

Decision Maker: EXECUTIVE

For pre decision scrutiny by the Renewal, Recreation and Housing Committee on 5 November 2019

Date: Wednesday 27 November 2019

Decision Type: Non-Urgent Executive Non-Key

Title: BECKENHAM LIBRARY AND CULTURAL VENUE
AUTHORITY TO PROCEED TO PROCUREMENT

Contact Officer: Lydia Lee, Assistant Director Culture and Regeneration
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Chief Officer: Director of Housing, Planning and Regeneration

Ward: Clock House; Copers Cope;

1. Reason for report

- 1.1 Beckenham Public Hall is an underutilised asset in the town centre with huge potential. A grade II listed building in an accessible location.
- 1.2 This report sets out a new community use for the building, which would free up the existing Beckenham Library site, making it available for housing.

2. **RECOMMENDATION(S)**

Members of the Renewal, Recreation and Housing PDS Committee are asked to review and comment on the contents of this report, prior to the Executive being asked to:

- 2.1 Agree to proceed to procurement for the appointment of a multi-disciplinary team, to develop a scheme for Beckenham Public Hall up to RIBA Stage 2 in the first instance, at an estimated cost of £70k.
- 2.2 Agree in principle to use the existing Beckenham Library site for housing. The approach taken to deliver the housing will depend on the outcome of the review being undertaken by Lambert Smith Hampton and any subsequent agreement of a housing delivery vehicle. This will be subject to a further report.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Libraries are free to access. A new and modern library service in Beckenham will have a positive impact on local vulnerable people.
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Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Quality Environment Vibrant, Thriving Town Centres Regeneration
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Financial

1. Cost of proposal: Estimated Cost: £70K
 2. Ongoing costs: Not Applicable
 3. Budget head/performance centre: Capital Programme
 4. Total current budget for this head: £nil. Budget will be requested at contract award
 5. Source of funding: Will be proposed at contract award
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Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable
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Procurement

Summary of Procurement Implications: In accordance with the Contract Procedure Rules, the Head of Procurement has been consulted regarding the use of the ADUP Framework.

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): In 2018/19 Beckenham Library received 127,514 visits. It is estimated that the new venue will attract 150,000 visits pa.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: The Copers Cope ward councillors are supportive. They have said that there has been agreement for some time that the existing library building no longer meets the needs of the community.

3. COMMENTARY

Background

- 3.1. As part of the regeneration strategy in development, the Regeneration and Culture division is considering opportunities to improve and enhance the borough's library sites, to enable the library service to flourish and adapt, so that it continues to provide an excellent community service. Bromley libraries are particularly popular and in 2018/19 issued the third highest number of books in London.
- 3.2. Additionally, as part of the Housing Strategy the division is currently assessing Council owned sites for housing. The Council has a target to build and purchase 1000 homes over the next four years.
- 3.3. Therefore the Regeneration and Culture division has explored the potential of using the existing Beckenham Library site for housing, and moving the library service in to a building with significant potential in a more central town location – Beckenham Public Hall.

Beckenham Public Hall

- 3.4. Beckenham Public Hall (appendix 1) is located in the town centre close to St George's Church. The building is close to a public car park and public transport links, including Beckenham Junction Station (see appendix 2 – Equality Impact Assessment). It is located 0.7 miles from the existing Beckenham library.
- 3.5. It is a Grade II listed grand Victorian building in generally sound condition. Built in 1883 in the Arts and Crafts style in yellow and red brick with corner turrets. It is owned by the Council and leased to My Time who hire out its rooms for activities such as weddings, bridge clubs and concerts.
- 3.6. The building is spacious, tired and underutilised. Investment is needed to renew the building's infrastructure, and restore its features. A condition survey undertaken in 2014 identified backlog maintenance of c.£400k which would need to be addressed as part of this scheme.
- 3.7. Restoring the building will bring the building up to date, enabling a wide range of cultural uses to complement a core library provision.
- 3.8. The lease with My Time requires the Council to give 12 months' notice to vacate the site. Under the terms of the lease they are not eligible for compensation. To end the lease the Council must have formal resolution, i.e. an Executive decision to proceed with substantial works to the site, before issuing a notice.
- 3.9. Part of the basement of the main building is currently separated off and leased to a private members' club. Their lease comes to an end in 2024. At this point in time there are no plans to utilise this part of the building for the new library and cultural venue.

Existing Beckenham Library site

- 3.10. The existing Beckenham Library was built in 1939 and is sited next to the Spa leisure centre. A feasibility study (see appendix 3) has been undertaken and it is anticipated that 46 housing units could be accommodated on the site with no net loss of the surrounding green space which would be improved as part of any housing scheme.

