

REPORT TITLE: ST MAURICE'S COVERT - UPDATE

11 SEPTEMBER 2019

REPORT OF CABINET MEMBER: Cllr Learney

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WARD(S): TOWN WARDS

PURPOSE

This report provides and up-date on progress relating to the St. Maurice's Covert improvement scheme further to the presentation provided by the architects, ScottWhitbystudio (SWS), to the Town Forum at the meeting held in September 2018.

RECOMMENDATIONS:

1. To note progress on the St. Maurice's Covert improvement scheme.

IMPLICATIONS:

1 COUNCIL STRATEGY OUTCOME

- 1.1 Improving St. Maurice's Covert is consistent with outcome 4 of the Council Strategy – Improving the quality of the district's environment - and in particular it will help to protect, enhance, and respect the district's rich heritage and landscape while allowing appropriate development to take place.

2 FINANCIAL IMPLICATIONS

- 2.1 There are no additional financial implications for the Town Forum regarding the funding of the project at this point in time. The position relating to the funding of the scheme in light of escalating costs was considered by Cabinet on 28th August 2019 where it was resolved to increase the budget to £225,000 to meet the increasing costs of the works (CAB3812 refers). This should enable the works to proceed to implementation. Full details of the funding arrangements are set out in CAB3812.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 Works at St Maurice's Covert will be progressed through contracts that will encompass; civil surfacing works and ceiling and lighting works. Current intentions are to undertake procurement of the civil surfacing works through an established Framework whilst the most likely means of procuring the ceiling and lighting works will be through a competitive tender.
- 3.2 The procurement processes used will be furthered in discussed with legal and procurement teams to ensure a process that is compliant with the Public Contract Regulations 2015 (if applicable), the Council's Contract Procedure Rules and Financial Procedure Rules for contracts of the relevant type and value of the intended contract.
- 3.3 The Council has the power to enter such contracts with a third party by virtue of section 111 of the Local Government Act 1972, providing the power to do anything is calculated to facilitate, or is conducive or incidental to the discharge of any of its functions. Under section 1 of the Localism Act 2011, the Council has the power to undertake any activity a normal person could undertake, for the benefit of the authority, its area or persons resident or present in its area. The Council must be satisfied it has the enabling power(s) to award and enter into the relevant agreements.
- 3.4 Additionally the Council has an obligation as a best value authority under section 3 of the Local Government Act 1999 to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness." By following due process the Council's Contract Procedure Rules and Financial Procedure Rules, the Council will have observed its other statutory duties, including in regard to the duty to obtain best consideration.

- 3.5 Whilst a Judicial Review challenge is always a possibility where the Council has fully complied with the correct procedures, as above, the risk of a successful challenge is considered minimal.

3.6 .

4 WORKFORCE IMPLICATIONS

- 4.1 None other than officer time is needed to support the management of the St. Maurice's Covert scheme.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 These were previously considered in the Winchester Town Forum report WTF247.
- 5.2 However further investigative works in the Covert mean that it is now likely that the ceiling and lighting improvements will need to comply with the requirements of Party Wall Act as they may affect land or buildings owned by a third party. The requirements of the Act will therefore need to be met before these works can commence so present an element of risk to the project proceeding which will need to be managed. It should also be noted that the water fountain, which is part of the civils works, will rely on a water supply from the adjacent public conveniences which are leased to the Council. When this lease ends and if it is not renewed or extended, the supply to the fountain will need to be negotiated.

6 CONSULTATION AND COMMUNICATION

- 6.1 As members of the Town Forum may recall the scheme has evolved since its inception with a number of iterations. The works have been subject to extensive public and stakeholder consultation (CAB2958 refers) and further amendments to the detailed design of the works have been overseen by the St. Maurice's Covert Steering Group, up-dates considered by the Winchester Town Forum (presentation by SWS September 2018) and discussions have been on-going with stakeholder groups potentially affected by the design amendments.
- 6.2 The Steering Group remains firmly committed to all of the proposed improvements proposed notwithstanding a significant increase needed in the budget to accommodate their delivery. The revised budget was as agreed by Cabinet on 28th August 2019 (CAB3812).

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 The scheme would enhance the visual attractiveness of the St. Maurice's Covert, giving it a better sense of place, as well as improving the visual links

between the High Street and Cathedral. The works will therefore be of benefit to the locality and wider town centre.

- 7.2 The works support the Council's wider objectives regarding the environment (Climate Emergency) in that the latest version of the scheme will include a drinking fountain to enable people visiting the town centre to refill reusable drinking vessels rather than relying on single use plastic bottles.
- 7.3 It is also intended to source the main stone finish from within the UK, rather than using an imported material, and to selectively re-use some of the existing materials. The proposed surfacing materials will provide a high-quality and durable solution. The same applies to the new benches and cubes which will be made of Portland stone. Furthermore, the scheme only entails resurfacing the part of the Covert adjacent to Market Lane, which would benefit most from having new materials provided, rather than simply resurfacing the entire area.

8 EQUALITY IMPACT ASSESSEMENT

- 8.1 These were covered in the previous Cabinet report CAB2958. Some changes to the detailed design of the scheme since September 2017 are being assessed in relation wider mobility issues as well as the location of cycle parking. However, it is envisaged that the scheme will still deliver many of the improvements outlined in the previous report and will, at worst, have a neutral effect.

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None required.

