

Orchard Theatre Temporary Structure Final Costs

1. SUMMARY

- 1.1 This is a key decision as it involves the Council committing to spend of over £500,000.
- 1.2 Following a routine inspection of the Reinforced Autoclave Aerated Concrete (RAAC) planks to the Orchard Theatre roof on the 04th September 2023, the Structural Consultant completing the Survey recommended immediate closure of the building. This was due to evidence that the RAAC planks had deteriorated and the area could not remain safe for users. A separate report regarding the works required has already been reported under a Regulation 11 report.
- 1.3 As reported to GAC at Minute 54 on 16 October 2023, the council took steps to provide a temporary theatre venue for the duration of the roof replacement works on The Orchard Theatre.
- 1.4 This report outlines the final budget for the provision of a temporary theatre structure for the duration of the closure.

2. RECOMMENDATION TO GENERAL ASSEMBLY OF THE COUNCIL

- 2.1 That a further Budgetary Provision of £1.1 million using the Finance Stability and Capital Projects reserve is agreed under urgency powers using Standing Order 38

3. RECOMMENDATION TO CHIEF OFFICER

- 3.1 That urgency provisions relating to key decision(s) (standing order 54(7) regulation 11 agreement) be used to allow the Council to incur the additional costs

4. Background and Discussion

- 4.1 As previously reported to GAC at Minute 54 on Monday 16 October 2023, the council took steps to provide a temporary theatre venue for the duration of the roof replacement works on The Orchard Theatre. At that point a budget of £1.5 million using the Finance Stability and Capital Projects reserve was allocated to the project.
- 4.2 The main reasons for the Council taking action and providing a temporary venue were as follows. To safeguard the local economy (The Orchard Theatre generated an economic impact of £4.6 million in the local economy in 2022/23), to safeguard local employment related to the theatre, to continue the cultural offer for Dartford residents and to continue its obligations to Trafalgar Theatres to provide a useable venue from which to operate.
- 4.3 Given both the speed of mobilising the project and the complexities of doing so, additional costs not identified at the point of the original decision to proceed have come to light. It was not possible to identify these costs earlier as they have largely emerged from later engagement with partner agencies once the process of construction had commenced.

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- 4.4 Many of these costs related to ensuring Health and Safety (mainly Fire) compliance for the site and structure and the associated works and project management time required for doing this. There were also changes made to the overall specification of the venue in order to improve the customer experience and manage the impact on the town centre.
- 4.5 A considerable additional cost relates to works required to connect the structure to mains drainage beneath the site. This was both in order to manage the waste water generated from the temporary structure as well as to satisfy the Environment Agency by provided rainwater run-off from the structure into the mains system. Given the future redevelopment plans for the site once the temporary theatre is removed, the improvements to the mains capability on the site will be useful for future uses.
- 4.6 The main areas of additional spend and the reasons why have been identified at Appendix A.
- 4.7 Despite the enormous challenge and time pressures of constructing such a venue, Orchard Theatre West opened for the annual pantomime on 9 December 2023 and has been generally well received by visitors.

5. Relationship to the Corporate Plan

- 5.1 This report relates to the Corporate Plan strategic aim;
To Reduce Overall Health Inequality In Dartford And To Provide For A Rich And Varied Quality Of Life.
And the key action;
Work with commercial and community groups to widen residents' access to culture and arts in the Town Centre.

6. Financial, legal, staffing, administrative implications & risk assessments

Financial Implications	There is not a reserve currently set for the additional spend identified for this purpose but it is proposed that the financial stability and capital projects reserve is used to fund the additional cost. Whilst the reserve is set against the pressures expected in the medium term financial plan and the need to fund capital projects, this part of it can be redirected for this purpose given the urgency of the project and the longer term nature of the reserve.
Legal Implications	<p>Standing Order 38 covers the delegation to the Proper Officer (or other members of the Corporate Leadership Team) of routine and urgent matters. Delegations made from the GAC must be in made in consultation with the Mayor. Delegations from Cabinet must be made in consultation with the Cabinet Chairman or Vice-Chairman.</p> <p>The erection and operating of the temporary theatre venue would need to comply with the relevant, planning, licensing and such other regulations governing the operation of a temporary theatre</p> <p>Urgency provisions relating to key decision(s) (including standing order 54(7), in terms of a regulation11 agreement) have been</p>

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	invoked to enable the Council to increase the budget provision for the temporary theatre.
Staffing Implications	
Administrative Implications	
Risk Assessment	
Climate Change Impact	

- 7. Details of Exempt Information Category - Not applicable
- 8. Appendices – Appendix 1 – Costs

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date / File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
None	N/A	Caroline Hicks	Director of Growth and Community	N/A

Appendix 1 - project budget and final costs

Item	Projected cost (exc VAT)	Final cost (exc VAT)
Structure & fittings	£ 1,186,321.00	£ 1,638,910.00
Cost of moving site compound	£ 125,000.00	£ 124,720.00
Project Management	£ 25,000.00	£ 29,000.00
Planning, licensing and other fees	£ 50,000.00	£ 59,000.00
Contingency	£ 100,000.00	£ -
Additional works relating to fire/health and safety		£ 124,602.00
Site security		£ 41,657.00
Sound mitigation and contngency		£ 126,895.00
Mains drainage connection		£ 455,216.00
	£ 1,486,321.00	£ 2,600,000.00

Narrative

Some amendments to the original spec including number of toilets, back stage and bar areas. This also includes the work involved in changes to the seating configuration to comply with fire regulations. Final structure amount also includes damage insurance

To note, there are likely to be future costs relating to returning the site at Acacia back to car park use.

