

<b>Amber Valley Borough Council</b>		<b>Status</b>	Final	<b>Agenda Item No</b>	15(a)
<b>Report To</b>	Full Council	<b>Date</b>	28 September 2011		
<b>Report By</b>	Chief Executive				
<b>Report Title</b>	Belper River Gardens – Swiss Tea House				
<b>Portfolio</b>	Green and Thriving Place to Live				

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## 1. Purpose of Report

- 1.1 To set out the process for the replacement of the Belper River Gardens' Swiss Tea House.

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## 2. Recommendations

- 2.1 That the Council chooses its preferred architect, following a presentation by the Chairman of the Selection Panel;
- 2.2 That the Chief Executive be authorised to appoint the preferred architectural practice to develop the design principles to full planning applications for the demolition and replacement of the Swiss Tea House, in consultation with the Leader of the Council;
- 2.3 That the Chief Executive be authorised to commission an historic building record of the current Tea House;
- 2.4 That subject to the grant of the necessary planning permission and consent, the Chief Executive be authorised to procure the construction and commercial operation of the approved building;
- 2.5 That £55,000 of funding is made available to pay for professional fees and other project development costs; and
- 2.6 That a further report is submitted to a future Council meeting for authority to proceed with the construction and commercial operation of the approved building.

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## 3. Reason for Recommendations

- 3.1 To give officers the necessary authority to progress the replacement of the Swiss Tea House.

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## 4. Consultation

- 4.1 The Leader of the Council; the Cabinet Members for this Portfolio, Belper Borough Councillors, Selection Panel Members, and as contained in the report.
- 4.2 Summary of replies from the Belper Borough Councillor –
- Councillor Peter Makin (by email) - From my point it is absolutely essential that the design that allows daytime and evening facilities such as a restaurant would allow much greater security from an increased visible presence and also a new and attractive business development that would help to secure the long term future of this valuable asset.
  - Councillor Jackie Cox (by email) - I have no hesitation in going with the panel's recommendation of the McNeil, Beechey, O'Neill design.
  - Councillor Peter Arnold (by email) - The report states that the selection panel were given detailed presentations by each of the six short listed Architects which allowed

the panel to make a far more objective decision as they had a great deal more information to work with and base their final winning choice on. In light of this I feel that the selection panel's choice of winning design should be fully supported by the Council.

- Both Councillor John Nelson and Councillor Jim Anderson prefer (as reported verbally) the design chosen by the panel.

4.3 Since January 2011, the pages on the Council's website relating to the Swiss Tea House have received over 3,000 'hits'.

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## 5. Strategic (making a difference)

5.1 The proposals in the report will contribute to the delivery of the Council's strategic priorities - Better Services Whilst Saving Money, Clean Streets and Great Parks, and Market Towns that Serve the Needs of Local Communities.

5.2 The replacement building should follow the principles of environmentally sustainable development as detailed in Section 5 of the Council's Residential Development Supplementary Planning Document (October 2007). This is available on the Council's website under Supplementary Planning Documents.

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## 6. Background Information and Options

6.1 In early 2009, following the River Garden's Centenary, substantial engineering works to restore the promenade and landscape commenced to the cost of around three quarters of a million pounds. These works have successfully secured the River Gardens for future generations, and in July 2011 a 'Green Flag' was awarded, which recognises parks and open spaces with high quality facilities and maintenance, and which involve the community in their development.

6.2 In the course of the works, the Council's Engineer raised concerns about the condition of the Swiss Tea House. Mercia Building Consultancy was therefore commissioned to report on the building's condition, concluding that:

*"...the building is in a very poor state of repair and the structural integrity is compromised by the extent of rot in the building. From our observations and the information provided by Amber Valley Borough Council we would estimate for budget purposes that the costs of reinstatement described would be £175,000-£200,000. We would therefore suggest that the building is now beyond economical repair".*

6.3 Consequently, an application was submitted for Conservation Area Consent to demolish the building. This can be viewed on the Council's website under planning application number AVA/2009/0753. However, officers decided not to proceed with the application, as the then national policy guidance set out Planning Policy Guidance 15 (superseded by Planning Policy Statement 5) states that consent for demolition should not be granted in a conservation area unless there are acceptable and detailed plans for any redevelopment.

