

MEETING TITLE AND DATE:

Cabinet, 23 January 2019

REPORT OF:

Executive Director of People
Cabinet Member for Children's
Services

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Agenda – Part: 1

Item: 8

Subject: Updated School Condition and Fire
Safety Programme 2018/19 to 2020/21
(Schools Capital Programme).

Wards: All Wards

Key Decision No: KD 4755

Cabinet Member consulted: Cllr Achilleas
Georgiou - Cabinet Member for Children's
Services

1. EXECUTIVE SUMMARY

- 1.1. Under the Scheme for Financing Schools, the Council retains responsibility for major items of repair in schools. Condition is one strand of the Schools' Asset Management Plan alongside Sufficiency and Suitability. A programme of projects has been collated to rectify and eliminate repairs items of a high technical or strategic priority for consideration in 2018/19, 2019/20 and indicative allocations for 2020/21.

2. RECOMMENDATIONS

It is recommended that approval be given to:

- 2.1. the proposed programme of works including professional and technical expenses detailed in the restricted Appendix A of this report (attached to the part 2 agenda) or any other emergency schemes proceeding up to the total three-year indicative Programme value of £60 million.
- 2.2. the Executive Director People to:
- (i) approve tenders for individual schemes or schemes of aggregated value up to a maximum of £500,000 including professional and technical expenses;
 - (ii) manage the Programme in a flexible way within the overall budget available, to take account of variations between estimates and tender costs and the need to substitute schemes having a greater technical priority if the need arises using the tender acceptance report pro forma; and
 - (iii) allocate any contingency provision (up to a maximum of £250,000 including professional and technical expenses) to emergency projects and/or to schemes identified as priority but not yet programmed

To note that:

- 2.3. This report combines Schools' condition and expansion projects into one capital programme;
- 2.4. A portfolio decision Cabinet Member for Children's Services will be sought in relation to the approval of tenders for any proposals exceeding £500,000 in value including professional and technical expenses.

3. BACKGROUND

- 3.1. The Council as Corporate Landlord is responsible for major works to address the condition of community and foundation schools. Such works mainly relate to building structure, roof replacement and electrical and mechanical services. Separate funding streams are available for Voluntary Aided Schools for this work through the LCVAP Programme. Under the Scheme for Financing Schools the de minimis limits for delegation for repairs and maintenance are £36,000 for primary and special schools and £53,000 for secondary schools. Community and foundation schools are also wholly responsible for the cost of external decorations, internal painting and the maintenance of boundary fencing, playgrounds and drainage systems.
- 3.2. To maximise resources available to school condition projects and school expansion projects all central Government resources have been combined into one capital programme. This is achieved by pooling central Government Grants and developer contributions into a People capital programme for schools.
- 3.3. Under the requirements of the Regulatory Reform Fire Safety Order (RRFSO) 2005, the responsible person for the premises must ensure that a fire safety risk assessment is completed for the building and kept under review. The results of the assessment should be made available to staff and others working in the building.
- 3.4. A proposed programme for 2018/19 and 2019/20 (indicative to 2020/21), has been formulated to address the most urgent condition items. Projects have been prioritised for inclusion in the Programme based mainly on technical information in condition surveys commissioned by Construction Maintenance Construction Team through external consultants. Projects have been ranked as far as possible according to the extent of urgency using the Department for Education definitions:
- | | |
|------------|---|
| Priority 1 | Urgent work that will prevent immediate closure of premises and/or address an immediate high risk to the health and safety of occupants and/or remedy a serious breach of legislation. |
| Priority 2 | Essential work required within 2 years that will prevent serious deterioration of the fabric or services and/or address a medium risk to the health and safety of occupants and/or remedy a less serious breach of legislation. |
| Priority 3 | Desirable work required within 3 to 5 years that will prevent deterioration of the fabric or services and/or address a low risk to the health and safety of occupants and/or remedy a minor breach of legislation. |
| Priority 4 | Long term work required outside the first five year planning period that will prevent deterioration of the fabric or services. |
- 3.5. A schedule of fire safety improvements has also been prepared based on recommendations from the Council's Fire Safety Adviser.

