



TODMORDEN TOWN COUNCIL

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REPORT TO RESOURCES COMMITTEE

REPORT AUTHOR	Colin Hill - Town Clerk & Responsible Financial Officer
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Date	2nd December 2020
SUBJECT	Wheelspark project update

PURPOSE OF REPORT

1. To advise Members that there are now a number of simultaneous parts of the project being pursued that are all aimed at arriving at appointing a contractor in December to carry out construction of the Wheelspark by the end of March 2021, namely:-
 - Tender Exercise
 - Application for Environment Agency Permit
 - Application for Fields in Trust Permission
 - Ministry of Housing, Communities and Local Government("MHCLG") agreement for funding
 - Finalisation of Fund drawdown arrangements
2. To Inform Members that out of six parties who responded to the Tender advert, two have subsequently declined to tender, three will tender and one is unsure
3. To inform Members that a MHCLG agreement has been completed by the Town Clerk ahead of this meeting to not delay any matters, and is now with Calderdale MBC for agreement – see Appendix 1.
4. To remind Members that we have already: -
 - Approved the Tender document
 - Including commissioning an external topographical survey given difficult land levels for drainage solutions.
 - Obtained Calderdale MBC outline approval for proposed drainage solutions.

- Obtained Calderdale MBC approval that planning permission is not required.
 - Held user group sessions to inform use requirements.
- Issued the Tender on the 5th November 2020 and placed on the government “Contract Finder” portal.
 - Approved the fee structure for Groundwork to act as our consultants on this project.
5. To inform Members that we are dependent upon third party permissions of the Environment Agency and Fields in Trust being given to satisfy conditions for the Grant to be drawn down, and before we can appoint a contractor.
 6. To remind Members that there will be a meeting of the user group and panel from the working group on the 9th December 2020, where with user group Members we will receive presentations from up to four potential contractors bidding for the project.
 7. Following this a scoring exercise will be completed, and a recommendation made to a meeting of the Resources Committee to be held on the 14th December 2020, for then a recommendation to Town Council on the 16th December 2020, to appoint the successful contractor.

OUTSTANDING MATTERS:

Fields In Trust

8. Centre Vale Park is held under a trust arrangement. Permission is required to allow this new development to proceed. Given that there is already a Wheelspark in place, it is highly unlikely that permission will not be given. The issue is more about the question of timing given the trust meets quarterly and should meet in December.
9. Ideally, they should look at the actual scheme we select, but timing may be wrong, so Calderdale MBC have written to them now to seek permission, enclosing a copy of our tender and outline schematic and equipment proposals.

Environment Agency

10. This is more complex in that the area acts as flood basin as part of the Emergency Flooding response. Any construction in this area involving bringing in material, will increase the flood area and consequently a “Permit” has to be obtained from the Environment Agency.
11. Although it was acknowledged that a previous permission for reconstruction of the Wheelspark, without an EA Environmental Permit, did exist, it is no longer valid due to the delay of more than 5 years.
12. Groundwork were not able to submit the application until 23rd November 2020 owing to the complexity of ground levels and drainage solutions requiring a topological survey to be completed. They have however been in regular email dialogue with the Environment Agency and the case is already familiar with them, so it is anticipated that permission should now be forthcoming – again the issue is timing.

Funding Agreement

13. As is normal, funding agreements from Government are detailed and seek to protect the public purse by ensuring all requirements of the specific scheme are met.
14. Calderdale MBC have asked us to complete elements of the agreement in terms of the :
 - Aims and Objectives of the Project
 - Outputs
 - Outcomes
 - Monitoring Information
 - Payment Schedule
15. To avoid delay the Town Clerk has completed these and submitted the agreement to Calderdale MBC for their approval and or amendment should they feel it necessary.
16. On approval this will require two signatures of Members to the document.

