

Is the final decision on the recommendations in this report to be made at this meeting?

**Yes**

## **Cemetery Depot Redevelopment, Benhall Mill Road**

<b>Final Decision-Maker</b>	Cabinet
<b>Portfolio Holder(s)</b>	Cllr Tom Dawlings, Portfolio Holder Finance & Governance Cllr Jane March, Portfolio Holder Culture, Leisure and Economic Development
<b>Lead Director</b>	Lee Colyer, Director of Finance, Policy and Development
<b>Head of Service</b>	David Candlin, Head of Economic Development & Property
<b>Lead Officer/Author</b>	Paul Doherr, Architectural Surveyor John Antoniades, Estates Manager
<b>Classification</b>	<b>Part Exempt</b> Exempt Appendices A, B and C exempt by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended): Information relating to the financial or business affairs of any particular person including the authority holding that information
<b>Wards affected</b>	Pantiles and St Marks

### **This report makes the following recommendations to the final decision-maker:**

1. That approval be given to proceed with the design and construction of the new Parks contractor depot as described in this report;
2. That the Head of Economic Development & Property in consultation with the Director of Finance, Policy and Development, the Portfolio Holder for Finance and Governance and the Portfolio Holder for Culture, Leisure and Economic Development be authorised to submit a full planning application, invite competitive tenders for the development, accept a tender within the costs given in this report and oversee the development to completion and to enter into such deeds and agreements arising from or ancillary to the legal formalities referred to in this recommendation;
3. To approve the disposal of the remaining part of the Cemetery Depot in Benhall Mill Road as identified in the attached report. The disposal to be dealt with under delegated authority to the Head of Economic Development and Property in consultation with the Director of Finance, Policy and Development and the Portfolio Holder for Finance and Governance;
4. To delegate to the Head of Economic Development and Property in consultation with the Director of Finance, Policy and Development and the Portfolio Holder for Finance and Governance authority to complete all necessary negotiations, legal processes and legal documentation to complete this disposal.

5. That the Head of Mid Kent Legal Services is authorised to negotiate and complete all necessary deeds and agreements arising from or ancillary to the application for planning permission, tenders, development and other legal formalities referred to in these recommendations and the disposal of the property on terms agreed by the Head of Economic Development and property.

**Explain how this report relates to the Corporate Priorities in the Five Year Plan:**

- The recommended action supports the Council strategic and five year plan to improve our processes to deliver more effective services and save money. A new Parks depot would cost less to run and maintain and will be more resistant to vandalism and misuse.
- Provides quality and responsive services - The proposed location of the new Parks depot and purpose built facilities would enable the Parks contractor to work efficiently in a more sustainable building and provide the operatives with a higher level of wellbeing and improve the quality of life in their workplace.
- A Prosperous Borough – by making the best use of land and property assets for the benefit of residents and in encouraging future growth and investment by marketing opportunities that the Borough owns
- A Confident Borough – by empowering communities and residents through the release of Council assets; working with parish and town councils and community groups to enable them to take control of their services; enabling residents to take control of their futures through an active asset programme of change and evolution.

<b>Timetable</b>	
<b><i>Meeting</i></b>	<b><i>Date</i></b>
Agreed for publication by Head of Service	21 July 2020
Management Board	29 July 2020
Agreed for publication by Portfolio Holder	14 August 2020
Overview & Scrutiny	24 August 2020
Cabinet	10 September 2020

