



ADVANCED PUBLICATION OF REPORTS

This publication gives five clear working days' notice of the decisions listed below.

These decisions are due to be signed by individual Cabinet Members
and operational key decision makers.

Once signed all decisions will be published on the Council's
Publication of Decisions List.

- 1. BUSH HILL PARK SCHOOL - AWARD OF CONTRACT FOR THE RE-BUILD OF THE 'LIFE EXPIRED' MODULAR BUILD SCHOOL KITCHEN**
(Pages 1 - 26)

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London Borough of Enfield

Delegated Authority Report

Portfolio Decision Of
Cabinet Member for Children's Services

Subject: **Bush Hill Park School** - Award of Contract for the re-build of the 'life expired' modular build school kitchen

Cabinet member: Councillor Abdul Abdullahi, Cabinet Member for Children's Services

Executive Director: Tony Theodoulou. Executive Director – People

Key Decision: **KD 5443**

Purpose of Report

1. This report seeks approval to award a contract utilising the Procure Partnerships Framework for the re-build of the old modular style Kitchen to "Contractor A" (as detailed in the Restricted Appendix A of this report) for the construction works comprising a new kitchen and servery.
2. To note details of the total project expenditure relating to the works, professional and technical fees and project contingency as noted in the Restricted Appendix A of this report and to approve the addition of £184,046 to the Capital Programme.

Proposal(s)

That the Cabinet Member for Children's Services:

3. Approves award of the construction Contract to 'Contractor A' as detailed in restricted Appendix A for the re-provision of the old modular build kitchen at Bush Hill Park Primary School and, for the avoidance of doubt, approves the Council entering into the works contract and ancillary documentation.
4. Notes details of the total project expenditure relating to the works, fees and disbursements as detailed in Restricted Appendix A to this report.
5. Approves the addition of £184,046 to the Capital programme KD5383 and notes the proposed new budget of £1,184,046 which will be managed within the School Capital Allocation fund.

6. To note that the Cabinet meeting in March 2022 (KD5383) states that contract award for professional services and works above £500,000 will also conform to the councils standing orders with approval sought at the appropriate authority level, following the key decision process as required.

Reason for Proposal(s)

7. This scheme proposal is to replace the life expired modular kitchen building at Bush Hill Park Primary School.
8. The new kitchen will provide for a new servery with direct access from the school Hall.

Relevance to the Council's Plan

Sustain strong and healthy communities

The Borough needs to ensure appropriate infrastructure is in place to allow for the growth of the population. This project will assist in the delivery of construction related activity within the borough and its associated employment and economic benefits

Build our local economy to create a thriving place

The provision of good quality schools and buildings helps to ensure a stable strong community.

Good homes in well-connected neighbourhoods

This programme will assist the Council to deliver its construction related projects and programmes which in turn help support the delivery of education services to the benefit of the community.

Background

9. KD 5383 approved the funding for the new kitchen in the sum of £1,000,000.
10. The Building Contract Sum is summarised at Appendix A attached hereto and is to be considered an agreed maximum contract sum.
11. All the insurance requirements and documents will be requested as evidence of compliance prior to entering into a contract. A bond will be required for the subject contract award at 10% of the contract value.

Main Considerations for the Council

- 12.** The existing kitchen facilities are inappropriate for the provision of school meals and the new facility will provide for an efficient and comfortable environment for the staff and pupils.

Safeguarding Implications

- 13.** This is an improvement to the school and the defined works area will be cordoned off from the school community to ensure adequate safeguarding for the school community. The proposed capital works on the cleared site of the old kitchen will be undertaken in full accordance with Health and Safety and CDM regulations.

Public Health Implications

- 14.** The provision of good quality schools helps to ensure a stable, strong community. All contractors and visitors to the building site will be advised of arrangements and restrictions relating to the current covid-19 pandemic and will adhere to any specific requirements made by the contractor and Officers.

Equalities Impact of the Proposal

- 15.** The provision of facilities and local schools across the borough ensures equality of rights to good education provision. A EQiA has been approved for this subject report.

Environmental and Climate Change Considerations

- 16.** Materials have been selected with due regard to their suitability, for purpose and performance, durability, ease of maintenance and repair, resistance to accidental or malicious damage and their environmental impact. Minimal maintenance and economical availability of replacement parts are also essential for the facility to operate smoothly and efficiently.
- 17.** The Council has ambitions to reduce carbon emissions and move away from the use of fossil fuels. This project will be developed without the need for a gas supply to the kitchen. Currently the kitchen appliances use gas and the proposed upgrade to the electrical supply will allow for all appliances to be electric. Decarbonisation for the main building and moving towards zero carbon is a long-term project and needs to consider the viability of replacing the gas fired boilers and addressing the fabric of the building and is therefore excluded from this project.

