

# MUNICIPAL YEAR 2019/2020 REPORT NO. 213

## MEETING TITLE AND DATE:

Cabinet – 11 March 2020

## 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 2020/21 to 2021/22 (Schools Capital Programme).

**Wards:** All Wards

**Key Decision No:** KD 5082

**Cabinet Member consulted:** Cllr Rick Jewell  
- Cabinet Member for Children's Services

## 1. EXECUTIVE SUMMARY

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 2020/21 to 2021/22.
2. The Schools' capital programme is entirely funded from Central Government Grants and Section 106 Developer contributions.
3. The Council as Corporate Landlord responsibility for major works at schools and employs the latest technology and an energy saving improvements to meet the Climate Change Agenda.

## 2. RECOMMENDATIONS

- 2.1 It is recommended that approval be given to:the proposed programme of works including professional and technical expenses detailed in the restricted Appendix A of this report or any other emergency schemes proceeding up to the total three-year indicative Programme value of £28 million.
- 2.2. the Executive Director People to continue:
  - (i) approving 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
  - (iv)That it is recommended, through this report, to reduce the schools de minimis limits to £15,000 for primary and special schools and £25,000 for secondary schools.

To note that:

- 2.3. 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. When renewing building elements and services the designs take account of the latest technology and an energy saving improvements to meet the Climate Change Agenda by replacing life expired building elements with new more efficient equipment and materials.
- 3.2. Currently 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. However, the funding limits were set when the schools received much higher levels of Devolved Formula Capital (DFC). There have been recent incidents where urgent condition issues have arisen that are beyond the resources of the school but below the de minimis limits, in these situations Officers have redirected funding to prevent building closure or on Health and Safety grounds. Therefore it is proposed, through this report, to reduce the de minimis limits to £15,000 for primary and special schools and £25,000 for secondary schools. Projects will be prioritised for inclusion in the Programme based on technical information in condition surveys commissioned by Construction Maintenance Construction Team through external consultants (see section 3.7).
- 3.3. 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.
- 3.4. The School Places Delivery Programme (SSPP) supersedes School Expansion Programme and further develops the approach used in the previous programmes. SSPP which now reflects the need to assess the whole school estate, including Secondary and Special school provision.
- 3.5. 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.
- 3.6. 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.
- 3.7. A proposed programme for 2020/21 and 2021/22 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.

3.8. A schedule of fire safety improvements has also been prepared based on recommendations from the Council's Fire Safety Adviser or technical advice.

3.9. 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 SSPP. However, where works at such schools are deemed essential to meet Health and Safety requirements, they have been included in the proposed programme.

3.10. 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.

3.11. 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.

3.12. This report identifies necessary work to the value of £28 million for schools' maintenance, condition, fire safety, access and expansion 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 SSPP

3.13. Update Priority Schools Building Programme 2 (PSBP2):

1. Durants Special School - Representatives of the ESFA, are undertaking school on refurbishment of the Old Building.
2. Walker Primary School - Whole school rebuild.

- 3.14. Special School Expansions and other works in development:  
In support of the SSPP the Maintenance programme has additional expansion projects required to facilitate additional places at special schools and minimise the need for General Resources.

#### 4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. In considering potential bids, the Schools and People 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 2020/21.

#### 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:

	£000	£000	£000
Brought Forward Reserve	2730		
19/20 Allocation from ESFA	2158		
<b>Announced grants</b>			
Basic Need		7613	
SEND		1188	
DfE Maintenance grant allocation to be announced			
<b>Funding</b>	<b>48,886</b>	<b>8,801</b>	
<b>Expected Spend</b>			
2019/20 Projection	12137		
2020/21 Projection		14585	
2021/22 Projection			7800
<b>Total funding available for future projects</b>	<b>36,749</b>	<b>30,965</b>	<b>23,165</b>

The Schools' capital programme is entirely funded from Central Government Grants and Section 106 Developer contributions.

- 6.1.2. Central Government is undertaking a national spending review and there have been no announcements of future funding for school sector. The announcements are expected in April 2020.

- 6.1.3. The proposed works detailed in restricted Appendix A are an amalgamation of previously approved schemes, which are carrying over from previous years programmes and new priority schemes starting in 2020/21 and 2021/22
- 6.1.4. 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.
- 6.1.5. Contributions in the form of S106 receipts from private developers is also received towards the schools' capital programme.
- 6.1.6. Revenue implications from these projects will be contained within existing budgets.
- 6.1.7. The updated programme will be reviewed and updated as part of the quarterly capital monitoring reporting processes.

## **6.2. Legal Implications**

- 6.2.1. Section 111 of the Local Government Act 1972 gives a local authority power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to the discharge of its functions.
- 6.2.2. In addition, the Council has a 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 proposals represent a Key Decision as they are over £250,000 in value. The Council must therefore comply with its governance process in respect of Key Decisions.
- 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** - People capital programme for schools.

See restricted appendix containing exempt information.

Official