

LYME REGIS TOWN COUNCIL

MINUTES OF THE SPECIAL MEETING HELD ON 28TH MAY 2008

Present:

Chairman: The Mayor, Cllr Ms. S. Holman

Councillors: Mrs. B. Austin, Mrs. A. Bradbury, Miss L. Campbell, Mrs. M. Ellis, K. Hitchcock, Dr. S. Hogg, Mrs. L. Jenkin, O. Lovell, K. Meech, K. Whetlor, P. Williams and S. Williams

Officers: Mr. M. Lewis (Town Clerk) and Miss V. Stickler (Admin. Officer)

Guests: Mr. D. Gale (Marine Parade Shelters Regeneration Working Group)

08/18/C Apologies

Apologies for absence were received from Cllr D. Cozens

08/19/C Declarations of Interest

There were no declarations of interest made.

08/20/C Regeneration of the Marine Parade Shelters

As a member of the Marine Parade Shelters Regeneration Working Group, Mr. D. Gale introduced the proposed resolutions 1, 2 and 3 to the Council members. He stated that the resolutions were to appoint four of the key consultants to take the Marine Parade Shelters project forward. These proposals would result in 'Consultant Agreements' (contracts) with the consultants. These agreements were based on the appointment documentation used in phase 1 of the Shelters project and would directly accord to RIBA standard forms of agreement with full legal weight and protection. The agreements were very detailed, explicit and tightly drawn, both in terms of protecting the Town Council's interests and in terms of costs (including control of expenditure). The agreements were carefully devised to enable the project to proceed in stages, affording the Town Council ongoing control of instructions and expenditure, namely; 1) Planning and Conservation Area Consent; 2) Working Drawings and Building Regulations; 3) Working Drawings and Details for Construction; and 4) Contract Administration.

No stage would be able to proceed without an explicit Town Council resolution. Separate agreements for each consultant would be specifically worded to place appropriate responsibility to each corresponding specialist. The original 'fee proposal and scope of service' letter from each consultant was included as part of each agreement together with timescales and an organisation chart.

Fees were; 1) within ranges in original tenders of September 2007; 2) less than the budgeted allowances given at the 12th March Town Council meeting and stated within the Heighway Field Associates Final Report adopted at the 23rd April Town Council meeting; 3) less, both in percentage terms and total amounts; and 4) fixed for at least a two year project.

Mr. Gale stated that as a goodwill gesture, the architect Heighway Field Associates, would be limiting the fee for planning for the 'complete scheme' to that of the 'reduced scheme', assisting the logic of taking the full scheme to planning.

The agreement with the funding consultant, Parkin Heritage and Tourism would be based on a 'pay-as-you-go' arrangement, so that costs were linked to benefits and limited to an advisory allowance.

Mr. Gale summarised the resolutions thusly:

- *“Resolution 1 sets up only the overall structure of agreements and in itself is not a commitment to instruct or pay for anything*
- *Resolution 2 provides the instruction and approves the expenditure for the first stage to planning application and determination*
- *Resolution 3 provides appointment for the first stage of a funding consultation within the expenditure allowed in Resolution 2”.*

(a) Resolution 1

Cllr K. Meech proposed that the Town Council accept the ‘Fee proposal and scope of service’ offered by:

- Heighway Field Associates as Architect, Lead Designer and Contract Administrator
- Taylor Lewis Limited as Cost Consultant
- AJ Sands Limited as Structural Engineer

and authorise the Town Clerk to enter into a formal agreement as stated in the agreed ‘Memorandum and Schedules to the Agreement’ (based on the RIBA Standard Agreement) with each Consultant as recommended by the Marine Parade Shelters Regeneration Working Group. This was seconded by Cllr K. Whetlor and was AGREED.

(b) Resolution 2

Cllr Mrs. A. Bradbury proposed that the Town Council authorise the Complete Scheme to be taken to Full Planning and Conservation Area Application and Determination with a limit of Fee of £40,000 for the Architect, Consultants and specialist Consultants as defined within the ‘Fees, Stage and Payment Schedule’ all as resolved in Resolution 1, as recommended by the Marine Parade Shelters Regeneration Working Group. This was seconded by Cllr P. Williams and was AGREED.

