

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**LEISURE and ARTS ADVISORY BOARD**

**12 March 2014**

**Report of the Director of Street Scene & Leisure and the  
Cabinet Member for Leisure & Arts Advisory Board**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken  
by the Cabinet Member)**

**1 TONBRIDGE MEMORIAL GARDENS**

**Summary**

**This report updates Members on progress with the refurbishment of  
Tonbridge Memorial Gardens and brings forward an amended timeframe for  
consideration and approval.**

**1.1 Background**

1.1.1 Members will be aware of the current Capital Plan scheme for the refurbishment of Tonbridge Memorial Gardens that is being undertaken in liaison with the Tonbridge Memorial Gardens Trust.

1.1.2 At the meeting of this Board on the 16 September 2013, Members approved (Decision Notice D130111MEM) the design, timeframe and procurement process for the scheme. This report updates Members on the procurement process and the implications of this on the overall delivery of the scheme.

**1.2 Procurement**

1.2.1 Due to the specialist nature of the works, the projects Landscape Consultants, Enplan, recommended that the Council approach a select list of contractors for tenders as opposed to adopting an open tender process. In accordance with the Council's Contract Procedure Rules a waiver was sought and approved by the Chief Executive, Director of Finance and Transformation and Monitoring Officer to allow a select list of contractors to be used.

1.2.2 Tender documentation was sent out on the 10 December 2013 with a return deadline of 13 January 2014, allowing just under five weeks for responses. Tenders were invited from a select list of five contractors.

1.2.3 The outcome of this tender process was both disappointing and unexpected as the Council received no tenders, despite contact with the companies prior to and during the tender process. Feedback was sought and the lack of response was

mainly attributed to contractors current workloads combined with reduced staffing levels over the festive period.

- 1.2.4 Given the need to engage a main contractor as promptly as possible consideration was given to the options for re-tendering the works. Consultation was undertaken with Enplan and the Council's Legal Services. It was proposed that a second tender process take place with a new and extended select list and eight contractors were indentified. In accordance with the Council's Contract Procedure Rules a waiver was once again sought and approved.
- 1.2.5 Tender documentation was sent out on 23 January with a return deadline of 17 February. We are pleased to report that five tenders were received. The tenders are currently being evaluated in accordance with the agreed financial and quality evaluation criteria and a supplementary Part 2 report will be circulated to Members in advance of the meeting. The supplementary report will recommend the award of the contract to the successful tenderer, enabling the project timescale to be met.

### **1.3 Revised Timescale**

- 1.3.1 The unsuccessful outcome of the first tender process has impacted on the timescale previously approved by Members. This timescale has been revised and can be found at **[Annex 1]** for consideration and approval. Adherence to the timescale will rely on the award of the contract as soon as possible following the meeting of this Board, with the successful contractor starting on site in mid March 2014. It is envisaged that the project will still be complete in time for a formal opening in late September, subject to no major problems being experienced during the works.

### **1.4 Legal Implications**

- 1.4.1 Consultation with Legal Services will be undertaken throughout the project to ensure adherence to procurement legislation/procedures.

### **1.5 Financial and Value for Money Considerations**

- 1.5.1 The full cost of the project is estimated at £250,000. A contribution from the Council of £100,000 has been allocated in the Capital Plan, with the remainder of the costs being met from fundraising and developer contributions. To date, the Tonbridge Memorial Gardens Trust has raised £41,000 and £202,000 has been secured through developer contributions. The success in securing developer contributions will reduce significantly the need for the Council to directly support the project financially. The Trust is still actively fundraising and any additional contributions will further reduce any contribution made by the Council

## 1.6 Risk Assessment

1.6.1 An internal Officer Study Group has been established to deliver the project.

## 1.7 Equality Impact Assessment

1.7.1 See 'Screening for equality impacts' table at end of report.

## 1.8 Policy Considerations

1.8.1 Asset Management, Community and Equalities/Diversity.

## 1.9 Recommendations

1.9.1 It is **RECOMMENDED TO CABINET** that:

- 1) the revised timescale for the refurbishment of the Tonbridge Memorial Gardens, as highlighted at **[Annex 1]**, be noted and approved; and
- 2) the revised procurement process for the project be noted, and the award of the contract be considered in a separate supplementary report in Part 2 of these papers.

The Director of Street Scene & Leisure confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Darren Lanes

Nil

Robert Styles  
Director of Street Scene & Leisure

Maria Heslop  
Cabinet Member for Leisure, Youth and Arts

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	N/a

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	Yes	The refurbishment proposals aim to increase accessibility for all to the facility.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?	N/a	N/a

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*