



London Borough of Enfield

Report Title	Schools Capital Programme Strategic Delivery Plan 2023/24 - 2024/25- Update on progress
Report to	CABINET
Date of Meeting	21 February 2024
Cabinet Member	Cabinet Member for Children's Services
Executive Director / Director	Tony Theodoulou- Executive Director, People Peter Nathan- Director of Education
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Ward(s) affected	ALL
Key Decision Number	KD5677
Classification	Part 1 Public and Part 2 Private
Reason for exemption	Restricted Appendices A, B & C Not for publication due to commercial sensitivity

Purpose of Report

1. This report from the Education Strategic Resourcing and Partnerships Service (ESRP) provides Cabinet with a progress update on each of the strategic objectives agreed by Cabinet in April 2023.
2. The report also provides details of the Schools Capital Programme agreed by the Lead Member for Children's Service and additional proposed schemes to be brought forward with the additional funding identified through S106 funding, sale of Caretaker Houses and application of identified unapplied capital grant funding.

3. The Schools Capital Programme addresses the Corporate Landlord responsibilities to support and facilitate capital works to ensure the safety and wellbeing of pupils and staff. This includes works and services to maintain and improve the school's estate, meet the demand for additional Special Educational Needs (SEN) Pupil Places and works that contribute to the decarbonisation of the school's estate in line with the Council's Climate Action Plan.
4. The report also outlines additional opportunities for further capital investment outside of capital grant income through the disposal of vacant caretaker properties to deliver the strategic objectives within this report.
5. The report sets out that there is £15.1m proposed to be spent in 2023/24, £20.7m in 2024/25 and £6m in 2025/26 totalling £41.9m to support the delivery of the programme as detailed in Appendix A. A further £12.9m of grant funding is earmarked for the major projects currently at 'pipeline' stage of development.

Recommendations

Cabinet is asked to recommend that Council approves:

- I. Growth of £1.25m in the 2023/24 schools' capital programme (funded from capital receipts and capital grants) to increase the schools capital budget to £15.1m
- II. The use of £5.9m unused schools' capital grant to repay historic schools related borrowing, (paragraph 44)

Cabinet is asked to:

- III. Provide approval to spend for the 2024/25 programme (further to Council approval of the overall 2024/25 capital budget envelope KD5502) (Appendix A)
- IV. Note the further earmarking of £12.9m of capital grant as funding for SEN projects currently held in pipeline (see Appendix A)

Background

6. On 19 April 2023, Cabinet approved KD 5225 - Schools Capital Programme Strategic Delivery Plan 2023/24 - 2024/25 and delegated authority to the Lead Member for Children's Services to agree a more detailed Capital Programme.
7. On 5 June 2023, the Lead Member for Children's Services gave approval through their delegated powers for the detailed Schools Capital Programme 2023/24 – 2024/25.
8. This report now sets out the progress that has been made on each of the four Strategic Objectives approved by Cabinet and additional projects included in the Capital Programme.

STRATEGIC OBJECTIVE 1: Condition Related Works

8. The specific projects that were included in the approved reports are at various stages of delivery as set out in Table 1 below. The majority of the previously approved projects have progressed to delivery with most now complete and in the Defects Liability Period (DLP) for 12 months after their practical completion. Additional projects have been commissioned to commence feasibility and options appraisals with a number progressing to the delivery stage.
9. Officers from the Education Capital Delivery Team have visited schools following the commissioned condition surveys completed earlier in 2023, to further review the school estate and set out plans for future works. Through this collaborative process, a number of schools have made requests for additional works which have been added to the programme. These requests have been assessed against the condition surveys and other evidence provided and have been brought forward into the capital programme within the approved contingency funds. It is proposed that three additional projects are added to the programme (see Table 2) below following the approval of the Executive Director of People as set out in the recommendations of KD5225 approved by Cabinet.
10. Further condition surveys have been commissioned for completion by March 2024 and will be considered for future programmes.