6.4 Other parties raised doubts during the public consultation process as to whether the building was beyond repair. Gleeds Building Surveying Limited was therefore commissioned by officers to undertake a full Historical Building Survey of the building in November 2009, which found that:

*"The necessary repairs would in effect create a reproduction of the original building rather than preserve due to the lack of original features that can be retained. The repairs now needed to the main structural timber frame are such that the majority of the existing frame will be lost. Particularly to the veranda area, where substantial replacement has already been carried out and further replacement is necessary".*

The full survey is available to view in the Chief Executive's office by appointment.

- 6.5 Susan Denyer, The Secretary of the International Council for Sites and Monuments (ICOMOS UK) commented:

*"This teahouse is an essential part of the historic gardens and it wouldn't normally be acceptable to demolish it. Ideally it should be repaired; however if that is demonstrated to be absolutely impossible there is a strong case for a reconstruction, providing this was faithfully based upon the original design."*

- 6.6 The officers were concerned that building an exact copy of the original building ('a *facsimile*'), in an Historic Park & Garden that was no longer the same as the original, would be an unconvincing reproduction of styles of the past and therefore be a pastiche. This would not be appropriate in the Derwent Valley Mills World Heritage Site, nor would a hotchpotch of styles imitating the original.
- 6.7 They were also concerned about the commercial viability and physical robustness of a '*facsimile*' building, given that the building had been closed since the mid-1980s (except for use for special events, and as a base for the Belper Players Theatre Group). The Swiss Tea House lacked main services, and the '*shed-like*' building materials were easily vandalised. The site is also within the flood plain of the River Derwent, effectively limiting redevelopment to the current footprint, which is approximately 135 square metres excluding the veranda area.
- 6.8 It is worth recalling that in 1905-6, as a result of the success of the River Gardens, it became necessary to make provision for a much greater number of visitors than had been originally envisaged and to provide them with a greater range of attractions. A recently built structure had to be "*pulled down*"\* to make way for the refreshment building, which was intended to be an "*artistic structure*"\*, built in the Swiss Chalet style of architecture with features of Arts and Crafts design. After a season it was found to be too small and the heather roof leaked. The building was dismantled, and re-erected further forward. It was T-shaped with timber framing, barrel vaulted rooms, a larger veranda and a roof of red tiles\*.
- 6.9 The present building is therefore not as it was originally in 1905-6 (see further 6.14 below). It is also relevant to bear in mind that the surrounding landscape evolved over time, with the emphasis on rusticity (although these elements were lost after the Gardens became a public park in 1966). Buildings have been removed such as the disused potting shed, greenhouse and toilet, or added such as the public conveniences. Physical features have changed such as the reconstruction and extension of the car parks. When the Swiss Tea House was first opened it was next to a boating dock, but this was filled in 1970 to create the play area. In 1908, there was a Refreshment Pavilion seating 600, which was demolished in 1965 to create a lorry park. In 1912 the enormous East Mill was completed.
- 6.10 In 1964/5, the glass and artificial stone "*Canteen*"\* was built between the East Mill and the weir, adjacent to the North Mill. This is presently occupied by Chucklebutties Play and Party Centre and Café. There is also the Derwent Valley Visitors' Centre and a Thai restaurant in the North Mill. These venues could have an impact on the commercial viability of the Swiss Tea House.
- 6.11 In 1967, Belper Urban District Council proposed an overhead development to construct a restaurant, club and entertainment facility over the River Gardens, which was subsequently refused on appeal by the then Minister on highway grounds. This is against the backdrop of the demolition of all the Belper Mills in the early 1960s except for the North Mill and the East Mill. Belper UDC '*accepted*' the River Gardens in 1966, after previously refusing the gift on several occasions because of the maintenance costs involved.

