

Decision Report - Executive Decision

Forward Plan Reference: FP/23/09/27

Decision Date – 8th January 2024

Key Decision – yes



Firepool – appointment of public realm and infrastructure contractor: Northern Boulevard

Executive Member(s): Councillor Ros Wyke – Lead Member for Economic Development, Planning and Assets

Local Member(s) and Division: Councillor Simon Cole and Councillor Federica Smith-Roberts

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Summary / Background

1. This paper is seeking approval from the Executive Director for Climate and Place in consultation with the Lead Member for Economy, Planning and Assets to appoint a public realm and infrastructure contractor for the Northern Boulevard, at the key brownfield regeneration site Firepool. See summary masterplan and specific plans of the development in the appendices to this report.
2. The tender process for this appointment started pre-vesting day under Somerset West and Taunton Council. A significant process of re-evaluating and assessing scope has been undertaken, to enable the project to be brought within budget.
3. This appointment is funded 100% through Future High Street Fund grant.

Recommendations

4. The Executive Director for Climate and Place in consultation with the Lead Member for Economy, Planning and Assets agree
 - a. To award the public realm and infrastructure contract associated with the delivery of the Northern Boulevard, Firepool as outlined in appendix one.
 - b. That appendix one be treated in confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.

Reasons for recommendations

4. The preferred bidder confirmed in the procurement report (appendix one) has been through a rigorous and robust tender process in line with Somerset Council's procurement regulations. The assessment process has shown the preferred bidder as the contractor that can deliver the public realm and infrastructure elements of the programme to the right standard, to time and budget and therefore should be awarded the contract as part of this Key Decision process.
5. Appendix one is considered exempt on the basis it contains commercially sensitive information associated with the procurement process that could compromise and undermine it and, by proxy, the appointment of the preferred bidder.
6. The Firepool masterplan is available [here](#): It is a key part of the spine of Taunton Town centre and the site itself has been the subject of a number of masterplan exercises since the Taunton Area Action Plan 2008 which described a mixed use site with a boulevard linking the station to the river.

This section of the contract whilst not wholly completing the boulevard element does complete the main access road from Trenchard Way into the site which is the key to unlocking the rest of the development. The Southern boulevard element is currently approaching completion for tender and will go to market later this year.

Other options considered:

7. To reach this point a full tender process has taken place in line with Somerset Council's procurement regulations. Only one tender was received despite use of the most appropriate framework. This is not unusual for these sorts of public realm works given the amount of Government funding for similar projects across the region.

The site has been brought forward using the Future High Street Fund allocation for Taunton. This fund is time limited – (Mar 25 being the absolute latest the funds can be expended), therefore the need to get to site and make use of the funding whilst still available is key. Splitting the northern and southern sections has enabled the key elements of the site to be prioritised whilst reviewing the scope of the design to ensure a balance between value for money and deliverability.

This work is covered by planning permission reference: [38/21/0436](#)

Links to Council Plan and Medium-Term Financial Plan

8. This decision and the wider delivery of the links directly with the 2023 – 2027 Council plan in the following ways: -

- **A Fairer and Ambitious Somerset** – The Firepool Northern Boulevard relates directly to the Digital Innovation Centre which immediately adjoins the boulevard works. The Digital Innovation Centre creates specialist jobs in the digital economy which is a key growth sector for the local economy.
- **A Flourishing and Resilient Somerset** – This vital element of public realm will not be delivered by the private sector in the wider delivery of Firepool and helps to link the main line train station with river and from river to Town Centre
- **A Greener, More Sustainable Somerset** – The Boulevard at Firepool includes public realm, landscaping and dedicated cycle lanes and foot paths to encourage sustainability and help healthy outcomes.

9. In terms of links to the MTFP there are no negative impacts associated with this decision on the basis that the long term maintenance costs of areas that are not adopted are met by the users of the Firepool development.

This is a key project in helping wider viability and therefore delivery of the Firepool masterplan. It is highly unlikely the private sector would be able to fund these works to the required quality as part of the wider Firepool delivery.

