

CANNOCK CHASE COUNCIL

CABINET

15 APRIL, 2010

REPORT OF DIRECTOR OF CULTURE AND REGENERATION

RESPONSIBLE PORTFOLIO LEADER: ACCESS TO EDUCATION, SKILLS AND EMPLOYMENT

PROPOSED RUGELEY WATER FEATURE

KEY DECISION – (NO)

1. Purpose of Report

- 1.1 To notify Cabinet of revisions to the proposed timetable for the construction of a water feature in Brook Square, Rugeley.
- 1.2 To seek approval of the revised timetable.

2. Recommendations

- 2.1 That Cabinet consider the revised timetable for the construction of a water feature in Brook Square, Rugeley.

3. Conclusions and Reason(s) for the Recommendation(s)

- 3.1 Cabinet at its meeting on the 23 April, 2009 determined that it wished to proceed with the construction of a water feature in Brook Square.
- 3.2 Council at its meeting on 29 April, 2009 agreed the inclusion of this scheme in the Council's Capital Programme.
- 3.3 Council Officers have been working with Officers from Staffordshire County Council Highways Agency to look at the detail of options for the scheme, planning issues, liaison with the Environment Agency and the production of a timetable leading to construction of the water feature.
- 3.4 This report feeds back to Cabinet on issues relating to the timetable.

4. Key Issues

- 4.1 Council at its meeting on 29 April, 2009 approved development of a design for the proposed Water Feature in Rugeley Town Centre. This is to be based on the brook course running through a single channel divided, if possible, by a footbridge and with an emphasis on a traditional appearance.

- 4.2 Council also approved capital and revenue funding for the scheme from the use of existing Section 106 monies with any funding balance being met from variations to currently allocated Section 106 funds.
- 4.3 The scheme is currently being procured through the County Council. It is being designed by the County's highways structural engineers and will be built by their construction partner, Enterprise. This avoids the need for the contract to be separately tendered and allows the contractor to be involved in the design work, for example through their stonemason sub-contractor, leading to more accurate coating.
- 4.4 In February, 2010 the design engineer provided the following estimated timescale for the scheme:-

- Preparation of CAD drawings and visualisations for construction purposes by w/e 26 March, 2010
- Consultation by CCDC – 6 weeks (finish 7th May 2010)
- Preparation of final drawings based on output from consultation by w/e 4 June, 2010
- Final approved by CCDC by w/e 18 June, 2010. (subject to Cabinet/Council dates)
- Lead in time for contractor – 12 weeks
- Approximate start on site – 13 September, 2010
- Construction period – 6 weeks
- Completion end October, 2010

There were a number of caveats to the estimated programme, including the design and installation of any specialist features which are outside the County's control, e.g. water walls' and similar ornamental lighting; securing Environment Agency approval; the actual dates of Cabinet and Council meetings for approval of the final design and its funding. Should the works slip beyond the first week in November it would be the County Council's view that the work be delayed until after Christmas to avoid disruption to shopping.

- 4.5 The consultation materials including visualisations were completed on 31 March and are now available. However, based on the advice of the Monitoring Officer, the consultation process has been put on hold until after the elections.
- 4.6 Therefore, the effect on the current programme is as follows:
- Consultation by CCDC for 6 weeks from 7 May, 2010 (end on 18 June 2010)
 - Preparation of final drawings based on output from consultation by w/e 16 July, 2010
 - Final approval by CCDC by w/e 30 July, 2010 (subject to Cabinet/Council dates)
 - Lead in time for contractor – 12 weeks

- Approximate start on site 22 October, 2010
- Construction period – 6 weeks
- Completion 3rd December, 2010

This programme is subject to the same uncertainties as above regarding the design and installation of any specialist features; Environment Agency approval; CCDC Cabinet and Council dates for decisions on the scheme and its funding.

- 4.7 Alternative means of procuring the contract have been explored with the County design engineer. The advantage of alternative procurement is that it may avoid the 12 week lead in period to a start on site which is currently requested by the County's construction partner. It will also avoid any conflicts with urgent and important highway works which may take precedence over the Water Feature. The disadvantage of alternative procurement is that it will require a tender process with more costs in detailed design work and contract preparation; a tender period of approximately 10 weeks inclusive of specification, additional design work, contractor response period and evaluation; and no certainty that alternative contractor can be secured with significantly reduced lead in time to a start on site. There will also be an increased risk of contractors not familiar with the scheme pricing to cover unknown risks. In addition, the involvement of the County's construction partner in the design and costings to date will be lost and the separate approval of the County Council as highway authority will be required to the design, the contractor and the works methodology.
- 4.8 On grounds of greater certainty on cost control (with the exception of any specialist installations), and because any timing gains are unlikely to be significant, it is recommended that the Council continue with the current arrangements with the County Council. To try to minimise the impact on the programme from the delay in carrying out the consultation stage the following should be considered:-
- Reducing the consultation period to 3 weeks ending on 31st May 2010.
 - Securing authority from the Chief Executive in consultation with the Leader for the Environment to agree the final scheme provided that the scheme does not require funding approval from a meeting with the Council
 - Pressing the County Council to reserve a construction works 'slot' with their construction partner with the aim of completing works no later than the first week in November, 2010. To do so the County Council will identify a final scheme approval date for the District Council to work to.
- 4.9 Based on the suggestions made above, a revised timetable for consideration based on the existing project delivery arrangements would be as follows:
- Consultation by CCDC for 3 weeks from 7 May, 2010 (end on 31st May 2010)
 - Preparation of final drawings based on output from consultation by w/e 25 June, 2010
 - Final approval by CCDC by w/e 30 July, 2010 (Cabinet meeting on 22 July 2010 tbc)

- Lead in time for contractor – to negotiate a revised 10 week lead in period rather than current 12 weeks with Staffordshire Highways Agency & Enterprise.
- Approximate start on site by 8 October, 2010
- Construction period – 6 weeks
- Completion 19th November, 2010

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Section 1

Background

Following the collapse of the culvert in Brook Square Rugeley in 2008, the War Memorial has been re-located to Anson Street and the culvert has been rebuilt in a manner which will allow the water course to be exposed and finished to create an open water feature.