# Cemetery Depot Redevelopment, Benhall Mill Road

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report provides information regarding the future use of the existing Cemetery Depot and includes plans, costs and timescales for providing a new facility for use by the Council's Parks maintenance contractor. Approval is sought to progress with the design and construction of the proposed new Parks contractor depot.
- 1.2 To delegate to the Head of Economic Development & Property in consultation with the Director of Finance, Policy and Development, the Portfolio Holder for Finance and Governance and the Portfolio Holder for Culture, Leisure and Economic Development the authority to progress the project to completion.
- 1.3 To approve the disposal of a Land Asset Strategy (LAS) site in Tunbridge Wells as identified in the report. This land being the remaining land of Cemetery Depot not required for the new depot building. The disposal to be dealt with under delegated authority to the Head of Economic Development and Property in consultation with the Director of Finance, Policy and Development and the Portfolio Holder for Finance and Governance.
- 1.4 To delegate to the Head of Economic Development and Property in consultation with the Director of Finance, Policy and Development, the Portfolio Holder for Finance and Governance the authority to complete all necessary negotiations, legal processes and legal documentation to complete this disposal.
- 1.5 That the Head of Mid Kent Legal Services is authorised to negotiate and complete all necessary deeds and agreements arising from or ancillary to the application for planning permission, tenders, development and other legal formalities referred to in these recommendations and the disposal of the property on terms agreed by the Head of Economic Development and property.

---

## 1. INTRODUCTION AND BACKGROUND

- 1.1 The existing Cemetery Depot site used to provide all the facilities required by the Council's Parks maintenance contractor. When the Council Depot in North Farm Lane was built it included a majority of the buildings and storage areas required by the Parks contractor to fulfil its parks maintenance operations. For logistical reasons some of the Parks contractor's facilities needed to be retained at the Cemetery Depot. This included machinery and equipment storage and welfare areas for the contractor to enable them to carry out grave digging and maintenance of the Cemetery and Crematorium grounds.
- 1.2 The Parks contractor only uses a small part of the existing depot buildings and storage areas. These buildings have reached the end of their useful life and over the past few years some of those that were not required by the Parks contractor have been removed from the site. The depot site has been broken

into numerous times over the past few years with buildings being vandalised and there has also been a considerable amount of fly tipping in the unused open areas.

- 1.3 As the Parks maintenance contractor now requires a smaller area to carry out its contractual duties the remaining depot area has been identified as being surplus to Council requirements.
- 1.4 Following Full Council's approval to provide a capital budget for the redevelopment of the existing Cemetery Depot a design team was appointed via the Scape Procure framework. The design team lead by Aecom have produced a proposal that will provide adequate accommodation for the Parks contractor within the budget allocation.
- 1.5 The design proposals are shown in Appendix A and an indicative programme is shown in Appendix B. The timescales shown in the programme may alter as the detailed design progress and further survey information is obtained and analysed. An initial risk assessment has been produced and will be updated as the project proceeds, see Appendix C. Estimated costs are shown in Exempt Appendix A.

---

## **2. AVAILABLE OPTIONS**

- 2.1 Do nothing. This is not an option because the existing depot buildings have reached the end of their useful lives and it is not viable to carry out any further repairs or maintenance. The existing buildings are also not suitable for the purposes that they are currently be used for.
- 2.2 Refurbish the existing buildings. As the existing buildings have reached the end of their life repairs would be expensive if not impossible. The layout of the existing buildings would make it very difficult to provide the correct facilities required by the Park contractor.
- 2.3 Provide a new Parks depot on an alternative site. Any new facility needs to be located close to the Cemetery and Crematorium as it would be impractical to facilitate burials using equipment that is stored a long way away from the Cemetery. There are no alternative areas on the Cemetery and Crematorium site that are large enough or are suitable for a new Parks depot.
- 2.4 Provide a new Parks depot on part of the existing depot site as described in Appendix A, B and C and Exempt Appendix A, B and C

## **3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 3.1 The preferred option is item 2.4 above to provide new Parks contractor building and storage areas on part of the existing depot site. This would better suit the needs of the Parks contractor and provide a safer, more secure and energy efficient facility than the existing depot. It will enable the Parks contractor to work more efficiently and effectively in providing high quality, value for money services.
- 3.2 This option supports the Council strategic and five year plan to improve our processes to deliver more effective services and save money. A new Parks

depot will be an invest to save opportunity as a new modern building will cost less to run and maintain and will be more resistant to vandalism and misuse.

- 3.3 The proposed location of the new Parks depot would enable the Parks contractor to work efficiently as facilities and equipment would be close to the areas where they work.