- 3.6. Any work identified at premises where the Council no longer has a long-term interest or to individual buildings that have a limited life, has been deferred. Account has also been taken to defer potential expenditure at any schools whose premises are likely to be substantially changed under the Schools Expansion Programme. However, where works at such schools are deemed essential to meet Health and Safety requirements, they have been included in the proposed programme.
- 3.7. In line with previously agreed procedures, it is proposed that the Executive Director of People should continue to be authorised to approve tenders for individual schemes or schemes of aggregated value up to a maximum of £500,000 including professional and technical expenses. Any schemes exceeding £500,000 will be the subject of a portfolio decision and lodged as a Key Decision within the Council's Democratic process.
- 3.8. It may be necessary to amend the Programme to take account of variations between estimates and tender costs and the need to substitute schemes having a greater technical priority such as breakdowns of heating systems or plant, if the need arises. It is proposed that the Executive Director of People should continue to be authorised to take relevant action in such cases.
- 3.9. This report identifies necessary work to the value of £60 million for schools' maintenance, condition, fire safety, access and kitchen works which are a priority. In addition, every effort will be made to reduce to Council borrowing commitments to school expansion projects by contributing Capital Maintenance Grant to the Schools Expansion Programme (SEP).
- 3.10. Update Priority Schools Building Programme 2 (PSBP2):
1. Durants Special School - Representatives of the ESFA, is in advanced designs with the school on refurbishment of the Old Building.
 2. Walker Primary School - Whole school rebuild. Representatives of the Education and Schools Funding Agency (ESFA), have applied for planning permission for the school on rebuilding of the school.
 3. Eldon and Brimsdown Kitchen rebuilds are complete.
- 3.11. Special School Expansions and other works added:
In support of the SEP the Maintenance programme has additional expansion projects required to facilitate additional places at special schools and minimise the need for General Resources.
- 1 Garfield Autistic Unit – refurbishment of the existing Key Stage 2 building and external areas to facilitate an autistic unit. Work is progressing.
 - 2 Garfield - Site Managers House. As previously agreed by Director of Schools & Children's Services to move the house rebuilding into the capital maintenance programme.
 - 3 Durants Upper Unit - additional funding in support of SEP to replace the need for any General Resources.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. In considering potential bids, the Schools and Children's Services Asset Management Unit reviewed all unresourced Technical Priority 2 schemes identified in condition surveys. Because the value of schemes exceeded the resources available, it was necessary to prioritise certain categories of schemes and defer proposals having lesser technical priority.

5. REASONS FOR RECOMMENDATIONS

- 5.1 The recommendations have been made to enable work to be commissioned on condition works of an urgent nature in schools for 2018/19.

6. COMMENTS FROM OTHER DEPARTMENTS

6.1. Financial Implications

- 6.1.1. The following table shows how the proposed works will be funded within the existing People school's capital programme:

Funding

Year of allocation and source	Allocation status	Previous years funding allocated to current projects	2018/19	2019/20	2020/21	Total
		£000	£000	£000	£000	£000
2018/19 Maintenance Grant SEND	Actual Actual		£ 10,803 £ 2,555			
2019/20 Maint Grant Basic Need	Indicative Actual			£ 5,000 £ 9,970		
2020/21 Maint Grant Basic Need	Indicative Actual				£ 5,000 £ 7,613	
Total		£ 26,896	£ 13,358	£ 14,970	£ 12,613	£ 67,837

The Schools capital programme is entirely funded from external sources.

- 6.1.2. The proposed works detailed in restricted Appendix A (attached to the part 2 agenda) are an amalgamation of previously approved schemes, which are carrying over from 2017/18 and new priority schemes starting in 2018/19 and 2019/20.
- 6.1.3. The schools' capital programme is entirely funded via external sources. Funding is provided annually by the Education and Schools Funding Agency through its LA Basic Needs and Maintenance grants to support the Council's schools' capital programme.
- 6.1.4. Contributions in the form of S106 receipts from private developers is also received towards the schools' capital programme.
- 6.1.5. Revenue implications from these projects will be contained within existing budgets.

6.1.6. The updated programme will be reviewed and updated as part of the quarterly capital monitoring reporting processes.

6.2. Legal Implications

6.2.1. The proposals have been lodged as a Key Decision through the Council's democratic process since the proposed capital expenditure will exceed £250,000.

6.2.2. The Council has the general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals generally may generally do provided it is not prohibited by legislation. There is no express prohibition, restriction or limitation contained in a statute against use of the power in this way.

6.2.3. The documentation governing the terms on which the goods, works and services are to be provided under the individual contracts (including as to price) must be in a form approved by the Assistant Director (Legal Services).

6.2.4. All goods, services and works commissioned (including the procurement and award of contract) under this report will be in accordance with EU and UK public procurement law, and the Council's Constitution (in particular, the Contract Procedure Rules)

6.3. Property Implications

6.3.1. The implementation of the Condition Programme will extend the life of school buildings and provide a safe and suitable learning environment for pupils.

7. KEY RISKS

7.1.1. Unless the Council is able to resume a comprehensive condition programme, there will be a serious risk of building closures due to failure of structure, electrical services or heating plant. Health and safety issues will also arise without a significant investment in fire safety improvements.

8. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

8.1. 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.

8.2. Sustain strong and healthy communities

This term contract 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.

8.3. Build our local economy to create a thriving place

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

9. EQUALITIES IMPACT IMPLICATIONS

Unless the Council is able to resume a comprehensive condition programme, there will be a serious risk of building closures due to failure of structure, electrical services or heating plant. Health and safety issues will also arise without a significant investment in fire safety improvements.

10. PERFORMANCE AND DATA IMPLICATIONS

An Equality Impact Assessment has been carried out. A strategy has been developed to ensure that there are sufficient pupil places across the Borough to meet demand, that these places are not discriminatory and to ensure that all children have access to quality education.

11. HEALTH AND SAFETY IMPLICATIONS

The works concerned will be undertaken in full accordance with Health and Safety and CDM Regulations.

12. PUBLIC HEALTH IMPLICATIONS

Good quality accommodation and external learning environment to create spaces for continued and sustained learning development, social integration and well-being.

Background Papers

None

Appendix A - Updated School Condition and Fire Safety Programme 2018/19 to 2020/21 (Schools Capital Programme).

Note: Appendix A is restricted and contains exempt information. The Appendix is attached to the part two agenda for Members' consideration.