

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Alice Park Trust Sub Committee	
MEETING/ DECISION DATE:	5 February 2018	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Skatepark design and leasehold arrangements.	
WARD:	Lambridge	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix A - Project scope and objectives		

1 THE ISSUE

- 1.1 £97k capital has now been fully approved by the Council for the installation of a skate park with any remaining funding being spent on further capital improvements at Alice Park. In addition the £30K pledged by the Community is in the process of being confirmed and transferred into the Council's accounts to contribute to the delivery of a skate park, although it has not been received as yet.
- 1.2 The Council have to tender the design and build of the skate park in order to adhere to council standing order procedures; however a brief is yet to be fully agreed by Trust members.
- 1.3 Council Officers cannot progress with the tender until agreement is reached by the Trust regarding the size of budget the skatepark is to be designed to, its specific location and its footprint size. Clarification is sought over these critical details in order to remove ambiguity and prevent further delays.
- 1.4 In addition a CIL application for funding for footpaths has been made by Cllr Appleyard for footpath installation. This is yet to be formally discussed with the Trust, but if successful may reduce associated skatepark access costs.

2 RECOMMENDATION

- 2.1 That the Trust give clear guidance on their preferred location of the skatepark, its footprint size in m2 and the amount of budget to be designed to.
- 2.2 That when the above parameters are agreed, that the tender documentation will be compiled and draft designs received for agreement by the user group and Trust.
- 2.3 That once the tenders are received, and the skate park built, any surplus from within the £127K budget (after the costs of developing the lease, seeking an independent

valuation and contingency has been accounted for) is allocated towards wider park improvements which will be costed and proposed by the Parks Manager and agreed by the Trust.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 £97K capital has been allocated by the Council for the development of a skate park in the east of Bath and further capital improvements as the budget enables.
- 3.2 The Council's contribution to develop the skate park will be capped at a maximum of £97K including all associated project and officer costs.
- 3.3 The Trust has also had confirmation that £30K of private donations have also been committed to developing the skate park, subject to confirmation of the Council's £97K commitment; £20K from the Medlock Trust, and £10K as a private donation from a Larkhall resident.
- 3.4 The inspection and maintenance of the facility is intended to be carried out by B&NES within the existing level of subsidy that it gives to Alice Park. There will be additional revenue expenditure but under normal circumstances this is anticipated to be minimal, particularly if the inspections are carried out by the Council's play inspectors who already visit the park, and if the skating community and volunteers are tasked with helping keep the site clear of litter and in good order.
- 3.5 Should the costs be more than reasonably budgeted for then the Council will need to consider its position and may seek to reduce the extent works within the current subsidy by re-prioritization. The Trust should be prepared to contribute financially to any identifiable shortfall from its own resources/income streams.
- 3.6 Insurance – As the skate park will be maintained and inspected by B&NES the insurance liability will be picked up under the Council's Insurance arrangements and is within existing budgets.
- 3.7 As this is intended to be a council facility to be placed on the park with the trustee's agreement, there will need to be a lease including full repairing covenants and agreement to remove this facility at the end of its useful life imposed upon the Council.
- 3.8 The council's property services department will produce the lease but the trustees must satisfy their s.36 Trustee Act duty to get best value for the land. The trustees need to obtain their own valuation (from a surveyor) at their own cost. The fees for drafting the lease being attributed to the Alice Park Trust and funded from within the £97k capital funding. This will need to be agreed prior to commencement of any capital works being undertaken.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Council is sole corporate trustee of the Alice Park Trust. The Alice Park Trust's Sub-Committee's terms of reference are to undertake the operational management functions in respect of the Alice Park site and its resources, in accordance with Trust's objects and the duties it owes pursuant to the Charities legislation.
- 4.2 Members in their capacity as Trustee must administer the Trust in good faith, abiding strictly to the objects of the Trust and administering the Trust for the benefit of the public which may at times conflict with the interests of the Council.

- 4.3 The objects of the trust require the land bequeathed to be used as a public park and children's recreation ground. The Sub-Committee must consider whether any proposed use falls within the trust's objectives, and if so whether to permit the use requested. If it permits the use then it must decide on what terms, in order to ensure effective use of the park whilst minimising any conflict between the different uses to which the park is subject to under the terms of the trust deed.
- 4.4 One important consideration for the APT Sub-Committee to consider, when deciding upon the issue of expenditure generally but specifically in respect of the skateboard park is, that the income from the Endowment and arising from the Trust Property is currently insufficient to maintain the park without a subsidy from B&NES' and therefore a very clear legal basis is required in order to enable B&NES as trustee to permit any project to go ahead, if that would involve future expense.
- 4.5 The Trust would need to agree for the Council to lease the land for the use of a skate park. The Council would then construct the facility within the funding envelope available and provide maintenance as necessary.
- 4.6 The £30K of private sector funding is being identified currently and is planned to be released to the Council once the skate park has been commissioned for spend at Alice Park.
- 4.7 The design & build of the skatepark will be tendered in accordance with council contract standing orders.

