

Bath & North East Somerset Council

DECISION MAKERS:	Cllr Richard Samuel Cabinet Member for Economic Development and Resources	
MEETING/ DECISION DATE:	On or after 28 May 2022	EXECUTIVE FORWARD PLAN REFERENCE:
		E3370
TITLE:	Rule 15 – Bath Quays North Development, Bath Avon Street Multi-Storey Car Park Demolition Works	
WARD:	All	
AN OPEN ITEM CONTAINING EXEMPT APPENDICES		
List of attachments to this report: Please list all the appendices here, clearly indicating any which are exempt and the reasons for exemption; Exempt Appendix 1 – Tender Report Appendix 1 is exempt pursuant to Paragraph 3 of Schedule 12A Local Government Act 1972 (as amended) - information relating to the financial or business affairs of any particular person (including the authority holding that information) Exempt Appendix 2 – SLT Report Appendix 1 is exempt pursuant to Paragraph 3 of Schedule 12A Local Government Act 1972 (as amended) - information relating to the financial or business affairs of any particular person (including the authority holding that information)		

1. The Issue

1. BANES has undertaken a procurement exercise to appoint a demolition contractor to demolish Avon Street car park. Approval is requested to enter into contract with the Preferred Bidder.
2. Upon completion of the demolition works the ground floor of the existing car park structure will be installed with new lighting and will continue to be operated as an interim car park until the Bath Quays North site is redeveloped.
3. The demolition work will proceed under the planning approval granted under 20/20787/VAR, dated 2nd December 2020, subject to amendment and discharge of a number of conditions.
4. The works will be funded by BQN WECA funding which is currently defined in Schedule 10 of the BQN Development Agreement grant funding allocation and will therefore be deducted from this sum.
5. The decision is requested to proceed as a Rule 15 Urgent Decision. This is considered necessary to ensure the works are completed and returned to operational use ahead of the lead-in to the Christmas markets and to satisfy contracted grant funding programme milestone requirements.

2. The Report

1. B&NES Council entered into a Development Agreement (DA) with Legal and General Development Assets Holdings Ltd on 19 July 2019 for the redevelopment of the Bath Quay North site as a mixed-use regeneration development.

2. Under the BQN DA the developer, Legal & General, was contracted to demolish the Avon St multistorey car park and build out the development, however due to the impact of Covid the commencement of the development has been delayed. The car park continues to deteriorate rapidly and is beyond economic repair which dictates that demolition must proceed urgently as a Council contracted works.
3. The paper provided to the SMT meeting of the 28th of July 2021 discussed the options for repair/maintenance of the car park verses demolition. The SMT meeting concluded that demolition needed to proceed as Council contracted works, based upon Option C which retained the existing ground floor slab as interim parking and formed the basis for contractor procurement.
4. This decision request seeks approval to:
 - a. Proceed to issue the Contract Award notification to the Preferred Bidder.
 - b. Upon expiry of the ten day stand still period and upon conclusion of the planning matters proceed to enter into contract with appoint the Preferred Bidder under a direct contractual appointment to B&NES Council.

3. Funding

1. The commercial matters are considered exempt and discussed in appended paper
2. The works will be funded from agreed WECA funding within the approved capital programme for Bath Quays North.

3. Impact on Car Parking Revenue

The demolition of the car park upper floors will impact the overall annual revenue achievable from the site. Budgeted income for Avon Street Car Park and the closely located Green Park Road Car Park in 2022/23 is £2m. The forecast revenue following demolition is estimated to £1.2m per annum, however the reduction in capacity is not expected to reduce demand but instead is expected to displace visitors to alternative Council car parks or the park and ride sites. Furthermore, the demolition will also reduce on-going maintenance costs. Public communications will be in place to inform visitors of alternative locations to minimise risk of reduced demand. Parking income is closely monitored on a monthly basis so the impacts on total car park income will be analysed thoroughly and regularly to understand if there is any net impact on revenue from the project.

4. Planning & Statutory Issues

1. The works will be carried out pursuant to planning approval 20/20787/VAR, dated 2nd December 2020. We expect to achieve close out of the planning matters by 31st May 2022, including non-material amendments to conditions and the CIL mechanism.

The Rule 15 decision will allow the Contract Award standstill period to run in parallel with the close-out of planning matters which in turn will permit the earliest start on site date.

The Contract Award notification will be made subject to planning and subject to final contract execution.

5. Procurement

1. The preferred contractor has been selected following an 'Open' competitive tender process conducted in accordance with the public sector procurement regulations. A total of fifteen tender submissions were received and evaluated as part of the procurement exercise.
2. The contractor will be appointed under the JCT 2016 standard form of building contract with schedule of amendments.

6. Demolition Works Programme

Upon approval of this Single Member Decision, the following sequence of activity is programmed:

Activity	Start	Finish
BANES Approval & Standstill	Tue 23/05/22	Mon 24/06/22
Rule 15* Decision to Appoint	Tue 23/05/22	Mon 03/06/22
10 Day Standstill	Tue 06/06/22	Mon 17/06/22
Planning Conditions	Tue 23/05/22	Tue 04/07/22
Discharge & amendment period	Tue 06/06/22	Tue 04/07/22
Main Contractor (D&B RIBA Stage 4-7 & Construction)	Wed 05/07/22	Tue 22/11/22
BANES enter into contract	Wed 05/07/22	Tue 05/07/22
Contractor lead-in	Wed 06/07/22	Tue 02/08/22
Demolition	Wed 03/08/22	Tue 22/11/22
Bus stop relocation duration	Wed 03/08/22	Tue 22/11/22
Practical Completion	Tue 22/11/22	Tue 22/11/22

**Use of the Forward Plan 28-day notification process could see the demolition works extending into the Christmas Embargo period. This would impact the available parking provision within the city.*

The sequence of activities includes a prudent contingency/buffer over and above that of the contractor programme.

7. Alternative options considered and rejected

Please refer to the SMT paper dated 28th July 2021 which outline options considered prior to the decision to proceed to tender.

Background Documents

- BQN Development Agreement dated 19th July 2019, including DoV1 and 2.
- Planning consent 20/20787/VAR dated 2nd December 2022.
- SMT Options paper dated 28th July 2021.

Contact person	Simon Martin, Director Regeneration & Housing
Background papers	BQN Development Agreement dated 19 th July 2019, including DoV1 & 2. Planning consent 20/20787/VAR dated 2 nd December 2022. SMT Options paper dated 28 th July 2021.
Please contact the report author if you need to access this report in an alternative format	