APPROVED CONDITION PROJECTS		
School	Description	Progress
Various Schools	Allowance for Retentions	Generally progressing through defects liability periods (DLP) and project closures.
Bush Hill	New Kitchen and Boilers	Kitchen extension completed in September 2023 and in DLP until September 2024. Boiler replacements complete and now out of DLP.
Hadley Wood	Windows and Cladding	Project completed in September 2023 and now in DLP until September 2024.
Enfield County Upper	Windows and Roofing	Project completed in October 2023 and now in DLP until October 2024.
Southbury	Windows and Roofing	Project completed in September 2023 and now in DLP until September 2024.
George Spicer	Fire Alarm Upgrade	Project completed in October 2023 and now in DLP until October 2024.
De Bohun	Fire Alarm and Emergency Lights	Project completed in September 2023 and now in DLP until September 2024.
Laurel Park (formerly Broomfield)	Toilet Re-Provision	Project completed in September 2023 and now in DLP until September 2024.
Prince of Wales	Heating Pipework	Project completed in August 2023 and now in DLP until August 2024.
Prince of Wales	Kitchen Ventilation	Project completed in September 2023 and now in DLP until September 2024.
Orchardside School	Post completion	Final works in progress due for completion by March

	works	2024
Winchmore	Main Switchboard and Distribution Boards	Feasibility study completed. Works may have to be delayed to Summer 2025 delivery due to other significant projects being undertaken at this school.
Enfield County Upper	Electrical Mains and Distribution	In detailed design stages. Works to be planned for delivery over holiday periods in 2024/2025.
Enfield County Lower	Electrical Mains and Distribution	In detailed design stages. Works to be planned for delivery over holiday periods in 2024/2025.
Raglan Infants	Boilers	Project completed in October 2023 and now in DLP until October 2024.
Laurel Park (formerly Broomfield)	Radiators	Works commenced in September to address issues with initial installation and were predominantly completed in October 2023. These works are under review as part of a mediation agreement.
Winchmore	Changing Rooms	Feasibility study completed for various options to replace Reinforced Aerated Autoclaved Concrete (RAAC) and identify the most appropriate option. Project in design stages with works planned for Summer 2024.
Durants (Lower)	Fencing	Works completed in October 2023 and there is no DLP
Durants (Lower and Upper)	Safety Alarms	Schools to procure the alarms for direct delivery by Summer 2024
De Bohun	Replacement of Modular Nursery Building	Feasibility study commissioned to consider options for replacing the dilapidated nursery building and ensure the nursery provision is not affected.
Oakthorpe	Classroom Reorganisation	Feasibility study commissioned to consider options for replacing several dilapidated extensions and introduce two fully refurbished classrooms for delivery over Summer 2024.
Carterhatch Infants	Kitchen Ventilation	Feasibility study commissioned to replace kitchen ventilation with delivery over Summer 2024.
Capel Manor	Canopy Works	Works completed October 2023 and there is no DLP
Winchmore	Replace Gas Pipework	Feasibility study commissioned to consider options for replacing this pipework.
Various Schools	Fire Precaution Works Programme	Study commissioned to review all condition data and Fire Risk Assessments to prioritise the works needed at various schools based on statutory compliance and H&S risk. Individual projects will then be commissioned for delivery over 2023/24 and 2024/25.

Table 1: Approved Conditions Projects

PROPOSED ADDITIONAL CONDITION PROJECTS

School	Description	Detail
Hadley Wood	Music Room	Project added to the programme to replace the dilapidated music building with a new modular building. Feasibility study to be commissioned.
Prince of Wales	Toilet Upgrade	Project added to the programme to refurbish Key Stage 3 male and female toilets. Revised feasibility study has been completed and design to progress for project delivery over Summer 2024.
Chace Community School	External Works	Major project being delivered through the DfE. Additional funding added to the programme to address off-site works that are not part of the funding agreement. See detailed update below.

Table 2: Proposed Additional Condition Projects

Reinforced Autoclaved Aerated Concrete (RAAC)

11. Reinforced Autoclaved Aerated Concrete (RAAC) has been identified as a significant risk, where found on the school estate. As has been widely reported this method of construction was used in public buildings from the 1950s to the mid-1990s. There is a high risk of structural failure where it has been used. The Council is legally responsible for identifying the risk and funding remedial works. Officers have been following the DfE RAAC guidance note (updated in September 2023) which set out a revised staged approach to dealing with RAAC and commissioned Stage 1 and Stage 2 assessments on all maintained schools to establish the risk.
12. Initial surveys have been undertaken and the existence of RAAC has only been found at one maintained school building at Winchmore School in a changing room block of their sports hall. The works to replace the identified RAAC components are included in the approved programme. However, discussions are ongoing with the DfE for additional grant funding to be provided for the remedial works. Temporary works are not required whilst the changing rooms have been taken out of use, as other areas of the school are being utilised.
13. Detailed work has been completed to provide assurance that no further RAAC exists in other schools through a staged review by accurately dating buildings on the school estate and reviewing drawings, and file records where available. Where buildings were within the RAAC build period, visual surveys were undertaken to substantiate whether RAAC was used.
14. Through the completed Stage 1 and Stage 2 assessments, RAAC was not identified in any further schools (other than Winchmore). The DfE RAAC questionnaire has been completed and submitted.

