WARWICK III EXECUTIVE DISTRICT III 27 th July 2016	Agenda Item No.	
Title	Leisure Development Programme Update	
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Wards of the District directly	Warwick and Leamington wards	
affected		
Is the report private and	No	
confidential and not for		
publication by virtue of a		
paragraph of schedule 12A of		
the Local Government Act		
1972, following the Local		
Government (Access to		
Information) (Variation) Order		
2006?		
Date and meeting when issue	Executive – 4 th November 2015	
was last considered and	Minute No: 59	
relevant minute number	Council – 13 th January 2016	
	Minute No: 66	
Background Papers	Executive – 5 th November 2014	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference	Yes
number)	Ref:745
Equality & Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval			
Officer Approval	Date	Name	
Chief Executive	15/7/2016	Chris Elliott	
СМТ	15/7/2016	Chris Elliott, Bill Hunt, Andy Jones	
Section 151 Officer	15/7/2016	Mike Snow	
Monitoring Officer		Andy Jones	
Heads of Service	15/7/2016	Rose Winship	
Legal Services	15/7/2016	Victoria Newbold, Kate Hiller	
Portfolio Holder(s)	15/7/2016	Councillor Coker	
Consultation & Community Engagement			
Public consultation on Stage 3	Public consultation on Stage 3 plans (Jan/Feb 2016)		
Final Decision? No			
Part 1 report – Decision on preparatory works requires approval by Full Council on			
10 th August 2016			
Further report to follow to Full Council in October 2016 to seek approval to award			
construction contract.			

1 SUMMARY

- 1.1 The report provides members with an update on the Leisure Development Programme. As agreed by Executive in November 2015 the Council has been following the Royal Institute of British Architects (RIBA) approach to the management of this key corporate project, a process that is designed to ensure that full and firm costs are identified prior to the letting of construction contracts. As is common during the RIBA process, as a project progresses from Stage 2 indicative costs to full costs identification by the end of Stage 4, cost variances have been identified from those last reported to members in November 2015. This is a result of the evolution of the project; the current estimates reflect revisions to designs following ground and utility surveys, feedback from public consultation and requirements stipulated by Sport England. The report explains the reasons for the additional costs and the mitigation measures taken to date and those still planned, that will allow the presentation of final proposals that, for the lowest possible cost, will ensure that our leisure centres are fit for purpose and are facilities of which the District will be proud into the future.
- 1.2 The report confirms the timelines for the remaining elements of both the investment projects and management work streams within the Leisure Development Programme. It is highlighted in the report that a decision will be made by Sport England on 19th September regarding the level of funding that they are willing to make towards this project. Members will recall that the Council has entered into dialogue with Sport England on a potential £2m funding contribution. A report will be brought to Full Council in October 2016 at which point members will be asked to make a decision on the investment projects, which by then will be based on a full understanding of the level of grant funding support and the firm project costs at the conclusion of the RIBA Stage 4 process.
- 1.3 The report also seeks approval for funding for preparatory works to be carried out at Newbold Comyn and St Nicholas Park Leisure Centres in advance of the main construction works which, subject to Full Council approval in October 2016, will commence on both sites in autumn 2016.

2 **RECOMMENDATIONS**

- 2.1 The Executive notes the update on progress made on the investment programme for the leisure centres since the November 2015 Executive report including the latest cost estimates for the works.
- 2.2 The Executive recommends to Council that budget provision of up to £635,876 is approved to complete the preparatory and enabling works at Newbold Comyn and St Nicholas Park leisure centres as detailed in Appendix 1 of this report. This will be funded initially from Internal Borrowing.
- 2.3 Members note that officers and the Council's project managers, Mace Ltd, will continue to work closely with Sport England prior to a decision being made by Sport England on 19th September 2016 on their potential £2m funding contribution to this project.
- 2.4 The Executive notes progress made on the procurement of an external operator for the leisure centres.