In April 2009, Cabinet resolved to proceed with a scheme to provide a water feature in Brook Square. The meeting also considered a number of potential designs and, after considering a briefing note of a survey of residents provided by the Leader, resolved to develop a design based on a single channel, if possible divided by a footbridge, with a design of traditional appearance.

Cabinet also recommended that Council approve the capital and revenue funding for the scheme from the use of existing S106 monies, with any funding balances being met from variations to unallocated S106 funds.

Council approved the recommendations of Cabinet in April 2009.

Following the reinstatement of Brook Square, the County Council has commenced work on design options for the water in conjunction with Cannock Chase officers with the aim of these being consulted on prior to a final decision of the District Council as to the preferred scheme. The original estimated programme for the works aimed to complete construction in October 2010.

As the Rising Brook is classed as "Main River" the water feature proposal is considered to be covered by "permitted development" rights under the Town and Country General Permitted Development Order (GPDO) 1995 Schedule 2 Part 15 Class A (b) in that it comprises development by/or on behalf of the EA in/on any watercourse required in connection with the improvement, maintenance, or repair of that watercourse.

Section 2

Details of Matters to be Considered

See Key Issues section.

Section 3

Contribution to CHASE

Provided the exposed watercourse scheme is designed and constructed to a high quality, the feature will contribute to the Environment objectives of CHASE.

Section 4

Financial Implications

Provision of £72,000 currently exists within the Section 106 Capital Programme for Rugeley Town Centre Water Feature with revenue implications being reflected in the General Fund Revenue Budget.

The cost of the scheme will be dependant upon the outcome of the consultation and a recommended design and will be subject to a further report to Cabinet

Section 5

Human Resource Implications

There are no identified Human Resource implications arising from this report.

Section 6

Legal Implications

Section 137 of the Local Government Act 1972 enables local councils to spend a limited amount of money for purposes for which they have no other specific statutory expenditure. The basic power is for a local council to spend money (subject to the statutory limit) on purposes for the direct benefit of its area, or part of its area, or all or some of its inhabitants.

The Council also has the power to expend resources where it considers it would promote the well-being of the inhabitants of the District. This power is contained in s.2 Local Government Act 2000, which provides:

- (1) Every local authority are to have power to do anything which they consider is likely to achieve any one or more of the following objects –
 - (a) the promotion or improvement of the economic well-being of their area,
 - (b) the promotion or improvement of the social well-being of their area, and
 - (c) the promotion or improvement of the environmental well-being of their area.
- (2) The power under subsection (1) may be exercised in relation to or for the benefit of –
 - (a) the whole or any part of a local authority's area, or
 - (b) all or any persons resident or present in a local authority's area.
- (3) In determining whether or how to exercise the power under subsection (1), a local authority must have regard to their strategy under section 4.
- (4) The power under subsection (1) includes power for a local authority to –
 - (a) incur expenditure,
 - (b) give financial assistance to any person,
 - (c) enter into arrangements or agreements with any person,
 - (d) co-operate with, or facilitate or co-ordinate the activities of, any person,
 - (e) exercise on behalf of any person any functions of that person, and
 - (f) provide staff, goods, services or accommodation to any person.

- (5) The power under subsection (1) includes power for a local authority to do anything in relation to, or for the benefit of, any person or area situated outside their area if they consider that it is likely to achieve any one or more of the objects in that subsection.

The Council can use s.106 funds that have yet to be expended under a s.106 agreement provided that the wording of the S106 agreement enables the funds to be used for this purpose. In the event that surplus funds remain after the Council has discharged its obligations under a s.106 agreement, then providing there is no contractual limitation or bar, the Council would be able to use such surplus funds for alternative purposes providing such expenditure could satisfy s.137 and/or s.2 of the Local Government Act 1972 and 2000 (respectively).

Section 7

Section 17 (Crime Prevention) Implications

There are no new implications under Section 17 arising from the recommendations to consider the revised timetable for the delivery of a water feature in Brook Square, Rugeley.

Section 8

Human Rights Act Implications

There are no implications under the Human Rights Act 1998 arising from this report.

Section 9

Data Protection Act Implications

There are no identified implications in respect of the Data Protection Act arising from this report.

Section 10

Risk Management Implications

The main risks to delivery of this scheme are

- a) the design and installation of any specialist features which are outside the County's control, e.g. water walls' and similar; ornamental lighting;
- b) securing Environment Agency approval;
- c) the actual dates of Cabinet and Council meetings for approval of the final design and its funding.

Section 11

Equality and Diversity Implications

There are no Equality and Diversity implications arising from this report.

Section 12

Other Options Considered

Included in the report is an alternative procurement option with timetable implications.

Section 13

List of Background Papers

Proposed water feature – Rugeley Town Centre (Report to Cabinet on 23 April 2009)

Minutes of Council dated 29th April 2009.

Report Author Details

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