

**REPORT TO:** Executive Board

**DATE:** 16 November 2023

**REPORTING OFFICER:** Executive Director,  
Environment & Regeneration

**PORTFOLIO:** Environment and Urban Renewal

**SUBJECT:** Waiver request for the appointment of a Named Sub-Contractor to carry out specialist restoration of railings at Birchfield Gardens, Widnes.

**WARD(S)** Farnworth

## 1.0 PURPOSE OF THE REPORT

1.1 A waiver, in compliance with Procurement Standing Order 1.14.4 iv of part 3 of Procurement Standing Orders, is sought to appoint Lost Art Ltd as a Named Sub-Contractor for the refurbishment of historic park railings at Birchfield Gardens, Widnes. The waiver request has been approved by HBC Procurement subject to Executive Board Approval (Procurement Ref: 134W23).

2.0 **RECOMMENDATION: That the Board gives delegated authority to the Executive Director, Environment & Regeneration, in consultation with the Executive Member for the Environment and Urban Renewal, to approve the waiver, ref: 134W23, to appoint Lost Art Ltd as the Named Sub-Contractor to undertake the restoration of historic park railings as part of the wider refurbishment project at Birchfield Gardens, Widnes.**

## 3.0 SUPPORTING INFORMATION

3.1 Environment Services Division is currently tendering a package of works for the refurbishment of Birchfield Gardens, Widnes, which comprise the restoration of boundary structures and railings, re-building of footpaths, pond refurbishment, replacement of site furniture and soft landscape works. The pre-tender estimate value for the overall refurbishment project is £500k.

3.2 The majority of the refurbishment works will be undertaken by a Principal Contractor and their domestic sub-contractors however for the restoration of the historic boundary railings element we require a specialist sub-contractor to be used due to the nature of the material (wrought iron) and historic details which we wish to preserve.

- 3.3 The supplier Lost Art Ltd, who specialise in the restoration of historic landscape furnishings, were commissioned earlier this year to undertake a detailed survey of the railings to ascertain the works required and the costs involved. Lost Art Ltd have since provided a quotation for these works to the value of £110,091.50. We now wish to appoint this supplier as a Named Sub-Contractor to be used by the Principal Contractor for this element of the park refurbishment works for the reasons outlined below.
- 3.4 Prior investment in consultancy – Lost Art Ltd were commissioned to undertake a survey of the railings earlier in 2023 which involved a detailed inspection of the entire park boundary and the preparation of a report, schedule of recommended works and calculation of costs and we are confident in their appraisal and recommendations.
- 3.5 Cost certainty – Lost Art Ltd have confirmed their price for carrying out the works having carried out a recent detailed inspection and appraisal and their quoted rates appear to be consistent with our pre-tender estimates.
- 3.6 Quality and workmanship – Lost Art Ltd are recognised as specialists in the restoration of historic landscape furnishings and have been involved in many prestigious park restoration projects in the UK. The quality of their work has been recognised by several awards including the ICON Conservation Awards, Museums and Heritage Awards, The Engineering Heritage Awards and The Civic Trust Award.
- 3.7 Due to the clear financial and commercial benefit the request for this waiver has been approved by HBC Procurement (ref: 134W23) subject to Executive Board Approval.

#### 4.0 **POLICY IMPLICATIONS**

- 4.1 The proposals are in keeping with policy CS18 – High Quality Design, and will provide a well-designed and attractive landscape setting providing safe access for all, promote healthy lifestyles and contributing significantly to ‘sense of place’.
- 4.2 The proposals are in keeping with policy CS22 – Health and Wellbeing, supporting opportunities to support the Borough’s cultural, sport, recreation and leisure offer.

#### 5.0 **FINANCIAL IMPLICATIONS**

- 5.1 The pre-tender estimate total value for the overall refurbishment project is £500k which will include the restoration of boundary

structures and railings, re-building of footpaths, pond refurbishment, replacement of site furniture and soft landscape works. The cost of the railing refurbishment by Lost Art Ltd is included within this estimate.

