

London Borough of Enfield

Cabinet

Meeting Date: 3 March 2021

Subject: Updated School Condition and Fire Safety Programme 2021/22 to 2022/23 (Schools Capital Programme)

Cabinet Member: Cabinet Member for Children's Services
Executive Director: Executive Director of People

Key Decision: KD5276

Purpose of Report

1. The report outlines the Council's landlord responsibilities undertaking major capital projects at school buildings to ensure the safety and wellbeing of school pupils and staff, whilst also maintaining the Council's assets. The report's restricted Appendix A outlines the planned high priority school building works for 2021/22 to 2022/23.
2. The report also outlines the People Schools Capital Programme for inclusion in the Council's Capital Programme

Proposal(s)

That Cabinet agree:

3. the proposed programme of works including professional and technical expenses detailed in the restricted Appendix A of this report and allowance for emergency schemes proceeding up to the total three-year indicative Programme value of £40 Million and become part of the Council's future capital programme.
4. Grant the approval to spend the 2021/22 and 2022/23 Capital Budget of £31.173m and £2.578m as approved in KD5210 (Cabinet 3rd February 2021).
5. As previously agree by Cabinet approval Condition and Fire Safety Programme 2020/21 to 2021/22 to continue to delegate authority to 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 individual project budgets so the overall budget remains within approved resources. This is to take account of variations between estimates and tender return costs and the potential

need to substitute schemes having a greater technical priority if the need arises; and

(iii) allocate any contingency provision (up to a maximum of £350,000 including professional and technical expenses) to emergency projects and/or to schemes identified as priority but not yet programmed.

That Cabinet notes:

6. Procurement and award of the works contracts including entering into the contracts for each will conform to the Council's Procurement rules and standing orders.
7. Contract award for professional services and works above £500,000 will also conform to the Council's standing orders with approval sought at the appropriate authority level.

Reason for Proposal(s)

8. Under the Scheme for Financing Schools, the Council retains responsibility for major items of repair in schools. A programme of projects has been collated to rectify and repairs items of a high technical or strategic priority for consideration in 2021/22 to 2022/23.
9. 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.
10. The Schools' capital programme is entirely funded from Central Government Grants and Section 106 Developer contributions.

Relevance to the Council Plan

11. Sustain strong and healthy communities

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

Background

12. 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.
13. The Schools' capital programme is entirely funded from Central Government Grants and Section 106 Developer contributions.

14. When allocating capital to school projects consideration is taken of the previous approved de minimis limits of £15,000 for primary and special schools and £25,000 for secondary schools, beneath which the expectation is that the school will allocate their own resources.
15. Projects have been prioritised for inclusion in the Programme based on technical information in condition surveys commissioned by Construction Maintenance and Facilities Management Team (CMFM) including the use of external consultants.
16. 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.
17. 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 the People's capital programme for schools.
18. 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.
19. A proposed programme for 2021/22 and 2022/23 has been formulated to address the most urgent condition items. Projects have been ranked as far as possible according to the extent of urgency using the Department for Education definitions.
20. The previously approved high priority strategy of expanding the Special School estate is also factored into the developed capital programme. The current and future projects providing additional school places are:

School	Project	Additional SEND places
Fern House	Rebuild. and expansion of special school.	Additional 22 places
Winchmore	Sixth Form and Autistic Unit	Main stream 150 SEN 20
Oaktree ITS	Whole school expansion	Additional 41 places
Waverly at Honilands	Refurbish Children's Centre	New 21 places.
Russet House at Suffolks	ASD unit	New 14 places

Former Eldon STC site	New provision (In development)	TBC
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21. Following a successful bid to the Department of Education (DfE) an additional 70 (Social Emotional and Mental Health (SEMH) places at a new secondary special free school, to open in January 2022. The new school will be managed by the Salmons Brook Trust.
22. Special school expansion initiatives have been development in consultation with Special Schools, Special Education Needs Team and CMFM.

Main Considerations for the Council

23. 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.
24. The expansion of special school places supports the invest to save in the special school sector by reducing the number of high costs out of borough placements for children with special education needs.

Safeguarding Implications

25. The proposed capital works will ensure the schools remain a safe environment. The works concerned will be undertaken in full accordance with Health and Safety and CDM Regulations.

Public Health Implications

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

Equalities Impact of the Proposal

27. 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.

Environmental and Climate Change Considerations

28. Enfield 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 activity. As well as supporting behaviour change there will need to be improvements to school buildings and sites, which deliver

improved thermal efficiency, decarbonise heat sources, increase the generation of renewable energy and increase offsetting and resilience, for example through tree planting and SUDS.

29. The Schools Capital Programme is a significant opportunity to deliver high value improvements so when making investments carbon reductions will be a key consideration:
- a. Proposed capital works programme has been developed to align with the Council's Climate Action Plan and 2030 Carbon Neutrality target from Scope 1 & 2 emissions from the Council's corporate operations, include maintained school estates.
 - b. The schools capital works programmes will be coordinated to respond to and utilise future funding and financing opportunities (e.g Salix grants and loans) to support the decarbonisation of school estates, including energy efficiency and heat decarbonisation works.
 - c. The ongoing and future capital works programme will also be aligned with the corporate retrofit programme to decarbonise the council's estate, with a focus on energy efficiency upgrades along with heat decarbonisation through heat pumps and connection to the heat network, ensuring a holistic approach is taken.
 - d. When renewing building fabric elements, opportunities to increase the thermal efficiency will be considered, such as improved insulation or glazing performance. Building fabric improvements will ensure improved health and wellbeing of occupants with a consideration for improved climate resilience, with designs taking into account opportunities to improve thermal comfort, natural ventilation and provide resilience to future effects of climate change
 - e. When replacing or upgrading heating systems, an options appraisal of low carbon technology will be undertaken to consider feasibility of ground source heat pumps, air source heat pumps and heat network connections as the preferred approach. Heating system technologies will be assessed against carbon, capital cost and cost to end user. Where possible heating replacement projects will be aligned with retrofit programmes and external funding opportunities.
 - f. Works to building heating systems and distribution will be designed with a long term view to enable heat decarbonisation, for example providing suitable connections and controls for compatibility with alternative technologies such as heat pumps and connection to the heat network.
 - g. Works to building electrical systems will be designed with a consideration for energy saving opportunities, through replacements with lower-energy fixtures, improved controls and ensuring future capacity is considered for additional loads such as EV charging and renewable energy generation technology, such as Solar PV.
 - h. Works that comprise of new build or major refurbishments should be built to BREEAM 2018 (or latest) 'Outstanding', in alignment with the Council's Climate Action Plan.