3 REASONS FOR THE RECOMMENDATIONS

3.1 Project Management – RIBA Stage 2 to Stage 4

- 3.1.1 Members will recall that a commitment was made at the initiation of the Programme that the construction projects would be managed in line with the Royal Institute of British Architects (RIBA) 'Plan of Work' approach which is recognised as an effective and professional approach for projects of this scale. This decision recognised the need to ensure that, on projects of this scale, costs were confirmed prior to any commitment being made by the Council to commence construction works. The RIBA process comprises a series of stages (set out at Appendix 2) and ; as a project progresses through these stages, greater cost certainty is achieved as a result of increasingly detailed surveys being received and design solutions being proposed. The report presented to Executive in November 2015 presented the RIBA Stage 2 report produced by project managers Mace Ltd, which included the outline designs for the improvements at St Nicholas Park and Newbold Comyn leisure centres. The indicative cost at Stage 2 was £11,813,298. However, the RIBA process is designed to test initial estimates comprehensively and fully, and it is common for cost estimates to vary, normally upwards, as a project progresses beyond Stage 2.
- 3.1.2 In November 2015 the Executive gave approval for officers to develop the investment proposals up to RIBA Stage 4. A budget of £550,000 was approved to fund this work in advance of a final decision being made by Full Council when Stage 4 detailed plans and costs would be presented. The £550,000 was contained within the estimate of £11,813,298. To date, £452,846 of the £550,000 budget has been invoiced or committed leaving a balance of £97,154.
- 3.1.3 Progression from Stage 2 to Stage 3 required significant input from a range of parties. Further technical surveys were completed on site and solutions developed to amend designs based on the outcomes of these surveys; architects refined designs based on feedback from Sport England and WDC officers in order to ensure that the designs complied with the objectives of the project and with Sport England design requirements. The Stage 2 plans were used to support the public consultation exercise that was undertake in late January/early February 2016, and further amendments to the designs were made following the consultation. The project team were also able at this stage to reduce some costs through a robust value engineering process. The team were very aware throughout this process that any savings being proposed should not fundamentally impact on the standard of the end product or reduce the experience that customers will enjoy from the new facilities.
- 3.1.4 Stage 3 designs were confirmed in April 2016, with estimated costs of £12,938,745. The Stage 3 Cost Plan included construction costs, design fees, additional surveys, an allowance for preparatory works (as explained in section3.2 of this report), and a 4% contingency (£448,175), compared to the 5% contingency (£520,314) that had been allowed at Stage 2. Based on experience of similar projects, at this stage, Mace advised at that point that they would expect to be able to drive out a cost reduction in the region of a further £500,000 during the Stage 3 to Stage 4 work through further value engineering with the Pre Construction Services Agreement (PCSA) contractor, bringing the total project costs to under £12,500,000. This position was discussed with the Deputy Chief Executive (AJ), Head of Finance and Portfolio Holders for Culture and Finance.

- 3.1.5 The Stage 3 designs were a key element of the tender documentation that was required in order for the Council to appoint a contractor under a PCSA contract. As is typical for such construction projects, procurement was an OJEU compliant "2 stage process" whereby a contractor is appointed under a PCSA to work alongside project managers, architects, and WDC officers to refine designs and technical solutions that will culminate in Stage 4 designs and costs being confirmed. At the end of Stage 4 the PCSA contractor reaches a point where they are willing to take on single design point responsibility for the elements of the building that are included in the project.
- 3.1.6 Speller Metcalfe were appointed under the PCSA in June 2016 and have now joined the design team to work with Mace and B3 to provide a further and significant round of value engineering, concentrating on 'buildability', phasing and specifications to ensure the building works offer the best possible value for money. During this phase Speller Metcalfe will also gain a detailed familiarity with the buildings in order to assist them in developing the Stage 4 plans and costs.
- 3.1.7 As the project has evolved over the last 3 months, further costs have emerged as follows:
 - £106,000 (additional fees for design team as a result of amendments to the proposed designs to address construction and operational requirements, and unavoidable delays in the programme).
 - £304,000 (revised preparatory work costs see paragraph 3.2.6 below)
 - £93,000 (costs for Clerk of Works and Building Control)
 - £36,000 (other costs including planning fees, construction of temporary reception and lining of car park). In previous projects such ancillary works have often been charged to other revenue budgets and therefore not shown as project costs. A decision was taken by CMT and the Executive at the start of this project that the costs should represent the true cost of the project, hence being included in the project costs above.

The total of further costs is therefore £539,000.

