



**Oversight and Governance**

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Published 18/05/22

## Delegated Decisions

### Delegated Executive/Officer Decisions

Delegated Executive and Officer decisions are published every Wednesday and are available at the following link - <https://tinyurl.com/ms6umor>

Cabinet decisions subject to call-in are published at the following link - <http://tinyurl.com/yddrql6>

Please note – urgent decisions and non-key Council Officer decisions cannot be called in. Copies of the decisions together with background reports are available for viewing as follows:

- on the Council's Intranet Site at <https://modgov/mgDelegatedDecisions.aspx>
- on the Council's website at <https://tinyurl.com/jhnax4e>

The decision detailed below may be implemented immediately and is not subject to a call-in period.

## **Delegated Decisions**

### **I. Council Officer Decision - Paul Barnard, Service Director for Strategic Planning and Infrastructure:**

- I.1. Central Park Ponds Project: Commitment to Contractor Procurement Route **(Pages 1 - 16)**

# EXECUTIVE DECISION

made by a Council Officer



## REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL COUNCIL OFFICER

Executive Decision Reference Number – COD28 21/22

Decision	
1	<p><b>Title of decision:</b> Central Park Ponds Project: Commitment to Contractor Procurement Route</p>
2	<p><b>Decision maker (Council Officer name and job title):</b> Paul Barnard, Service Director for Strategic Planning and Infrastructure</p>
3	<p><b>Report author and contact details:</b> Zoe Sydenham - <a href="mailto:Zoe.Sydenham@plymouth.gov.uk">Zoe.Sydenham@plymouth.gov.uk</a></p>
4a	<p><b>Decision to be taken:</b> Commit to appointing South West Highways (SWH) via the Term Maintenance Contract (TMC) to construct the Central Park Ponds Project.</p>
4b	<p><b>Reference number of original executive decision or date of original committee meeting where delegation was made:</b> L27 21/22</p>
5	<p><b>Reasons for decision:</b></p> <p>This decision is to confirm the Council's commitment to appointing SWH via the TMC in order to deliver the Central Park Ponds Project. A robust analysis of procurement options available to the Council has been undertaken, with the recommended route being to appoint SWH via the TMC, with the following benefits:</p> <ul style="list-style-type: none"> <li>• Benefit of quicker route, engaging with contractor quickly meaning project is on target to be delivered within tight timeframes</li> <li>• Capitalise on the collaborative working arrangements that the contractor has established with the Council's Highways department and other key stakeholders and partners</li> <li>• Access to the competitive price list that was secured through the vigorous and robust tendering assessment that the Council carried out to award the TMC</li> <li>• Local knowledge</li> <li>• Co-ordination with other planned works on the local and strategic road networks</li> <li>• Early contractor involvement to progress the design and identify value savings and reduce risks in both the design and construction stages</li> <li>• Supports continuity of working between the Council and the contractor to help deliver improvements in performance over the term of the TMC</li> <li>• Gives confidence to and supports the local economy, helping to safeguard existing jobs and create new ones</li> </ul>

This project is a key element of the Central Park Improvements Programme. Approving this decision will demonstrate a commitment to spending the allocated funding and completing the project within the timeline of the Central Park Improvements Programme Phase 3 (finishing July 2023). The Council has already announced the plans to deliver this project and secured planning permission and external money to part fund the project.

This project will further develop the park to meet the aspirations set out in the Central Park Masterplan (adopted by the Council in March 2013 and approved by Cabinet on 12th March 2013) to build a 'premier park for the people of Plymouth and outstanding venue of regional and national significance for active recreation and formal sport, culture, art and the natural environment.' The Council has already announced the plans to deliver this project and secured planning permission.

The project will resolve localised drainage issues in the area of the park near Barn Park Road and deliver a betterment to the wider flood risk catchment and also benefit people and nature through improvements to access, amenity, recreation space and enhancing biodiversity. The project aims to:

- Implement a sustainable drainage system to reduce flooding, reduce the risk of pollution and CSO incidents and increase the capacity of highway drainage and combined sewers
- Improve access for park users and a section of the Plymouth Cycle Network
- Contribute to improved air quality, heat reduction and carbon sequestration
- Ensure Central Park meets the aspirations as the city's Flagship Park, bringing an increased audience to the park and supporting active lifestyles
- Increase biodiversity in the park to support connection to nature for health and wellbeing
- Create an exemplar nature-based solution, which could be replicated in other areas of the city