- 6.12 The works outlined in 6.1 above mean that a replacement building will be fully serviced, and to comply with current building and sustainability standards, officers have maintained (for the reasons stated above) that there is an opportunity for a building designed to be sympathetic and comfortable in its present surroundings, yet still be viable, robust and meeting modern requirements.”.
- 6.13 Given that the River Gardens are held for the use and benefit of Belper residents, officers felt, as a first step, that those residents should be asked what they would like to see provided. A public consultation exercise was therefore carried out in February 2010 to ascertain local residents’ priorities in any a replacement building. Of 1,539 questionnaires sent to households across Belper, 400 were returned. A summary of the main findings is available on the Council’s website.
- 6.14 In August 2010, following the receipt of a request from a member of the public for the existing Swiss Tea House to be listed, the Secretary of State decided not to ‘List’ the building as being of ‘*special architectural or historical interest*’, on the recommendation of English Heritage. The principal reasons for this were: -
- *“Architecture: the Tea Rooms building is of modest character and lacks the special architectural quality required to justify the designation of a building of its type and date...*
  - *Alteration: the building has undergone significant alteration, including loss of its original, and later replacement, roof covering, interior plasterwork and original window glazing.*
  - *Group Value: the listed Bandstand is a consideration, but it is insufficient to merit the listing of the Tea Rooms...”*
- 6.15 Following the outcome of the public consultation, an architects’ brief was developed by officers and a competition was launched in November 2010, in which architects were invited to submit their proposals for the replacement of the Swiss Tea House (the brief can be viewed on the Council’s website). This resulted in 22 varied design concepts being submitted by architectural practices from across the country.
- 6.16 Following a public exhibition of the submitted designs, a Panel was convened in late February 2011 to select a short-list for public consultation. This comprised:
- Councillor Stuart Bradford – Leader of the Council;
  - Councillor Alan Cox – Member for Belper North;
  - Julie Crouch – Editor of the Belper News;
  - Councillor Andrew Lewer – Leader of Derbyshire County Council and Chairman of the Derwent Valley Mills World Heritage Partnership; and
  - Councillor Martin Tomlinson – Member for Belper East and for Belper Town Council.
- 6.17 In selecting the short-list, the Panel agreed to weight aesthetics as the most significant factor, followed by heritage. Officers scrutinised the short-listed submissions for practicality and suitability based on a list of elements drawn up by them. This was to ensure that any proposals reflected English Heritage’s and the Environment Agency’s views, as well as the usual planning requirements.
- 6.18 The Panel summarised that overall the submissions were varied, but they had reached a short-list that would present a range of practical, innovative and suitable choice of designs, whilst maintaining an alternative option that would generate public discussion.

6.19 This led to 6 designs being short-listed, which were displayed in various locations throughout Belper, as well as on the Council's website and in the Belper News. The 6 designs are available to view on the Council's website. The result of the public consultation is detailed in Table 1.

Table 1.

<b>Architect</b>	<b>1<sup>st</sup> Choice</b>	<b>2<sup>nd</sup> Choice</b>	<b>Total Score</b>
Latham's	122	67	189
Letts Wheeler	69	64	133
Gino Lombardo	66	38	104
McNeil Beechey O'Neil	53	37	90
Mathew Montague	38	36	74
Pleydell Smithyman	41	27	68

6.20 Before the Panel re-convened to consider these results, one of the architectural practices requested the opportunity to present their proposals to the Panel. Subsequently, the Panel met on 2 June 2011 to receive presentations from the short-listed architects, who decided to attend, and to assess each submission against a series of scored criteria, which included, aesthetics, viability, sustainability, conservation & heritage, ancillary features and flooding considerations. The officers' technical assessment of each of the designs was also made available to the Panel.

6.21 The Panel therefore had significantly more information before it than the public or other third parties.

6.22 Due to difficulties in co-ordinating the diaries of all of the Panel members, the Panel on 2 June 2011 consisted of Councillor Alan Cox as Chairman (1); Councillor Martin Tomlinson (2); and Mark Suggitt, the Director of the Derwent Mills World Heritage Site Partnership, who has experience of running a successful architectural design competition (3).

6.23 The Panel's scoring of the presentations is detailed in Table 2.

Table 2.

<b>Architect</b>	<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>Combined Score</b>
McNeil Beechey O'Neil	85	87	65	237
Letts Wheeler	68	59	75	202
Pleydell Smithyman	70	69	61	200
Latham's	77	48	73	198
Mathew Montague	68	57	50	175
Gino Lombardo	62	51	49	162

6.24 Existing catering companies that have expressed an interest in running the new facility were then consulted. They indicated that in order to be commercially viable the replacement building would need internal seating of around 40 or more, with an effective takeaway operation and further external seating. The following feedback was received from a caterer running an existing park based facility:

*“Seating in accordance with the layouts I saw on the internet, should be 40 inside and 30 outside preferably as a minimum.*

*The park café history over 6 years has recorded a majority of 60%+ take away sales and minus 40% sit down covers. So it is essential that efficient provision be made for take away sales”.*

The estimated number of internal seats provided within the designs above is detailed in Table 3.