Financial and Risk Implications

10. FHSF award £13.9m for Taunton

- 1.1. Of the £13.9m awarded to Taunton by DLUHC under the Future High Street Fund award, £10.7m is allocated to Firepool. To date circa £5m has been expended on the development, consultation and approval of a masterplan and detailed planning permissions, contributions to the Innovation Centre and Trenchard Way infrastructure, and the site wide drainage and levels infrastructure.

- 1.2. The Northern Boulevard contract is to be solely funded by the High Street Fund grant. On that basis there are no financial implications associated with this decision for Somerset Council.
- 1.3. It should also be noted that the tender process was rigorous and robust, utilising an industry standard [framework](#) to ensure it provides value for money within the timescales set by the High Street Fund. Since the tender deadline, the FHSF deadline has been extended but only by 6 months (The original deadline for the fund has been extended to Mar 25 with the proviso that any uncompleted works are in contract by Sept 24).
- 1.4. The contract has been let with contingency and inflation risk allowance built in to the price to allow for any unforeseen issues. Costs will be monitored by an independent NEC project manager with any changes or variations to be approved prior to any work commencing. In the unlikely event of any cost overrun associated it should be noted that the wider Firepool scheme has adequate contingency and inflation mitigation which has been assessed by a Chartered Quantity Surveyor.
- 1.5. There are no direct revenue implications arising from this Key Decision to appoint the contractor. The maintenance costs of the work will be minimal and will be passed on to the users of the Firepool scheme once the scheme is complete.

11. The key risks for Somerset Council associated with this decision are as follows:

Risk:

Complaints from neighbours due to noise / movement of vehicles.

Mitigation

The Drainage and Levels contract was on site for a full year, with no complaints from any neighbours. This was due to proactive communications from the contractor, providing regular newsletters and making themselves available to the community. When issues did occur, the contractor was able to deal with them quickly and in cooperation with the neighbours. A similar approach will be brought to bear for this contract.

Likelihood	2	Impact	3	Risk Score	6
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Risk:

Contamination of the debris causing increased contaminated waste costs.

Mitigation

Trial pits and other ground investigation works have taken place by the site team and by other contractors working in the area (including the Firepool Innovation Centre and Trenchard Way access contracts), so the ground conditions are well known to the site team. Ground conditions have been allowed for in the project, but some contingency is allowed for in the contract cost.

Likelihood	2	Impact	4	Risk Score	8
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Risk:

Full planning permission is in place, along with relevant surveys.

Mitigation

Likelihood	2	Impact	3	Risk Score	6
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Risk:

Unauthorised access causing security and safety issues.

Mitigation

Once handed over to the contractor, the site security and health and safety will be the responsibility of the contractor.

Likelihood	1	Impact	3	Risk Score	3
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Risk

On commencement of works, further works outside the scope of the contract are discovered.

Mitigation

The scheme has already been through significant value engineering to reduce the scope of the scheme to meet the budget envelope. This alongside the ground investigation works and due diligence on the site mean the chances of this

happening are limited. There is a contingency and risk allowance within the contract and the overall project budget.

Likelihood	2	Impact	3	Risk Score	6
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Legal Implications

12. The contractor has been appointed via the GEN4 framework, which is an approved public sector multi-disciplinary framework. The NEC contract is part of the prerequisite conditions of submitting a tender, therefore approved by both parties, including (as was) SWT Procurement.

The procurement for this contract began prior to vesting day for the unitary authority. As the tender prices came back over budget, an extended period of scope review and value engineering has been undertaken to bring the works within budget.

13. The procurement process associated with this decision has been supported from the outset in accord with Somerset Council's procurement rules and regulations have been followed.

HR Implications

14. There are no HR implications directly associated with this decision.

Other Implications:

Equalities Implications

15. This paper relates to the award of a public realm and highways construction contract to the preferred bidder (as set out in appendix one) in relation to delivery of the Northern Boulevard, Firepool. In terms of the following implications listed below: -

- Access
- Equality and Diversity
- Human Rights

The ramps and railings will be designed to Part M and the staircases are designed to Part K of the Building Regulations.