DfE Schools Rebuilding Programme – Chace Community School

15. The Council was successful in its bid, made to the DfE for the Schools Rebuilding Programme in 2022, for Chase Community School. The DfE have agreed to fund

and manage the rebuilding of the school with the exception of the arts/ dining block that was built in 2011. The rebuilding project has progressed to detailed design. A planning application is scheduled to be submitted early in the New Year. Construction of the new school building on the existing playing field is expected to commence in 2024 (allowing the existing school remains fully operational) and be completed by mid-2025 when the school will decant into the new building(s). Following this the existing school building(s) will then be demolished, and new external play areas delivered with completion by mid-2026.

16. This project has been added to the capital programme in 2023/24 and 2024/25 to cover the cost of works and fees which are not funded through the Schools Rebuilding Programme. This includes site abnormalities, off site works and the capitalisation of the Council's internal fees.

STRATEGIC OBJECTIVE 2: Special Educational Needs Pupil Places

17. The 2023/24 to 2024/25 capital programme continues with the delivery of the approved projects as follows.

SEN PROJECTS		
School	Description	Progress Update
Fern House	Rebuild. Expansion of special provision.	New Build School completed in May 2023. Some external works were planned to be completed over Summer break but playing field works were delayed until spring 2024 to fit within the seeding season. Additional post completion works were instructed to address identified safeguarding issues which were completed in October. Project is otherwise in DLP until March 2024.
Winchmore	Sixth Form and Autistic Unit	Multi Use Games Area (MUGA) project was completed in May and is in use. A works contract for the new 6 th Form block including the autistic unit was awarded through a DAR at the end of July and works started at the end of September. Works are planned for completion by the end of September 2024. Following this the School will fit out the building and familiarise themselves in readiness to accept pupils from the end of October 2024.
Oaktree	Expansion of the school	A new design team and project team has been appointed following completion of the feasibility stage. The project is in an early redesign stage as it has been necessary to change the initial designs to reduce build costs. Works are planned to be delivered in three phases starting in January 2025 and completing in June 2026.
West Lea - Horizon Campus (formerly Swan Annexe)	Remodelling and refurbishment	Works in progress to significantly remodel and refurbish the building. Works are due for completion in May 2024 in readiness for the school to occupy and take pupils from the start of term in September 2024. This building is now fully decarbonised with all gas provision and appliances having been removed and connected to the Energetik Heat network, as well as making significant fabric improvements to improve thermal efficiency and reduce the plant needed to deliver hot water and heating. Some delays were experienced due to flooding of the basement boiler room and complications of replacing drainage across neighbouring land in private ownership.

West Lea - Springfield Campus	New accessible lift	Project completed in September 2023 and now in DLP until September 2024.
Winchmore	New fire evacuation lift	Feasibility study commissioned to look at options to install an external lift shaft as internal works were not feasible. Works planned for delivery during Summer 2024.
West Lea-Laurel Park School	DDA works Phase 1	Project completed in September 2023 to provide improved access and SEN facilities and now in DLP until September 2024.
West Lea-Laurel Park School	DDA works Phase 2	Project in design stages for planned delivery over Summer 2024 to extend SEN teaching spaces at Laurel Park School for the area occupied by West Lea School.
SEND provision	Programme Development	Three additional schemes to be funded from this approved funding (see below).

Table 3: Pre-Approved SEN Projects

DfE Special Free School Programme – Portcullis Lodge

18. The Council was successful in its bid made to the DfE for the Free Special Schools Wave in 2022. The DfE have agreed to fund the building of a new free school in the Borough to provide a 96-place provision for primary pupils with autism and complex needs. The Council put forward the Portcullis Lodge site for development of this free school. The DfE requires the Council to enter into Heads of Terms for leasehold acquisition of the site which include a requirement for the Council to fund costs associated with site ‘abnormals’ and off-site works. Given the complexities relating to ecology, contamination and restricted site access, initial funding has been allocated for 2023/24 from the approved SEND provision development allocation (as set out in Appendix A).
19. Further capital grant funding has been earmarked for this project for 2024/25 and future years (as set out in Appendix A) to cover the Council’s obligations as set out in the Heads of Terms.
20. The DfE requires the Heads of Terms are agreed by the s151 officer by mid-February 2024 including the financial commitment. To ensure the DfEs remain committed to deliver the new school it is imperative that the Councils contribution is agreed (as set out in Appendix A).

