

EAST HERTS COUNCIL

ANNUAL COUNCIL – 17 MAY 2006

REPORT BY EXECUTIVE MEMBER FOR COMMUNITY DEVELOPMENT

17. HARTHAM COMMON STAKEBOARD PARK

WARDS AFFECTED:

'D' RECOMMENDATION: that (A) a revised capital provision of £100,000 be allocated in the Council's 2006/07 capital programme for the construction of a skateboard facility on Hartham Common;

(B) the additional capital funding required of £55,000, be allocated from the Council's Planning Delivery Grant allocation for 2005/6 and 2006/7;

(C) the Director of Policy and Performance be authorised to enter into an agreement with Hertford Town Council to finance all the on-going costs of insurance, inspection, monitoring and maintenance of the facility; and

(D) the Director of Policy and Performance be authorised to appoint a specialist project manager for the project, and invite tenders for the design and construction of the facility.

1.0 Purpose Of Report

1.1 This report seeks approval for the allocation of a capital sum to construct a skatepark facility on Hartham Common, and seeks authorisation to engage consultants to undertake the project management, design and construction of this facility.

2.0 Contribution to the Council's Corporate Priorities

2.1 This report contributes to the priority to improve standards of neighbourhood management in our towns and villages. The proposal to develop a skateboard facility – if managed carefully – will contribute directly to the Council's endeavours to encourage community involvement in the management and development of our parks and open spaces, and to achieve "Green Flag" status for our principal parks.

3.0 Background

3.1 The Council allocated a capital sum of £45,000 in its 2004/5 capital programme as part-funding towards the development of a skateboard park on Hartham Common. This allocation has since been carried forward into the 2005/6 and 2006/7 capital programmes.

3.2 The proposal to develop a skateboard facility was originally put forward as a result of a petition to Hertford Community Voice. The Hertford Skatepark Group was formed as a result, and this group developed a design concept and initial architects plans. In November 2004 full planning consent was granted for their scheme

3.3 This scheme, however, has proved difficult to bring to fulfilment – primarily because of the prohibitive construction costs involved (the scheme is estimated at over £250,000 to construct) and the difficulty that the group has had in attracting external funding.

4.0 Report

4.1 The lack of success in developing a skateboard facility for Hertford to date has been a disappointment to many in the local community. The subject is raised regularly with the Council by young people and parents in the town, and it is clear that there is an expectation in the community that the Council should make this project happen.

- 4.2 This report sets out the way in which this expectation can be fulfilled.
- 4.3 The essential components of the project, as now proposed, are set out below.
- 4.4 The Council increases its capital allocation.
- 4.5 A capital allocation of £100,000 is recommended, which can be financed through the use of Planning Delivery Grant, without increasing the financial burden on the Council.
- 4.6 The facility is reduced in size and scale, to reflect a more achievable budget.
- 4.7 Comparisons with other skateboard facilities in other areas indicate that a sum of £100,000 is a realistic budget for the construction of a facility on a more modest scale than previously envisaged. It will, moreover, be possible for the skatepark to be added-to in the future, should external fund-raising efforts prove successful.
- 4.8 The Council designs and constructs the skateboard facility, employing specialist project management and construction companies.
- 4.9 The previous scheme proposal centred around the skatepark group undertaking the design and construction work, grant-funded in part by East Herts. That approach entailed a number of complexities and risks for the Council. The proposed site is in Council ownership; therefore a lease agreement would be necessary on the site before a third party organisation could undertake construction work on the site. Moreover, there is a view that, as the land-owner, the Council is potentially liable for future claims associated with the facility. Often these claims are argued on the basis of the original design and / or construction of the facility. Therefore, it could be argued that the Council has a vested interest in retaining responsibility for the design and construction.

