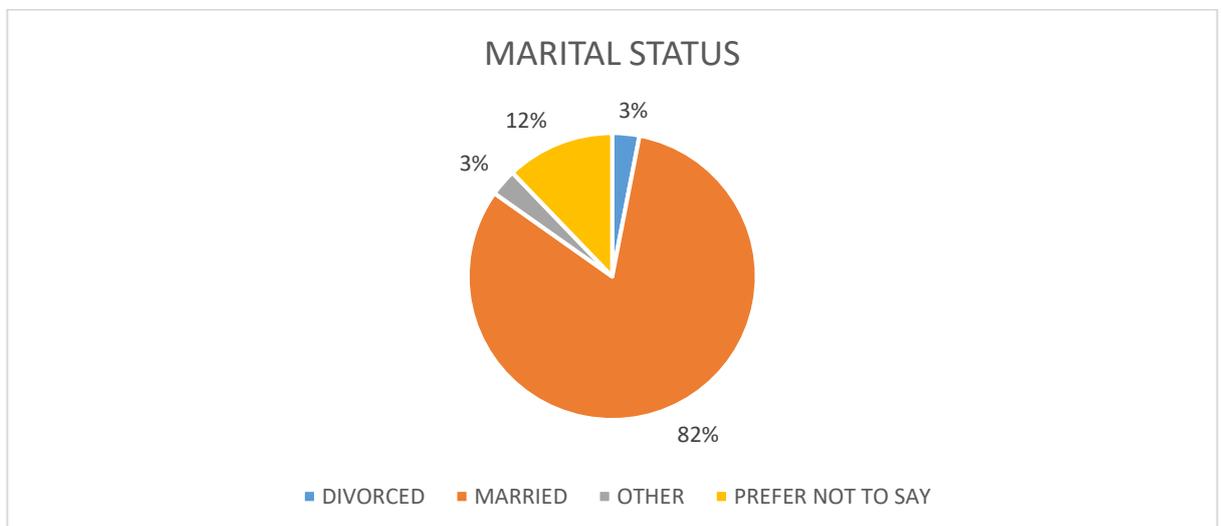


3.9. With regard to sex, 64% of respondents were male and 33% of respondents were female. 3% of respondents did not provide this information or would 'prefer not to say'.



3.10. With regard to sexual orientation, 88% of respondents identified as Heterosexual and 12% did not provide this information or would 'prefer not to say'. There were no respondents identifying as homosexual, bisexual or any other sexual orientation.

3.11. With regard to marriage and civil partnership, 82% of respondents were married. 3% were divorced and 3% stated other in response to this question. 12% did not provide this information or would 'prefer not to say'



4. What we know about the Watford population

Ethnicity / Race

For Watford, the Census 2011 shows the following breakdown in terms of ethnicity:

White British (61.9%), White other (7.7%), Pakistani (6.7%), British Indian (5.5%) and British other Asian (4.4%).

Census information is now nearly 10 years old and it is likely that the ethnic profile of the borough has changed during this time. For example, it would not have captured the more recent EU arrivals to the borough (EU2 countries – Romania and Bulgaria, who were given residency rights in 2014).

We know from other data such as National Insurance Registration that Watford has experienced a relatively high increase in nationals from the EU2 countries applying for National Insurance registrations as Watford residents. This follows a period of a high number from EU8 countries (including Poland, Latvia, Lithuania) who were given freedom of movement to the UK from 2004. Throughout the period the arrival of new residents from south Asia (e.g. Pakistan / India) has remained relatively constant.

Age

With regard to Age, the largest populations by age band in Watford are:

- 25-44 (31,700)
- 45-59 (18,100)

The numbers in each successive age-band fall progressively until there are estimated to be 6,000 who are 75+. We know that the borough has a younger profile than the rest of England.

Disability / Health

Around 85% of the population of Watford state that they have 'good health' and just under 14% record a disability. We do not have details as to what these disabilities are but are aware that these will range across a wide range of both physical disabilities and disabilities related to mental health and impairment.

Religion / belief

In Watford, the religious breakdown in the Census 2011 of top five religions in Watford was: Christian (54.1%), Muslim (9.8%), Hindu (4.8%), with no religion stated at 21.4%.