Addison House

21. Addison House is a vacant education site in Southgate which has been earmarked for SEN provision. Initial viability studies undertaken in 2021-22 suggested that the site could accommodate 30+ pupils if remodelled and extended. This work was halted due to a lack of identified funding to bring forward capital works. Initial funding has been allocated for 2023/24 from the approved SEND provision development allocation (as set out in Appendix A) to recommence the feasibility study for this project.
22. Further capital grant funding has been allocated to deliver this project for 2024/25 and future years (as set out in Appendix A).

Former Eldon Secondary Tuition Centre

23. This site at Eldon Road in Edmonton was formerly used as a Secondary Tuition Centre. The site has been vacant for approximately four years following the building of Orchardside School in Bullsmoor Lane which now accommodates students that attended the Eldon STC site.
24. As with Addison House early viability work was halted on developing a proposed SEN use for this site. The ESRP Service has attempted to work with other Council departments to consider options for this site including disposal and/or a land swap for a more appropriate site for education use. Initial funding has been allocated for 2023/24 from the approved SEND provision development allocation (as set out in Appendix A) to ascertain the optimum beneficial use of this site.

SEN Provision in Mainstream Schools – Additional Resourced Provision (ARPs) and Designated Units

25. ESRP have been supporting the SEN Service to establish new ARPS and Designated Units to provide additional SEN places for children and young people whose parents would like them to attend a mainstream setting. This has provided an additional 158 SEN places over the last two years by identifying space within these mainstream settings and without any investment of capital funding.
26. To assist the future development of this type of provision ESRP have proposed a capital grant fund that will be available to any academic institutions wishing to establish ARPs and Units that are able to accommodate significant numbers of Enfield learners. A draft application process is currently being finalised. Applications will be assessed on a case-by-case basis depending on the cohort and number of places to be provided. ESRP will manage the application process with a final sign off on each by the Director of Education.
27. Grants will be funded by income generated from the disposal/appropriation of vacant caretaker properties (see Strategic Objective 4 below) and s106 contributions. Expenditure will remain within the approved funding envelope laid out in the restricted appendices.

STRATEGIC OBJECTIVE 3: Decarbonisation and Energy Projects

28. As reported in the detailed delivery plan, the condition surveys have identified a number of schools where the fabric is in poor condition and where there are opportunities to make improvements to increase the thermal efficiency. Delivering these approved projects (see Table 3. below) is the first step to introducing decarbonisation initiatives whilst improving the teaching environments, reducing heat loss and heat gain.
29. Once the fabric has been improved, the next priority will be to replace gas boilers that are coming to the end of their life expectancy with alternative 'greener' options. Works will also be required to replace the secondary heating systems such as new radiators and pipework, so they operate at a lower temperature that suits Air Source Heat Pumps/ Ground Source Heat Pumps and Energetik connections.
30. As stated in the original report to Cabinet these works will require significant capital investment and be subject of future applications for match funding through the Public-Sector Decarbonisation Scheme and the Low Carbon Skills Fund.

31. The School Capital Programme will continue with its work to improve thermal efficiency and to undertake further surveys and develop Heat to Decarbonisation Plans to bring forward projects in the 2024/25 – 2025/26 programme which will be reported to Cabinet in later this year.

Thermal Efficiency Projects		
School	Description	Progress Update
Chace Community	Roofing to Art Block	Feasibility study completed and option to replace roof coverings including the removal and reinstatement of solar panels agreed. Designs in progress for works to be undertaken in Summer 2024. Note: <i>This building is excluded from the DfE Schools Rebuilding Programme project to replace the remaining school buildings.</i>
Winchmore	Roofing to Science Block and Millennium Block	A feasibility study has been completed for the roofing works which now include the replacement of mechanical ventilation elements as this plant is on the roof and is in poor condition. Designs in progress for works to be undertaken in Summer 2024
Enfield County Upper	Roofing, ventilation and windows to 1950's block	Feasibility study completed. Designs in progress for works to be undertaken in Summer 2024.
Oakthorpe	Roofing and windows	Feasibility study commissioned to replace doors, windows and sections of roofing with delivery over Summer 2024.
Highfield	Windows	Feasibility study commissioned to replace doors and windows with delivery over Summer 2024.
Capel Manor	Roofing	Feasibility study commissioned to replace sections of roofing with delivery over Summer 2024.
Decarbonisation Programme	Multiple Schools	Additional project to be identified as per para 29 above.

