

BIRMINGHAM CITY COUNCIL

PUBLIC

Report to:	CABINET
Report of:	Strategic Director of Economy
Date of Decision:	28th June 2016
SUBJECT:	JEWELLERY QUARTER CEMETERIES – HERITAGE LOTTERY FUND: FULL BUSINESS CASE
Key Decision: Yes	Relevant Forward Plan Ref: 000811/2015
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/> O&S Chairman approved <input type="checkbox"/>
Relevant Cabinet Member:	Cllr John Clancy – Leader of the City Council Cllr Majid Mahmood – Value for Money and Efficiency
Relevant O&S Chairman:	Cllr Zafar Iqbal – Economy, Skills and Transport Cllr Mohammed Aikhlaq – Corporate Resources and Governance
Ward affected:	Ladywood

1. Purpose of report:
1.1 To seek approval to the Full Business Case and to accept £1.387m of Heritage Lottery Fund (HLF) grant towards total eligible project costs of £2.135m for the refurbishment and improvement of Warstone Lane and Key Hill Cemeteries (the Jewellery Quarter Cemeteries), including an activities programme and new interpretation facilities (attached as Appendix 2).
1.2 To obtain approval to the tender strategy and seek authority to proceed with the procurement for the works for the refurbishment of the cemeteries.
1.3 The accompanying private report includes commercially confidential information relating to the procurement process.

2. Decision(s) recommended:
That Cabinet:
2.1 Notes the report and appendices.

Lead Contact Officer:	Russell Poulton
Telephone No:	Regeneration Manager, 0121 464 9841
E-mail address:	russell.poulton@birmingham.gov.uk

3. Consultation

3.1 Internal

3.1.1 Local ward councillors have been consulted and are supportive of this project proceeding. The Head of Bereavement Services is fully supportive of the project and has been an integral part of its development.

3.1.2. Officers from Corporate Procurement, City Finance and Legal Services have been involved in the preparation of this report

3.1.3 Authority to submit the bid to HLF was approved by Cabinet on 22nd September 2015.

3.2 External

3.2.1 The Jewellery Quarter Development Trust (JQDT) has been consulted and is very supportive and the project has also been endorsed by the JQDT Heritage and Culture Group.

3.2.2 Further engagement and consultation with stakeholders was carried out during the development of the Activity Plan, a mandatory part of any HLF application, using a wide range of activities and consultation with different people and stakeholders, including HLF. This is a working document and sets out the scope of ongoing engagement and activities.

4. Compliance Issues:

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

4.1.1 The proposal supports the Council Business Plan and Budget 2016+, in particular Outcome One: A Strong Economy, through attracting visitors and external investment with major enhancements to a key heritage attraction, improving green space in an area with very little, at the same time as engaging with the people of Birmingham to play an active role in learning new skills such as social media, tour guiding, research and archiving as well as opportunities for work placements during the build phase. The project is also specifically referred to in "Protecting the Past – Informing the Future, Birmingham's Heritage Strategy 2014-19".

4.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR)

Compliance with the BBC4SR is a mandatory requirement that will be form part of the conditions of the contract. Tenderers will submit an action plan with their tender that will be evaluated in accordance with the assessment set out in Appendix 3. Implementation of action plan commitments of the successful tenderer will be monitored during the contract period.

4.2 Financial Implications

4.2.1 The estimated cost of this proposed project is £2.135m. This will be funded from HLF grant of £1.387m, matched with £0.120m (City Council capital resources), £0.300m Town and Country Planning Act 1990 (TCPA) (Section 106) monies (2014/08371/PA Kettleworks development which is due to be received in the near future), £0.150m Historic England Grant (available until 2017), plus £0.177m voluntary time and non-cash contributions. In the unlikely event that the TCPA S106 monies are not received then the funding will be found from existing capital budgets in the Economy Directorate.