## 6 **Alternative options considered and rejected:**

1. **Use another procurement route** – The alternative options to employing the TMC would be to either carry out a formal (request for quotation) tendering exercise or use an appropriate framework. The Request For Quotation route was rejected due to no option for early contractor involvement and the process takes several months, so there is a high risk a contractor would not be appointed in time for the target project start date. The use of a framework was rejected because there were no suitable contractors to deliver the project. Both alternative options do not have all of the benefits use of the TMC offers.
2. **Do nothing** – There is a risk that if PCC do not commit to appointing a contractor soon the project will miss the window to start delivery on time (currently scheduled for August 2022)- the window for delivering certain elements of the work is also restricted by ecological constraints- and this creates a risk that the project will not be complete within the timeframe of the Central Park Improvements Programme Phase 3 (ending July 2023). Further to this, due to current market conditions there are longer lead in times for certain materials and changing material costs will mean the overall project cost will continue to increase until the contractor confirms orders with suppliers. Doing nothing risks impacting the Council's reputation as the Council has already secured planning approval and announced the plans to deliver this project, so delaying will mean a continuance of flooding issues that impact park users and block access routes. This will in turn diminish the impact of the wider improvements and be a missed opportunity to improve the amenity, recreation space and biodiversity of this area of the park.

7	<p><b>Financial implications and risks:</b></p> <p>As per section 6, if this decision is not approved, the overall cost of the project will continue to rise until a contractor is appointed and there is potential to miss the start date for the project. This would mean delay to the project spend, which is mainly corporate borrowing that is allocated to this current financial year (22/23).</p> <p>By approving this decision the Council can take advantage of the TMC to work with SWH while finalising the design for construction and ground investigations, in order to identify and reduce financial risk, whereas carrying out a formal tender without a final construction design would carry high risk of suppliers quoting inflated costs to cover unknown elements or putting suppliers off tendering altogether.</p>																
8	<table border="1"> <thead> <tr> <th data-bbox="225 562 758 656">Is the decision a Key Decision? (please contact <a href="#">Democratic Support</a> for further advice)</th> <th data-bbox="758 562 852 656">Yes</th> <th data-bbox="852 562 1007 656">No</th> <th data-bbox="1007 562 1495 656">Per the Constitution, a key decision is one which:</th> </tr> </thead> <tbody> <tr> <td data-bbox="225 656 758 824"></td> <td data-bbox="758 656 852 824"></td> <td data-bbox="852 656 1007 824">X</td> <td data-bbox="1007 656 1495 824">in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total</td> </tr> <tr> <td data-bbox="225 824 758 1010"></td> <td data-bbox="758 824 852 1010"></td> <td data-bbox="852 824 1007 1010">X</td> <td data-bbox="1007 824 1495 1010">in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b></td> </tr> <tr> <td data-bbox="225 1010 758 1151"></td> <td data-bbox="758 1010 852 1151"></td> <td data-bbox="852 1010 1007 1151">X</td> <td data-bbox="1007 1010 1495 1151">is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.</td> </tr> </tbody> </table>	Is the decision a Key Decision? (please contact <a href="#">Democratic Support</a> for further advice)	Yes	No	Per the Constitution, a key decision is one which:			X	in the case of <b>capital</b> projects and contract awards, results in a new commitment to spend and/or save in excess of <b>£3million</b> in total			X	in the case of <b>revenue</b> projects when the decision involves entering into new commitments and/or making new savings in excess of <b>£1 million</b>			X	is <b>significant</b> in terms of its effect on communities living or working in an area comprising <b>two or more</b> wards in the area of the local authority.
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8b	<p>If yes, date of publication of the notice in the <a href="#">Forward Plan of Key Decisions</a></p>	N/a															
9	<p><b>Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:</b></p>	<p><u>Growing:</u> The delivery of the this project as part of the Central Park Masterplan will directly support the Council's vision for the City, supporting its ability to deliver growth by providing high quality and accessible green infrastructure to meet both the current and anticipated future recreational and leisure needs of Plymouth.</p> <p><u>Caring:</u> The new approach to collaborative working to achieve the enhancements will empower communities to be involved in decision making and the delivery of the improvements. The health benefits of accessing the natural environment are well documented. The project will build on existing work to remove physical and perceptual barriers to accessing natural space and will encourage community members to become more actively involved in their local site. Opportunities that can support social cohesion will be explored through the project delivery.</p> <p><u>Confident:</u> The project provides an opportunity to focus the delivery of the Parks enhancement in line with One City Council aspirations. Improvements to the overall site will support individuals, community groups and visitors to the city to engage in physical activity, play and build social</p>															