Life Expectancy

18. The service lifespan assessment shall be as defined in ISO 15686 Part 1 Buildings and Constructed Assets – Service Life Planning, General principals. The structural and non-replaceable components for buildings shall be specified as having a life of 60 years or more. Replaceable components shall have a life appropriate to the structure.

Risks that may arise if the proposed decision and related work is not taken

19. If the existing kitchen facility is not replaced the School will face further issues with the safe and adequate supply of catering needs.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

20. The key risks to this project relate to time, cost and quality.
21. There will be robust contract monitoring to ensure the contract programme is maintained and delivered within the contracted dates. There are provisions in the contract for Liquidated and Ascertained Damages to be levied on the contractor should they not meet the contracted completion dates which will keep them focussed on meeting the programme. Any variations to the programme will be robustly managed to minimise the risk of any contract extensions There will be robust financial monitoring to ensure the project is delivered within the approved budget and this includes a Client contingency (that is not part of the Contract sum) that is approximately 5% of the contract sum. The works will be closely monitored for compliance on site by the CMFM team and this team will include a Clerk of Works to ensure quality is not compromised.

Financial Implications

Summary

22. Cost estimates for kitchen re fit are higher than originally anticipated by £184k therefore this report seeks approval to transfer this amount from holding code within same programme.
23. Financial Regulation (para 5.12) permits virement of budgets within same programme

24. Full amount of £184k to be transferred in 2022/23 with slippage dealt with through quarterly monitoring cycle which will be approved by Council (under financial regulation 6.16)
25. All capital expenditure funded entirely from LA Basic Needs and Maintenance grant funded by the Education and Schools Funding Agency.
26. Costs of meal provision £25k to be funded by School whilst kitchen refit is in progress.
27. DAR report permitted under section 4.2 of Constitution

Budget impact – capital

28. Council approved full life budget £850k 24th Feb 2022 (KD5353) which then reduced to £834k
29. Revised cost estimates transfer of £166k from holding cost approved by Cabinet 9th March 2022 permitted by Financial Regulations para 5.12
30. Further £184k now required to complete contract – holding code has budget 2022/23 only therefore full amount to be transferred within programme (Financial Regulation 5.12) with slippage to be dealt with through quarterly monitoring cycle, table below summarises.

Bush Hill School kitchen (£'s) C101416	2020/21	2021/22	2022/23	2023/24	2024/25	Total
Contract Award			560,000	217,046	16,000	793,046
Prof & Tech fees incl disbursements	40,700	89,500	118,500	17,300	6,000	272,000
Client Contingency and Risk			119,000			119,000
Rounding	47	5	-52			0
Capital expenditure – estimates	40,747	89,505	797,448	234,346	22,000	1,184,046
Council approved 24th Feb 2022 (KD5353)	40,747	75,253	734,000			850,000
Post p8 adjs		-16,000	0			-16,000
C/fwd adjustment 6th, 13th July 2022 (KD5464)		30,252	-30,252			0
Sub total	40,747	89,505	703,748	0	0	834,000
Transfer from holding code C101185 9th March 2022 (KD5383)			166,000			166,000
Additional transfer requested			184,046			184,046
Revised budget	40,747	89,505	1,053,794	0	0	1,184,046
Budget (excess) shortfall – to be re phased as part of Quarterly monitoring cycle	0	0	-256,346	234,346	22,000	0

Budget impact – revenue

31. Meals provision estimated at £25k will not qualify as capital under Council's Capitalisation Policy therefore this cost to be met by School, not the Council's revenue budgets.

Debt

32. Capital expenditure is fully grant funded therefore no additional borrowing required.

Taxation

33. VAT continues to be recoverable in respect of applicable supplies.

Risks

34. Table below sets out significant risks and mitigations

Significant risk	Mitigation
1. Further unforeseen cost increases	This risk is dealt with under item 21 above.
2. Refit takes longer than anticipated resulting in meal re-provision costs falling on Council's revenue budgets	Robust monitoring of the construction programme - also covered under item 21 above.