Table 4: Thermal Efficiency Projects

32. ESRP have also identified from its engagement with schools the existence of fluorescent lighting in many settings. It should be noted that the production of many types of fluorescent lighting was banned by the government in 2023 and sourcing light bulbs has already become increasingly difficult. It is likely that a number of lighting projects will be added to the programme in future years.

STRATEGIC OBJECTIVE 4: Caretaker Houses Disposal

33. In October 2021, Cabinet approved the Strategy for the use of vacant site managers residential dwellings at community schools (KD 5373). It was agreed that disposal/appropriation would result in a capital investment into the educational estate (as is required by the DfE) and specifically to support the development of additional Special Education Needs (SEN) places.

34. The Schools Capital Programme confirmed the target of disposing of 5 properties in the 2023/24 financial year.

35. The table below outlines progress on this Strategic Objective thus far this financial year.

Location	Progress Update
Bell Lane	SOLD at Auction – 30/6/23
Raglan Schools	Appropriated for use by Children Services 26/09/23.
Carterhatch Schools	Appropriated for use by Children Services 26/09/23.
Hadley Wood School	ESRP are working with the school to get their agreement for the house to be declared surplus to their educational requirements by the governing body. Once declared Secretary of State approval will be sought to allow disposal. The aim is to sell and receive funds by the end of the financial year.
De Bohun School	Secretary of State approval received 2 nd August 2023. Works ongoing to prepare house for sale at auction. The aim is to sell and receive funds by the end of the financial year.
Prince of Wales School	ESRP are working with the school to get their agreement for the house to be declared surplus to their educational requirements by the governing body. Once declared Secretary of State approval will be sought to allow disposal. The aim is to sell and receive funds by the end of the financial year.
Capel Manor School	Secretary of State approval received 22 nd September 2023. Works are ongoing to prepare the house for sale at auction. The aim is to sell and receive funds by the end of the financial year.
Eversley School	ESRP have been working with the school. Plans have been held up whilst the school considers an academy transfer.
Firs Farm School	ESRP are working with the school to get their agreement for the house to be declared surplus to their educational requirements by the governing body. Once declared Secretary of State approval will be sought to allow disposal. Due to the nature of the site establishing adequate safeguarding and security requires significant development work. The aim is to dispose of the house in the next financial year 2024/25.
Waverly School	The School declared the house surplus on 10/10/23. Secretary of state approval was sought w/c 16 th October. The house is scheduled to be sold this financial year.
Chace Community School	Chace Community School will be rebuilt as part of the DfE School Rebuilding Programme. Once complete ESRP will work with the school to declare the house surplus and apply for Secretary of State approval, post works in 2025/26.
Enfield County School	ESRP are working with the school to get their agreement for the house to be declared surplus to their educational requirements by the governing body. Once declared Secretary of State approval will be sought to allow disposal. The aim is to sell and receive funds by the end of the financial year.

Table 5: Caretaker House Disposal Update

36. One house has been disposed of to the open market thus far this financial year generating a capital income which is to be reinvested into the Schools Capital

Programme to undertake safeguarding and security works at the identified schools and expand SEN provision (detailed in Restricted Appendix B) as agreed in KD5373. Two houses have been appropriated for use by Children's Services. The Council is required to demonstrate non-capital grant funded investment (equivalent to the red book value of the properties) into the schools' capital programme. As the appropriation will not result in a cash capital receipt, Corporate Finance have proposed that this is facilitated through additional schools related s106 contributions (as detailed in Restricted Appendix B).

37. Future disposals will seek to maximise the income generated with independent valuations sought in addition to the red book valuation required by the DfE to ensure that the highest possible income can be achieved for investment into Special Educational Needs. Although the value of each of the remaining properties will be dependent on a valuation at the point of disposal, it is estimated that a total of £2.6m will have been generated by the end of the financial year (two more properties to be sold) with a total of circa £7.5m to be generated from the sale of all of the 12 vacant caretakers houses currently identified. An update on disposal will be subject to separate reporting to Cabinet on KD5373.