3.1.8 There are also a number of additional design features that are now considered to be essential or desirable which total \pounds 391,000 and which were not allowed for in the previous estimate of \pounds 12,934,745.

- Acoustic panelling (Newbold Comyn (NC) sports hall) – required by Sport England (£50,000)

- Additional car park lights (NC) desirable (£15,000)
- New pool hall lights (NC) recommended by Sport England (£100,000)
- New sports hall lights (St Nicholas Park (SNP)) recommended by Sport England ($\pm 50,000$)
- New lift (SNP) required by Sport England (max £150,000)
- Electric vehicle charge points (NC) required by WDC (£26,000)
- 3.1.9 Based on the additional costs detailed above, the revised total cost of the investment proposals is £13,863,745. Officers are optimistic that there are some savings to be made on this figure by further value engineering with Speller Metcalfe and Mace. There are also further discussions to be had to agree

on which of the items in 3.1.8 can be excluded or reduced. However, given the current position of the project, the wider national economic situation and the Government's emerging new procurement policy for the purchase of steel, it is considered prudent to add $\pounds 636,255$ to the existing contingency sum, taking the overall contingency to 7.5%, and the total budget to $\pounds 14,500,000$.

3.2 <u>Preparatory and enabling works</u>

- 3.2.1 Construction projects of this scale typically include an element of "preparatory works" and "enabling works" that are carried out in advance of the main construction contract, allowing preparation of the site to allow the main construction phase to commence as soon as possible after approval has been given. For the purpose of this report "preparatory works" are defined as utility diversions and upgrades, and "enabling works" as internal service diversions (e.g. data cabling, alarm installations); completion of any outstanding surveys, clearance of any trees or other obstacles within the affected areas, erection of hoardings and possibly the installation of bases for works compounds.
- 3.2.2 Preparatory and enabling works will need to commence on the sites prior to approval of the main construction contract. The contract to undertake these works is completely separate from the main construction contract. The decision to allocate funding for these works does not prejudice the decision to be taken by the Council in October 2016 as the bulk of these works will be required to support any future investment in the two leisure centres. Therefore, if the decision in October was to reconsider the investment proposals and not proceed with the main construction contract at this point the preparatory works would not have been wasted as they would be required whenever the development proceeded with only a small element of the cost (c. $\pounds 25,000$) of the enabling works e.g. hoardings, being written-off. The details of the preparatory and enabling works for this project are set out in Appendix 1.
- 3.2.3 If Members chose to delay the decision to progress the preparatory and enabling works until after the October decision, the project would be delayed and costs would rise at a rate of approximately £200,000 per quarter. This rate allows for the increases in inflation of 1% per quarter (4% per annum) and the increase in fees for the design team that would be created by the additional timespan, calculated at their agreed rates.
- 3.2.4 The Stage 3 Cost Plan includes the costs of "enabling works" and it had always been assumed that these works would be required and that a report would be required to draw down the appropriate funding from the proposed main contract budget to allow these works to take place ahead of the final Council decision. The estimated cost of enabling works, provided by Speller Metcalfe, is £233,875 (including a "client contingency of 10% to cover unforeseen costs).
- 3.2.5 The "preparatory works" (utility works and diversions) require individual orders to be raised with the appropriate utilities companies. Due to the long lead times associated with utility diversions it is key that orders are placed for these works as soon as possible and work needs to be paid for at the time of order. If orders were delayed until October a delay would be built into the project (see 3.2.3 above). It is necessary to move these services because either the existing services are located in areas that are needed for foundations for the new buildings, because the entry point for services will change during the refurbishment, or because the service requirements of the new building are different to the requirements of the existing buildings. In the case of this

project there will be works undertaken by Severn Trent, Western Power and SMS Connections.