Table 3

<b>Architect</b>	<b>Estimated Number of Seats</b>
McNeil Beechey O’Neil	55+
Letts Wheeler	35+
Pleydell Smithyman	66
Latham’s	40+
Mathew Montague	40+
Gino Lombardo Associates	25 - 40

6.25 A two-storey building with more seats may be better placed to develop a nighttime economy and therefore be more commercially viable. However, accessibility could be more challenging, maintenance costs higher, and it might be more difficult to find alternative uses for both storeys should the catering use fail.

6.26 Further advice was sought from the Business Manager of the McDonald’s in the Orangery at Belper (a Grade II\* listed building), who stated that they have 60 seats, 40 of which are upstairs. He indicated that a high number of seats are required so that the business is able to generate income during the busiest periods to ensure its financial viability. The busiest periods are identified as 4:00-7:30pm, then 11:50am-1:30pm followed by 9:15-10:30am. In terms of operating over two floors, the main issue identified is to ensure that measures are in place to draw customers to use the upstairs seating, as a fully occupied downstairs will give the impression that no seating is available and thereby lead to lost custom. The Business Manager recommended that if an upstairs is included in any replacement building for the Swiss Tea House, then there should be good views through the building.

6.27 Subsequently, the Environment Agency and English Heritage have been further consulted on the proposals. The Environment Agency has again indicated that any replacement building should not exceed the footprint of the existing Swiss Tea House, which was included as a requirement of the brief. English Heritage said:

*“As I understand it the River Gardens are essentially one phase in terms of their layout and date of the remaining structures. The Tea Rooms are an important element in that historic parkland in terms of their design and appearance. If the case for demolition is made we would suggest that any replacement building reflects the appearance and materials of the original building. I appreciate that, for reasons of economic viability, it may not be possible/desirable to reproduce a facsimile of the Tea Rooms but any new building should clearly draw its design from it.”*

- 6.28 The Council's Planning Board will determine the respective applications for the demolition and replacement of the building. However, as the building is in a Conservation Area, the Council will also require consent for the demolition from the Secretary of State, who will be advised by English Heritage. As stated in 6.3 above, consent for demolition is unlikely to be granted by the Secretary of State unless there are acceptable and detailed plans for any redevelopment. There is a greater risk, therefore, of consent being withheld if the McNeil Beechey O'Neil design is preferred against English Heritage's stated view. This risk carries with it a significant financial cost to the Council as outlined in paragraph 6.38 below.
- 6.29 Under Circular 02/2009 and the Town and Country Planning (Consultation) (England) Direction 2009, there is a requirement relating to development that may adversely impact on World Heritage Sites. Local planning authorities now have to consult the Secretary of State on those applications "*where they are minded to grant planning permission in circumstances where English Heritage has objected on the grounds that the proposed development could have an adverse impact on the outstanding universal value, integrity, authenticity and significance of a World Heritage Site or its setting, including any buffer zone or its equivalent, and has not withdrawn that objection*". This means that whatever design is chosen for the building, if English Heritage object when the planning application is being considered the Secretary of State will have to be consulted.
- 6.30 The Council will also be required to commission an historic building record of the existing Swiss Tea House. This will record detailed information as to the construction and features of the building and will provide a valuable archive for historians. Information from the record will also be used to incorporate interpretation and potentially some of the materials from the current Swiss Tea House within the new building. A preliminary historic landscape appraisal of the River Gardens was completed in 2002.
- 6.31 The Friends of Belper River Gardens (FBRG) wrote to the Council on 20 March 2011 to express their preferred design (below is an extract from the letter):
- "Our preferred option is for the tea rooms to be reconstructed in facsimile with additional seasonal seating provided either externally or in a temporary distinct structure located on the north side of the existing tea rooms. We consider that the other solutions may threaten the World Heritage status of the valley and also the Historic Parks and Gardens listing by English Heritage. Preserving this status is a priority for us.*
- Of the short listed options we prefer...(Latham Architects). This is because this scheme replicates the most distinctive features of the existing building and is also an attractive and functional design. We would also hope however that the final design incorporates better quality seating than the impression suggests".*
- 6.32 FBRG subsequently sent more detailed views to the Panel members (on 14 August 2011) setting out why they believed that "*the Latham's proposal is the clear 'winner' and that by MBO was inappropriate and unsound...*" They also held a special public meeting of the Group on 8 September 2011 to finalise their representations to the Council. Those representations can be viewed on the FBRG's website - <http://friendsbrg.btck.co.uk/>.
- 6.33 The Derwent Valley Mills World Heritage Site Technical Panel wrote to the Council on 22 March 2011 (below is an extract from the letter):
- "The panel members maintain that the Swiss Tea Rooms building is a pivotal part of the overall design of the gardens and is also a demonstration of the Strutt legacy of social and educational provision and the family's patronage of local architects. It is thus part of what needs sustaining in the WHS. To remove all evidence of this*