- 3.11. The Council requires sites for housing across the whole borough. It is expected that the development would be 50% affordable and of traditional build, in an architectural style to complement the surrounding conservation area. A visualisation of how the development could look is attached (see appendix 4).
- 3.12. It has been estimated by officers that the value of the existing Beckenham Library site for housing is approximately £2m if 50% of the units are affordable. Cushman and Wakefield has been asked to provide a professional view on the value which will be available to be reported to committee on the night.

New library and cultural venue

- 3.13. Beckenham Public Hall has two large halls in addition to other rooms. It is envisaged that one hall would be dedicated library space alongside other rooms in the building including the main ground floor room which could be the children's library. The other hall would be retained as an events space, and would host activities ranging from children's concerts and theatrical performances, to private birthday and wedding celebrations.
- 3.14. The new library and cultural venue would be restored to a high standard and would reflect the changing nature of libraries as wider community services that provide computer access and training facilities. It would be a very special and high quality new public venue for Beckenham and would incorporate exhibitions of objects and artwork from the Bromley Historic Collection as has been done at Bromley Central Library.
- 3.15. The new library and cultural venue would benefit from being in a more central High Street location in comparison to the existing library. Moving libraries to the High Street area has worked well in Orpington and Penge, bringing further vitality to the High Streets and increasing library usage.
- 3.16. It is anticipated that the new venue would be managed by Greenwich Leisure Limited under the terms of the existing contract. The contract includes provision for the Council to undertake redevelopment on existing Library premises in line with the Council's aspirations to improve library buildings. The Council may also instigate changes to the contract by bringing forward development opportunities through the contract's change control process and has the right to renegotiate the terms of the lease and the contract price for the facility management under these circumstances.
- 3.17. It is expected that restoring Beckenham Public Hall and fitting out a new library and cultural venue here will cost £2m inclusive of fees and surveys.

Progressing the scheme

- 3.18. Members are asked to approve the procurement of consultants for the progression of the cultural and library venue to RIBA stage 2 (concept design). Progressing the scheme to this stage will include a full measured building survey, enabling the production of a clear cost plan for the works. Officers will undertake a competitive tender process to engage a design team and return to the Executive for authority to award the contract once the cost is known.
- 3.19. Members are asked to approve the use of the existing library site for housing. The approach taken to deliver housing on this site will depend on the outcome of the review being undertaken by Lambert Smith Hampton and any subsequent agreement of a housing delivery vehicle.

- 3.20. Community consultation on the future housing development will take place as part of the normal Planning process. Community consultation on the new cultural and library venue will be undertaken on completion of the concept design, prior to reporting back to Members for authority to move to the next RIBA stages.
- 3.21. The procurement of a design team and works in relation to the new library and cultural venue will be in line with the Council's Contract Procedure Rules. It is proposed that the ADUP framework will be used to procure the services of a design team to develop the library and cultural venue scheme, with a break clause at RIBA stage 2. Members should note that the ADUP framework only allows an evaluation split of 70% Quality, 25% Price and 5% Equality. This is not in line with the Council's normal position of 60% Price and 40% Quality.
- 3.22. The benefits of using a procurement framework are namely speed, due to the OJEU process having already been undertaken. Additionally the key documentation is already in place. The ADUP framework is particularly suitable for this scheme because it has a specialist civic buildings category, and the 13 practices on this lot have already demonstrated their expertise in this area. The Council has previously successfully used the first version of the ADUP framework. The Council retains flexibility in relation to the quality questions and can use these to ensure financial good practice.
- 3.23. If Members approve the recommendations in this report, it is expected that the design team tender will be published in February 2020 and officers will return to the June meeting of the Executive to seek authority to award the contract and include this scheme in the Capital Programme. At that time officers will know the cost of the consultancy team. The works contract will be subject to a separate procurement exercise at a later date.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The impact of the relocation of Beckenham Library on vulnerable adults, children and young people was evaluated as part of the Equality Impact Assessment (Appendix 2) which was undertaken to inform this proposal. No negative impacts have been identified as the new facility will offer at least a like-for-like service.
- 4.2 The proposed Beckenham Library and Cultural facility will continue to deliver a diverse programme of activities for children and adults and will continue to support the most vulnerable residents including those with protected characteristics in order to ensure that the promotion of equality is achieved.

5. POLICY IMPLICATIONS

- 5.1 Listed Building Consent will be required in advance of undertaking works at Beckenham Public Hall.
- 5.2 Planning permission will be required for a new housing development at the existing Library site.
- 5.3 Planning policy sets out that housing built on public land should be 50% affordable.

