

National Poetry Centre - Trinity St. David's Viability Appointments

Date: 20 September 2021

Report of: Culture & Creative Industries Development Manager

Report to: Chief Officer Culture & Economy

Will the decision be open for call in? ☐ Yes ☒ No

Does the report contain confidential or exempt information? ☐ Yes ☒ No

What is this report about?

Including how it contributes to the city's and council's ambitions

- Leeds Culture Trust, University of Leeds, Arts Council England and Leeds City Council have come together to deliver the vision of the UK's Poet Laureate, Simon Armitage, for a new home for poetry in Leeds. The partners wish to establish a new charitable institution to develop and run the National Poetry Centre. The National Poetry Centre would turn an important literary spotlight on Leeds and be a beacon for the City's local and diverse communities. An important function of the centre would be to reflect the widespread renaissance of poetry and provide a focus for individual and collective talents within the Leeds poetry and literature community, tapping into the national poetry infrastructure and increasing the accessibility of the art form to all sections of the society, especially young people.
- In September 2020 a site appraisal, completed by Gagarin Studios in association with Festival & Events International, was completed to assess the 11 available sites. Based on the assessment criteria for the various sites Trinity St. David's Church scored highest and was therefore put forward as the preferred location. The site offers sufficient accommodation into which the aims of the 'National Poetry Centre' could be met.
- It is necessary to build upon the work undertaken by Festivals & Events International and Gagarin Studios in September 2020 and undertake a detailed viability study of the proposed location of the National Poetry Centre, Trinity St. David's Church. With the product of this exercise being a greater understanding of the opportunities and technical challenges the building poses, along with estimated costings necessary to inform future fund-raising efforts.
- Due to this exercise being a continuation of the initial multi-site appraisal it is crucial to reappoint both Festivals & Events International Ltd. and Gagarin Studios to complete this task. This will ensure greater value for money as both parties have previously tendered for the work and will not require additional time and fee for familiarisation with the aims, aspirations and progress to date on the project. Furthermore, this will ensure the critical path programme is met with respect to the project, with any requirement for a new full procurement exercise and subsequent familiarisation period resulting in significant and irreversible delays to the project.

- Consequently, this report seeks to waive 'Contracts Procedure Rules' 8.1 and 8.2, relating to competition for intermediate value procurements, to facilitate these appointments and ensure the detailed evaluation of Trinity St. David's Church is completed in-line with the critical path programme dates for the project.
- The proposals detailed herein will contribute towards the 'Best Council Plan 2020 – 2025' aspirations with respect to being a 'Child Friendly City', by promoting poetry and associated learning opportunities as a consequence of a National Poetry Centre being located in Leeds, and the wider cultural benefits this will offer. Principally, contributing significant growth to the cultural sector within the city, ensuring cultural opportunities are available to all and enhancing the reputation and image of the city by being the location of a national cultural centre.

Recommendations

The Chief Officer for Chief Officer Culture and Economy is requested to:

- 1) Approve the waiver of the following Contracts Procedure Rule to allow the appointment of Gagarin Studios and Festival & Events International for the completion of a viability study to determine if Trinity St. David's Church is a suitable venue for the National Poetry Centre
 - a. **CPR 8.1** Where no appropriate ISP, existing provider or Third-Party Framework Agreement exists, competition is required for procurements valued at or over £25k but at or below £100k.
 - b. **CPR 8.2** Where there are sufficient numbers of providers at least three written tenders will be invited.
- 2) Award a contract to Gagarin Studios and Festival & Events International Ltd. in the sum of £89,508. The contract shall commence on the 1 October 2021 and expire on the 31 March 2022. With the option to extend for a period of 6 months such option not to be taken up more than once.
- 3) Note, the fee estimate of £89,508 includes £53,820 in architectural fees to Gagarin Studios, £15,000 in survey costs which are potentially commission via Gagarin Studios and £20,688 to Festivals & Events International for works associated with establishing the National Poetry Centre Trust.
- 4) Note Pam Johnson, Head of Culture Programmes is the accountable Officer and maintains budget responsibility for the project. Gaby Paradis, Culture and Creative Industries Development Manager and Chris Gosling will represent Leeds City Council on the Steering Group alongside University of Leeds, Leeds Culture Trust, Arts Council England, the Poet Laureate and an independent Chair.