Legal Implications

35. The Council has a general responsibility for education and to secure efficient primary, secondary and further education to meet the needs of the population in its area under Section 13 of the Education Act 1996 (as amended). In addition, under Section 106 of the Children and Families Act 2014, schools are required to provide free school meals for all pupils in Reception, Year 1 and Year 2. As landlord for community schools, the Council is under general landlord duties in relation to those school buildings, and as an employer, is subject to general health and safety duty for employees and others who may be affected (Health and Safety at Work etc Act 1974).
36. Section 111 of the Local Government Act 1972 enables local authorities to do anything, including incurring expenditure or borrowing, which facilitates or is conducive or incidental to the discharge of their functions. Furthermore, the Council has the power under section 1 (1) of the Localism Act 2011 to do anything that individuals generally may do provided it is not prohibited by legislation and subject to Public Law principles. The recommendations within this report are in accordance with these powers.
37. The value of the proposed contract with Contractor A is below the EU threshold for Works, however officers must ensure that it is procured and awarded in accordance with the Council's Contract Procedure Rules (CPRs). Use of a framework is a compliant route to award, provided it represents best value, and the Procurement & Commissioning Hub have carried out due diligence on the framework in question. The selection of the contractor and the award of the call off contract must be carried out in accordance with the terms of the framework.

38. Under the CPRs, for contracts with a value of £500,000 to £1million, sufficient security from the Supplier should be considered to manage risk. The Service Department must also undertake a risk assessment to ensure that the levels of insurance are adequate seeking advice from the Council's Insurance team as required.
39. This report constitutes a Key Decision under the Council's Constitution and the Key Decision process under the Council's Constitution must be followed.
40. All legal agreements (including all associated documentation) arising from the matters described in this Report must be in a form approved by Legal Services on behalf of the Director of Law & Governance. Contracts whose value exceeds £500,000 are required to be executed under seal.

Workforce Implications

41. There are no workforce implications as a result of the proposed works.

Property Implications

42. the school is a community school and therefore there are no landlord issues arising.
43. In relation to planning consent, this has been gained via Planning Application 21/02866/RE4 which was approved at Planning Committee on 18th November 2021
44. All new or revised asset data arising out of the proposed works must be sent by the Project Manager to Strategic Property Services for input onto the Asset Management Data System, including revised site plans, floor plans, asset information, etc.
45. An inventory list of any material procured and produced will need to be kept. In the event of failure, appropriate arrangements will need to be made for these supplies to be retained and secured for the Council until a decision is made on how best to dispose of them.
46. All other property implications are to be found throughout this report

Other Implications

Procurement implications

47. As the contract is over £500k the service must ensure that sufficient security has been considered to manage risk.

- 48. The service must ensure that any call-off from a framework must be carried out in line with the relevant framework process and via the E-tendering Portal with all documentation retained.
- 49. The service must ensure that authority to procure has been obtained and must be uploaded onto the London Tenders Portal.
- 50. The procurement and award of the works contract, including evidence of authority to award, promoting to the Councils Contract Register, and the uploading of executed contract must be undertaken on the London Tenders Portal, including future management of the contract.
- 51. The awarded Contract must be promoted to Contracts Finder to comply with the Government's transparency requirements.

Options Considered

- 52. To do nothing is not an option as the current kitchen facilities are 'obsolete' and do not provide for an adequate catering experience in terms of the environment of the facility or for the pupils.

Conclusions:

That the Cabinet member for Children's Services:

- 53. Approves award of the construction Contract to 'Contractor A' as detailed in restricted Appendix A for the re-build of the old modular kitchen and, for the avoidance of doubt, approves the Council entering into the works contract and ancillary documentation.
- 54. Approves the addition of £184,046 to the Capital Programme KD5383 and notes the proposed new budget of £1,184,046 which will be managed within the School Capital Allocation fund.
- 55. Notes details of the total project expenditure relating to the works, fees and disbursements as detailed in Restricted Appendix A to this report
- 56. To note that the Cabinet meeting in March 2022 (KD5383) gave its approval to deliver the programme to provide the facilities.

SignedDate.....

Cabinet Member – Children's Services
Tony Theodoulou (Executive Director – People)

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Date of report 22nd June 2022

Appendices

Restricted Appendix 'A'

Background Papers

KD 5383 March 2022 - updated School Condition and Fire Safety Programme 2022/23 to 2023/24 (Updated Schools Capital Programme)

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Enfield Equality Impact Assessment (EqIA)

Introduction

The purpose of an Equality Impact Assessment (EqIA) is to help Enfield Council make sure it does not discriminate against service users, residents and staff, and that we promote equality where possible. Completing the assessment is a way to make sure everyone involved in a decision or activity thinks carefully about the likely impact of their work and that we take appropriate action in response to this analysis.