		<p>networks.</p> <p>Delivers JLP Policy PLY 19 Central Park - Strategic Green Space Site: 2. Enhancing existing and creating new facilities that develop the park's role as a premier park for the city and region whilst being sensitive to the park's natural and historic features.</p> <p>Meets Strategic Objective 4 of Plymouth Plan: 'Delivering a Healthy City' (5) health-promoting natural and built environments, community facilities and public spaces and accessible local services.</p> <p>Delivers Plymouth Plan Policy 14: 'Optimising the health and wellbeing benefits of the natural environment'.</p> <p>(4) Providing high quality outdoor facilities that encourage people to participate in sport and active recreation</p> <p>Supports delivery of Plymouth Plan DEV29: 'to protect and support a diverse and multi-functional network of green space (including play space).'</p>		
<b>10</b>	<b>Please specify any direct environmental implications of the decision (carbon impact)</b>	<p>The project aims to have a minimum impact on carbon emissions. The proposal is a nature based solution that uses natural features to manage water and prevent flooding, minimizing the carbon impact that a hard engineered solution has.</p>		
<b>Urgent decisions</b>				
<b>11</b>	<b>Is the decision urgent and to be implemented immediately in the interests of the Council or the public?</b>	<b>Yes</b>		(If yes, please contact <a href="#">Democratic Support</a> for advice)
		<b>No</b>	X	(If no, go to section 13a)
<b>12a</b>	<b>Reason for urgency:</b>			
<b>12b</b>	<b>Scrutiny Chair signature:</b>		<b>Date</b>	
	<b>Scrutiny Committee name:</b>			
	<b>Print Name:</b>			
<b>Consultation</b>				
<b>13a</b>	<b>Are any other Cabinet members' portfolios affected by the decision?</b>	<b>Yes</b>	X	Planning: Councillor Dr John Mahony
		<b>No</b>		(If no go to section 14)
<b>13b</b>	<b>Which other Cabinet member's portfolio is affected by the decision?</b>	N/a		

<b>I3c</b>	<b>Date Cabinet member consulted</b>	31 January 2022				
<b>I4</b>	<b>Has any Cabinet member declared a conflict of interest in relation to the decision?</b>	<b>Yes</b>		If yes, please discuss with the Monitoring Officer		
		<b>No</b>	x			
<b>I5</b>	<b>Which Corporate Management Team member has been consulted?</b>	<b>Name</b>	Anthony Payne			
		<b>Job title</b>	Strategic Director for Place			
		<b>Date consulted</b>	13 May 2022			

**Sign-off**

<b>I6</b>	<b>Sign off codes from the relevant departments consulted:</b>	<b>Democratic Support (mandatory)</b>	DS146 21/22			
		<b>Finance (mandatory)</b>	pl.22.23.12.			
		<b>Legal (mandatory)</b>	MS/09.05.22			
		<b>Human Resources (if applicable)</b>				
		<b>Corporate property (if applicable)</b>				
		<b>Procurement (if applicable)</b>	SN/PS/626/ED/0522			

**Appendices**

<b>I7</b>	<b>Ref.</b>	<b>Title of appendix</b>
	A	Briefing report for publication
	B	Equalities Impact Assessment

**Confidential/exempt information**

<b>I8a</b>	<b>Do you need to include any confidential/exempt information?</b>	<b>Yes</b>		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part I of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in <b>I8b</b> below.				
		<b>No</b>	x					
		<b>Exemption Paragraph Number</b>						
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>I8b</b>	<b>Confidential/exempt briefing report title:</b>							

**Background Papers**

<b>19</b>	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>							
Title of background paper(s)		Exemption Paragraph Number						
		1	2	3	4	5	6	7
Council Officer Signature								
<b>20</b>	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. For further details please see the EIA attached.</p>							
<b>Signature</b>				<b>Date of decision</b>	17.5.22			
<b>Print Name</b>	Paul Barnard							

## **CENTRAL PARK PONDS PROJECT – COMMITMENT TO CONTRACTOR PROCUREMENT ROUTE**

Executive Decision briefing note



### **1. PROJECT SUMMARY**

The Central Park Ponds Project is a key part of the approved investment for the Central Park Improvements Programme (currently in Phase 3). The project will resolve localised drainage issues in the area of the park near Barn Park Road and deliver a betterment to the wider flood risk catchment and also benefit people and nature through improvements to access, amenity, recreation space and enhancing biodiversity.

This project will further develop the park to meet the aspirations set out in the Central Park Masterplan (adopted by the Council in March 2013 and approved by Cabinet on 12th March 2013) to build a 'premier park for the people of Plymouth and outstanding venue of regional and national significance for active recreation and formal sport, culture, art and the natural environment.' The Council has already announced the plans to deliver this project and secured planning permission.