- 4.2.2 The bid included a 10-year Management and Maintenance Plan for each cemetery following the restoration and improvement works. This plan was prepared by Bereavement Services, Place Directorate, who will fund the estimated additional expenditure of £30,600 per annum from existing approved revenue budgets.
- 4.2.3 On the basis that a procurement process is to be undertaken, precise details of the finances are included in the private report.
- 4.3 Legal Implications
- 4.3.1 Under the general power of competence in Section 1 Localism Act 2011, the City Council has the power to enter into the arrangements set out in this report and they are within the boundaries and limits of the general power of competence in Sections 2 and 4 Localism Act 2011.
- 4.3.2 Pre-Procurement Duty under the Public Services (Social Value) Act 2012
Although the Public Services (Social Value) Act 2012 does not apply to contracts that are works, in accordance with Council policy tenders will be asked how their bid addresses social value as part of the overall evaluation in line with agreed thresholds.
- 4.4 Public Sector Equality Duty
- 4.4.1 The funding received will be used to invest in restoring and improving the two Jewellery Quarter cemeteries, both of which are included in the National Register of Parks and Gardens of Special Historic Interest. This will complement existing investment in the Jewellery Quarter, such as the nearby Golden Square, and assist in attracting additional visitors to the city and the JQ in particular. Skills and volunteer development, as well as ongoing community engagement are key elements of the bid and as such the proposal has been assessed as having a positive effect on equality considerations.
- 4.4.2 The initial Equality Assessment was undertaken on 7th September 2015 and this has been reviewed as part of this report and is attached as Appendix 6. The analysis has concluded that there will be no adverse impact on any relevant person or group.

5. Relevant background/chronology of key events:

- 5.1 The Jewellery Quarter is a unique part of Birmingham and contains many historic buildings that reflect Birmingham's rich industrial heritage. Within the dense urban street pattern sit Warstone Lane and Key Hill, collectively known as the Jewellery Quarter Cemeteries. Both are included on Historic England's Register of Parks and Gardens of Special Historic Interest but both are in need of significant investment to reinstate and repair the damaged and vulnerable aspects and make them more welcoming places, improving access, safety and comfort.
- 5.2 Key Hill and Warstone Lane Cemeteries were the first public cemeteries in Birmingham, developed to provide burial space additional to the city's churchyards, which had become inadequate to support demand for burial space by the 19th century. They have much in common in that both made use of former quarry sites (the extracted sand was used for casting in nearby workshops) to create a dramatic series of catacombs in the redundant quarry faces.

- 5.3 The two cemeteries contribute fundamentally to the unique historical and architectural character of the Jewellery Quarter and Birmingham, with prominent local figures such as Joseph Chamberlain, Alfred Bird and John Baskerville buried there. They also provide a haven for wildlife, representing, alongside St Paul's churchyard, the only significant green spaces within the Jewellery Quarter Conservation Area.
- 5.4 Over the last few years, the Council, supported by what was then English Heritage, has undertaken significant repair and restoration work, largely focused on Key Hill Cemetery, including repairs to the gates and piers and significant repairs to a section of retaining wall near the catacombs which had collapsed. These proposed works will build upon the recent other investments made, particularly to the piers, gates and railings along Key Hill Cemetery. This project is seen as completing the works already carried out. Besides restoring and improving important heritage assets, the project will attract significant additional visitors to the Jewellery Quarter and make a significant enhancement to the main areas of open space in the area. This will complement the other investment in the locality, notably the nearby Golden Square and the recently approved Jewellery Quarter Townscape Heritage programme.
- 5.5 A Stage I HLF application was approved by the Director of Planning and Regeneration in 2012 which provided a grant of £78,400 for the development of a full Stage II submission. Support was provided by two HLF Mentors, one advising on the historic and capital works and the other on the development of the Activity Plan. A formal bid for HLF grant funding of £1.387m was approved by Cabinet on 22nd September 2015. The bid was approved at the September meeting of the West Midlands HLF Committee and the Offer Letter is attached as Appendix 1. Since then there have been ongoing discussions with HLF over procurement issues, these have now been resolved. Planning permission has already been secured.
- 5.6 This £2.135m project will restore and secure as much of the historic fabric of the cemeteries as is practical and create a more attractive and usable space for the JQ's growing population. A Full Business Case is attached as Appendix 2. The procurement approach is set out in Appendix 3 and the Design Specification is set out in Appendix 4. The two main capital elements are:
- Repair, conservation and new building work: reinstating historical boundary railings, stone piers and entrance gates on all road frontages; renovation of catacomb stonework and installation of safety balustrade; creating a new Garden of Memory and Reflection in the form of a paved seating area reinterpreting the footprint of the former chapel now demolished;
 - Other Physical Works: resurfacing pathways to improve access, improved drainage and general tree and vegetation management.
- 5.7 In addition to the proposed works, an Activity Plan is a mandatory part of any Stage II application placing great emphasis on engagement through learning and participation both in the development and delivery phases. A varied programme of activities and events has been developed to improve the overall presentation, interpretation and access of the area and to encourage wider usage, engagement and appreciation of the historic and natural heritage of the cemeteries for all users. This includes the development of an Apprenticeship Construction Levy, offering five work placements with contractors for construction students, a schools programme linked to natural heritage and devising a programme of historical and thematic guided tours, self-touring walks, talks, pop-up exhibitions for touring and educational loan boxes about the people buried in the cemeteries. These will be managed by the Activities Manager in conjunction with Bereavement Services. Crucially, this will be part of a wider link to the various heritage attractions in the Jewellery Quarter to better market the area and attract more visitors.