The EqIA provides a way to systematically assess and record the likely equality impact of an activity, policy, strategy, budget change or any other decision.

The assessment helps us to focus on the impact on people who share one of the different nine protected characteristics as defined by the Equality Act 2010 as well as on people who are disadvantaged due to socio-economic factors. The assessment involves anticipating the consequences of the activity or decision on different groups of people and making sure that:

- unlawful discrimination is eliminated
- opportunities for advancing equal opportunities are maximised
- opportunities for fostering good relations are maximised.

The EqIA is carried out by completing this form. To complete it you will need to:

- use local or national research which relates to how the activity/ policy/ strategy/ budget change or decision being made may impact on different people in different ways based on their protected characteristic or socio-economic status;
- where possible, analyse any equality data we have on the people in Enfield who will be affected eg equality data on service users and/or equality data on the Enfield population;
- refer to the engagement and/ or consultation you have carried out with stakeholders, including the community and/or voluntary and community sector groups and consider what this engagement showed us about the likely impact of the activity/ policy/ strategy/ budget change or decision on different groups.

The results of the EqIA should be used to inform the proposal/ recommended decision and changes should be made to the proposal/ recommended decision as a result of the assessment where required. Any ongoing/ future mitigating actions required should be set out in the action plan at the end of the assessment.

The completed EqIA should be included as an appendix to relevant EMT/ Delegated Authority/ Cabinet/ Council reports regarding the service activity/ policy/ strategy/ budget change/ decision. Decision-makers should be confident that a robust EqIA has taken place, that any necessary mitigating action has been taken and that there are robust arrangements in place to ensure any necessary ongoing actions are delivered.

SECTION 1 – Equality Analysis Details

Title of service activity / policy/ strategy/ budget change/ decision that you are assessing	Bush Hill Park Primary School – Award of Contract – Construction of a new Kitchen to replace the obsolescent modular structure
Lead officer(s) name(s) and contact details	Brendan Bannister
Team/ Department	Schools Capital Delivery Team
Executive Director	Tony Theodoulou
Cabinet Member	Abdul Abdullahi
Date of EqIA completion	16th May 2022

SECTION 2 – Summary of Proposal

Please give a brief summary of the proposed service change / policy/ strategy/ budget change/project plan/ key decision

Please summarise briefly:

What is the proposed decision or change?
 What are the reasons for the decision or change?
 What outcomes are you hoping to achieve from this change?
 Who will be impacted by the project or change - staff, service users, or the wider community?

The Delegated Authority Report notes the approval to award a contract to Contractor 'A' for the construction of a new kitchen and servery at Bush Hill Park Primary School. The project has been initiated because the current kitchen pods have no permanent servery aspect from the Hall and meals are set up for serving without any adequate separation for the pupils and staff from the serving equipment. The kitchens are currently inadequate in design, size, condition and functionality.

The new kitchen will provide a permanent servery with safe separation from the pupils. A ramp will be provided to the rear of the kitchen to allow for ease of access for staff and the overall design will be efficient and provide an altogether improved experience for the staff and pupils.

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SECTION 3 – Equality Analysis

This section asks you to consider the potential differential impact of the proposed decision or change on different protected characteristics, and what mitigating actions should be taken to avoid or counteract any negative impact.

According to the Equality Act 2010, protected characteristics are aspects of a person's identity that make them who they are. The law defines 9 protected characteristics:

1. Age
2. Disability
3. Gender reassignment.
4. Marriage and civil partnership.
5. Pregnancy and maternity.
6. Race
7. Religion or belief.
8. Sex
9. Sexual orientation.

At Enfield Council, we also consider socio-economic status as an additional characteristic.

“Differential impact” means that people of a particular protected characteristic (eg people of a particular age, people with a disability, people of a particular gender, or people from a particular race and religion) will be significantly more affected by the change than other groups. Please consider both potential positive and negative impacts, and, where possible, provide evidence to explain why this group might be particularly affected. If there is no differential impact for that group, briefly explain why this is not applicable.

Please consider how the proposed change will affect staff, service users or members of the wider community who share one of the following protected characteristics.

Age

This can refer to people of a specific age e.g. 18-year olds, or age range e.g. 0-18 year olds.

