

<b>Report to:</b>	<b>THE LEADER JOINTLY WITH THE ACTING STRATEGIC DIRECTOR OF PLACE</b>	
<b>Report of:</b> <b>Date of Decision:</b>	<b>Assistant Director Sport, Events and Parks 27 October 2016</b>	
<b>SUBJECT:</b>	<b>SAFETY WORKS TO PARK POOLS PROGRAMME PHASE 4</b>	
<b>Key Decision: No</b>	<b>Relevant Forward Plan Ref:N/A</b>	
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b> <input type="checkbox"/> <b>O&amp;S Chairman approved</b> <input type="checkbox"/>	
<b>Relevant Cabinet Member(s) or Relevant Executive Member</b>	<b>The Leader of the Council, Councillor John Clancy</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Mohammed Aikhlaq, Corporate Resources and Governance Overview and Scrutiny Committee</b>	
<b>Wards affected:</b>	<b>City Wide</b>	

**1. Purpose of report:**

- 1.1 To seek approval to undertake statutory works to category 1 pools as identified by the Environment Agency and Transportation (Highways – Infrastructure Drainage), who act as the City Council's managing agent in order to meet our legislative obligations as outlined in the Reservoirs Act 1975. This is mandatory and therefore the identified works must be carried out. The estimated cost of the works for phase 4 is £0.39m
- 1.2 To report on the progress of the phase 3 programme of works (Appendix 2).
- 1.3 The benefits of this proposal are that the City Council will be addressing its statutory obligations and ensuring that its pools and reservoirs are maintained and upgraded to meet health and safety requirements. There will also be a benefit to local communities enhancing the visitor experience.
- 1.4 To seek approval to place orders to progress the implementation of the programme of phase 4 works.

**2. Decision(s) recommended:**

That the Leader and Acting Strategic Director Place:-

- 2.1 Approve the updated programme of works for phase 4 (appendix 1).
- 2.2 Note Appendix 2 detailing previous spend from the programme
- 2.3 Authorise the Assistant Director, Sport, Events and Parks to instruct the Assistant Director, Highways and Infrastructure to place orders (as per appendix 1) with approved term contractors, not to exceed the sum £0.39m
- 2.4 Authorise the Interim City Solicitor to prepare, negotiate, execute, seal and complete all documentation as necessary to give effect to the above recommendations

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### **3. Consultation**

#### **3.1 Internal**

The Constituency Parks Managers have all been consulted on the individual proposals. The consultation will be ongoing with the Executive Members for the affected Districts together with the ward members as individual projects are delivered. Legal and Democratic Services and City Finance have been involved in the preparation of this report.

#### **3.2 External**

The Environment Agency will be kept informed of progress on individual projects. The Constituency Parks Managers will engage with the public to ensure they are kept informed of the proposals as they are progressed.

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

The proposal contributes towards the following key outcomes as identified in the Business Plan and Budget 2016+; 'Thriving local communities' and 'A healthy, happy City'. The proposal will have a positive impact on the sustainable environment, protecting land and property.

#### **4.2 Financial Implications**

(Will decisions be carried out within existing finance and Resources?)

##### **4.2.1**

A 5 year investment programme of £2.75m was approved by Cabinet in March 2010 for the completion of safety works at the Council's parks pools and reservoirs. A total of £2.36m has been approved and spent to date

(Phases 1 to 3) and the remaining £0.39m will now be utilised as part of Phase 4. The investment of £2.75m was funded entirely by corporate resources (a combination of unapplied capital receipts and repayable prudential borrowing).

##### **4.2.2.**

There is a revenue provision of £0.066m in the service budgets to meet the costs of routine annual cyclical maintenance.

##### **4.2.3**

Additional work is in progress to develop a programme for the next 5 years to ensure the continued future safety of these pools and reservoirs and the details will be reported as part of the future annual City Council Business Plan and Budget Report to City Council.

#### **4.3 Legal Implications**

##### **4.3.1**

The Council is exercising functions under the Reservoirs Act 1975 and Flood Water Management Act 2010.

One of the objectives of the Reservoirs Act is the minimisation of the risk of a reservoir failing. It provides a legal framework to ensure the safety of reservoirs that hold at least 25,000 cubic meters of water.