Why is the proposal being put forward?

- 1 In January 2020 the Poet Laureate, Simon Armitage, approached key representatives within Leeds City Council, including senior culture leads and elected members, and the University of Leeds with a view to establishing Leeds as the home of newly proposed National Poetry Centre. As a consequence, a partnership was agreed to assess the viability of developing and delivering this key cultural project within the City. A steering group was subsequently convened to provide oversight on the project, comprising of representatives from Leeds City Council, Leeds Culture Trust ('Leeds 2023'), University of Leeds, Arts Council England. In addition to the poet laureate himself.
- 2 The National Poetry Centre aims to turn an important literary spotlight on Leeds and be a beacon for the City's local and diverse communities. An important function of the centre would be to reflect the widespread renaissance of poetry and provide a focus for individual and collective talents within the Leeds poetry and literature community, tapping into the national poetry infrastructure and increasing the accessibility of the art form to all sections of the society, especially young people.
- 3 To progress the proposal a number of potential sites were identified as possible locations for the centre, being a mixture of legacy buildings requiring renovation and development opportunities on new sites. In order to determine the most suitable location and facility a viability study was commissioned via Festival & Events International, following a full tender exercise. Gagarin Studio acted as their architectural lead and undertook a full assessment of each site, which was then scored based on project objectives and suitability. The subsequent recommendation from the Viability Report was to undertake further investigatory work at Trinity St. David's Church. With this site scoring the highest, despite presenting several key risks associated with building fabric and location.
- 4 Consequently, the recommended 'next steps' of the 'Viability Report' was to complete a Feasibility Study of the highest scoring site. With the intent being to complete activities up to RIBA Stage 2, this would provide; site specific technical appraisals and surveys, establishing technical strategies for key packages (e.g. sustainability, structural, mechanical & electrical), determine key risks (e.g. planning, listed building consents etc.) and quantifying these where possible. The primary product of the 'Viability Report' will be a 'concept design' which is then fully costed by a Quantity Surveyor. These elements will be vital to stakeholder buy-in, validation the building is suitable and setting of funding targets going forward.
- 5 Due to their extensive knowledge of the aims and aspirations of the National Poetry Centre, familiarity with the proposed site for assessment and work completed thus far it is proposed that Gagarin Studios and Festival & Events International are re-appointed to continue developing the proposals up to the completion of RIBA 2. As such this report seeks to waive 'Corporate Procurement Rules' 8.1 and 8.2 in order to facilitate the continued appointment of these specialist consultants.
- 6 Failure to re-appoint both Gagarin Studios and Festival & Events International for this next, critical stage of development will result in the need for a full procurement exercise and additional time allowance for familiarisation with the projects aims and aspirations. Due to programme constraints this would result in up to an eight-week delay, which will exacerbate the delays already encountered in securing additional funding for this coming stage. As such it is recommended that the aforementioned specialists are reappointed in order to fast-track progress with known, high quality professional consultants.
- 7 In the next phase of development, it is proposed that Gagarin Studios manage the design process through to RIBA Stage 2 completion, including procurement of any essential surveys and sub-consultants. Festival & Events International Ltd. will input into this process on a consultancy

basis but will principally be appointed to undertake activities associated with setting up of the Trust to run and manage the National Poetry Centre.

- 8 Following completion of the RIBA 2 'Feasibility' stage a formal procurement review will take place to determine the 'next steps' for delivering the project through to completion.

What impact will this proposal have?

Wards affected:

Have ward members been consulted?

☒ Yes

☐ No

- 9 The proposal herein will ensure that experienced and knowledge professional consultants will be appointed to the National Poetry Centre project to undertake RIBA Stage 2 and complete key activities in establishing the management trust. RIBA Stage 2 will confirm whether Trinity St. David's Church is a feasible location for the National Poetry Centre and, if so, provide a fully costed and informed concept plan. This will enable future project planning and fundraising to take place, as well as locking in the location for the National Poetry Centre going forward.