*building and its presence as a key element of the designed garden and replace it with something completely different would not conserve the significance and distinct character of the gardens and the tea-room as a holistic element within the WHS.*

*This teahouse is an essential part of the garden and it would not normally be acceptable to demolish it. Ideally it should be repaired. If that is absolutely impossible then there is a strong case for a reconstruction if this was faithfully carried out. I understand the Friends of Belper River Gardens also believe this to be the correct way forward for the tea rooms.*

*Demolition and replacement with something completely different is strongly opposed by the DVMWHS Technical Panel which believes a modern building would fundamentally alter the gardens and their authenticity – how they demonstrate their links with the Strutt family and the rest of the WHS.*

*It is for this reason that the Technical Panel has not put forward as acceptable any of the six short-listed designs from the competition”.*

6.34 Following the meeting of the Technical Panel on the 27 July 2011, it wrote to the Council to convey its current views in respect of the design competition and this “resulting” report (below is an extract from that letter of 1 August 2011):

*“The Authority is already in possession of the advice of the World Heritage Site Partnership regarding the ideal solution, in accordance with UNESCO Operational Guidelines for the management of World Heritage Sites, as given in a statement by Susan Denyer, secretary of ICOMOS-UK in 2010. [See 6.5 above.]*

*The Panel’s understanding is that the report will consider the merits of two schemes, that by Latham’s, which was the winner of the public consultation and that of McNeil, Beechey, O’Neill which was the winner of the Selection Panel... The Letts Wheeler building is...a better piece of integrated design. It took inspiration from Edwardian design sources and made them work in a contemporary manner rather than replicating them. The strength of the Latham’s design is that it takes its inspiration directly from the original Swiss Tea Rooms.*

*The Technical Panel felt that if a choice has to be made between Latham’s and McNeil, Beechey, O’Neill then Latham’s concept is by far the best design in aesthetic terms and more closely meets the ideal objective of replicating the original design. It clearly responds to the brief and respects the setting of the River Gardens and is appropriate for meeting the UNESCO Operational Guidelines for the management of World Heritage Sites. Its proportions and character are such that it respects the special ‘sense of place’ of the Grade II English Heritage Registered River Gardens which are a significant part of the World Heritage Site. Its design is simple and flexible. It chose to replicate the original roof and roof windows and to use a modern thatch rather than the original heather. This is understandable as the original was a design failure which had to be replaced within a year. The generosity and drama of the roof element reinforces a sense of the River Gardens being a special place. Below this roof are glazed walls and a dramatic barrelled roof. The interior is also flexible and elegant, with floor finishes able to cope with potential flooding. The generosity of the roof space also gives a sense of being in a special place. It would be easy to let out for meetings and functions. The proposed extensive deck apron creates a significant increase in cover for the summer months.*

*The Panel felt that the McNeil, Beechey, O’Neill design did not address the brief by reflecting the design and appearance of the current building... as well as Latham’s. It therefore does not retain the character and integrity of the site and offers a significantly different building profile when viewed from the gardens. Having three small wings, the roofline, including a tower for the stairs is rather fussy and the gable windows have the feel of a modern house or barn conversion. The plan is less*