- 5.2 The current project budget allocation for the refurbishment works is £551k. This allows a project contingency figure of £51k for unforeseen items and inflation.

## 6.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

### 6.1 **Children & Young People in Halton**

Birchfield Gardens provides a range of different habitats and informal play opportunities, which are well suited to a wide age range of young people to enjoy. Refurbishment of the site will further enhance access to these opportunities.

### 6.2 **Employment, Learning & Skills in Halton**

The refurbishment project contract will be procured through the Council's Environment Services Dynamic Purchasing System (DPS). This system provides a framework of contractors who are invited to tender for construction projects such as this. The Environment Services DPS is open to suitably qualified contractors including local businesses based in Halton.

### 6.3 **A Healthy Halton**

Improved facilities and access to public open spaces will encourage more recreation and exercise in the area, helping to combat obesity, to encourage cardio vascular and muscular activity to promote mental well-being for local communities.

### 6.4 **A Safer Halton**

The refurbishment of Birchfield Gardens will significantly improve this area of public open space and as such contributes to the priority, *'To ensure pleasant safe and secure neighbourhood environments, with attractive, safe surroundings, good quality local amenities, and the ability of people to enjoy life where they live'*.

### 6.5 **Halton's Urban Renewal**

Use of specialist suppliers such as Lost Art Ltd will ensure that restoration works within the park will be carried out to the highest standards and as such will contribute to the priority, *'To transform the urban fabric and infrastructure. To develop exciting places and spaces and to create a vibrant and accessible Halton - a place*

*where people are proud to live and see a promising future for themselves and their families’.*

## **7.0 RISK ANALYSIS**

- 7.1 Lost Art Ltd are recognised as specialists in the restoration of historic landscape furnishings and have been involved in many prestigious park restoration projects in the UK. The quality of their work has been recognised by several awards including the ICON Conservation Awards, Museums and Heritage Awards, The Engineering Heritage Awards and The Civic Trust Award.
- 7.2 The refurbishment project will be governed by the JCT Intermediate Building Contract 2016 which makes provision for the use of Named Sub-Contractors through the use of the named Sub-Contractor Tender (between the sub-contractor and employer) and the named Sub-Contractor Agreement (between the sub-contractor and principal contractor).
- 7.3 Under this agreement HBC, as employer, may choose sub-contractors that it has particular confidence in to undertake specialist work rather than leaving this to the discretion of the Principal Contractor.
- 7.4 In conjunction with the contract documents mentioned above, the Intermediate Named Sub-Contract/Employer Agreement (ICSub/NAM/E) will also be used with the sub-contract to ensure HBC as employer retains a direct contractual relationship with the sub-contractor.
- 7.5 Dialogue has been undertaken with Legal Services to discuss the proposed contractual arrangements and the view is that from a legal point of view the proposed contract arrangements do carry a certain level of risk, albeit low. Environment Services have considered the Legal advice and are comfortable that the level of risk is low and wish to proceed with the proposed contractual arrangements.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

- 8.1 No significant Equality and Diversity implications have been identified.

## **9.0 CLIMATE CHANGE IMPLICATIONS**

- 9.1 The recommendations of this report support the Council’s response to the environment and climate emergency by limiting waste and encouraging re-use of resources. Through the refurbishment of existing railings to Birchfield Park, rather than their removal and replacement, the proposal reduces the need for new materials and their associated emissions and extends the life, and therefore the

embodied carbon, of the structures.

- 9.2 The wider refurbishment project will also create environmental improvements across the site. The development of marginal and aquatic planting to the pond and the programme of arboricultural work will improve habitats for wildlife, increase biodiversity and ensure the longevity of the existing tree stock.

10.0 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

**Document:** Halton Core Strategy

**Place of Inspection:** Picow Farm Depot

**Contact Officer:** Martin McCoy