What consultation and engagement has taken place?

- 10 Consultation has taken place as part of wider strategic briefings on the National Poetry Centre project with Ward Members and the Executive Member for Economy, Culture & Education. Once the site-specific feasibility study at Trinity St. David's Church has been completed, and the site confirmed to be suitable for accommodating the National Poetry Centre, then further project specific consultation will take place with the associated Executive Members and Ward Members.
- 11 To date consultation has been limited to the immediate key stakeholders, including; internal Council departments, University of Leeds and the members of the National Poetry Centre steering group.
- 12 Subject to a successful outcome of the Trinity St. David's Church feasibility a full programme consultation will take place with all key stakeholders. Including, but not exclusive to, third party sector partners, creative organisations, member of parliament, applicable local community groups etc.
- 13 Extensive liaison has taken place with the University of Leeds Asset Management Team, in arranging access to Trinity St. David's Church and in the sharing of vital supporting information packages.
- 14 Once the feasibility of utilising Trinity St. David's Church as the location for the National Poetry Centre has been technically established a full consultation and engagement plan will be drafted, detailing how the project consultation will be delivered through to completion.

What are the resource implications?

- 15 A total cost of £89,508 is attributable to completion of RIBA Stage 2 and activities associated with establishing the trust. Funding for this has been provided by the following bodies: Arts Council England £20,000, Leeds Culture Trust £17,530, the University of Leeds £15,000 and Leeds City Council up to £30,000. The University of Leeds have also offered use of the Trinity St. David's site along with officer support where practical. Utilisation of this funding has been approved by administrative decision on 07/09/2021 under a separate design cost report.
- 16 A fee bid of £53,820 has been submitted by Gagarin Studios for completion of the RIBA Stage 2 activities, in addition to this figure an allowance has been made of £15,000 for the completion of surveys which are potentially procured under the auspices of Gagarin Studios, subject to the most

economical procurement route. In addition, Festival & Events International, have provided a fee bid of £20,688 for consultancy work on the RIBA Stage 2 activities and establishment of the Trust.

- 17 Utilisation of Gagarin Studios for this additional piece of work will build upon there already completed, and previously tendered for, work on evaluating the potential sites available for utilisation as the National Poetry Centre. As such their reappointment to complete the final site feasibility study will ensure continuity of knowledge and experience, which if tendered would result in both a delay to programme but also a need to reappraise any alternative appointees on the specifics of the project. It is anticipated that this will result in a larger fee and longer programme due to the need to effectively start again from scratch. This would increase pressures on the Council's project delivery team and require greater resource to facilitate.
- 18 Festival and Events International Ltd. have provided a fee for completion of the full range of activities required to establish the trust. Having previously tendered for this work during the initial stage their reappointment will ensure this task is handled by one body with no loss of knowledge or time due to transition periods. Establishment of the trust is a specialist task that cannot be undertaken in-house by Leeds City Council, furthermore it must progress in tandem with the design work to ensure that all the legalities and structures are in place for the future management of the National Poetry Centre.
- 19 Officer support is being provided internally from the Culture Programmes team and Asset Management, in addition to 'in kind' support from Leeds University's facilities management and capital team.

What are the legal implications?

- 20 The proposal forming the subject of this report constitutes an 'sig' and therefore is not subject to 'Call-In'. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.
- 21 Awarding a contract directly to Gagarin Studios and Festival & Events International in this way could leave the Council open to a potential claim from other providers, to whom this contract could be of interest. As the opportunity is not being advertised and at least three written tenders invited.
- 22 Case law suggests that the Council should consider whether contracts of this value should be subject to a degree of advertising both within and outside the UK. It is up to the Council to decide what degree of advertising is appropriate but consideration should be given to the subject-matter of the contract, its estimated value, the specifics of the sector concerned (size and structure of the market, commercial practices etc.) and the geographical location of the place of performance.
- 23 The Chief Officer Culture & Economy has considered this and, due to the nature of the specialist knowledge being provided and the relatively low value of the works to be undertaken, is of the view that the scope and nature of the works is such that it would not be of interest to other providers in UK or overseas.
- 24 There is a risk of an ombudsman investigation arising from a complaint that the Council has not followed reasonable procedures, resulting in a loss of opportunity. Obviously, the complainant would have to establish maladministration. It is not considered that such an investigation would necessarily result in a finding of maladministration however such investigations are by their nature more subjective than legal proceedings.
- 25 Although there is no overriding legal obstacle preventing the waiver of CPR 8.1 & 8.2, the above comments should be noted in making the final decision as to whether to award this contract and be satisfied that to do so represents best value for the Council.