*flexible for letting for meetings etc. The building is of two storeys, which although allowing for more space means that the exterior is unsympathetic to the site and the interior looks ordinary. Although it uses elements of arts and crafts detailing, the design lacks stylistic cohesion. This was further compounded by the addition of a permanent apron pergola/veranda...*

6.35 On 28 July 2011 the Belper Civic Forum wrote –

*“We think that in choosing the Latham scheme the public have voted for one of the two shortlisted projects which most nearly meet the AVBC brief for the replacement of the Tea Rooms, the other being the design by Letts Wheeler.*

*The Latham proposal is a high quality, elegant design strongly evoking and cleverly reinterpreting the original building whilst providing an attractive modern venue which would serve the River Gardens well and stand in simple outline against the backcloth of the mills.*

*This scheme is much more likely to be acceptable to English Heritage than the bulky and awkward proposal from McNeill Beechy O’Neil chosen by the by the [sic] two councillors on the (very small) three-person selection panel. We consider this to be a self-evidently poor design bearing no relationship to the original Tea Rooms building in either form or spirit.*

*If there are practical issues with the Latham scheme (which is likely as there were practical issues with the original building) we would suggest that the council declares this architect the winner and then works with them to make any adaptations necessary to achieve what is required – a practice frequently followed with architectural competitions. It is not until the architect has the opportunity to meet with the client (and other interested parties) to work through ideas together, that all the elements of the design are resolved...”*

[The complete letters referred to in this report are available for inspection in the Chief Executive’s office.]

6.36 At its meeting on 13 September 2011, Belper Town Council considered a motion that it *“recognises that the Selection Panel had significantly more information than was considered at the time of the public consultation...”* and it therefore resolved that the views of the Selection Panel should be supported.

6.37 The replacement for the Swiss Tea House has been estimated to cost £400,000. With today’s building standards there is a good possibility that in both cases piling will be required for the construction of the buildings as the ground is generally made up and the water table is high. The two-storey building might be a heavier construction, which would result in larger foundations than the single storey, consequently involving the use of larger/heavier plant for installation. The size of the plant will be governed by the restricted access to site. However, until the ground bearing capacity has been calculated, this is all supposition because there are products that negate the use of piles but move away from traditional construction methods.

6.38 The project has been submitted to the Capital Programme Working Group and will need to be considered against other priorities. Therefore the project will only be able to proceed if sufficient funding is available. However, in order to develop the project to a successful planning application, a proportion of the funding will be required to pay professional fees. Based on the fee proposals submitted by the architects a figure of £55,000 should be sufficient to cover fees and development costs likely to be incurred.

6.39 As the appointment of the selected architects will be on the basis of the preferred design rather than on the most economically advantageous tender, it will be

necessary for Full Council to approve the appointment of the successful architectural practice.

6.40 The Council should note that designs can change over time, usually because of cost and ground conditions. It is for this reason that it is recommended that the final decision on construction and letting of the replacement building be reserved to the Council.

6.41 The Chairman of the Panel will present the recommendation as to the preferred design to the Council. It will then fall on Members to exercise their role, which is not as delegates for a particular interested group or view, but as representatives elected to exercise their reasonable judgment in respect of the recommendations and matters contained in this report on behalf of residents.

6.42 Figure 1 provides an indicative Gantt chart identifying the potential continuing development of the project, assuming that no delays are encountered.

Figure 1.

Item	Sep 11	Oct 11	Nov 11	Dec 11	Jan 12	Feb 12	Mar 12	Apr 12	May 12	Jun 12	Jul 12	Aug 12	Sep 12	Oct 12	Nov 12	Dec 12	Jan 13
Full Council approval	■																
Design worked up in detail		■	■	■	■												
Appointment of catering operator		■	■	■	■												
Planning application submitted & processed					■	■	■										
Tender documentation prepared					■	■	■										
Tender process								■	■	■	■	■	■	■			
Seek Full Council Approval to award contract															■		
Contract standstill & award															■		
Works commence on site																	■

## 7. Implications

### 7.1 Legal

7.1.1 Section 19 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to provide, inside or outside its area, such recreational facilities as it thinks fit (including the power to provide buildings, equipment, supplies and assistance of any kind).