#### 4. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 4.1 The design proposals have been discussed and agreed with the Council's Parks department and the Development Programme Officers Group. The Development Advisory Panel will be consulted on the proposals. Public consultation will take place as part of the planning approval process.

#### 5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The recommendations from Overview & Scrutiny will be included in the agenda for Cabinet on the 10 September 2020 for final approval to proceed with the project.

#### 6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<p><b>Legal</b> including Human Rights Act</p>	<p>The Local Government Act 1972 (the 1972 Act), section 111(1) empowers a local authority to do any thing (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to the discharge of any of their functions.</p> <p>The Council has the statutory power under section 1 of the Localism Act 2011 to do anything that individuals generally may do</p> <p>The Local Government Act 1972, section 123(1) enables a Council to dispose of its land in any manner subject to the Council achieving the best consideration that can reasonably be obtained. Disposals at an undervalue should meet a statutory criteria unless the Secretary of State's consent is obtained.</p> <p>Expert valuation from an independent valuer</p>	<p>Claudette Valmond Principal Solicitor – Commercial 23 July 2020</p>

	<p>must be obtained to ensure that the Council complies with its statutory obligation under section 123 referred to above.</p> <p>Any tender exercise must be in accordance with the Public Contracts Regulations 2015 (if applicable) and in compliance with the Standing Orders on Procurement and Contracts outlined in the Council's Constitution.</p> <p>Acting on the recommendations is within the Council's powers as set out in the above statutory provisions.</p> <p>There are no consequences arising from the recommendation that adversely affect or interfere with individuals' rights and freedoms as set out in the Human Rights Act 1998.</p>	
<b>Finance and other resources</b>	<p>Full Council has already approved the scheme for inclusion within the capital programme. The council needs to make financial resources available to manage the potential impact of the Covid-19 Pandemic which will require the capital funding element of this scheme to be deferred to April 2021. This situation will be kept under review and delegation is being sought to the s151 Officer to bring forward the capital funding, if the financial circumstances allow.</p>	<p>Lee Colyer Director of Finance, Policy and Development 14 August 2020</p>
<b>Staffing establishment</b>	<p>The project will be delivered using existing Council staff, no additional staff will be required. The cost of the consultants required for this project are included in Exempt Appendix A.</p>	<p>Anita Lynch HR Manager 5 August 2020</p>
<b>Risk Management</b>	<p>An initial risk register has been included in the report in Appendix C</p>	<p>Paul Doherr Architectural Surveyor 2 July 2020</p>
<b>Data Protection</b>	<p>The construction contract will include the necessary contract terms to ensure that all personal data is processed in line with the data protection principles.</p> <p>Where contractors keep personal details on an electronic system they will be required to</p>	<p>Sarah Lavallie Corporate Governance Officer 16 July 2020</p>

	<p>use systems that are totally secure and process the data in accordance with the General Data Protection Regulations and the Data Protection Act 2018.</p>	
<p><b>Environment and Sustainability</b></p>	<p>In July 2019 Full Council declared a “climate emergency” agreeing an ambition to make the Council’s operations carbon neutral by 2030 (FC29/19). Therefore, to support the Council in meeting its ambitious and target, it is advised that a detailed carbon emission/energy efficiency assessment of the proposed new development is included and appropriate action taken to ensure the new development complies with the Councils ambition to be carbon neutral by 2030. To not do so would result in a long-term legacy of a development that would require retrofitting at future greater cost. Therefore, it is recommended that energy efficiency and carbon reduction are a key priority for this development, including waste reduction and water efficiency.</p> <p>Adopt a hierarchy approach building fabric first and as mentioned by the author of this report incorporate renewables and heat recovery as appropriate.</p> <p>Equally, the south east is at significant risk of water shortages<sup>1</sup>, with Kent one of the driest regions in England and Wales. It is therefore, advised that rain water harvesting is incorporated into this development. A rainwater recycling system comprises additional components, which may result in slightly higher upfront capital costs. However, a whole-life cost analysis should determine whether the future water cost savings can offset the higher capital costs, given that water costs are likely to increase. Retrofitting for water recycling is very difficult, it is technology that is generally best suited to new-build properties.</p> <p>Full ecology surveys are being carried out to ensure that the proposed development does not adversely affect any protected species. The consultants will also carefully consider any implications that the development has on the surrounding environment especially</p>	<p>Karin Grey Sustainability Manager Paul Doherr Report Author 13 July 2020</p>

