

Cheltenham Borough Council

Cabinet – 16 July 2013

Council-22 July 2013

Imperial Gardens – Reinstatement of Historic Railings

Accountable member	Cabinet Member Sustainability, Councillor Roger Whyborn
Accountable officer	David Roberts, Head of Property & Asset Management
Ward(s) affected	Lansdown Ward
Key Decision	Yes
Executive summary	<p>The Friends of Imperial Square Heritage and Conservation (FISHAC) have started to raise the substantial funds required to restore the historic railings to Imperial Gardens. The intention is that Cheltenham Borough Council will then procure and subsequently deliver the works, in three phases, each of which is a separate stand alone scheme. The proposed elevations, layout and phases to be constructed are as shown in Appendices 2-4 of this report.</p> <p>In order for the project to progress to its construction phases it is a requirement that FISHAC enter into a legal agreement with Cheltenham Borough Council which will require funding raised by them to be provided to the Authority.</p> <p>Works will commence at a time to be agreed between the Authority and FISHAC .</p> <p>The project is likely to cost around £500k. As this is a key decision and is one which is outside the current budget and policy framework, it will require both Cabinet and Council approval.</p>
Recommendations	<p>That Cabinet approves:</p> <ol style="list-style-type: none">1. The reinstatement of the historic railings at Imperial Gardens2. The authorisation of the Head of Property and Asset Management to carry out the procurement to appoint the contractor to carry out the works to Imperial Gardens and a project manager to manage the construction project3. The Authority entering into an agreement with The Friends of Imperial Square Heritage and Conservation for the restoration of the railings, to include provision for funding to be transferred to the Authority prior to commencement of each stage of the scheme. <p>That Council be recommended to:</p> <ol style="list-style-type: none">4. Allocate the budget for the project and the budget for the external funding within the Authority's capital programme.

<p>Financial implications</p>	<p>The Friends of Imperial Gardens will not be able to seek grant funding until it has a decision from the council to agree to have the railings reinstated..</p> <p>The Authority will be procuring the work to reinstate the railings but there will be a contractual commitment from FISHAC to fund the project. The Authority will be contractually required to pay the sums under the works contracts but there is the potential for this to take place before money is received from FISHAC i.e. external grant being paid after various conditions are met e.g. works completed etc. and, as such, this potentially places the Authority at risk financially.</p> <p>However, FISHAC's promises of grant funding and statements regarding funds raised will be verified to mitigate the risk and the works for each phase will not commence until the council are satisfied that FISHAC have the necessary funding in place. As FISHAC receive funding they will be expected to pay this over to the Authority including funds collected in advance of the project starting.. Any overruns / overspends on the project will have to be discussed with FISHAC before they are committed to ensure sufficient funds can be made available and the Authority is not financially liable.</p> <p>The project is expected to cost around £500k. The Authority has not committed itself to fund a proportion of these works apart from a grant allocated through the Cheltenham Environmental Fund and therefore will not be budgeting to make a further financial contribution.</p> <p>Whilst the project will be funded from external sources, as it is a key decision and one which is outside the current budget and policy framework, it will require both Cabinet and Council approval.</p> <p>Officer time to deliver the project has not been costed and accounted for within the project costs.</p> <p>Responsibility for the ongoing maintenance of the railings must be determined as no specific base budget provision has been made.</p> <p>Contact officer: Nina Philippidis, nina.philippidis@cheltenham.gov.uk, 01242 775221</p>
<p>Legal implications</p>	<p>The Authority's contract procedure rules must be complied with when carrying out the procurement for this project.</p> <p>As the Authority will be undertaking the procurement for this project, the agreement with The Friends of Imperial Square Heritage and Conservation must make provision for the funding raised by FISHAC to be paid to the Authority when received.</p> <p>Contact officer: Donna Ruck, donna.ruck@teWKesbury.gov.uk, 01684 272696</p>