This briefing report is to confirm the Council's commitment to appoint South West Highways (SWH) via the Term Maintenance Contract (TMC) to deliver the project and demonstrate a commitment to spending the allocated funding and complete the project within the timeline of the Central Park Improvements Programme Phase 3 (finishing July 2023).

### **2. SCHEME OBJECTIVES**

- Implement a sustainable drainage system to reduce flooding, reduce the risk of pollution and CSO incidents and increase the capacity of highway drainage and combined sewers
- Improve access for park users and a section of the Plymouth Cycle Network
- Contribute to improved air quality, heat reduction and carbon sequestration
- Ensure Central Park meets the aspirations as the city's Flagship Park, bringing an increased audience to the park and supporting active lifestyles
- Increase biodiversity in the park to support connection to nature for health and wellbeing
- Create an exemplar nature-based solution, which could be replicated in other areas of the city

### **3. TARGET COST AND FINANCE**

The target cost for the scheme is £1.9m and will be constructed in the 2022/23 and 2023/24 financial years. The scheme will be funded by a combination of corporate borrowing, S106 and external funding. The project team will continue to seek additional funding to reduce corporate borrowing.

### **4. DELIVERY TIMESCALES**

The main works for the scheme is planned to start in August 2022, with construction programmed to take 1 year.

## **5. MEMBER AND STAKEHOLDER SUPPORT**

This project is part of a masterplan that was created as a response to the need identified in the Central Park Area Action Plan (AAP) for a comprehensive strategy of improvement to ensure the park achieves its potential as a key public space for the City. Throughout the process of developing the AAP the Council followed the statutory process of consultation that enabled the adoption of the AAP.

Consultation has continued throughout subsequent phases of the project. In phases 1 and 2 of the Central Park Improvements Programme, the Cabinet Members for Planning and Environment and Street Scene were consulted process and supported the project. Public and local stakeholders (including ward Councillors) were consulted regarding new infrastructure and improvements (engaging over 8000 people on Facebook and over 500 completed questionnaires). Regular newsletters are also sent out and there is a Central Park webpage and Facebook page.

## **7. PROCUREMENT APPROACH**

A robust analysis of procurement options available to the Council has been undertaken, with the recommended route being to appoint SWH via the TMC, with the following benefits:

- Benefit of quicker route, engaging with contractor quickly meaning project is on target to be delivered within tight timeframes
- Capitalise on the collaborative working arrangements that the contractor has established with the Council's Highways department and other key stakeholders and partners
- Access to the competitive price list that was secured through the vigorous and robust tendering assessment that the Council carried out to award the TMC
- Local knowledge
- Co-ordination with other planned works on the local and strategic road networks
- Early contractor involvement to progress the design and identify value savings and reduce risks in both the design and construction stages
- Supports continuity of working between the Council and the contractor to help deliver improvements in performance over the term of the TMC
- Gives confidence to and supports the local economy, helping to safeguard existing jobs and create new ones

SWH will be expected to apply their pre-tendered rates where relevant; anything that falls outside of scope must demonstrate value for money by following a process of seeking multiple quotes where possible and procuring those who demonstrate best value for money on a 50:50 price-quality ratio. They will also complete a social value assessment as part of the procurement

## **8. ALTERNATIVES CONSIDERED**

The alternative options to employing the TMC would be to either carry out a formal (request for quotation) tendering exercise or use an appropriate framework. The Request For Quotation route was rejected due to no option for early contractor involvement and the process takes several months, so there is a high risk a contractor would not be appointed in time for the target project start date. The use of a framework was rejected because there were no suitable

contractors to deliver the project. Both alternative options do not have all of the benefits use of the TMC offers.

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# EQUALITY IMPACT ASSESSMENT

Project Title: Central Park Ponds Project – commitment to contractor procurement route  
Environmental Planning



## STAGE 1: What is being assessed and by whom?

What is being assessed - including a brief description of aims and objectives?	PCC wish to appoint South West Highways (SWH) via the Term Maintenance Contract (TMC) in order to deliver the Central Park Ponds Project. This project is a key part of the approved investment for Central Park Improvements Programme Phase 3. Confirming this appointment will demonstrate a commitment to spending the allocated funding and completing the project within the timeline set out for Central Park Improvements Programme Phase 3 (ending July 2023). A robust analysis of procurement options available to PCC has been undertaken and determined that appointing SWH via the TMC is the recommended option.
Responsible Officer	Zoe Sydenham
Department and Service	Natural Infrastructure Projects and Partnerships Team, Strategic Planning & Infrastructure
Date of Assessment	04/05/2022