10 RISK MANAGEMENT

- 10.1 [START TYPING HERE]

Risk	Mitigation	Opportunities
<i>Property: The ceiling and lighting works will need to comply with the Party Wall Act requirements</i>	Discuss the proposals with the owner of the adjoining structure and ensure the requirements of the Act are complied with. Ceiling design can be changed if it is not possible to deliver the current proposal.	

<i>Water fountain will rely on a water supply from the public conveniences leased to the Council</i>	Use best endeavours to negotiate the water supply if the lease is not renewed or extended.	
<i>Community Support: Given consultation undertaken on the Covert scheme failure to complete it may undermine confidence in the Council's ability to deliver improvement schemes.</i>	Additional budget allocated by Cabinet 28/08/19 to enable the scheme to be implemented.	
<i>Timescales: Further delays could see costs increase further.</i>	Additional funding to enable the scheme to progress in 2019/20 agreed by cabinet 28/08/19.	
<i>Project capacity</i>		
<i>Financial / VfM Escalating costs caused by delays may prevent implementation as costs exceed budget. Full costs unknown until works are tendered. External factors are increasing costs on civil engineering and other schemes like St. Maurice's Covert.</i>	Proceed to tendering as soon as possible but keep costs and budget under review. Look at options including value engineering to reduce and minimise costs. Revised options can be considered for the ceiling works if costs, when tendered are unaffordable.	
<i>Legal</i>		
<i>Innovation</i>		
<i>Reputation As Community Support above.</i>		
<i>Other</i>		

11 SUPPORTING INFORMATION:

- 11.1 There has been a longstanding commitment by the Town Forum to improve St. Maurice's Covert. SWS were architects appointed to develop an enhancement scheme aimed at enhancing the visual attractiveness of the space, creating stronger links between the High Street and Cathedral and providing a stronger sense of place for the Covert itself.

- 11.2 A range of measures to improve the surface, walls and ceiling/lighting of the Covert were produced by SWS and agreed by Cabinet in September 2017 (CAB2958 refers) with a budget of £110,000 (phase 1). Further improvements were identified which could form a second phase of works.
- 11.3 Since that time a number of changes to the detailed design of the project were required to respond to concerns raised by the police and others regarding anti-social behaviour and rough sleeping, which saw the plinth removed, and the new bin/bike store omitted (refuse storage was relocated to a new structure in Colebrook Street car park). A revised package of works was presented at the Town Forum meeting in September last year which was favourably received.
- 11.4 During the last year there have been on-going discussions with representatives of interest groups potentially impacted by the scheme in its amended form and, as a result, the design has been refined so that the covered cycle parking within the Covert will be renewed rather than relocated to another location in the centre whilst external parking adjacent to Market Lane will be omitted. It is considered that this is an appropriate compromise in terms of accommodating the needs of cyclists whilst avoiding adverse effects for blind and partially sighted people crossing the space.
- 11.5 In addition to finalising the design of the scheme there have been delays generated by the rising costs of the project. When the civil engineering (surfacing) aspects of the scheme were agreed and put out to tender earlier this year the prices which came back were more than envisaged, even allowing for the time lag between the design being finalised and tendering exercise, and were considerably more than originally budgeted for in the cost estimates.
- 11.6 This is apparently typical of projects of this nature at the present time where external factors, such as Brexit, create uncertainty and therefore risks for contractors, and are likely increasing costs significantly. Costs of materials are also increasing. Consequently, it was necessary for the Steering Group to reconsider the project in light of escalating costs which could not be met by the allocated budget.
- 11.7 The Steering Group remains fully committed to delivery the scheme in its entirety and the increase in budget agreed by Cabinet in August from £110,000 to £225,000 should enable this to happen. The budget issues have meant that value engineering has been applied to the project intended to reduce costs, without compromising the overall quality of the scheme, so for example revising the street furniture products to those originally specified, when the civils elements of the work were tendered earlier this year, should help to reduce prices quoted moving forwards.

- 11.8 The intention now is to proceed with tendering the revised civils works as soon as possible and, subject to receiving quotes which align with the new budget agreed, to progress to implementation. It is envisaged that allowing for this process to be completed, a contractor appointed with lead in times for sourcing materials etc..., and avoiding implementation during the busy festive season, works will start early in 2020 and be completed by March.
- 11.9 At the same time work on progressing the ceiling and lighting improvements will continue but there are issues involving adjoining land owners that will need to be addressed prior to works beginning on site (Party Wall Act requirements). These works will also need to be tendered with prices that reflect the increased budget. For these reasons it is more challenging to put a timescale to these works but it is hoped they can be completed by April 2020.

12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 The Council could decide not proceed with the St Maurice's Covert Project in light of higher costs than originally envisaged meaning the package of works would not be delivered but this could undermine confidence in the Council's ability to deliver schemes of this nature which include external funding. The Council has already incurred significant costs in relation to professional fees.
- 12.2 The scheme could be phased over more than one financial year in order to manage costs over a longer time period or certain measures could be omitted from the scheme altogether. The Steering Group is committed to delivering all the measures designed by SWS to deliver the original vision and realise the full benefits of the project. Furthermore, spreading the costs over more than one year could mean a higher cost overall particularly given the current uncertainties in the market.

BACKGROUND DOCUMENTS:-

None

Previous Committee Reports:-

CAB2958 Enhancing St. Maurice's Covert.

WTF193 – St Maurice's Covert and other Town Centre Enhancements.

WTF247 – Enhancing St. Maurice's Covert.

WTF219 - St. Maurice's Covert Environmental Enhancement up-date.

WTF200 – St. Maurice's Covert Up-date.

Other Background Documents:-

None

APPENDICES:

None