What are the key risks and how are they being managed?

26 The key risk to this stage of the National Poetry Centre project development is adherence to programme. If a full tender exercise is required this will require a minimum of six to eight weeks to implement, and would potential result in the appointment of key professional consultants who do not have the extensive project specific knowledge held by Gagarin Studios and Festival & Events International. As such in addition to the six to eight-week procurement delay there would also be an unknown additional 'familiarisation' period associated with getting any new appointments up to speed. It is anticipated this would introduce additional costs to the project and time burden upon both Leeds City Council Officer time and the consultancy(s) appointed. Furthermore, any new appointee would require to effectively start from fresh with respect to engagement with key parties who have limited availability, for example the Poet Laureate himself. In order to mitigate this risk, it is necessary to appoint specialists familiar with the intricacies of the project, as to avoid knowledge loss, repetition of engagements with the 'client' and untenable delay. The proposal detailed herein will ensure the project remains on the critical path and will produce a costed control option that can be used to fund raise and inform subsequent development stages.

Does this proposal support the council's three Key Pillars?

☒ Inclusive Growth

☒ Health and Wellbeing

☒ Climate Emergency

27 The proposal to develop the National Poetry Centre within Leeds will provide significant input into meeting the targets and aspirations of the 'Best Council Plan 2020 – 2025'. With the project meeting targets within the three key pillars of 'culture', 'inclusive growth' and 'child friendly city'.

28 Culture: the project will meet key targets with respect to growing the cultural and creative sector within the city. Ensuring that culture can be created and experienced by all citizens. As home of the National Poetry Centre Leeds will have an enhanced cultural image and more attractive for major events and attractions.

29 Child friendly city: The National Poetry Centre will contribute to improving educational attainment and closing achievement gaps for young people vulnerable to poor learning outcomes. In addition, it will enhance the city for current and future generations.

30 Inclusive Growth: the project will support "Supporting growth and investment, helping everyone benefit from the economy to their full potential".

31 Climate Emergency: Subject to the outcome of the Feasibility Study detailed herein the development at Trinity St. David's Church would be subject to sustainability targets imposed by the planning process. As such it is anticipated that upgrades will be required to the building to provide greater thermal efficiency, utilisation of renewable energy sources and promotion of sustainable travel infrastructure.

Options, timescales and measuring success

What other options were considered?

32 The waiving of the procurement rules noted herein represent the only viable option in order to meet the critical path programme and ensure specialist contractors with critical knowledge and history with the project are appointed to the next, critical, development stage.

33 The only viable alternative is to re-tender the project and run the risk of knowledge loss, delay and cost escalation. To complete this would be intensive on Officer time and produce minimal to no gains to the project itself.

How will success be measured?

- 34 The key performance criteria for the Feasibility Stage is the production of the RIBA Stage 2 report which details the following essential components; production of a concept design with stakeholder buy-in, summary of key technical risk and submission of a full cost plan. These products will help realise the vision for the National Poetry Centre and assist with any future procurement activities and fund raising.
- 35 Completion of key activities necessary to progress the process to establish the Trust who will run and manage the National Poetry Centre.

What is the timetable for implementation?

- 36 It is anticipated that RIBA Stage 2 will require eight to twelve weeks to complete, coupled with the formal appointment process of the consultants it is anticipated that it will be complete by March 2022.

Appendices

- 37 None.

Background papers

- 38 None.