- 5.8 The revenue grant will fund two part-time posts, a capital works project manager and activity programme manager, design team fees and programme costs. Procurement of these two posts is set out in Appendix 3 with the job descriptions agreed with HLF as part of the agreement. Bereavement Services, who manage the cemeteries, will be responsible for overseeing delivery of the Management and Maintenance Plans for the two cemeteries. Existing Planning and Regeneration staffing will be responsible for overseeing the delivery of the capital element of the project and the grant claim process.
- 5.9 The strategy for the procurement of the capital and landscaping works and the engagement of a Project Manager and an Activities Manager is detailed in Appendix 3.
- 5.10 Timescales for delivery are:
- Permission to Start Letter from HLF – July 2016
 - Engagement of a Project Manager and an Activities Manager – August 2016
 - RIBA Stage 4 designs competed – September / October 2016
 - Commence tender process for capital works programme – October 2016
 - Competition exercise for landscaping works – October 2016
 - Approval to award contracts for capital and landscaping works
 - Capital works start on site – February 2017
 - Capital works completion – September 2018
 - Revenue activities programme – August 2016 – March 2019
- 5.11 These timescales will ensure that all funding has been expended in line with grant conditions and resource availability. A Risk Register associated with the proposed project is attached as Appendix 5.

6. Evaluation of alternative option(s):

- 6.1 Do Nothing – Not to utilise HLF funding. The grant offer is rejected and no additional investment is made to the cemeteries other than essential work. This will undermine the investment and development work carried out to date and have a negative reputational impact with HLF and Historic England who have both strongly supported the project and the Jewellery Quarter with significant funding.
- 6.2 Alternative procurement options are detailed in Appendix 3.

7. Reasons for Decision(s):

- 7.1 To enable the drawdown of the HLF grant to enable the development of the two cemeteries and to attract significant investment to the Jewellery Quarter and to commence the procurement activities to award contract for the work to be completed

Signatures	<u>Date</u>
Cllr John Clancy Leader of the City Council:
Cllr Majid Mahmood, Cabinet Member Value for Money and Efficiency:
Waheed Nazir Strategic Director for Economy:

List of Background Documents used to compile this Report:
Protecting the Past – Informing the Future, Birmingham’s Heritage Strategy 2014-19, approved by Cabinet February 2014. Conservation Management Plan 2014 Historic England Grant Offer – Chief Officers Delegated Approval 2011. Cabinet report: Jewellery Quarter Cemeteries: Heritage Lottery Fund Grant Application dated 22 nd September 2015. Jewellery Quarter Cemeteries, Heritage Lottery Fund application, 2015 (HG-11-05561)

List of Appendices accompanying this Report (if any):
1. Appendix 1: Public Report - HLF Offer Letter
2. Appendix 2: Public Report Full Business Case Annex 1: Stakeholder Analysis
3. Appendix 3: Public Report - JQ Cemeteries Procurement Approach
4. Appendix 4: Public Report - Design Specification
5. Appendix 5: Public Report - Risk Register
6. Appendix 6: Public Report - Equality Analysis Initial Assessment

PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

1	<p>The Council must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none">(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2	<p>Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
3	<p>The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p>
4	<p>Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:</p> <ul style="list-style-type: none">(a) tackle prejudice, and(b) promote understanding.
5	<p>The relevant protected characteristics are:</p> <ul style="list-style-type: none">(a) age(b) disability(c) gender reassignment(d) pregnancy and maternity(e) race(f) religion or belief(g) sex(h) sexual orientation