<p>Corporate and community plan implications</p>	<p>Cheltenham’s natural and built environment is enhanced and protected</p> <ol style="list-style-type: none"> 1. The railings were formerly part of the town’s heritage. Historically they formed an attractive boundary to Imperial Gardens and reinforced the importance of the gardens in the town centre. Reinstatement of the railings will further enhance the architecture of the surrounding area and bring enjoyment to residents and visitors to the town. 2. The re-instatement of the railings will restore and replace, where necessary, the existing stone plinth, thus protecting it from any further deterioration 3. The railings form an important part of the gardens development and their reintroduction will play an important part in helping people to understand the gardens as a heritage asset.
<p>Environmental and climate change implications</p>	<p>Cheltenham has a clean and well-maintained environment</p> <p>The existing stone plinths merely serve to remind people that the original railings are missing.</p> <ol style="list-style-type: none"> 1. Stone plinths will be renovated and reused where possible and iron work leaded in to original holes. 2. The only remaining section of original railings located next to the Town Hall will be used to replicate the accurate metal work detail and be renovated 3. The original alignment of grass and path can be restored to the section fronting the garden bar. <p>The proposed works will have a significant improvement to this historic structure and its setting and re-establish clear definition to the edge of the gardens.</p>

2. Background

- 2.1 Friends of Imperial Square Heritage and Conservation (FISHAC) was established in 2011 as a Registered Charity to raise funds to reinstate and repair the heritage and conservation assets in Imperial Square and Gardens. The current appeal is raising funds to reinstate the railings lost to the war effort.
- 2.2 Trustees have so far raised sufficient funds to appoint a specialist consultant to produce detailed drawing and make a planning application on their behalf which was successfully consented by Cheltenham Borough Council in 2012. An amendment to the application reducing the height of the railings from 1.8m to 1.5 metres was subsequently made, again successfully, in May 2013.
- 2.3 Imperial Square was established, along with the Promenade, in 1817-18 as part of the botanical pleasure grounds of the Sherborne Spa. By the time the new Town Hall was completed in 1903, Imperial Square and Gardens had become the hub and focus of the town's social scene, and often referred to as 'the jewel in Cheltenham's crown'. In June 1940, the railings surrounding Imperial Gardens were scrapped and recycled as armaments for the war effort.
- 2.4 The project will reinstate the railings (not gates) to the original boundary to a height of 1.5m utilising the original stone plinth where it still exists.
- 2.5 The project will be managed in partnership with the Authority employing a project management company used to heritage projects. In order to achieve improvement to the site as soon as possible the project has been divided into three separate phases, so that the first phase can begin when funding is available while fundraising continues for the later phases. The first phase will involve the replacement of the railings on the western (Promenade) edge.
- 2.6 The total project costs are anticipated to be in the region of £500,000
- 2.7 FISHAC will raise the necessary funds for the restoration works but Cheltenham Borough Council will contract with those doing the works and it will be the council's obligation to make the payments.
- 2.8 The Friends of Imperial Square Heritage and Conservation will be required to enter into a legal agreement prepared by One Legal which will set out the obligations of each party.
- 2.9 It is Cheltenham Borough Council's intention, subject to consultation and formal written agreement, for The Friends of Imperial Square Heritage and Conservation to raise funds for any future maintenance works.

3. Reasons for recommendations

- 3.1 FISHAC are still at an early stage in fundraising and some way off reaching an amount sufficient to trigger the first stage. In order to progress the project though, and give them the confidence to continue with their efforts it is recommended that Cabinet agree to enter into an agreement with FISHAC.
- 3.2 As expenditure on the scheme will exceed £100,000 it is a key decision which requires Cabinet approval. Council approval is required to allocate the budget and funding streams since it is outside the current budget and policy framework.

4. Alternative options considered

None

5. Consultation and feedback

- 5.1 The members of FISHAC have obtained planning consent for the project and in doing so have demonstrated public support for the scheme
- 5.2 Local ward councillors support the project.

6. Performance management –monitoring and review

- 6.1 Contract management, construction activities and expenditure will be monitored by Property & Asset Management.
- 6.2 Financial monitoring will be carried by Cheltenham Borough Council's Head of Finance.

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Appendices	1. Risk Assessment 2. Proposed elevation 3. Proposed elevation illustration 4. Layout and phasing.

Risk Assessment

Appendix 1

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	If the current stone plinth, whilst not considered dangerous, continues to weather and deteriorate then it could be a potential hazard.	David Roberts	2013	2	3	6	none	Reinstatement of the railings and refurbishment of the stone plinth will eliminate this.	ongoing	David Roberts	
2	If the council's project managing and approving works role fails to deliver then there could be contractual/financial implications	David Roberts	2013	2	3	6	none	Programme into annual staff work programme and include finance department officer as part of the project board	ongoing	David Roberts	
3	If external funding is not raised then the council may be liable for the cost of the project	Mark Sheldon	1/6/13	3	3	9	Reduce	The council will ensure funding stream is in place before committing to works. The project will be undertaken in phases only when funding is secured.	ongoing	Mark Sheldon	