7.1.2 The Council holds the land for the use and benefit of the inhabitants of Belper and subject to (amongst other things) a condition that the gardens and buildings re to be maintained and kept in good order and condition at all times.

7.1.3 The estimated fees for the architectural services, fees for catering services and the cost of construction works are all below EU procurement thresholds. Consequently the procurement process is dealt with by the Council's Standing orders relating to contracts.

7.1.4 Standing Order C8: 13 states that Chief Officers can only accept either the lowest tender or economically advantageous tender. As it is proposed to appoint on the

basis of the preferred design, the matter will need to be considered at Cabinet or Full Council.

## **7.2 Resources**

### **7.2.1 Financial**

Full Council approved the 2011-12 Interim Capital Programme in March 2011. The Interim Programme included a bid of £450,000 for a scheme to refurbish the Swiss Tea Rooms located with Belper River Gardens. However all bids for inclusion within the 2011-12 Programme were accepted on the basis that such schemes would only be allowed to proceed if they scored sufficiently high enough when measured against the criteria used to evaluate capital schemes **and** that sufficient resources could be identified to finance the expenditure on these schemes.

7.2.2 The report consider by Full Council in March identified that the resources required to allow the delivery of new schemes in 2011-12 was dependent on the Council being able to generate capital receipts from the sale of surplus assets during the year.

7.2.3 As such all new schemes submitted, including this one were placed on hold pending the receipt of proceeds from asset disposals.

7.2.4 This scheme has now been scored by the Capital Programme Working Party, and has been awarded a score of 11 (out of a maximum of 23). This places the scheme 3<sup>rd</sup> equal along with schemes for works at Alfreton Market Hall and an extension to the Councils Secure Area Network (an IT Project), but behind schemes for Disabled Facilities Grants, Play Area Refurbishments and the Housing Enabling Fund.

7.2.5 Officers are currently updating their forecasts of capital resources in the light of the 2010 -11 outturn and scheme expenditure slipped forward in 2011-12 as well as reassessing the level of anticipated capital receipts from asset sales. Until this exercise has been concluded and sufficient resources identified this scheme along with all new bids will remain on hold.

7.2.6 There is no separate provision in either the Interim Capital Programme or Revenue Budget for meeting the upfront costs associated with professional fees and project development costs. Such costs can only be incurred if a suitable budgetary provision can be identified.

**7.2.7 Personnel** – None arising directly from this report.

**7.2.8 Value for Money** – As stated in the report.

**7.2.9 Natural Resources** – See sustainability impact below.

## **7.3 Human Rights**

7.3.1 None arising

## **7.4 Equality Impact Assessment**

[View Equalities Impact Table](#)

7.4.1 It is anticipated that the new facility will have a positive impact on equality outcomes, by providing additional public conveniences and accessible refreshment facilities within Belper River Gardens.

## **7.5 Risk Identification and Management**

**7.5.1** The risk is assessed as: Medium

Strategic Risk	Risk Detail	Action	Rating
Strategic	Regenerate/Restore Belper River Gardens	Continue project development	Low
Operational	Commercial viability	Ensure sufficient covers Appoint suitable operator	Medium
Regulatory	Secretary of State consent required	Choose appropriate architect and design	High
Financial	Commercial viability and build cost	Ensure sufficient covers and robust tendering process Secure capital funding	High
Reputation	Decision process	Ensure transparent decision process	Low
Information	Wide level of interest	Provide clear updates and information	Low
People and Management	Capacity issues	Ensure appropriate project planning	Low

[View Assessment](#)

## 7.6 Sustainability Impact Assessment

7.6.1 Although the new facility will incur the use of some natural resources in its construction and operation, it will be constructed to sustainable principles. Furthermore there are likely to be substantial wider benefits to the economy and local residents.

### 7.6.2 References

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<b>Documents used in Preparing this Report</b>	As contained in the report River Gardens Belper – Preliminary Historical Landscape Appraisal – Volume 1 (2001)*		
<b>Members' Services Officer</b>	Linda Ashmore	<b>Ext</b>	1601
<b>Index of Appendices</b>	-		
<b>Forward Plan Reference</b>	<b>Ref No:</b>	<b>Contact:</b>	
<b>Forward Plan Description</b>			