



To: Executive Councillor for Public Places: Councillor Andrea Reiner
Report by: Heads of Arts & Recreation and Streets & Open Spaces
Relevant scrutiny committee: Environment Scrutiny Committee
Wards affected: All wards, particularly Abbey, Coleridge & King's Hedges

SPLASH PAD PROJECTS AND REVISED USE OF DEVELOPER CONTRIBUTIONS FUNDING

OUT OF CYCLE DECISION - Not a Key Decision

1. Executive Summary

- 1.1 The delivery of three approved splash pad projects (inter-active water play zones) at Abbey, Coleridge and King's Hedges paddling pools, funded from developer contributions, is being taken forward. The new splash pads are due to open, along with the other outdoor paddling pools around the city, for the Bank Holiday in late May 2014.
- 1.2 The reason for this report is to notify the Executive Councillor that it has not proved possible (as previously envisaged) to incorporate public art into the splash pad projects because this has not been reflected sufficiently in the proposed designs submitted by prospective contractors. To make sure that public art funding from S106 agreements is used appropriately, officers need to recommend that the projects proceed without the use of public art contributions: this funding can be allocated to other future public art projects in due course and this does not raise any particular expiry date issues. The splash pads will still provide improved and attractive facilities likely to be popular with children & families from across the city.

2. Recommendations

The Executive Councillor for Public Places is recommended to:

- 2.1 withdraw £50,000 of public art contributions from each of the budgets for the delivery of splash pads at Abbey, Coleridge and Kings Hedges, and reduce the capital plan allocations accordingly.
- 2.2 reassign the withdrawn public art contributions (£150,000 in total) to the relevant area and city-wide funds for future public art projects.

2.3 note the re-profiling of developer contributions across the three splash pad projects within the remaining £350,000 overall agreed budget.

3. Background

3.1 This report relates to the three splash pad / water play projects at Abbey, Coleridge and Kings Hedges paddling pools, which are featured on the council's Capital Plan under project references SC476, SC477 and SC478 respectively.

3.2 A project appraisal was approved in March 2011 for the delivery of splash pads at these three existing paddling pools to replace and update the tired and dated provision. Budgets for the use of play and open spaces developer contributions were revised in January 2012 (£130,000 each for SC476 and SC478 and £90k for SC477): the difference in funding took into account that the splash pads at Abbey and Kings Hedges would replace traditional standing water paddling pools, whilst the existing water circulation / filtration system at Coleridge paddling pool could be retained. This was followed by a further decision in January 2013 to allocate £50,000 of public art contributions to each of the three projects.

3.3 An 'invitation to tender' (ITT) was released to the prospective contractors with clear guidance as part of the ITT documentation to make sure that their proposals incorporated public art, which would satisfy design quality requirements (set out in the Public Art Supplement Planning Document) and enable the use of the public art contributions. Unfortunately, this has not been reflected in the design proposals which have been submitted and evaluated. Given the need to make sure that developer contributions are used in line with the purposes set out in S106 agreements and related policies, officers have no option but to make clear that the public art contributions cannot be used for these particular projects.

3.4 Due to the timescales involved for completing the splash pad installations so that they can open by 26 May 2014, it is now not possible to involve an artist in the designs of the splash pads and delivery of their artistic outputs to meet this timescale in a 'best and final offer' (BAFO) process. Officers are, therefore, minded to take out the public art elements and artist involvement requirements from the invitation to tender, so that the procurement process can conclude with a BAFO (as is allowed for in the ITT).

3.5 Officers confirm that there are no constraints and conditions attached to the specific public art contributions allocated to this project that would prevent the withdrawal of the public art funding from these

splash pad projects. The public art contributions funding in question can be reassigned to the relevant area and city-wide funds for use in future public art projects (which may include possible proposals for public art at/close to the splash pads).

- 3.6 Taking the opportunity presented by the review of the public art allocations, officers have also re-profiled the other developer contributions allocated to this project to place greater emphasis on the use of strategic play provision within the already agreed £350,000 overall budget for these projects (not including the public art component). The BAFO being sent to the prospective contractors now sets the budgets for the three projects as Abbey, £125,000 each for Abbey and King's Hedges and £100,000 for Coleridge. Please note:
- a. Whilst it continues to recognise the added costs of providing new water circulation & filtration at Abbey and Kings Hedges, the estimates for this have been revised down to £25,000 in each case.
 - b. By increasing the funding for the Coleridge scheme to £100,000, this means that the added play and open space value at all three sites (beyond water circulation/filtration costs) can be the same.
 - c. The re-profiling will help to free up some more devolved developer contributions for informal open spaces for North and East Areas: this is timely given that the North Area Committee highlighted to the Executive Councillor for Public Places the North Area's particular needs for informal open space funding.

4. Implications

- (a) **Financial Implications:** The removal of the public art developer contributions reduces the amounts allocated to each site by £50,000 along with minor re-profiling of the other S106 allocations (as set out in paragraph 3.6). If the public art contributions were not withdrawn, however, this could increase the risk of challenge about the appropriate use of this funding.
- (b) **Staffing Implications:** There are no staffing implications with the decision being made nor to the delivery of this project.
- (c) **Equal Opportunities Implications:** An Equality Impact Assessment (EqIA) was completed for the original splash pad project appraisal: the main conclusion was that the new schemes will be more accessible to those people with disabilities than the current provision provides. The withdrawal of the public art money does not impact upon any of the EqIA findings which, therefore, remain unchanged.

- (d) **Environmental Implications:** -L: the project has proposal has a low negative impact.
- (e) **Procurement:** This project has been externally procured via an 'invitation to tender' exercise and is now subject to a 'best and final offer' from the companies involved, based upon the revised capital amounts available without the public art contributions.
- (f) **Consultation and communication:** The original invitation to tender required elements of consultation to be carried out by the contractors to inform their bid proposals and public consultation will be carried out for the best and final offer design proposals. The decision being asked from the Executive Councillor for the withdrawal of the public art contributions does not require public consultation.
- (g) **Community Safety:** There are no community safety implications with the decision being made as a result of this report nor to the delivery of this project.

5. Background papers

The committee reports referred to are as follows:

- Revenue and capital project appraisals, Community Services Scrutiny Committee – 17 March 2011
- Capital Plan changes and project appraisals, Strategy & Resources Scrutiny Committee – 21 March 2011
- Public Art, Sports and Open Spaces portfolio budget 2013-13, Community Services Scrutiny Committee – 12 January 2012
- Options for the use of city-wide developer contributions, Community Services Scrutiny Committee – 17 January 2013
- Developer contributions: second round priority-setting , Environment Scrutiny Committee – 8 October 2013

6. Appendices: None

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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