Committee/Meeting:	Date:	Classification:	Report No:	
Cabinet	10 April 2013	Unrestricted	CAB 103/123	
Report of:		Title:		
Corporate Director Education, Social Care and Wellbeing		2013/14 Children, Schools and Families Capital Programme		
Originating officer(s): Pat Watson		Wards Affected: All		

Lead Member	Cllr. Oliur Rahman, Lead Member for Children, Schools & Families
Community Plan Theme	A Prosperous Community
Strategic Priority	Priority 3.1: Support lifelong learning opportunities for all

#### 1.0 **SUMMARY**

1.1 This report advises Cabinet on the 2013/14Children, Schools and Families (CSF) Capital Programme and seeks various approvals as set out in the report.

#### 2.0DECISIONS REQUIRED

The Mayor in Cabinet is recommended to:-

- 2.1 Note the contents of this reportand specifically the predicted out-turn for the 2012/13 CSF Programme (detailed in Appendix A) and proposed allocation of the funding available in 2013/14(as detailed in Appendix B);
- 2.2 Approve the adoption of capital estimates for 2013/14capital condition and improvement programme schemes as shown in Appendix C and authorise expenditure(paragraph 6.9);
- 2.3 Note the completion of the Primary Capital Programme (PCP) schemes as shown in Appendix D (paragraph 6.11);
- 2.4 Note the existing approved Primary School Expansion Programme as detailed in Appendix E (paragraph 6.13);
- 2.5 Approve the revised capital estimate of £7.16m for the works at MarnerPrimarySchool to be funded from the uncommitted funds within the CSF capital programme (paragraph 6.14);

- 2.6 Approve the revised capital estimates of £4.80m for the works at ArnhemWharfPrimary School to be funded from the uncommitted funds within the CSF capital programme (paragraph 6.16);
- 2.7 Approve the adoption of a capital estimate of £400,000 for the costs of providing additional short term accommodation if required for additional pupils until major works have been carried out to provide permanent additional school places and authorise expenditure (paragraph 6.20);
- 2.8 Approve the adoption of a capital estimate of £500,000 to cover the costs of developing proposals to be considered for inclusion in the capital programme and authorise expenditure (paragraph 6.22);
- 2.9 Approve the adoption of £1.3m grant to fund capital works to provide the places required to meet the statutory entitlement for free early education for eligible two year olds from 1<sup>st</sup> September 2013 (paragraph 6.24);
- 2.10 Approve the adoption of £126,348.87 to renovate the Youth Services One Stop Shop, based at 150 Burdett Road to be funded from the 2012/13 Short Breaks Capital grant. (paragraph 6.32);
- 2.11 That the Director of Education, Social Care and Wellbeing (ESCW), in respect of all proposed tenders referred in this report, in consultation with the Assistant Chief Executive (Legal Services), is authorised to accept tenders for projects within the approved programmes and capital estimate and to award the necessary contracts and the Assistant Chief Executive (Legal Services), is authorised to enter into all necessary documents to implement this decision;
- 2.12 That any scheme exceeding the approved budget, the Director of ESCW is authorised to prepare and carry out a Bill of Reductions where relevant to ensure expenditure is contained within the agreed costs.

#### 3.0 REASONS FOR THE DECISIONS

3.1 The Local Authority (LA) has a responsibility to maintain its properties to ensure that they are safe and secure for staff and users. In the case of schools, the LA also has a statutory responsibility to provide sufficient places for children and young people of school age. Cabinet is asked to note the programme and approve the adoption of the capital estimates so that the required works can proceed.

#### 4.0 **ALTERNATIVE OPTIONS**

4.1 When identifying which works to include within the capital programme alternative options are always considered. This is to ensure that the projects both meet value for money and address the needs identified. Expansion projects are recommended following options appraisals and to select the options which best meet the location needs of the rising school age population.

#### 5.0 BACKGROUND

5.1 This report advises Members on the latest position on the CSF Capital Programme, the projected out-turn for 2012/13 (as described in Appendix A) and the proposed allocations for 2013/14 (as detailed in Appendix B) based on the expected funding allocation by the Department for Education (DfE), and seeks authority for necessary additions/revisions to the programme to enable projects to be progressed.