Payment schedule

17. Calderdale MBC are under severe pressure in their finance department owing to the need to make Covid 19 related payments ,which have been given priority.
18. In proposing a schedule linked to likely stage payments, we are looking to our exposure of making payments to be kept as low as possible, but it may be as high as £80k at the end of the project, unless Calderdale MBC agree to some funding up front.

Timetable

19. An outline timetable for the project is as follows: -

Action Purpose Timeline	Tender Period to seek costed design proposals.	5 th November – 3 rd December 2020
First Stage of the Tender Appraisal	Technical Assessment: Todmorden TC Officers, Groundwork and Calderdale MBC officers to assess to what extent the tenders submitted comply with specification and are deliverable. An opportunity for Todmorden TC Officers and Groundwork to query the tender submissions and receive further information/clarification from tenderers. Selection of 4 final submissions for consideration.	4 th & 7 th December 2020
Second Stage of the Tender Appraisal	Tender Evaluation: Presentation by Tenderers and Groundwork to Todmorden TC Committee and User Groups – 15 mins per submission	9 th December 2020
Selection of Contractor	TC Resources Committee ‘Most favourable’ design-build skatepark contractor chosen.	14 th December 2020

Environment Agency (EA) Permit/Fields In Trust agreement	EA to provide agreement for Wheelspark Bespoke Permit/FIT permission	15 th December 2020
Approval of Preferred design-build skatepark contractor	Todmorden TC formally approve appointment of the preferred design-build skatepark contractor subject to all funding conditions being satisfied	16 th December 2020
Appointment of contractor	Order placed with successful design-build skatepark provider.	17 th December 2020
Design Decision	Advise all users, community groups, Councillors and wider public of chosen design.	17 th December 2020
Pre-start	Pre-start Contract Meeting On site.	5 th January 2021
Start on site	Commence on-site Preliminaries	1 st February 2021
Completion Post Installation Inspection	by ROSPA (or equivalent)	29 th March 2021
Handover Practical Completion	Site meeting, including landowner and project steering group	31 st March 2021
End of Defects Period	To inspect the site and determine if any latent defects have become apparent.	31 st March 2022

RECOMMENDATION:

20. That the Resources Committee note the various stages of this project.
21. That the Resources Committee confirm the actions of the Town Clerk in completing the elements required under the MHCLG agreement.
22. That the Resources Committee agree to enter into this agreement, subject to any minor modifications as agreed by the Town Clerk that may be necessary, and for the Mayor and Chairman of Resources to sign the agreement on behalf of the Town Council.

REASONS FOR RECOMMENDATION

23. To keep Members apprised of progress for this major project and issues to be resolved.
24. Given that this is a legally binding agreement, Members should be aware of the detail of the agreement and should ratify the proposed inclusions made by the Town Clerk.
25. To authorise the execution of a legal document on behalf of Todmorden Town Council.

FINANCIAL IMPLICATIONS

26. On signature of the agreement, funding of £150,000 will be secured for Todmorden Town Council to take forward the construction of the Wheelspark project.
27. Payment is proposed to be made by way of stage payments to the contractor appointed and then claimed back from Calderdale MBC against agreed milestones.

28. On receipt of invoices for stage payment to the contractor (expected 30 day terms) we will invoice Calderdale MBC for drawdown of grant, but in reality there may be a period where we are out of funds up to an maximum expected figure of £80,000 (including vat).
29. Whilst we normally submit our Vat return quarterly, should it become necessary we could submit this monthly.

POLICY IMPLICATIONS:

29. Delivery of a new Wheelspark has been a long-standing policy commitment of this Council.

DETAILS OF CONSULTATION:

21. The user group will be involved in considering the design proposals.

IMPACT EQUALITY ASSESSMENT

23. The design of this Wheelspark is aimed at providing a facility for use by all

SUPPORTING PAPERS:

24. Appendix 1 - Ministry of Housing, Communities and Local Government("MHCLG") agreement for funding

FURTHER INFORMATION, PLEASE CONTACT: Colin Hill