- 3.2.6 The Stage 3 Cost Plan prepared by Mace Ltd included an allowance of £98,000 for the preparatory works, which are now estimated to be in the region of £402,000. The increase in costs (of £304,000) is largely due to 2 elements of the works, namely the need for the diversion of a large Severn Trent water main at Newbold Comyn (estimated cost £200,000) and the upgrade of the electricity supply to St Nicholas Park Leisure Centre at a cost of £85,000. The electricity upgrade includes work to provide a very necessary upgrade to supplies for the children's amusements and café in the park, and whilst this work is not part of this project, it makes sense to complete the work at the same time and reduce disruption. The level of charges for these works was not expected to be this high, and work is ongoing with Severn Trent in particular to attempt to reduce these costs by simplifying the works carried out.
- 3.2.7 The additional costs attributable to preparatory works is being investigated by Mace Ltd to establish how and why they were so far out in the Stage 3 report. They are clearly unhappy that they significantly underestimated these costs, when they were much more accurate in their other cost estimates. However, the purpose of the RIBA 'Plan of Work' approach to project management is to constantly refine costs and design as more information is available, and to get estimated costs as accurate as possible before deciding whether or not to proceed with the works.
- 3.2.8 Therefore in order for the necessary preparatory and enabling works to be undertaken, a sum of \pounds 635,875 is required. This should initially be funded from Internal Borrowing as discussed in paragraph 5.1.

3.3 Other related updates

- 3.3.1 Officers and project managers Mace have continued to work closely with Sport England to develop plans that comply with their design advice and meet their strategic objectives. We were invited to submit an application to the Sport England Strategic Facilities Fund in late 2015 and in February 2016 were informed that the project had been judged to be of sufficient quality to be approved at Stage 1 of that process and would now progress to the final stage where a decision would be made regarding the level of funding our project might receive. This decision will be made at the Sport England Board meeting on 19th September 2016.
- 3.3.2 Public consultation on the Stage 2 designs for both leisure centres took place in January/February 2016. Officers manned displays in the leisure centres for approx. 54 hours and spoke to over 1200 members of the public. 338 people completed feedback forms and of these people 93% were in support of the plans. Officers responded to approximately 200 individual queries in writing, and have had follow up meetings with groups of customers with specific queries. These have included swimmers with concerns over "village changing", customers with concerns about the removal of the splash pool at St Nicholas Park Leisure Centre, the 50+ group at St Nicholas Park Leisure Centre and various clubs and hirers of the facilities (see vAppendix 3 Statement of Public Consultation).
- 3.3.3 The proposed designs have been submitted for planning approval and will be considered at the meeting of the Planning Committee on 19th July 2016. An

update on the decision made will be reported at the Executive meeting on 27^{th} July.

3.3.4 A Full Council meeting will be scheduled for October 2016 to consider a further report with Stage 4 final designs and confirmed costs and consider progression to the construction phase. At this stage the design specification and the costs for the Council will be fixed and the risk of any further costs will be borne by the construction contractor. However, the additional contingency within the project costs will allow for any unforeseen problems or opportunities that occur within the building phase to be addressed. As explained in 3.1.9, the project contingency has been increased to 7.5% which is considered appropriate in the current circumstances. The attention to detail that has already been used in preparing the surveys and current designs should ensure any unforeseen incidents requiring use of the contingency are kept to a minimum.

3.4 <u>Appointment of an external operator to manage leisure centres</u>

- 3.4.1 An OJEU notice was placed on 6th June 2016 to commence the process of identifying an operator to manage the leisure facilities currently managed by the Council. The OJEU process requires all documents relating to the contract to be issued with the OJEU notice, consequently significant work was required from officers and colleagues at Warwickshire Legal Services to complete the main contract document, Pre-Qualification Questionnaire (PQQ), Invitation to Tender (ITT) document, relevant leases, service specification, evaluation matrices, Transfer of Undertakings, Protection of Employment (TUPE) lists, quality questionnaire and supporting background documents.
- 3.4.2 The contract documents have been prepared on the basis that the investment proposals take place as described above and should this not be the case, it is likely that there would need to recommence the tender process for the management contractor as the basis for the financial modelling would have been fundamentally altered.
- 3.4.3 16 companies registered on the In-tend procurement portal. The initial PQQ phase closed on 5th July and 11companies have submitted a PPQ.
- 3.4.4 Members should note that the most recent feedback from the leisure industry is that the market is buoyant and a number of strong tender processes have recently been completed which have seen significant concession fees being offered to local authorities by operators for contracts to manage leisure centres. Whilst clearly we will be unable to confirm until January 2017 what financial return has been secured for our contract, however, clearly the stronger the market, the more likely it is that the Council will see a good return and the business model will see the prudential borrowing repaid over a shorter period.
- 3.4.5 Key dates for this process are as follows:

Where indicated * this information is indicative and may be subject to change.