##### **4.3.2**

The Flood and Water Management Act 2010.

##### **4.3.3**

Data Protection - This proposal does not involve processing personal data or sharing information with 3<sup>rd</sup> party providers.

The requirements of the Data Protection Act 1998 and Human Rights Act 1998 have been taken into consideration in terms of the processing, management and sharing of data involved in these proposals.

#### **4.4 Public Sector Equality Duty**

A copy of the Equality Act 2010 – Public Sector Duty statement together with the initial equality assessment screening are appended – Appendix 3. A full assessment is not required.

<b>5.</b>	<b>Relevant background/chronology of key events:</b>
5.1	Birmingham has a total of 48 reservoirs and pools located throughout the City. 11 of these pools are classified as reservoirs (Category 1) and are therefore governed by the Flood and Waste Management Act 2010. The remaining 37 (Category 2) are governed by the Flood and Waste Management Act 2010. Both categories of pool must be maintained to a high standard as they are accessible to the general public.
5.2	A capital budget totalling £2.75m and associated programme of works was approved at Cabinet on 8th March 2010 to address the City's statutory obligations in the safe management of its reservoirs and pools through a programme of capital works and improvements.
5.3	A Project Definition Documentation (PDD) was approved 14th December 2010 releasing funding to carry out phase 1 of the work. A second report and PDD was approved 19th March 2013 to release further funding for phase 2. A third report was approved 26th February 2015. Some works from the first two phases had to be re-phased for later in the programme therefore phase 3 utilised this remaining funding. Phase 1, 2 and 3 have expended £2.36m of the total budget as detailed in Appendix 2. The work identified in phase 4 of the programme is the last to be completed from the original approved budget. It is asked that approval is given for the balance of the programme to be put towards this final phase outlined in Appendix 1.
5.4	The programme of works attached in appendix 1 outlines the works that have been identified for phase 4 of the programme. Generally these works include improvements to the spillways and penstocks. The identified works will ensure that the reservoirs can accommodate excess flow during times of inclement weather without risk of the dams bursting and the embankments collapsing.
5.5	The works will be procured by Transportations Highways Infrastructure Section who will place orders with their term contractors. Transportation Highways Infrastructure went to tender through the 'Find it in Birmingham' and Intend system in July 2011 for a 4 year period which has been extended until 14 <sup>th</sup> October 2016. The contract is known as the Miscellaneous Drainage Works Contract Number 73174. Transportation Highways Infrastructure are currently going through a procurement process to have a new contract in place by October 2016 to replace the former one for a term of 3 years.
5.6	A new 5 year programme of works is being developed in line with the Environment Agency's recommendations to ensure the continued future safety of the pools and reservoirs that sit within the stated legislation. This will be reported as part of the future annual City Council Business Plan and Budget Report to the Council.
<b>6.</b>	<b>Evaluation of alternative option(s):</b>
6.1	Do nothing – this is not an option as the local authority has a statutory obligation to carry out the works outlined in this proposal.
6.2	Close the pools to the public – this would be impractical to enforce and would have a negative impact on the environment. Furthermore it would not address Birmingham City Councils statutory obligations.
<b>7.</b>	<b>Reasons for Decision(s):</b>

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|-----|---|
| 7.1 | To approve the programme of works for phase 4 and the placing of orders to process the mobilisation of works on site. |
| 7.2 | To ensure that the City Council meets its statutory obligations.  |
| 7.3 | To support the Council's priorities.  |

Signatures		<u>Date</u>
Cabinet Member		
	..... Councillor John Clancy, Leader of the Council	.....
Chief Officer		
	..... Jacqui Kennedy, Acting Strategic Director of Place	.....

List of Background Documents used to compile this Report:
Relevant officer files save for confidential information Project Definition Document: Safety works to Parks Pools Phase 1 & Cabinet Committee Property Report 14th December 2010 Safety Works to Parks Pools Phase 2 Programme – 19th March 2013 Safety Works to Parks Pools Phase 3 Programme – 26th February 2015

List of Appendices accompanying this Report (if any):
1 Proposed Phase 4 Programme 2 Review of Phase 3 Programme 3 Public Sector Equality Duty Statement and Initial Screening

Report Version		Dated	<u>September 2016</u>
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