5 THE REPORT

- 5.1 At its meeting on the 3 July 2017 the Sub-Committee detailed the design specification which would be acceptable to them in developing the facility. Agreement was given to tender the skatepark contract at 2 overall values (97k & 127k) in November 2017.
- 5.2 It has since emerged that there is no unanimous agreement on the specific location of the skatepark, and Trust members have questioned Council officers regarding how and when funds can be attributed to other park improvements from the overall cost envelope (i.e. from the outset or only following the tendering the works to the brief). The brief cannot be progressed until the Trust is clear on its specification.
- 5.3 The skate park will be a predominantly sprayed concrete construction and the design will need to fit the located area and provide features that will meet the need of the user group.
- 5.4 The provision of facilities that will be suitable for use by skate boarders, BMX riders, inline skaters, roller bladers, roller skaters and scooter riders so that park users will be provided with a park that they can ride time and time again and have fun exploring the lines in many different ways whilst developing their skills in the process.
- 5.5 The Project scope and objectives are outlined in Appendix A.
- 5.6 The key outcomes and success factors for the project are;

- to be completed by no later than 30th March 2018 – however this is now looking increasingly unlikely due to the lack of a firm brief and this timescale will need revising.
- to be completed within the approved budget (including fees for lease/licence, project management and Parks Officers time).
- to meet BS EN 14974
- for the contractor to provide an after care service for 2 years
- for the surfaces and rides to have a life expectancy of 20 years
- A skatepark is a bespoke item and a ‘design and build’ contract framed by a brief is the most cost effective method of procuring this due to its specialist nature. This allows the parameters of the brief (including the overall budget) to be worked within and the end users and stakeholders to judge/score against ensuring best suitability.

6 RATIONALE

6.1 The skate park has previously been specified as detailed by the Sub-committee at its meeting on 3 July 2017 however Trust members have subsequently questioned this brief and there is a need to reconfirm.

7 OTHER OPTIONS CONSIDERED

7.1 These have previously been detailed to the Sub-Committee in order to determine the specification now decided upon to build a skate park primarily aimed at beginners and improvers.

8 CONSULTATION

8.1 Initial designs will be taken out to consultation with the public user group and the Sub-Committee as part of the evaluation process.

8.2 Once the contract has been awarded further design work will include further consultation with future users of the park and organised in conjunction with Bath & North East Somerset Council’s Parks officers.

8.3 Contractors submitting a bid should have experience of, and be confident with, working with young people and the public as part of the design process and will present their designs to representatives of user groups and to Council Officers.

8.4 The Council’s S 151 officer approval has been received to release the £97K funding.

8.5 The Council’s legal team have had opportunity to comment on this report.

9 RISK MANAGEMENT

9.1 Risks to the project’s successful completion are;

- project over running past 30th March; this is now certain to occur and clarity of the skatepark parameters will prevent further delays. It would be more realistic to agree a deadline of end of May.
- project cost exceeding the allocated budget (The Council has been clear that its contribution will be capped at £97K but that the additional 30k donations aligned to the skate park delivery will extend the value of the overall project to £127k enabling Council funding to be applied to other capital improvements); within this there will be an 8% contingency fund allocated to the project which is considered reasonable to the risk.
- currently unknown site constraints such as sub surface ground conditions; trial pits are planned to ascertain sub-terranean conditions.

9.2 A risk assessment related to the issue and recommendations has not been undertaken as yet.

Contact person(s)	<i>Mark Cassidy 01225 396811</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

Appendix A

PROJECT SCOPE AND OBJECTIVES

We anticipate that the successful design will incorporate features to satisfy the following user groups:

Skate facilities for a variety of users:

- Skate boarders (including Penny boarders)
- Scooter riders
- BMX riders
- Inline skaters / roller bladers / roller skaters

Types of rider experience (all ages)

- Beginners
- Improvers

PROJECT SCOPE

Possible features to include a selection of the following (to be confirmed during the consultation design development process):

- ramps / curved transitions
- a selection from street and plaza features such as rails, steps, blocks, banks, kerbs etc
- rideable space for gentle cruising, away from other skate lines i.e. not in the path of features. This is to prevent riders crashing into one another and to allow beginners space to practice balancing
- DDA compliant rideable access and pathways from the existing park path to connect with and encircle the skate facility (removing any need to ride over grass to get on / off the skate park)
- design to include maximum possible noise attenuation within the available budget
- design to incorporate include necessary, suitable and sufficient screening and planting

The project may also require appropriate external works:

- drainage
- surface treatment for non-rideable surfaces i.e. pathways, rubber matting / SAFA surface
- soft landscaping to soften edges and provide some visual screening
All activities must be outside of the drip line of any trees.

OUTLINE PROJECT DELIVERABLES AND/OR DESIRED OUTCOMES

General conditions:

- We are looking for a lifespan of at least 20 years for surfaces, rides and external features.
- We are happy for contractors to sub-contract the build where relevant. Any subcontractor proposed should be submitted to the Council for approval prior to commencement.

MATERIALS

Materials chosen by the contractor, and construction methods chosen should be fit for purpose and able to withstand intensive use over a 20 year period.

CONSTRAINTS

- The budget is limited to £97,000 inclusive of all fees (including internal fees) and costs, and the contractor's submission must demonstrate that this is achievable.
- Planning permission is not required for this site providing design and construction is limited to a maximum height above ground level of 4m and a maximum cubic capacity of 200m³. The design must comply with these limits.
- No trees should be cut, trimmed or removed for construction.
- The adjacent boules area cannot be impacted upon, removed or relocated.
- The size and design should be proportionate to the size of the park so that it shall in no way dominate the park or detract from the enjoyment of other park users and neighbouring residential occupiers.