Publication of OJEU notice and tender opportunity	Friday 3 rd June 2016
Deadline for receipt of clarification questions from Applicants completing the PQQ.	Tuesday 28 th June 2016

Deadline for receipt of completed PQQ's	1200hrs (noon) Tuesday 5 th July 2016
Tender (Award Stage) begins	Friday 29 th July 2016 *
Bidders Days/Site visits	Thursday 11 th August 2016* Friday 12 th August 2016 *
Deadline for receipt of clarification questions from Applicants completing the ITT.	Friday 7 th October 2016 *
Deadline for receipt of completed Tenders	17:00 hours Friday 14 th October 2016*
	Tuesday 4 th October 2016 *

Should the Authority be able to Award a contract based on the initial Tender responses received, the following timescales apply.	
Successful / unsuccessful Applicants notified.	Friday 16 th December 2016 *
Standstill period completes and Contract Award confirmed	Time 00:01hrs (12.01am) Friday 29 th December 2016 *
Contract commences	Tuesday 2 nd May 2017

Should the Authority be unable to Award a contract based on the Tender Responses received and wishes to negotiate, the following timescale applies.	
Conclude initial evaluation and inform shortlisted and unsuccessful bidders	Friday 16 th December 2016 *
Commence Negotiation phase with shortlisted bidders (week commencing)	Week commencing Monday 9 th January 2017 *
ITT Resubmission Date	12:00 hours (noon) Friday 20 th January 2017 *
Successful / unsuccessful Applicants notified.	Monday 20 th February 2017 *
Standstill period completes and Contract Award confirmed	Time 00:01hrs (12.01am) Friday 3 rd March 2017 *
Contract commences	Tuesday 2 nd May 2017

3.4.6 During the last 6 months, managers have continued to engage with operational staff at the leisure centres and the trade unions in order to ensure that they remain up to date on progress and have the opportunity to raise queries and

concerns as they arise. This will continue through the coming months and until the point of transfer. During the procurement process the external operators will make many site visits and therefore it is key that our staff are fully briefed. The formal process for consultation under the TUPE regulations will be followed, and improved upon where relevant and proportionate.

3.4.7 Work has also been progressing on the review of the Cultural Services Business Support Team and "management team" both of which will be affected by the change in management arrangements. It is anticipated that a report will be brought to Employment Committee in December 2016 proposing a new structure for the support team and the "client team" within Cultural Services.

4 POLICY FRAMEWORK

4.1 Fit for the Future (FFF)

- 4.1.1 The FFF Programme is designed to deliver the Sustainable Community Strategy (SCS) for Warwick District and to that end it contains a number of significant projects. The Leisure Development Programme is one of the Council's key projects in the FFF Programme. Therefore this report can be seen as the way forward for implementing one of the Council's key projects.
- 4.1.2 The Leisure Development Programme contributes to the FFF Programme in the following ways:

<u>Maintain or Improve Services</u> – the proposals improve the leisure offering in the district and secure the provision and a sustainable management solution for the future.

<u>Achieve and maintain a sustainable balanced budget</u> – the proposals will make a significant contribution to help the Council address its financial revenue situation via making better use of its physical assets and delivering a more financially sustainable management model.

4.2 <u>Sustainable Community Strategy (SCS)</u>

- 4.2.1 The Council has approved a Sustainable Community Strategy for Warwick District (SCS) which has <u>Prosperity</u> as one of its five key themes. Under this theme a Priority relevant to the Leisure Development Programme is:
 - Making better use of public assets to increase financial rewards;
- 4.2.2 In seeking Sport England funding to support the investment proposals the Council are highlighting how the proposals for investment can contribute to the recently released new Sport England Strategy 'Towards an Active Nation' which highlights the vital role that sport and physical activity can play in the health of communities. The new strategy explicitly focuses on the need to get those who are currently "inactive" involved in activity, and the need to have quality facilities and a well trained workforce to support this objective. This aligns well with the SCS Health & Wellbeing theme.