Relevance to Council Plans and Strategies

38. This programme will assist the Council to deliver its construction related projects which in turn help support the delivery of education services to the benefit of the community.
39. This programme will assist in the procurement of construction related activity within the borough and its associated employment and economic benefits. The Borough needs to ensure appropriate infrastructure is in place to allow for the growth of the population.
40. The provision of good quality schools and buildings helps to ensure a stable strong community.

Financial Implications

41. The original schools' capital programme budget for 2023/24 at the start of the year was £24.8m (KD5225). In November Council approved the carry forward of £10.9m of this budget into 2024/25. This resulted in a revised approved capital programme of £13.9m.
42. The Council is forecasting spend of £15.2m in 2023/24 (as detailed in Appendix A). Council is therefore asked to approve an increase in 2023/24 capital budget of £1.25m. This increase will be funded from a combination of capital receipts from the disposal of caretaker's houses and capital grant.
43. A balance sheet review of unspent schools' capital grant funding and S106 contributions has been completed (Appendix C). This work has confirmed the availability of £57.3m of unapplied schools' capital grant funding, £0.6m ringfenced schools related capital receipts and £2.3m in schools related s106 contributions (subject to Strategic Planning Board approval) (total £60.2m) at 30

September 2023. Further in-year capital grant allocations will be received in 2024/25 and 2025/26.

44. The same balance sheet review also identified £5.9m of historic schools related borrowing that was taken out in 2014/15. I for capital works at Enfield County Lower Art Room, Chesterfield School, Edmonton County and Worcester Primary School. It is proposed that this borrowing is repaid from unspent DfE capital grant. This proposal would reduce the Council's revenue debt repayment budget requirement by around £100k per annum.
45. In addition to utilising unspent DfE capital grant to repay £5.9m schools related borrowing, the schools' capital programme proposes utilising £15.2m grant in 2023/24, £20.7m in 2024/25 and £6m in 2025/26. Additionally, £12.9m is earmarked as funding for major schools capital projects in the pipeline.
46. This will leave a residual unspent DfE capital grant balance of £6.4m – grant which is available to allocate further building related school works not yet budgeted for.

Revenue Budget Impact

47. The proposal to utilise £5.9m capital grant to 'repay' schools related borrowing will result in revenue debt financing savings of around £100k per annum.

Borrowing Impact

48. No new borrowing is assumed within the schools capital programme.

Taxation

49. The council will reclaim all VAT on expenditure through its regular submissions for input VAT. No other known tax implications.

Accounting Treatment

50. Costs will be accounted for in compliance with the Councils capitalisation policy. Any costs that cannot be capitalised will be charged to the schools revenue budget.
51. All works proposed within this report for the schools programme will contribute towards the enhancement of existing school buildings and extend the useful life of the assets and therefore meet the criteria for capitalisation.

Legal Implications

52. Section 13 of the Education Act 1996 ("the 1996 Act") places a general duty on local authorities to contribute (so far as the Council's powers enable them to do so) towards the spiritual, moral, mental and physical development of the

community by securing that efficient primary education, secondary education and further education are available to meet the needs of the population of their area.

53. Section 14 of the 1996 Act says that local authorities shall secure that sufficient schools are available in its area for providing primary and secondary education. 'Available' means schools which are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.
54. In addition, section 27 of the Children and Families Act 2014 says that local authorities must keep under review the educational provision, training provision and social care provision made in its area for children and young people who have special educational needs or a disability. The authority must consider the extent to which the provision referred to above is sufficient to meet the educational needs, training needs and social care needs of the children and young people concerned. In exercising its functions with respect to section 27, the Authority must consult children, young people, parents and schools, amongst others.
55. Proposal requiring Planning Permission pursuant to section 57 of the Town and Country Planning Act 1990 ("the 1990 Act") in respect of any school site will be made in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. This will require statutory and public consultation. Pursuant to section 316 of the 1990 Act, regulation 3 of the Town and Country Planning General Regulations 1992 and the Council's constitution, the decision as to whether to grant planning consents will be a matter for the Council's Planning Committee. Works should not commence until such time as approval is given and any pre-commencement conditions (if required) by the planning permissions are discharged.
56. Council officers must be mindful of, and comply with, any conditions attached to the grant funding which may be used when delivering the proposals within this Report.
57. When procuring and awarding contracts pursuant to this Report, the Council must comply with its Contract Procedure Rules, the Public Contracts Regulations 2015 (or the Procurement Act 2023 and ancillary legislation once in force), and its obligations with regard to obtaining best value under the Local Government Act 1999. Any use of frameworks must comply with the framework terms and there must first be after due diligence carried out on the framework by the Procurement and Commissioning Hub.
58. Section 123 of the Local Government Act 1972 requires the Council to not dispose of land and property held by it (otherwise than by way of a short tenancy) for a consideration less than the best that can be reasonably obtained.
59. The disposal of school land held by a local authority requires the Secretary of State's prior consent under paragraph 4 of Part 1 of Schedule 1 to the Academies Act 2010. This applies to all land which has been used wholly or mainly by a school in the last eight years, whether still open or now closed. If a Site Manager's house forms part of the Council's title to the school land and has been used "wholly or mainly" for the purposes of a school at some time in the past eight years consent from the Secretary of State for Education (SoS) will have to be obtained before the Council can dispose of the house.

