

TONBRIDGE & MALLING BOROUGH COUNCIL

LEISURE and ARTS ADVISORY BOARD

15 March 2010

**Report of the Chief Leisure Officer and the
Cabinet Members for Leisure, Youth and Arts & Finance**

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 TONBRIDGE OUTDOOR POOL

Summary

This report draws Members' attention to problems with the external pipe work surrounding the outdoor pool. The report seeks confirmation of action taken in liaison with the Leader, the Cabinet Members for Leisure, Youth & Arts and Finance and the Chairman of Scrutiny Committee to address the problem for the future.

1.1 Introduction

- 1.1.1 Over recent years a number of leaks have been detected and repaired to the pipework surrounding the outdoor pool. These have recently become more frequent and, as a result, excavation work was progressed early in the New Year to determine the extent of the problem.
- 1.1.2 The excavation revealed that the backfill around the pool edge had settled and that this ground movement had damaged the pipes. During the investigations four leaks were identified. In addition, it was found that many of the brackets built off the side of the outdoor pool had become bent and deformed, and some had broken. It was apparent that the settlement of the backfill or sub-soils had put excess pressure on the pipes which had pulled on the brackets and damaged them, causing the pipes to fracture.
- 1.1.3 Due to the significant nature and extent of the problem identified, consultant structural engineers (Gary Gabriel Associates) were immediately appointed by the Council to prepare an options report, and advise on the best way forward. Gary Gabriel Associates were appointed due to its previous experience in designing the flood prevention walls around the site and its knowledge of the unique ground conditions in the area. It is the intention to continue to commission them as the scheme progresses.
- 1.1.4 The outdoor pool is due to open to the public on 1 April 2010, in advance of the Easter holidays.

1.2 Structural Engineer's Report

1.2.1 The consultant structural engineer identified six options to address the problem, which have been summarised at **[Annex 1]**. Budget estimates were also sought from a Quantity Surveyor, and a guide cost including all works and fees for each option is also provided at **[Annex 1]**. Members will note that these costs range from £11,000 for a simple short term repair (Option 1) to £135,000 for an option to prepare a sheet piled trench (Option 6).

1.3 Options Appraisal

1.3.1 A number of factors needed to be taken into account when considering the best way forward, including the cost of the works, revenue implications associated with the outdoor pool, the opening times for the outdoor pool and how well each of the options would address the potential of any further problems of leaks arising in the future.

1.3.2 It is clearly difficult to provide a precise estimate of the revenue associated with the operation of the outdoor pool, as entry in the summer months enables use of both the indoor and outdoor pools. Taking into account levels of swim income over the last three years, expenditure savings, and making an allowance for an impact on catering, the Leisure Contracts Manager estimates the overall loss of revenue to be £120,000 over the summer season. In addition, there will be a loss of car parking income.

1.3.3 With regard to the time taken to progress each of the options, only Options 1 and 2 would have enabled the outdoor pool to open during the forthcoming season. When considering the consultant's report it was felt that Option 1 could be progressed in time for opening at Easter, with Option 2 not being completed until 1 May 2010 at the earliest. Taking into account the significant revenue implications of not opening the outdoor pool in 2010, the remaining four options could only be progressed once the outdoor pool closes to the public on 30 September 2010.

1.3.4 An options appraisal was undertaken in close liaison with the consultants, the Council's Building and Facilities Manager, the Director of Finance, and the Leisure Contracts Manager.

1.3.5 It was felt that, whilst Options 1 and 2 might address the problem in the short/medium term, they did not provide the level of guarantee required by the Council in the longer term. In essence, a significant sum of money could have been invested by the Council, only for the problems to return in the future. It was not felt that this level of risk was acceptable in financial terms.

1.3.6 In considering each of the remaining options in turn, they all represented varying levels of risk, with Option 6 (sheet piled trench) providing the most reassurance to the Council for the longer term. It was felt by both the consultant, the Officers considering the issue and subsequently by Management Team that, taking into

account the difference in costs, it would be prudent for the Council to progress with Option 6 as the preferred option.

- 1.3.7 An evaluation of the proposal, assuming the adoption of Option 6, is set out in the normal capital scheme format at **[Annex 2]** to this report. Members will note that the proposal involves undertaking a “first phase” solution to carry us through the 2010 summer season with the substantive and permanent work taking place in autumn 2010.
- 1.3.8 As Members are aware, the Capital Plan has very recently been updated and new schemes approved, but if we are to ensure that the outdoor pool is ready for the forthcoming outdoor season, we need to act immediately. Therefore, the usual Capital Plan process will need to be set aside on an exceptional basis.

1.4 Extent of Works

- 1.4.1 Members will note from **[Annex 3]** the extent of the works proposed. The works will cover 43 metres of pipework, including all areas where leaks have occurred, together with additional lengths of pipework to provide greater reassurance. The Structural Engineer has considered the need to undertake the works around the entire perimeter of the outdoor pool and states that “there are no reports of damages/problems in other areas and at this stage we do not consider that these are worthwhile treating”. If the works were to extend around the whole pool the total cost is estimated at £250,000.