Increased due to additional requirements

Some fees were higher than anticipated

Mainly relating to fire proofing and re-installing compliant fencing and gates around the site

During build time and include the costs of installing CCTV and Intruder alarm

Remaining works to be carried out including sound damping around heaters.

Connection to mains drainage beneath the site both to utilise mains drainage for the facilities on site but also to satisfy the requirements of the Environment Agency regarding rainwater running off the structure.

STANDING ORDER 38 – EXERCISE OF DELEGATED AUTHORITY- URGENT AND ROUTINE MATTERS

The Openness of Local Government Bodies Regulations 2014 - Regulation 7

A. OPEN/EXEMPT

Exempt Information Category: Standing Order 46(1)(b) Annex 1 para.3

Report Title: STANDING ORDER 38 Orchard Theatre Temporary Structure final budgets

Originator Peter Dosad, Director of Growth and Community Ext: 3405

Reasons for action/decision and why action/decision must be taken before the next Cabinet/GAC meeting: SO38 is to be exercised in order to allocate additional budget for costs that have arisen in relation to providing a temporary venue for the Orchard Theatre for the duration of the works to replace the roof. This will mitigate the impact of a long term closure of the town's primary cultural attraction on staff, the local economy and Dartford residents.

Please see attached report for details of action for decision to be taken by an Officer in consultation with the Cabinet Chairman/Vice-Chairman or Mayor/Deputy Mayor (for GAC):

Details of any Officer/Member interest known to originating Officer: none

B. Financial Implications Checked:

Signed: [Redacted] Title: Head of Finance

Dated: 17/01/2024

C. Staffing and Other Administrative Implications Checked:

Signed: _____ Title HR Manager

Dated:

D. Legal/Vires Implications Checked:

Signed: [Redacted] Title: Head of Legal Services and Monitoring Officer

Dated: 17/01/2024

E. Decision taken by the Director of Housing and Public Protection in consultation with the Cabinet Chairman/Vice-Chairman/Committee Chairman or The Mayor/Deputy Mayor (for GAC)

Signed:

Dated:

F. Signed: [Redacted] (GAC) - The Mayor/Deputy Mayor or Councillor

Dated: 24/1/24

Signed: (Cabinet) - Leader/Deputy Leader: Councillor

Dated:

Signed: (Committee) – Chairman/Deputy: Councillor

Dated:

G. Member Services (for report to the relevant body of action taken under Standing Order 38(2)(b))

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**SPECIAL URGENCY PROVISIONS RELATING TO KEY DECISION (S)
(STANDING ORDER 54(7) REGULATION 11 AGREEMENT)**

OPEN/CONFIDENTIAL Annex A is exempt

Exempt Information Category: Standing Order 46(1)(b) Annex 1 para.

Report Title:

Orchard Temporary Theatre Final costs

Date of Cabinet Meeting or Date of Officer Decision under Delegated Authority: 17 January 2024
September 2023

Originator (Name and Directorate): Caroline Hicks Ext:

Details of any Member/Officer interest known:

A. Key Decision(s) Proposed:

Please see attached report for details of key decision(s) to be taken by the Cabinet or an Officer under delegated authority

B. Reasons for Special Urgency (i.e. why proposed decision(s) cannot reasonably be deferred by the Cabinet or an Officer under delegated authority to allow for advance publication of the proposals)

That urgency provisions relating to key decision(s) (standing order 54(7) regulation 11 agreement) be invoked to enable the GAC to increase the budget provision for the temporary theatre by £1.1m, using the Finance Stability & Capital Projects Reserve.

Signed: [Redacted] Dated: 17.01.24
Title: Director of Corporate Services

c. I, Councillor *S. TEALEY*, Chairman of Scrutiny/ agree that the taking of the key decision(s) as outlined in A. cannot reasonably be deferred for the reasons detailed in B.

Signed: [Redacted] Dated: 24.01.24

E. Conclusions following the agreement referred to in D.above

- Originating Officer (for confirmation);
- Democratic Services (to action quarterly reports on Special Urgency Decisions in accordance with Standing Order 54(9));
- Management Team (for confirmation of D.);
- Democratic Services to:
 - receive confirmation of D.; and
 - include Special Urgency Form as an Appendix to the report to the Cabinet (if applicable); and
 - report Special Urgency Form to the next scheduled meeting of the Scrutiny/Crime and Disorder (Overview and Scrutiny) Committee [refer to D.] in accordance with Standing Order 54(7)(c).

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