(c) Resolution 3

Cllr O. Lovell requested that the Town Council be categorically reassured that the money included in Resolution 2 for funding would only be spent on resolution by the Council.

Mr. Gale stated that the usage of Parkin Heritage and Tourism was only in as much as the Working Group felt that there was some value in it. The Working Group proposed to have two ‘arms’, one for funding and the other for delivery of the Marine Parade Shelters project. The funding ‘arm’ of the group would go wider in terms of the search for members and it was envisaged that this would include Mr. M. Dixon of the Lyme Regis Development Trust. This would ensure that funding for all projects in the Town would be coordinated. The allowance was already agreed in Resolution 2, Resolution 3 would be asking for use of Parkin Heritage and Tourism within the pre-determined limit. Mr. Gale felt that if Resolution 3 was not passed, this would put a block on pursuing funding.

Therefore, Cllr Mrs. L. Jenkin proposed that the Town Council accept the ‘Fee proposal and scope of service’ offered by Parkin Heritage and Tourism as Funding Consultant and authorise the Town Clerk to enter into a formal agreement with an appropriately worded Letter of Appointment permitting engagement only as and when required and limited to the agreed expenditure ‘allowances’ within each stage.

This was seconded by Cllr K. Meech and was AGREED with Cllr O. Lovell voting against the motion.

(d) Resolution 4

As the two items about to be discussed were deemed to be of a confidential nature involving the consideration of tenders, Cllr K. Meech proposed that the press and the public now be excluded from the meeting, seconded by Cllr Dr. S. Hogg and AGREED.

The Town Clerk reported that interviews for the role of Client Advisor/Project Coordinator to the Town Council in relation to the Marine Parade Shelters Regeneration project, had taken place earlier that day. He presented a summary of the tenders to members and read a confidential appraisal of the candidates.

The interview panel recommended that the services of Mr. D. Gale should be engaged as Client Advisor/Project Coordinator.

Consequently, Cllr K. Meech proposed that the Town Council accept the 'Fee proposal and scope of service' offered by Mr. D. Gale as Client Advisor/Project Coordinator and authorise the Town Clerk to enter into a formal agreement with an agreed 'Memorandum and Schedules to the Agreement' derived from the Invitation to Tender and based on the RIBA Standard Agreement. This was seconded by Cllr Mrs. A. Bradbury.

Prior to a vote being taken, a query was raised from an ethical standards perspective of the position of councillors with prior knowledge of Mr. Gale in his voluntary capacity as a member of the working group.

As a result, the motion was amended so that Resolution 4 would be taken forward provided the Monitoring Officer was satisfied as to the process adopted. This was seconded by Cllr Mrs. A. Bradbury and AGREED.

Cllr K. Meech proposed a substantive motion that the contract be awarded to Mr. D. Gale, subject to the Monitoring Officer's advice. This was seconded by Cllr Mrs. B. Austin and AGREED with Cllr S. Williams abstaining.

08/21/C

To consider the second and final round of tenders received in relation to the lease of the Ice Cream Kiosk, Cart Road

The Town Clerk reported that the second round of tenders submitted for the Ice Cream Kiosk were opened by the Town Clerk earlier that day in the presence of the Mayor, Cllr Ms. S. Holman, Cllr A. Bradbury, Cllr O. Lovell, Cllr P. Williams and Cllr S. Williams. He reported that there had been a fair degree of movement in the figures offered since the first round. The panel opening the tenders recommended that the highest tender, which was submitted by 'Rinky Tinks Ice Cream Parlour' of Uplyme at £21,000, was accepted.

The Town Clerk reported that of the five tenders selected from the first round to go forward to the second round, four amended their bid and one did not. He advised members of the tendered amounts. Cllr O. Lovell recommended that the Council award the tender to 'Rinky Tinks Ice Cream Parlour' as their bid was the highest and they offered the most professional presentation.

Therefore Cllr K. Meech proposed that the tender for the lease of the Ice Cream Kiosk, Cart Road be awarded to 'Rinky Tinks Ice Cream Parlour', seconded by Cllr Mrs. A. Bradbury and AGREED.

Following a short discussion, members also agreed to authorise the Town Clerk to enter in discussions with 'Rinky Tinks Ice Cream Parlour' regarding start and end dates for the contract with the suggestion that the contract begin on the 1st June 2008.