---

	<p>the proximity to the Cemetery.</p> <p>As part of the design process the consultants will consider all viable sustainable and renewable options in the new depot e.g. photovoltaic panels, heat recovery units, rainwater recycling etc.</p> <p>As part of the tender process all contractors will be asked to show how they will improve the sustainability of their company in the future including reducing carbon emissions, improve energy efficiency in their buildings and operations, reduce the impact of transport, reducing consumption of water, reduce the environmental impact of the goods &amp; services they procure and manage waste materials throughout their business and the construction process.</p> <p>Also how they will educate and raise awareness amongst their staff of sustainability practices and monitor &amp; measure their environmental performance against targets.</p>	
<p><b>Community Safety</b></p>	<p>A high level of security will be incorporated into the design of the new Parks depot.</p> <p>During construction the contractors will make sure that their method of working does not encourage crime. The construction site will be secure and supervised during working hours and fully secure out of hours.</p>	<p>Terry Hughes Community Safety Manager 17 July 2020</p>
<p><b>Health and Safety</b></p>	<p>The existing buildings are beyond economical repair and will continue to become a risk to health and safety.</p> <p>The design team will provide all the necessary information to enable the contractor to safely carry out the construction work and will supervise the works. They will also assist the Council with its obligations under the Construction (Design and Management) Regulations 2015.</p> <p>The building contractor will be required to provide all necessary health and safety information and equipment to ensure the health and safety of their operatives and all visitors to and around the construction site.</p>	<p>Mike Catling Corporate Health and Safety Advisor  Paul Doherr Report Author 10 July 2020</p>



<p><b>Health and Wellbeing</b></p>	<p>The contractor must provide adequate welfare facilities for all operatives when working on the construction site.</p> <p>Contractors are required to carry out all work without posing a threat to the health and wellbeing of the public or colleagues and must use the appropriate equipment or methods to achieve this.</p> <p>A no smoking policy is in place which forbids any operative smoking whilst working on site.</p>	<p>Rebecca Bowers Health Improvement Team Leader 15 July 20</p>
<p><b>Equalities</b></p>	<p>Decision-makers are reminded of the requirement under the Public Sector Equality Duty (s149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups.</p> <p>The design of the new Parks depot will comply with the current Building Regulations Part M.</p> <p>During the tender process contractors will provide information on their equal opportunities policies that cover their approach to equality in their workplaces, in their recruitment and training.</p> <p>There is little or no apparent impact on the protected characteristics from the decisions recommended in this paper.</p>	<p>Sarah Lavallie Corporate Governance Officer, 16 July 2020</p>

## 7. REPORT APPENDICES

The following documents are to be published with and form part of the report:

- Appendix A: Parks Depot Design Proposal
- Appendix B: Parks Depot Draft Programme
- Appendix C: Parks Depot Risk Register
  
- Exempt Appendix A: Cost Estimate
- Exempt Appendix B: Land Asset Strategy Site, Tunbridge Wells
- Exempt Appendix C: Plan of site

---

## 8. BACKGROUND PAPERS

- 1 [https://beta.tunbridgewells.gov.uk/\\_data/assets/pdf\\_file/0007/291823/70E0FCC91ADB1A31E0531401A8C02132\\_Water\\_Efficiency\\_Background\\_Paper\\_Dec\\_2017\\_-\\_Final\\_Version.pdf](https://beta.tunbridgewells.gov.uk/_data/assets/pdf_file/0007/291823/70E0FCC91ADB1A31E0531401A8C02132_Water_Efficiency_Background_Paper_Dec_2017_-_Final_Version.pdf)