

Executive - 15 April 2003

Present: Councillor Horsley (Chairman)
Councillors Croad, Henley, Lees, Lisgo, Mullins and Stone

Officers: Mr S Fletcher (Chief Executive), Mr J J Thornberry (Director of Corporate Resources), Mr A Hartridge (Director of Development), Ms S Adam (Head of Finance), Ms J Dickinson (Head of Commercial Services), Mr S Rutledge (Chief Architect), Mr S Hughes (Leisure Facilities Manager), Mr R I Taylor (Chief Solicitor)

Also Present: Councillors Warren and Williams (Wellsprings Panel members),
Councillors Cudlipp, Dawson, Debenham and Mrs Lewin-Harris

(The meeting started at 6p.m.)

8. Apologies

Councillors Bulgin and Partington.

9. Minutes

The minutes of the meeting of held on 12 March 2003 were taken as read and were signed.

10. The Wellsprings Centre

Submitted report which updated both the Wellsprings Panel and the Executive on the Wellsprings Project and which recommended action to be taken to ensure the completion of the project.

A draft report to full Council, which set out for all members (and the public) a fuller summary of the project and of some of the main events since June 2002 when the Panel last took a recommendation to Council was also submitted.

It was now possible to seek the Council's approval to a full plan for the project's completion.

Funding had already been approved for some advance works aimed at making the Centre's roof and cladding as weathertight as the balance of the original scheme funds allowed. Symonds and Bluestone plc (the Council's Project Managers and Main Contractors respectively) had agreed such a package of advance works and a start on site would be made on 22 April.

The bulk of the work ("the Main Contract") remained to be funded. Bluestone plc had agreed a "Guaranteed Maximum Sum" (GMS) with Symonds as to the cost of the Main Contract. That GMS was set at £1.648m. The total amount requiring new funding would rise to £1.858m when professional and other fees were also included.

These Main Contract costs fell into two broad categories:- “repair works” (ie putting right those elements of the building which had been found to be constructed in an unacceptable way on the termination of the contract with Warner) and “completion works” (ie those parts of the scheme which Warner had not actually completed - when the contract was determined).

The Repair/Completion distinction was important as all potential funders had made clear that they would only consider completion works for any financial support. Thus Taunton Deane would need to fund the repair works on their own - and would then seek to recover those costs from Warner - based on breach of contract.

Over the last few months, approaches had been made to our partners in this scheme - Somerset County Council and Sport England to contribute towards these extra costs. The County Council had agreed to contribute £200k towards completion of the Centre, in return for reduced fees charged to Ladymead School for its use over the following 10 years.

Sport England had met on 14 April to consider the application. Sport England had now notified the Council that although they had taken a decision on the application, they would not release the result until after the elections on 1 May. This was because of central government's "purdah" arrangements which preceded all such elections, designed to avoid such decisions having an impact upon local election results.

Consideration was therefore given to how best the likely impact a delay to the start of the Main Contract could be minimised as this could delay completion into 2004 and add to the scheme costs.

The 1 May elections would have the effect of dislocating the normal decision-making processes until at least the Annual Council meeting on 14 May. In practice this would mean that the first meeting of the new Executive, and of the full Council, could not be until around 22 May, resulting in a delay of a month in the project at a most critical time.

Detailed consideration was given to the various scenarios and options that were possible depending on the result of the bid to Sport England.

As far as the programme of works were concerned the delay in the start of the advance "wind and weathertight" works (due to problems in tendering some of the packages) had meant that the earliest that this initial phase would start was on 22 April 2003.

It was intended that the main contract work would follow on from the advance works. If a decision could be taken to proceed as soon after 2 May as possible, then it might still be possible to achieve that continuity. If not then the programme would need to be re-examined.

The current position with the cost and funding for the repair/ completion of the Centre remained provisional as to the Sport England grant. Details were submitted of the provisional financial position as to the overall scheme cost, the contribution from each of the partners and a recommended means of financing the Taunton Deane share.

RESOLVED that:-

- (a) the grant offer from Somerset County Council be accepted together with the conditions attached;
- (b) the contract proposals from Symonds/Bluestone for the completion of the Wellsprings Centre be noted;
- (c) the contract's Guaranteed Maximum Sum be noted;
- (d) the funding scheme and the capital contribution from this Council towards the Centre's repair and completion, as detailed in this report, be agreed;
- (e) the funding scenarios set out in the report be agreed;
- (f) the Council be recommended to approve:-
 - i. the scheme and its funding consequences as set out in this report and its Appendix;
 - ii. that in the event of Sport England awarding a full grant the Chief Executive and the Head of Finance be given delegated power to authorise the completion works to the Wellsprings Centre;
 - iii. that in the event of Sport England awarding a reduced grant or failing to award any grant, the Leaders of the political parties represented on the Council after the May 1st elections, together with the Chief Executive and the Head of Finance, be given delegated power to authorise the completion works to the Wellsprings Centre and to make the necessary funding decisions (including the approval of any necessary supplementary estimates);
 - iv. the continuation of the Wellsprings Panel, consisting of the Leader of the Executive, the Leaders of the other Political Groups, the Executive Councillor for Leisure, two representatives from Ladymead Community School and a representative from Somerset County Council;
 - v. that the role and powers of the Panel be to oversee the completion of the project, to agree any minor adjustments and to monitor the progress of the financial claims to be made against Mr RWF Warner.

(The following Councillors left the meeting at the times indicated: Councillor Stone at 7.02 pm, Councillor Lisgo at 7.09 pm and Councillor Henley at 7.15 pm).

(The meeting ended at 7.31 pm).