1.5 Consultation

- 1.5.1 Taking into account the significance of this issue in both operational and financial terms, liaison was undertaken with the Leader and the Cabinet Members for Leisure, Youth & Arts and Finance, and the Chairman of Scrutiny Committee. Those Members agreed that Option 6 was the most appropriate way forward as the permanent solution. They also agreed that, as set out in paragraph 1.3.7 and the evaluation at **[Annex 2]**, it is appropriate from a financial perspective to carry out first phase repairs to enable the outdoor pool to open during summer 2010.
- 1.5.2 Subsequent to this consultation and the agreement of the above-mentioned Members, the Management Team, on an exceptional basis, has authorised the first phase works to commence at a value of £11,000 in accordance with the waivers available to Chief Officers under Contracts Procedure Rule 13.
- 1.5.3 The exploratory trench around the outdoor pool is currently being refilled, and the damaged brackets replaced, to enable the outdoor pool to open for the forthcoming summer season. During the summer months the Council’s Building and Facilities Manager will work in liaison with the consultant structural engineer to develop a detailed specification for the works and seek tenders. It is anticipated that procurement will be undertaken via a joint working arrangement established with Dartford Borough Council as part of the West Kent Joint Working Initiative. This will enable the Council to evaluate the use of Dartford’s E-

Procurement route. This will then enable the works to commence on site in autumn 2010, providing adequate time for completion in advance of the 2011 outdoor pool summer season.

1.6 Legal Implications

- 1.6.1 The building contract for the works will be let in accordance with the Council's Contract Procedure Rules. The use of the waiver available under Contracts Procedure Rule 13 has been authorised by Management Team in relation to the undertaking of the first phase works as set out in paragraph 1.4.2.

1.7 Finance and Value for Money Considerations

- 1.7.1 The cost of the works and the revenue implications relating to the operation of the outdoor pool were given detailed consideration when determining how best to address the problem with the outdoor pool for the future.
- 1.7.2 The exploratory works to the pool and the consultancy fees have thus far been funded from the Building Repairs Reserve (£10,000), with the full agreement of the Management Team.
- 1.7.3 The costs of both the first phase works (estimated £11,000) and the permanent solution (estimated £135,000) cannot be met from the Building Repairs Reserve and funding will need to be found from the Capital Plan. Members will be aware that the annual capital allowance for 2010/11 (of £350,000) has already been fully allocated, so any funding would need to be brought forward from the 2011/12 allowance.
- 1.7.4 In accordance with our procedures, Full Council must allocate the funding to allow the scheme to progress from its current status of "List C" to the Capital Plan ("List A"). In these exceptional circumstances, however, with the agreement of the Members listed in paragraph 1.4.1 and with the support of the Management Team the Chief Leisure Officer authorised the commencement of the temporary works on 3 March 2010. Retrospective endorsement of this action is required by Council.
- 1.7.5 The Director of Finance has approached the Council's Insurers and a formal claim has been lodged. The Chief Leisure Officer will update Members at the meeting on any progress in this regard.

1.8 Risk Assessment

- 1.8.1 The preferred option brought forward in this report was based on a detailed evaluation of risk relating to the range of options available to the Council. The Council has used the services of an external consultant engineer to provide further reassurance that the selected option will address the problem in the long term.

1.8.2 If first phase remedial works are not progressed prior to the summer season, it is estimated that there will be a net loss of revenue of £120,000 due to the closure of the outdoor pool.

1.9 Policy Considerations

1.9.1 Asset Management, Business Continuity/Resilience, Community, Procurement.

1.10 Recommendations

1.10.1 It is **RECOMMENDED TO COUNCIL VIA CABINET** that:

- 1) the actions taken in consultation with the Leader, the Cabinet Members for Leisure, Youth & Arts and Finance, the Chairman of the Scrutiny Committee and the Management Team with regard to the repair of the leaks to the Tonbridge Outdoor Pool be confirmed;
- 2) the action to appoint Gary Gabriel Associates as consultant structural engineers for the project due to their detailed knowledge of the site and ground conditions be endorsed;
- 3) the action taken by the Council's Management Team under Contract Procedure Rule 13 to implement the first phase works prior to the start of the outdoor pool season be endorsed;
- 4) the List C evaluation set out in **[Annex 2]** be approved and the scheme be accelerated immediately to the Capital Plan, with funding of £146,000 being reallocated from the 2011/12 annual capital allowance;
- 5) the long term problem with leaks to the outdoor pool be addressed through the implementation of Option 6 (sheet piled trench) as outlined in **[Annex 1]** to this report;
- 6) the Council's Building and Facilities Manager be requested to draw up the specification for the works and progress the tendering of the works via the joint procurement arrangement with Dartford Borough Council; and
- 7) the works be progressed in autumn 2010 following the closure of the outdoor pool to the public.

Background papers:

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Nil

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