- 4.10 Hertford Town Council enters into a funding agreement with East Herts to finance the costs of the on-going monitoring and maintenance of the facility.
- 4.11 When this Council agreed to provide capital funding towards the construction of a skateboard park, it was made clear that the Council would not be willing to fund the on-going costs of managing and maintaining the facility. Both the Council and the skatepark group have been in discussion with Hertford Town Council to seek their support for the project, and their agreement to finance the facility's management costs (estimated at around £15,000 p.a)¹.
- 4.12 It has previously been suggested that the Town Council should lease the facility from East Herts, and contract back with the Council to undertake the daily inspection visits, cleansing and routine maintenance. However, more recent advice from the District's legal team suggests that this approach would serve to add unnecessary complexity to the process.
- 4.13 More recent discussions with the Town Council indicate that they are willing to consider a funding agreement for a X year period, to meet the revenue costs of the facility. It should be noted that this project's delivery is entirely conditional on that agreement being formalised.

5.0 Project Delivery

- 5.1 A project plan has been drawn up for the scheme. The principal milestones are as follows:
- 5.2 Agreement with Hertford Town Council on the revenue financing of the facility.
- 5.3 Appointment of a specialist project management company to oversee the design and construction of the facility.

¹ This figure is derived from ROSPA guidance which suggests that maintenance budgets should be around 10% of the build cost. The cost of daily monitoring inspections is estimated at £5,000 p.a.

- 5.4 Consultation with young people, Hertford residents in general, and residents adjoining the site.
- 5.5 Consultation on the type of facility to be provided is an essential component of parks planning and of the “Green Flag” application process. It is also important to place the skateboard facility in the context of the design of the park as a whole and to consider how the entrance can be improved to make the park more attractive and welcoming.
- 5.6 It is anticipated that this consultation can take place during June.
- 5.7 Detailed project design, including finalising proposals for hard surfacing, lighting, litter bins, fencing etc, and measures to discourage anti-social behaviour.

Planning application.

- 5.8 The previous scheme was granted full planning consent (not outline consent, as is generally believed.) It will be necessary, therefore, to apply for a new planning consent for the new scheme, as it will be significantly different to the previous proposals, even though it will be situated on the same site.
- 5.9 It is anticipated that the planning application will be ready for submission by the end of August.
- 5.10 Tendering process for the construction of the facility. Tenders will be invited as soon as planning consent is achieved. Anticipating a decision at Development Control Committee in late October, it is estimated that tenders will be dispatched in early November, with the successful contractor being appointed around Christmas time.
- 5.11 Assuming a 12 week construction period, the skateboard facility should be open by the end of March 2007.
- 5.12 It should be noted that this project plan is indicative only at this stage, as it contains a number of assumptions which will be

subject to clarification and amendment once the specialist project manager is appointed.

7.0 Financial Implications

- 7.1 It is proposed that the additional Capital sum (£55,000) be financed from the 2006/07 Planning Delivery Grant. All future running costs are anticipated to be met by the Town Council.

Public Liability Insurance:

- 7.2 Although there may not be an increase in premium in the first year of operation, our premium in future years will reflect any claims pursued, whether successful or not, since expenses will even be incurred defending spurious claims. The policy excess (currently £500) will have to be met for each and every claim in addition to significant Officer time spent investigating liability and dealing with correspondence.

- 7.3 Property Insurance: If the Council agrees to construct and manage the facility, the Insurance Officer will obtain quotes to insure the structure against perils such as fire, malicious damage, storm, flood etc. The premiums required for certain perils may be prohibitive, or Insurers may refuse the risk, so much of the risk of damage to the facility is likely to have to be borne in-house.

8.0 Legal Implications

- 8.1 While we will seek indemnities from suppliers/designers of the equipment claims relating to accidents will fall on the Council. The Town Council are unlikely to take on any responsibility for the equipment so that a lease to them and contract back to East Herts for maintenance appears unnecessarily complex. An agreement to pay an annual fee for maintenance would suffice.

9.0 Human Resources Implications

9.1 A project team has been established to oversee this project, in accordance with the Council's project management processes. The project sponsor will be Mary Orton, Director of Policy & Performance. The advisors to the specialist project manager will be Ian Sharratt and Claire Pullen.