4.3 Local Plan

4.3.1 The Council has agreed a strategy statement "The future and sustainable prosperity for Warwick District" which amongst other things seeks to:
• Support the growth and development of the local economy

Providing for the growth of, and changes within, the local population
A strong development management framework including high quality of design

4.3.2 This project will support the growth of the leisure market within the local economy, provide new sports and leisure facilities for the growing size of the population and contribute to strong development through producing two significant extensions to two important local buildings using high quality design.

5. BUDGETARY FRAMEWORK

- 5.1 The £550,000 costs agreed at the November 2015 meeting of the Council are being initially funded from the Internal Borrowing. Once the full scheme has formal approval, this sum will be funded from the long term borrowing proposed for the project.
- 5.2 The additional costs referred to in paragraphs 3.2.6 and 3.2.8 above would be similarly financed. If the full scheme does not subsequently progress, a small element of these upfront costs, c£25,000 will need to be written off and funded from revenue (or revenue based reserves), so presenting a one off cost on the Council's limited revenue resources.
- 5.3 The Business Case to justify the investment on financial grounds was included within the November 2015 Executive reports. This had been informed by the work by Strategic Leisure. This demonstrated that the extra income anticipated for the facilities would more than exceed the additional annual borrowing costs. This position should be far more certain with the leisure centres being managed by private contractor. However, this is of course, subject to the success of the current tender process for the operation of the centres. If the sums to be paid by the private contractor are higher than anticipated this will provide additional sums to off-set the additional capital costs of construction.
- 5.4 The current estimate of a cost increase of £2.5million over the Stage 2 figure will, based on interest rates of 4.25%, increase annual borrowing costs by an estimated £140,000. However the original Business Case allowed for the costs of borrowing to be at a prudent level of 4.25%. This is well in excess of current and projected rates and, were future borrowing to be fixed at current rates, there would be a substantial saving on assumed costs within the business case.
- 5.6 Whilst there is uncertainty over future rates, the full financial evaluation will be updated as part of the report being brought to Full Council in October 2016 once the final RIBA Stage 4 costs are known. By that stage there will be certainty as to the success of the Sport England bid. There will also be an update on the S106 funding towards the scheme.
- 5.7 Based on the earlier business case, there is enough tolerance within the overall figures and assumptions (notably interest rates, concession from operator and other funding of the works) that the increased borrowing costs arising from the costs explained in this report can be accommodated. In the event of any further adverse changes, this may not be the case, and the overall project could present an additional financial cost to the Council over the assumptions within the Medium Term Financial Strategy in such a scenario. This situation will be clarified before the October report.

6. RISKS

6.1 The table below intends to summarise the key risks and mitigations relating to the proposals set out in this report.

Risks	Mitigations
That enabling works are completed but Full Council do not approve the main construction contract in Oct 2016	Ensure most enabling works would be needed for any subsequent development of the leisure centres
Delay in making a decision – impact on the total cost of the project – estimated at £200k per quarter	Ensure decision-making programme stays on track, with sufficient information for Members to make prompt decisions
Risk of the outstanding surveys identifying issues which will result in extra costs	Carry out surveys as quickly as possible and respond to any negative findings in a cost-effective manner
The cost of steel rises as a result of the Government's emerging procurement policy with regard to public sector purchase of steel	Work with contractors and project managers to assess applicability and impact of new policy
The current economic uncertainty leads to an unexpected rise in the cost of the project	Work quickly and efficiently with the preferred contractor and project managers to agree a price before any longer term inflation is experienced

7. ALTERNATIVE OPTIONS CONSIDERED

7.1 The "preparatory and enabling works" could be delayed until after Full Council has made a decision on the main construction contract in October 2016. By doing this the length of the construction contract would be extended with the consequence of increasing the cost of the main contract (see 3.2.3), and extending the period of inconvenience to the customers who will be using the facilities during the works. There is also the impact on the management contract which is scheduled to commence at the point that works at St Nicholas Park are completed. If the construction programme is extended then the construction will not be completed at either site at the start of the management contract on 3rd May 2017, and the financial benefits to the Council of awarding the management contract will be delayed.

APPENDICES

- 1. List of Preparatory and Enabling Works
- 2. RIBA Stage project approach
- 3. Statement of Public Consultation