

COUNCIL

CHAIRMAN: Cllr Avril Kerswell

DATE: 28 February 2019

REPORT OF: Interim Head of Operations and
Portfolio Holder for Leisure and Recreation

SUBJECT: Bakers Park Improvements

PART I

Council is recommended to

- I. Approve capital expenditure of £705k, to be funded from S106 contributions, towards improvement works as outlined for Bakers Park.
- II. Delegate authority to the Interim Head of Operations, in conjunction with the Section 151 Officer and Portfolio Holder for Leisure and Recreation to accept the most economically advantageous tender for the works.

1. PURPOSE

- 1.1. To obtain Full Council approval to invest S106 funding as outlined in this report to carry out the improvement works at Bakers Park Newton Abbot.

2. BACKGROUND

- 2.1. Bakers Park is a very popular multi-use Park in the centre of Newton Abbot. The park has a number of facilities that require improvement and S106 funds have been gained from development within Newton Abbot to improve active leisure facilities for the town. An improvement plan has been prepared which takes into account areas highlighted by the local community for improvement. These include the tennis courts, parking facilities, playing pitch drainage and changing facilities; toilet and refreshment kiosk; and trim trail/ outdoor exercise facility.
- 2.2. Plans have been finalised which will be subject to consultation through the Planning Process and then Contract documents and specifications will be drawn up and will be put out to tender following approval from Members.
- 2.3. The works included comprise;

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Resurfacing and re-fencing the existing tennis courts
New football changing room facilities
A new refreshment kiosk with three public toilets and three changing rooms
Carpark extension and resurfacing to create 53 additional spaces
New exercise trail
Removal of existing changing room, derelict toilets and booking office
Passing bay on Steppes Meadow if this is not included in proposals being considered by DCC to adopt this road.

3. MAIN IMPLICATIONS

3.1 Finance

The estimated value of the works is £705k, including a contingency allowance. This was arrived at following an option appraisal of traditional, modular and insulated concrete build options. Indicative high-level quotations were sought from expert contractors. Alongside this, analysis of Building Cost Information Service (BCIS) cost data was applied to similar known building projects. The final cost will however be dependent on the result of a compliant procurement process.

Section 106 funding for Bakers Park (as provisionally budgeted at £489k in the capital programme), has been obtained through the planning process. This, in combination with active leisure contributions will completely fund the improvements. Other funding options, including borrowing and use of additional revenue contributions from the repairs and maintenance budgets, were considered for the amount not covered by the specific Bakers Park sum. However, S106 funds are time limited and must be paid back to the developer if not spent by the agreed date, so use of the active leisure contributions was the preferred option.

Revenue implications: increased lease income from the new kiosk would provide a positive contribution to Council budgets. It is anticipated there would be modest increases to repairs and maintenance, utility, cleaning and insurance costs. Assuming the lowest rental estimates, these costs would still be covered by the income from the refreshment kiosk, with an average estimated positive budget implication of £273 per annum.

Advice has been sought regarding the likely business rates liability of the new pavilion. This states that where it is possible to prove that a facility is provided by a local authority as part of their duty to provide public open space, exemption from business rates may be possible, but is not guaranteed. In relation to the commercial operation of the kiosk element, this will be subject to a rating assessment, the liability of which would fall on the occupier. In the event of voids between lease periods, the liability of this element would also fall to the council.

In the worst case scenario of the whole pavilion being found subject to non-domestic rates and the council being liable for the whole sum, it is estimated

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the cost would initially be in the region of £2,100 per annum. Rental income in the middle to upper estimate brackets would be sufficient to cover this additional cost.

3.2 Procurement

The tender documents will be produced and a compliant process will be followed through the Council's procurement portal 'Supply South West'. The evaluation criteria will be clearly set out and subject to this approval from Members on the most economically advantageous tender will be awarded the contract. Following appointment of the Contractor, pre contract discussions will be held with the preferred Contractor to ensure mobilisation, lead times and programme will be agreed to be of minimal disruption to park users.

3.3 Legal

The Council will enter into a Contract with the successful Tenderer using an NEC3 standard form of Contract. The Contract agreement will be completed in accordance with the Council's Contract Procedure Rules.

The Estates Team will run a marketing process to invite potential operators of the refreshment kiosk to put forward expressions of interest. It is hoped that an operator that will take on the responsibility of opening and closing the three public toilets, along with the cleaning. It is recognised that this operator requirement will impact on the potential rental income, but this is to be weighed against the cost of employing staff to provide these services. The Council will be responsible for the maintenance and repair of the building and the tennis courts.

As this is a public open space any lease of the kiosk will need public advertisement in accordance with section 123(2A) of the Local Government Act 1972 and consideration of any objections.

3.4 Risk

The works will take place in a public area, every precaution will be taken to manage the build and mitigate risk and conflicts with members of the public using the park.

Planning permission is not granted in a timely manner delaying commencement. Pre-application discussions have been on-going to produce a scheme that would be acceptable to the LPA.

Tender returns are higher than cost estimates. A detailed cost estimate has been produced for each element of the scheme with an allowance for contingency.

A risk register has been prepared.

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4. GROUPS CONSULTED

The community have requested improved carpark, toilet, tennis courts, an activity trail and kiosk provision. Strategic work eg. Playing Field Strategy has highlighted the need for improvements to playing pitches and changing room facilities on the site.

The works will be subject to planning approval, an application has been submitted, with an expected decision date of 5th April (provisionally)

Internal consultees; Procurement, Finance, Legal, Estates, Property, Green Spaces and Active Leisure, Economy and Assets Projects team and Corporate Capital Review Group.

5. TIME-SCALE

Anticipated dates are;

February 15th, 2019 – Planning and Building Regulation Application submitted; tender documents drafted and sent out to tender; tender returns evaluated and awarded

May 13th, 2019 (Provisionally) - Following consent of statutory applications and awarding of successful tenderers, construction is to commence.

October 11th, 2019 (Provisionally) -Construction of new pavilion, car park layout, paths, tennis courts and exercise/trim trail complete, including snagging. 12 month defect period commences until September 2020.

6. JUSTIFICATION

Bakers Park is a very popular well used community asset and S106 funding is available to do these improvements. The need for the improvements has been highlighted by the community and the adopted Playing Field Strategy.

7. DATE OF IMPLEMENTATION (CONFIRMATION OF DECISION SUBJECT TO CALL IN)

Lorraine Montgomery
Interim Head of Operations

Cllr Philip Bullivant
Portfolio Holder for Leisure and Recreation

BELOW TO BE FILLED IN BY THE REPORT AUTHOR:

TEIGNBRIDGE DISTRICT COUNCIL

Wards affected	
Contact for any more information	Lorraine Montgomery
Background Papers (For Part I reports only)	
Key Decision	Y / N
In Forward Plan	Y / N
In O&S Work Programme	Y / N
Community Impact Assessment attached:	Y / N
Appendices attached:	A: title B: title etc