## STAGE 2: Evidence and Impact

Protected Characteristics (Equality Act)	Evidence and information (e.g. data and feedback)	Any adverse impact?	Actions	Timescale and who is responsible?
Age	It is anticipated that the project will be open to all	No adverse impact, all age groups will have the	N/A	N/A

	age groups. There would be a requirement for young children to be supported by an adult. We will actively engage families and schools	opportunity and will be actively encouraged to be involved.		
Disability	Access to monitoring forms and networks that are developed will conform to the requirements of the Equality Act and recommended guidelines for users with a disability.  Improvements will comply with the Equality Act and recommended guidelines for users with a disability	No adverse impact of the project. The project will be accessible to all abilities.	N/A	N/A
Faith, Religion or Belief	Christian: 58.1% Islam: 0.8% Buddhism: 0.3% Hinduism: 0.2% Judaism: 0.1% Sikhism: <0.1% No religion: 32.9%	No adverse impact  The project will be accessible to all faiths, religions and beliefs.	N/A	N/A
Gender - including marriage, pregnancy and maternity	Overall 50.2% of our population are women; this reflects the national figure of 50.7%.	No adverse impact, there will be no barriers to involvement based on gender.	N/A	N/A

	There will be no gender barrier to being involved in this project.			
Gender Reassignment	Access to being involved in the project will not be limited by gender reassignment.	No adverse impact, there will be no barriers to involvement based on gender reassignment.	N/A	N/A
Race	White (all): 96.1% Mixed (all): 1.3% Asian (all): 1.5% Black (all): 0.7% Other: 0.4% The project will be open to all to participate regardless of race.	No adverse impact, the project will be open to all to participate regardless of race.	N/A	N/A
Sexual Orientation -including Civil Partnership	The project will be open to all to participate regardless of sexual orientation.	No adverse impact, the project will be open to all to participate regardless of sexual orientation.	N/A	N/A

<b>STAGE 3: Are there any implications for the following? If so, please record 'Actions' to be taken</b>		
<b>Local Priorities</b>	<b>Implications</b>	<b>Timescale and who is responsible?</b>
Reduce the inequality gap, particularly in health between communities.	The site is a city wide provision. It will remain free open access for all and improvements will benefit walking and cycling and actively encourage nature	This is part of Phase 3 of the Central Park Improvements Programme, which is a continuation of Phase 1 and 2 started in May 2017 and is delivered by

<b>STAGE 3: Are there any implications for the following? If so, please record 'Actions' to be taken</b>		
<b>Local Priorities</b>	<b>Implications</b>	<b>Timescale and who is responsible?</b>
	based activities for all abilities.	the Environmental Planning Team.
Good relations between different communities (community cohesion).	The project has had input from user-groups and design will embed areas for communal seating/picnic/meeting areas and interaction with nature	This is part of Phase 3 of the Central Park Improvements Programme, which is a continuation of Phase 1 and 2 started in May 2017 and is delivered by the Environmental Planning Team.
Human Rights	<p>This service recognises Article 14 of Human Rights Act – The right to receive Equal Treatment and prohibits discrimination including sex, race, religion and economic and social status in conjunction with the Equalities Act which includes age and disability.</p> <p>All staff and service users will be treated fairly and that their human rights will be respected.</p> <p>No adverse impact on human rights has been identified.</p>	N/A

<b>STAGE 4: The Principles of Fairness</b>	
<b>Principles</b>	<b>Comment</b>
People should be able to access opportunity whatever their circumstances.	The use and enjoyment of Central Park Ponds Project is open to all.
The city should give priority to those in greatest need when it allocates resources.	The project will be open to all and will give equal weight to the information provided to it by all members of society. Improvements will take into account the needs of all users and promote equality of access.
Things that make the biggest difference to people's lives should get priority when deciding where resources go.	The project will ensure that the people of Plymouth will have access to high quality natural spaces benefitting from the associated health and social benefits.
The way things are done in the city matters just as much as what is done.	The project has actively provided opportunity for local stakeholders to contribute to the design.

Unfairness which takes time to remove needs policies for the long term.	Access to and enjoyment of Central Park is open to all and is fair for all.
Preventing inequalities is more effective than trying to eliminate them.	The project will work on the premise of preventing inequality within communities by providing opportunity for all to be involved.
Services should be provided 'with' people, not 'for' them.	Input from the community will be vital in the delivery of this project in order to ensure the improvements meet their needs.
The needs of future and current generations should be balanced when making decisions.	Improvements will use robust and sustainable material to ensure longevity of works for the enjoyment of current and future generations.

<b>STAGE 4: Publication</b>			
Director, Assistant Director/Head of Service approving EqIA.		Date	18.5.22

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