



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration and Sustainable Development Cabinet Board

20th March 2020

Report of the Head of Property and Regeneration – S. Brennan

Matter for Decision

Wards Affected: Resolven

RESOLVEN CANAL CAR PARK – VALE OF NEATH VISITOR HUB PROJECT

Purpose of the Report:

To seek member approval to carry out relevant procurement exercises to deliver the Vale of Neath Visitor Hub project at Resolven Canal Car Park.

Executive Summary:

Member approval is sought to carry out relevant procurement exercises to deliver the Vale of Neath Hub project at Resolven Canal Car Park.

The project involves the renovation of the existing public convenience building to create a café, refurbished public convenience facilities and a digital visitor information point.

The following procurement exercises will be required to be undertaken in order to deliver this project;

1. Sourcing of suitable contractors to carry out the renovations to the building and delivery of the digital information point.
2. Sourcing an organisation to lease and operate a café from within the newly created café space within the building.

Background:

The Authority holds title to the public convenience building at Canal Car Park Resolven Neath as approximately shown edged in black on the attached plan.

The Authority has secured funding from Visit Wales' Tourism Amenity Investment Scheme (TAIS) to create a visitor hub at the Canal Car Park Resolven.

The project will involve the conversion and refurbishment of the public convenience building at Resolven Canal Car Park to provide a "shell space" suitable for use as a café within that part of the building as approximately shown hatched black, as well as new smaller public convenience facilities and a digital visitor information point.

The total project cost amounts to approximately £178,000 with Visit Wales funding amounting to £128,000. The TAIS scheme is part-funded through the Welsh Government Rural Communities - Rural Development Programme 2014-2020 which in turn is funded by the Welsh Government and the European Union.

The Authority's match funding for this project, which amounts to £50,000, has already been approved within the Council's Capital Programme.

The existing public convenience facility has been subject to instances of anti-social behaviour and a permanent, manned, facility at this location will hopefully discourage this behaviour.

The car park is located directly next to the A465 trunk road and in an area of specific tourism interest within the Vale of Neath. The Canal Car Park is within close proximity of the Neath Canal and the waterfalls at Aberdulais, Melincwrt and Pontneddfechan. The availability of car parking at this location would also further support visits to the Vale of Neath and the wider county.

Sourcing Contractors for Renovations

The proposal is to undertake a procurement exercise to tender for a suitable contractor to carry out the renovations to the building and delivery of the digital information point.

The renovations will include the conversion of the existing toilet building to create;

1. A café space to be fitted out by the successful leaseholder which will accommodate approximately 17 covers,
2. 1 male, 1 female and 1 disabled toilet
3. A digital information point which will provide visitors with information on the range of things to see and do in the Vale of Neath and wider Neath Port Talbot area.

Lease of Cafe

The Authority proposes to undertake a procurement exercise to tender for an organisation to enter into a 25 year lease to operate a café at this location in conjunction with the Procurement Section to determine who the agreement for lease and lease and should be awarded to.

This successful organisation will also be required to fit out and furnish the interior of the café space at its own cost prior to opening for use.

It is a requirement of the Visit Wales' TAIS funding that the Authority awards the Lease via a tender procurement exercise prior to project completion on 31st December 2020.

The evaluation and acceptance of the successful submission will be based purely on the best rental bid per annum.

The highest bidding organisation will then be awarded the lease, subject to obtaining planning permission and/or building regulations approval for the fitting out and furnishing works.

The highest bidding organisation will then be initially required to enter into an agreement for lease which will bind the organisation into entering the lease, subject to obtaining planning and/or building regulation approval for the fitting out and furnishing works, and timescales for obtaining such approvals and undertaking the works.

Following the conclusion of the works to the Council's satisfaction, the operator would enter into the lease accordingly.

The local Member has been consulted and is supportive of the proposal.

Financial Impacts:

The granting of the lease will provide a rental income for the Authority.

Integrated Impact Assessment:

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016).

The first stage assessment has indicated that a more in-depth assessment is not required.

Valleys Communities Impacts:

There are no valleys communities implications that need to be considered.

Workforce Impacts:

There are no workforce implications in relation to the Authority

Legal Impacts:

Due to the fact that we are looking for both a contractor to undertake the renovation works and also an end-user to operate the Café, there is a requirement for tendering exercises to be undertaken in order for the Council to comply with the Public Contract Regulations 2015 and our own Contract Procedure Rules (CPRs) Furthermore, due to the likely value of this contract, it is likely that public advertisement of the tenders will be required. The Head of Property and Regeneration, in conjunction with the Head of Legal Services, will ensure that there is compliance with the CPRs and the Public Contract Regulations 2015.

In addition, in relation to the tendering exercise for the end-user, Section 123 of the Local Government Act 1972 states that a Council shall not dispose/lease of property for a consideration less than the best that can be reasonably obtained without the consent of the Welsh Government. A disposal for the purpose of this agreement includes a lease of longer than seven years. As the proposed arrangement will be for 25 years, the provisions of S123 become applicable. The Welsh Government has issued a general consent which allows a Council to dispose/lease of property at less than the best consideration that can reasonably be obtained where the Council considers that the purpose for which the property is being disposed/leased is likely to contribute to the promotion of the economic, social or environmental well-being of the whole or any part of its area or of all or any persons residents or present in its area. In addition, the difference between the unrestricted value of the property and the consideration actually obtained must not exceed two million pounds.

The Head of Property and Regeneration, upon taking the advice of the Head of Legal Services, will need to be granted delegated authority to make the determination as to whether market value is achieved during the tendering exercise. It is considered that even if the actual value of the lease achieved equated to an undervalue, the lease would

contribute to the social well-being of the residents of Resolven and Vale of Neath areas as it will provide access to social location and the promotion of tourism for the residents and wider members of the Authority which will be an important resource for these communities. If members were to approve the recommendation on the basis of the contribution to social and environmental well-being, the lease could proceed under the general consent.

In addition, the Head of Property and Regeneration has confirmed that in this instance it is anticipated that any disposal of the café, by way of the proposed lease would be less than £2,000,000.

Risk Management Impacts:

There are no risk management issues associated with this report

Consultation:

There is no requirement under the Constitution for external consultation on this item.

Recommendations:

It is recommended that the Head of Property and Regeneration be granted delegated powers:

- (1) To commence a procurement exercise(s) to source suitable contractors to deliver the construction and digital information point elements of this project.
- (2) To commence a procurement exercise for the granting of an agreement for lease and lease to operate a café from within part of the soon to be renovated public convenience building at Canal Car Park Resolven Neath.

- (3) To set the Heads of Terms and for the agreement for lease and lease to be included in the procurement documentation issued to the interested bidders
- (4) To accept the highest tendered bid. In the event that the highest tenderer declines the award, delegated authority is granted to the next highest bid and so on.
- (5) To enter into an agreement for lease, and lease with an organisation taking into account any obligations on the Authority by virtue of S123 of the Local Government Act 1972.

Reasons for Proposed Decision:

The procurement of a successful contractor and café operator will enable the Council to satisfy Welsh Government's funding requirements, thus securing the capital investment needed to create new provision for visitors to the Vale of Neath.

The letting of the premises for a sustainable alternative use will provide a rental income and will contribute to the Council's tourism development priorities.

Implementation of Decision:

The decision is for immediate implementation.

Appendices:

See attached Plan.

List of Background Papers:

None.

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