There have also been wider EIAs that have been provided in submission of detailed planning permission and the overall site masterplan. They are appended to this report.

Community Safety Implications

16. The Northern Boulevard and the wider Firepool site has on occasion provided space for anti-social behaviour. The type of activity includes vandalism, street drinking, drug abuse and drug dealing. By regenerating the site and facilitating significant activity associated with the new use of the building this will deter those individuals from participating in the afore mentioned activity, thus making the centre of Taunton a safer and more appealing place to visit.

This will have a positive impact on the quality of life and general wellbeing of those residents in the vicinity of the site.

The scheme will integrate closely with the Firepool regeneration scheme outlined in the Masterplan.

Once the works commence, it is anticipated that the presence of a full time contractor on site will help to reduce the anti-social behaviour, but will also enable security on the more vulnerable parts of the buildings to be addressed.

Climate Change and Sustainability Implications

17. The Northern Boulevard will address sustainability in the following way: -
 - The main site will promote the use of sustainable low carbon transport on the basis that it is positioned very close to Taunton Station and is connected via a range of walking and cycling infrastructure. Further investment from the High Street Fund and the delivery of the wider Firepool masterplan will complete this objective.

Health and Safety Implications

18. Significant Health and Safety assessments have been undertaken to ensure safety in appraising the scheme and much of the site has already been decontaminated

It should be noted tasks outlined above (and others) will be carried out by professional contractors that will be a blend of Somerset Council Officers and appropriately qualified externally resourced companies/individuals.

Health and Wellbeing Implications

19. The delivery of the Northern Boulevard will provide a step change in health and wellbeing in Somerset once the scheme is operational. In relation to the Health and Wellbeing priorities outlined below, the scheme will:

- Have a positive impact on health and wellbeing of residents of Somerset through better walking and cycling infrastructure.

Social Value

20. With any Central Government funding there is a requirement to leverage additional Social Value from the investment. It is good practice to report this back to Government as part of the monitoring and evaluation so this will sit at the core of the project through the following approaches: -

- During the build, where possible, procure local contractors to ensure that Government funding is channelled through the local economy.
- Build Local Labour Agreements into the planning process to enable local people to access employment and skills opportunities including jobs, training and apprenticeships.
- Adopting the TOMS (Themes, Outcomes and Measures) social value framework to ensure that as much social value as possible is leveraged through the investment.

Background

21. The government launched Our Plan for the High Street at Budget 2018. This included £675 million for a Future High Streets Fund.

22. The aim of the Future High Streets Fund is to renew and reshape town centres and high streets in a way that drives growth, improves experience and ensures future sustainability. It will do this by providing co-funding to successful

applicants to support transformative and structural changes to overcome challenges in their area.

Background Papers

23. None

Appendices

- **Appendix 1 – Exempt commercial details**
- **Appendix 2 – [Firepool Masterplan](#)**
- **Appendix 3 – Northern Boulevard site plan**
- **Appendix 4 – Southern Boulevard (for context only)**
- **Appendix 5 – Equalities Impact Assessment (Boulevard) and Masterplan [here](#)**

Report Sign-Off

	Officer Name	Date Completed
Legal & Governance Implications	David Clark	12/1/2024
Communications	Peter Elliott	11/01/2024
Section 151 Officer	Jason Vaughan	15/01/2024
Finance & Procurement	Nicola Hix	10/01/2024
Workforce	Dawn Bettridge	15/01/2024
Asset Management	Oliver Woodhams	10/01/2024
Executive Director	Mickey Green	20.12.23
Senior Manager	Paul Hickson	
Strategy & Performance	Alyn Jones	12/01/2024
Executive Lead Members	Cllr Ros Wyke	15.12.23
Consulted:	Councillor Name	
Local Division Members	Cllr Simon Cole and Cllr Federica Smith-Roberts	18.12.23
Opposition Spokesperson	Cllr Mark Healy	
Scrutiny Chair	Cllr Martin Dimery	10/01/2024