6. FINANCIAL IMPLICATIONS

- 6.1 The estimated cost for the development of the scheme to RIBA Stage 2 is £70k.
- 6.2 It is currently estimated that the sale value of the existing Beckenham Library site for housing is approximately £2m if 50% of the units are affordable. It is expected that

restoring Beckenham Public Hall and fitting out a new library and cultural venue here will cost £2m inclusive of all fees and surveys.

- 6.3 Therefore the implementation of this scheme is anticipated to be cost neutral, although this will only be known once the Beckenham Library site is sold, and costings for the restoration and fitting out of Beckenham Public Hall are finalised.
- 6.4 Ongoing running costs and potential income streams relating to the future use of the entire space at Beckenham Public Hall is not yet known. Therefore at this time it is not possible to quantify the financial impact of the proposal.
- 6.5 In addition to seeking Executive approval to award the contract, the report will also request Council agreement to add the scheme to the Capital Programme.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications. Library staff are employed by Greenwich Leisure Ltd.

8. LEGAL IMPLICATIONS

- 8.1. The Council has various legal powers in relation to land and assets it owns, held under various statutory functions.
- 8.2. Under the Public Libraries and Museums Act 1964 the council is under a statutory duty to provide a comprehensive and efficient public library service.
- 8.3. The Council has various powers to develop and use land for housing purposes including its general power of competence under the Localism Act 2011 and the Housing Act 1980.
- 8.4. The report is seeking agreement to procure a multidisciplinary team to develop the scheme at Beckenham Public Hall through using the ADUP Framework. Due to the value of the proposed appointment such a procurement is governed by the Public Contracts Regulations (the Regulations) which allow the use of an existing framework which has been procured in compliance with the Regulations and which is expressed as being available to the Council. The Procurement comments to this report confirm that the Framework is available as such and must be used in accordance with the Framework rules.
- 8.5. The procurement comments to this report deals with compliance with the CPR's.
- 8.6. The report is also seeking agreement in principle to use the land at Beckenham Library site for housing. Section 122 of the Local Government Act 1972 gives the Council the power to appropriate for any purpose for which the Council is authorised to own such land, which is no longer required for the purpose for which it was held, subject to the rights of other persons in, over or in respect of the land.
- 8.7. As indicated within this report a further report will be necessary.
- 8.8. In due course the Executive will therefore need to be satisfied that the land is no longer required for the purpose.
- 8.9. Officers must note that there is likely to be a need to formally appropriate land at the Beckenham Public Hall site under section 122.

- 8.10. Officers must also note, particularly in relation to the proposal for affordable housing and its fiduciary duty to taxpayers, that under section 123 of the Local Government Act 1972 the Council has a legal obligation to dispose of land at the best consideration reasonably obtainable. If land is to be sold at an undervalue the specific consent of the Secretary of State is required except where there is a general consent to dispose of land at an undervalue up to a maximum of £2m in circumstances where the Council considers that it will help to secure the promotion or improvement of the economic social, or environmental wellbeing of its area. There is also the question as to whether the option finally agreed might be categorised as having as its object primarily the disposal of land which is exempt from the Regulations or whether the primary object is the realisation of a work corresponding to the requirements specified by the council exercising decisive influence on the type or design of the work, in which would then require compliance with the Regulations
- 8.11. Actions in relation to consultation concerning the relocation of the services is explained in paragraph 3.20 of this report. Paragraph 4.1 of this report refers to the Councils Equality Impact Assessment and its Public Sector Equality Duty.

9. PROCUREMENT IMPLICATIONS

- 9.1 The procurement implications of the disposal or development of the Beckenham library site will be discussed in a further report, in line with 2.2 above.
- 9.2 This report proposes to procure multi-disciplinary consultancy services (including surveys) making use of the ADUP framework to RIBA stage 2. The anticipated value of progressing to RIBA stage 2 is £70k, and the anticipated total contract value is £300k. The works element will be the subject of a further report.
- 9.3 In accordance with Clause 3.5 of the Contract Procedure Rules, the Head of Procurement has been consulted regarding the use of the Framework.
- 9.4 The use of the ADUP framework is subject to the Council's proper inclusion on the Contract Notice.
- 9.5 Lot 5 'Architecture - Commercial, Workspace, Health, Education and Civic Buildings' will be used to run a further competition among the 13 suppliers. Interviews should be part of the selection and assessment process. The ADUP contract terms must be used.
- 9.6 The Council's Contract Procedure Rules require the following for authorising an award via a framework for a contract of this value; the approval of the Chief Officer must be obtained with the approval of the Assistant Director of Governance and contracts, Director of Corporate Services and Director of Finance.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	Appendix A – Beckenham Public Hall current provision and concept Appendix B – Equality Impact Assessment Appendix C – Feasibility Study Appendix D - Visualisation