10.0 Risk Management Implications

10.1 The project team has identified a number of risks, as follows:

(1) Risk that the Town Council will not enter into a financing agreement with East Herts. (Impact 5: likelihood 2)

The project will not proceed unless and until such an agreement is concluded. The current project plan anticipates this agreement being in place by the end of June 2006. Delays in reaching this agreement will impact on the project timetable (impact 3: likelihood 3).

This risk will be mitigated by regular dialogue between East Herts and the Town Council, which is being led by the Leader of the Council.

(2) Risk that the capital budget will be insufficient to complete the project (impact 3; likelihood 2)

This risk will be mitigated by careful supervision of the specialist project management company, who will be clear that the capital funding available is a fixed maximum.

(3) Risk that the project will not be completed within the Council's desired timetable. (Impact 3; likelihood 3)

The project plan indicates that the earliest possible completion date is March 2007. The project team will monitor the project plan closely, and report any major slippage to the Portfolio Holder.

There are, however, a number of issues beyond the project team's control that could result in project slippage – in particular, the risk of unforeseen technical difficulties on the site, and public opposition to the planning application.

These risks will be minimised by undertaking a full site survey at a very early stage in the project, and by ensuring that high-profile consultation is undertaken by the project team in the local community in advance of the planning application, to ensure that the submitted plans have community buy-in.

(4) Consultation risks (impact 4, likelihood 3).

Any high profile project of this type entails the risk that it is not possible to please all the people all of the time. Skateboarders have diverse views and opinions on the ideal facility that they would like to have provided. In addition, it is likely that BMX users will also express a desire for facilities that it may not be possible to cater to within the same scheme. If this does prove to be the case, these needs will be considered as part of a separate scheme.

It is very important that the Council both sets realistic parameters on community expectations of this facility, and conducts the consultation process carefully, so that all participants understand that the budget for the project cannot be exceeded.

Moreover, it is important to the success of the project in the longer-term that the potential users are fully involved in the design of the facility. The project team will also be seeking to establish a user group, to work with on an on-going basis to help manage the facility post-completion.

(5) Design Risks (Impact 3; likelihood 4).

The design and construction of the facility (equipment, materials etc) are very important considerations, as there is a risk of future liability claims resulting from problems associated with the design.

This risk will be mitigated by employing a specialist project management company, with detailed knowledge of skateboard facilities. In addition, the design options produced by the consultant will be assessed by experts in Insurance and Health & Safety, in advance of the final design being selected.

Claims are most likely to result from accidents due to a dangerous or defective surface, debris or glass. (ROSPA advise that 50% of falls are attributable to rough riding surfaces, with small debris and bumps or holes the leading cause of falls of experienced riders). If the Council inspects and maintains the facility, any claims will be handled by the Authority and not the Town Council as previously proposed.

Complaints and claims can arise from noise and nuisance caused to neighbours as well as accident, vandalism and other damage, so the location of the facility and materials used are also key.

The Council's Insurer must be sent a copy of plans as soon as they are available for comment. Construction should not be commenced without the Council's Insurer's approval. Plans previously submitted were subject to a condition that the facility would be securely fenced, supervised during opening hours, and well lit. Although these stipulations are unlikely to apply to a scaled-down facility, the Insurer could impose similar conditions.

The completed facility must pass a post-installation inspection carried out by an independent "Register of Play Inspectors International" (RPII) inspector.

(6) Risk of anti-social behaviour on the site (Impact 3; likelihood 3).

Some residents may be concerned that the provision of a skateboard facility will attract anti-social behaviour into the area.

This risk will be mitigated in a number of ways:

- by extending the existing CCTV network to cover the skatepark;
- by close liaison with the community policing team on the design and implementation of the project;
- by establishing a user-group to work with to resolve any on-going issues with the use of the facility.

The Council has a good track record in preventing and tackling anti-social behaviour in our local communities, and this expertise will be deployed to ensure that this facility is an on-going success.

Background papers:

Hartham skatepark planning application – November 2004.

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