Will the proposed change to service/policy/budget have a **differential impact [positive or negative]** on people of a specific age or age group (e.g. older or younger people)?

Please provide evidence to explain why this group may be particularly affected.

Pupils at the school are aged 5 to 11 year-olds, organized into 18 classes across Early Years, key stage 1 and key stage 2. There are 660 pupils in total.

The new kitchen facility will permit the safe use by all pupils and protect pupils from the new commercial kitchen facilities. The proposed change will have a beneficial impact on all pupils and will provide an improved work environment for the kitchen staff.

Mitigating actions to be taken

No mitigating action identified.

Disability

A person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on the person's ability to carry out normal day-day activities.

This could include:

Physical impairment, hearing impairment, visual impairment, learning difficulties, long-standing illness or health condition, mental illness, substance abuse or other impairments.

Will the proposed change to service/policy/budget have a **differential impact [positive or negative]** on people with disabilities?

Please provide evidence to explain why this group may be particularly affected.

The improvements are positive in providing improved accessibility of the facilities.

Mitigating actions to be taken

Accessibility of the new kitchen will be enhanced by providing a ramp to the rear of the kitchen allowing for ease of access.

Gender Reassignment

This refers to people who are proposing to undergo, are undergoing, or have undergone a process (or part of a process) to reassign their sex by changing physiological or other attributes of sex.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on transgender people?

Please provide evidence to explain why this group may be particularly affected.

No differential impact identified.

Mitigating actions to be taken

Marriage and Civil Partnership

Marriage and civil partnerships are different ways of legally recognising relationships. The formation of a civil partnership must remain secular, where-as a marriage can be conducted through either religious or civil ceremonies. In the U.K both marriages and civil partnerships can be same sex or mixed sex. Civil partners must be treated the same as married couples on a wide range of legal matters.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people in a marriage or civil partnership?

Please provide evidence to explain why this group may be particularly affected

No differential impact identified.

Mitigating actions to be taken

Pregnancy and maternity

Pregnancy refers to the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Will this change to service/policy/budget have a differential impact [positive or negative] on pregnancy and maternity?
Please provide evidence to explain why this group may be particularly affected
No differential impact identified.
Mitigating actions to be taken

Race
This refers to a group of people defined by their race, colour, and nationality (including citizenship), ethnic or national origins.
Will this change to service/policy/budget have a differential impact [positive or negative] on people of a certain race?
Please provide evidence to explain why this group may be particularly affected
No differential impact identified.
Mitigating actions to be taken

Religion and belief
Religion refers to a person's faith (e.g. Buddhism, Islam, Christianity, Judaism, Sikhism, Hinduism). Belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live.
Will this change to service/policy/budget have a differential impact [positive or negative] on people who follow a religion or belief, including lack of belief?
Please provide evidence to explain why this group may be particularly affected.

No differential impact identified.

Mitigating actions to be taken

Sex

Sex refers to whether you are a man or woman.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on men or women?

Please provide evidence to explain why this group may be particularly affected.

No differential' impact identified.

Mitigating actions to be taken

Sexual Orientation

This refers to whether a person is sexually attracted to people of the same sex or a different sex to themselves. Please consider the impact on people who identify as heterosexual, bisexual, gay, lesbian, non-binary or asexual.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people with a particular sexual orientation?

Please provide evidence to explain why this group may be particularly affected.

No differential impact identified.

Mitigating actions to be taken

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Socio-economic deprivation

This refers to people who are disadvantaged due to socio-economic factors e.g. unemployment, low income, low academic qualifications or living in a deprived area, social housing or unstable housing.

Will this change to service/policy/budget have a **differential impact [positive or negative]** on people who are socio-economically disadvantaged?

Please provide evidence to explain why this group may be particularly affected.

No differential impact identified

Mitigating actions to be taken.

Safe fit for purpose school facilities improving opportunities for children's education and academic achievement

SECTION 4 – Monitoring and Review

How do you intend to monitor and review the effects of this proposal?

Who will be responsible for assessing the effects of this proposal?

There will be monthly monitoring of individual project delivery.



SECTION 5 – Action Plan for Mitigating Actions.

Identified Issue	Action Required	Lead officer	Timescale/By When	Costs	Review Date/Comments
Programme delivery targets	<p>Monthly project monitoring.</p> <p>Annual project and programme review</p>	Brendan Bannister	June 2023	£1.17 million	