30. In practical terms, a feasibility study has been undertaken on a large-scale school boiler replacement to provide a comparison between conventional gas fired boiler replacement and the use of Heat Pump technologies. The initial finding is that the Heat Pump option is more expensive in the first instance but the installations whole life costing is a consideration for the Council going forward. Officers are pursuing this area of emerging improved technology and actively researching support towards the initial installation cost.

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

31. 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 for example fire safety improvements.
32. The Council will not realise savings from the investment made in the Special school estate.
33. Procurement of both professional service and construction contracts will be undertaken through the Council’s guidelines (the Contract Procedure Rules).
34. Risk register(s) will be maintained at both the Capital Programme and individual project levels. Mitigating action will be implement as necessary.

Financial Implications

35. This report is seeking approval of the budgets for 2021/22 and 2022/23 which total £31.173m and £2.578m respectively and are part of the 10-year Capital Programme from 2021/22 to 2030/31:

	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27 – 2030/31	Total	Funding Sources
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
Education								
School Expansions	0	0	3,000	3,000	3,000	12,000	21,000	Education and Skills Funding Agency (ESFA)
School Maintenance	30	0	5,000	5,000	5,000	20,000	35,030	Education and Skills Funding Agency (ESFA)
Schools' Future Programme	31,143	2,578	0	0	0	0	33,721	Education and Skills Funding Agency (ESFA)
Total Education	31,173	2,578	8,000	8,000	8,000	32,000	89,751	

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

37. 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 2021.
38. 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 2021/22 to 2022/23
39. 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.
40. Contributions in the form of S106 receipts from private developers is also received and applied to the schools' capital programme.
41. Revenue implications from these projects will be contained within existing school budgets.
42. The updated programme will be reviewed and updated as part of the quarterly capital monitoring reporting processes.

Legal Implications

43. Section 14 of the Education Act 1996 (as amended) requires a local education authority to ensure that sufficient school places are available within the borough for children of compulsory school age. Case law upon this statutory duty confirms that compliance with the duty requires an education authority to actively plan to remedy any shortfall. Further, section 27 of the Children and Families Act 2014 requires local authorities to consider the extent of provision in their area and whether it is sufficient to meet children and young people's educational needs, training needs and social care needs. 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.
44. Under the Regulatory Reform (Fire Safety) Order 2005, the Council as landlord must ensure that its buildings are safe from fire, that it carries out regular and periodical risk assessments and ensure that tenants, operatives, employees, visitors to the buildings and members of the public will always have access to an unrestricted escape route. As landlord, the Council must ensure that fire doors are correctly installed, that a safe escape route is provided and that fire, smoke and fume resistant emergency lighting capable of resisting these effects so as to allow safe evacuation of the building is installed. Accordingly, the Council is required to carry out fire safety works detailed in this Report. The Council must

closely monitor the Building Safety Bill and Fire Safety Bill to ensure that, when enacted, any legal requirements on the Council are implemented.

45. 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.
46. The expansion of school places will be subject to the statutory consultation prescribed by Section 19 of the Education and Inspections Act 2006, and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (Prescribed Alterations Regulations). The Council should further comply with the statutory guidance 'Making significant changes ('prescribed alterations') to maintained schools' October 2018 when exercising functions under the Prescribed Alterations Regulations for each school expansion. The proposals must be published and then the statutory consultation process followed. This consultation process needs to follow general consultation principles.
47. Where Planning Permission is required pursuant to section 57 of the Town and Country Planning Act 1990 ("the 1990 Act") in respect of any school site expansion that proceeds beyond feasibility considerations and initial consultation with schools, such will be 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 to 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.
48. The proposals represent a Key Decision as they are over £500,000 in value. The Council must therefore comply with its governance process in respect of Key Decisions.
49. When procuring and awarding contracts pursuant to this Report, the Council must comply with its Contract Procedure Rules, the Public Contracts Regulations 2015, 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 must be after due diligence on the framework by the Procurement and Commissioning Hub.
50. All contracts should be in a form approved by Legal Services on behalf of the Director of Law and Governance.

Workforce Implications

None foreseen

Property Implications

51. The Property Implications are to be found throughout this report.

Other Implications

None noted

Options Considered

52. Projects have been prioritised for inclusion in the Programme based on technical information in condition surveys commissioned by CMFM through external consultants.

Conclusions

That Cabinet agree:

53. the proposed programme of works including professional and technical expenses detailed in the restricted Appendix A of this report and allowance for emergency schemes proceeding up to the total three-year indicative Programme value of £40 Million and become part of the Council's future capital programme.

54. As previously agree by Cabinet approval Condition and Fire Safety Programme 2020/21 to 2021/22 to continue to delegate authority to 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;

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That Cabinet notes:

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(I cannot hear clearly on the phone - so please email or IM)
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Appendices - Restricted Appendix A
Background Papers - Nil