Sexual orientation

Sexual orientation was not collected as part of Census 2011 and so there is no reliable data on the sexual orientation of the Watford community.

Transgender

Watford has no specific data on the transgender community within the borough.

5. How will the council ensure equality is promoted through the CPO and redevelopment of Watford Business Park Gateway Zone.

Under the Equality Act 2010, three areas need to be considered when analysing the equality impact of the Watford Business Park Gateway Zone CPO and redevelopment:

1. **eliminate** discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
2. **advance** equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
3. **foster** good relations between people who share a relevant protected characteristic and people who do not.

6. Potential for positive impacts

With regard to age, the majority (55%) of respondents were between the ages of 35-54. Younger people of working age were under represented, with only 3% of respondents in the 16-24 category. This could indicate that there is a lack of employment opportunities, such as apprenticeships, available for younger people. The CPO and subsequent redevelopment has the potential to provide more job opportunities for younger people. By supporting business growth in Watford by ensuring there is sufficient, fit for purpose, industrial premises.

With regard to disability, the large majority of respondents stated that they did not consider themselves to have a disability. In Watford, approximately 14% of the population would consider themselves to be a disability. Therefore, it is reasonable to conclude that those with disabilities are underrepresented within the Business Park. This may be because the current commercial premises is over 50 years and provides a number of accessibility issues to those with disabilities affecting mobility.

The proposed redevelopment of the site will be in accordance with current disability legislations and create an environment much more conducive to providing accessible options to people with disabilities to seek employment within the Business Park.

7. Negative impacts

With regard to religion and belief, it is understood that one of the tenants within the Gateway Zone is a practicing church organisation. Unfortunately, despite best efforts, equality information was not received from this organisation. However, it can be assumed that the CPO has the potential to give rise to negative impacts on this protected characteristic. It is therefore essential that the council works on a relocation strategy.

6. Overall conclusion

In summary, the CPO of Watford Business Park Gateway zone and subsequent redevelopment of the site has the opportunity to give rise to a number of positive benefits with regard to protected characteristics. It also has the potential to negatively affect protected characteristics which the council will endeavour to mitigate as detailed in the table below.

The assumptions made in this report are based on the data collected as part of the referencing exercise. The data provides a useful baseline in order to carry out an initial Equalities Impact Assessment and highlight the potential effects of the proposed CPO and redevelopment. However, it would be prudent to assume that not everyone directly affected by the CPO provided their data. Therefore, prior to making the CPO it is proposed that an external consultant is appointed to review this document and gather further information from affected individuals and provide an update to this assessment. This will ensure that the council's approach to mitigating and negative factors is sufficient.

Summary of potential positive impacts and ways in which they can be ensured

Positive Impact	Protected characteristics	Ways to ensure the positive impact
More accessible premises	Disability	The development will be designed with disability and accessibility in mind. There is currently a limited provision of Blue Badge parking spaces and few of the units have level access into them of lifts to upper floors. This may discourage some people from working for businesses located within the current site. The new scheme will seek to maximise opportunities for accessibility and reduce or remove where possible all barriers that may inhibit or discourage those with disabilities from employment opportunities in the Gateway Zone.
New jobs and entry level opportunities	Age	Considering that Watford has a younger than average populations (Census, 2011), there are opportunities as part of the redevelopment to address the low representation of younger people working in the business park. It may be that there are a lack of apprenticeships and entry level jobs at present. Through the procurement approach and letting strategy, the council will be able to favour organisations that are able to achieve entry level job creation and apprenticeships.

Summary of potential negative impacts and ways in which they can be removed or mitigated

Negative Impact	Protected characteristics	Ways to mitigate the negative impact
Redevelopment of premises currently occupied by a place of worship	Religion / Belief	It is important that the relocation strategy addresses this unique use within the Gateway Zone. It will seek to provide all existing tenants with a tailored packages of support but will ensure that the unique requirements of a place of worship are recognised and taken into account when assisting with the relocation.

This EIA has been approved by:

...Martin Jones..... Date20 February 2019...