60. Local authorities have statutory powers to allocate land for specific purposes and transfer the use of land from one purpose to another under section 122(1) of the Local Government Act 1972. This transfer of use from one purpose to another is known as an Appropriation. Under paragraph 6 of Part 1 of Schedule 1 to the Academies Act 2010, local authorities must seek the Secretary of State's prior consent to appropriate land they hold where it has been used wholly or mainly for the purposes of a school or 16-19 academy in the last eight years, whether still open or now closed.
61. All disposals and appropriations of land need to be undertaken in accordance with the Council's Property Procedure Rules.
62. Section 106 contributions are to be attributed both in accordance with provisions contained in the respective section 106 Agreements entered into and the Community Infrastructure Regulations 2010.
63. All contracts should be in a form approved by Legal Services on behalf of the Director of Law and Governance

Equalities Implications

64. An Equalities Impact Assessment was submitted with the original School Capital Programme – Strategic Delivery Plan in April 2023. The Council's approach to meeting its statutory duty to ensure that there are sufficient pupil places across the Borough to meet demand ensures that these places are not discriminatory and guarantee that all children have access to quality education.
65. The Council has had due regard to its Equalities Duties and in particular with respect to its duties arising pursuant to the Equality Act 2010. It is considered that the delivery of condition related projects and decarbonisation projects will have no adverse impacts in respect of protected characteristics. As such, the Council considers that there is no need for an Equalities Impact Assessment to be carried out for each of these projects and that in approving this proposal the Council will be acting in compliance with its equalities duties.

Environmental and Climate Change Implications

66. Enfield's maintained schools make up a significant proportion (approximately 30%) of the Council's direct carbon emissions. Supporting maintained schools to reduce these emissions is a focus of the Council's Climate Action Plan. As well as supporting behavioural change, the approved programme is delivering improvements to school buildings and sites, which will deliver improved thermal efficiency, decarbonise heat sources, increase the generation of renewable energy and increase offsetting and resilience, for example through tree planting and Sustainable Drainage Systems (SUDS).

Public Health Implications

67. Good quality accommodation and external learning environments creates spaces for continued and sustained learning development, social integration and well-being.

Property Implications

68. The property implications for the programme of works within this report are intrinsic within it.

69. The Caretaker's House disposals form part of a joint project to bring in income for SEN places. Houses are considered for alternative operational use and housing use prior to being brought forward for sale. Disposal fees of 4% of the sale value cannot be levied for houses that are appropriated rather than sold to an external party and therefore the full appropriation value is defined by the red book valuation submitted as part of the submission to the DfE as set out in Appendix B.

70. Any construction work proposed for these houses and subsequent planning permission that may be required will be the responsibility for those who have acquired the property.

71. All new or revised asset data, O&M manuals and warranties arising out of the capital programme 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. All relevant compliance-related activities will need to be put into place for these assets and appropriate contracts for servicing activities may be required. All works should be compliant with relevant legislation including CDM and Building Regulations. An inventory list of any materials 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.

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Appendices

Restricted Appendix A- Updated programme of works

Restricted Appendix B- Caretaker houses income and commitments

Restricted Appendix C- Funding 2023/24 to 2025/26

Background Papers

KD5225 - Schools Capital Programme Strategic Delivery Plan 2023/24 - 2024/25

Detailed Schools Capital Programme 2023/24 – 2024/25

KD 5373 Strategy for the Disposal and Use of Vacant Caretaker Properties