#### 6.0 BODY OF REPORT

#### 6.1 Allocations and Funding

- 6.2 In the April 2012 Report to Cabinet on the CSF capital programme, Members were advised of the review by the Secretary of State for Education on all capital investment in schools. Although there are still aspects of the review that the government has not yet responded on, the majority of funding is now for Basic Need and Capital Maintenance in the form of grant. Schools still receive devolved capital, but this has been significantly reduced.
- 6.3 The government have announced a two year grant allocation of £16.438m, 2013/14 and 2014/15, for Basic Need and a one year grant allocation of £3.554m, 2013/14, for Capital Maintenance.
- Where the Basic Need allocation alone cannot meet the identified need it may be necessary to use part of the Capital Maintenance grant to support the school expansion programme. This would be possible on the basis that extending and adapting existing schools will address a proportion of existing condition needs.
- 6.5 Because of the long lead in time required in developing such projects we are continuing to develop options.
- 6.6 The assumed out-turn commitmentfor 2012/13, as reported to Council in February 2013, was £16.998m. Based on more recent forecasts, the out-turn commitment is now expected to be £18.334m (see Appendix A).
- 6.7 Appendix B sets out the assumed available of funds for 2013/14 to 2015/16, amounting to £42.883m (excluding BSF), and the funding sources available. This includes an unallocated balance of £20.202m, for which project proposals are being developed and will be subject to further reports to Cabinet.
- 6.8 In addition to grants and previous supported borrowing, the CSF capital programme is supplemented by a number of other resources. This includes contributions towards projects from schools' devolved formula capital and developer contributions (s.106 planning gain). The current uncommitted S.106 available for additional places is £2.3m. This, together with the future accumulation of contributions, will be used to support the pupil places expansion programme to meet rising demand.

#### 6.9 Capital Condition and Improvement Projects 2013/14

6.10 The projects at schools that have been included within the programme are listed in Appendix C. Projects are included on the basis that they are either necessary to rectify serious building or supply faults to ensure safe and continued operation of premises by users, or to meet statutory requirements eg. accessibility, fire protection, etc. A separate allocation of £100,000 was agreed by Cabinet in February 2012 to address similar urgent condition and statutory requirement works at CSF non-school premises in 2013/14.

## **6.11 Primary Capital Programme (PCP)**

6.12 The PCP has been completed. The projects included and the expected final costs are listed in Appendix D.

#### 6.13 Primary School Expansion Projects (Appendix E)

- 6.14 In 2012 Cabinet approved funding for a number of projects within the Primary School Expansion programme amounting to £41.28m. The works at Arnhem Wharf, Ben Jonson, Culloden, Manorfield, Marner and WellingtonPrimary schools have now been completed.
- 6.15 The works at Marner have had to be undertake in several phases to minimise the disruption to the school. The last phase has been completed and the contractor has submitted a claim as part of the final costs amounting to £4.4m which exceeded the original contract sum. The contractor's justification was that a number of delays and additional works had resulted in additional costs. Although some of the claim could be substantiated, mainly due to necessary design changes, this only amounted to £4.02m. Following detailed discussions with the contractor they have now accepted this reduced amount. The additional cost amounts to approximately £320,000. These costs could not be covered within the project contingencies as they had already been fully committed, so it is recommended that an overall revised capital estimate of £7.16mis approved. This can be funded from uncommitted sums within the CSF capital programme.
- 6.16 In the case of Arnhem Wharf, additional costs were incurred as a result of design changes that were necessary to address problems that arose during the programme. The estimated additional cost of £120,000 cannot be covered within the project contingencies as they had already been fully committed
- 6.17 The schemes to expand Cayley Primary and Bonner Primary schools are progressing well and are on programme. Two Reception classes have already opened at the new Bonner (Mile End) site and the additional Reception class at Cayley will open in September 2013.
- 6.18 A further review of the primary school medium term strategy, as reported to Cabinet in September 2012, has now been completed. A total of nine community primary school sites were included in the review on the basis that, from a desktop review, they may have potential for expansion and that they were near the areas where additional pupil places are required.

- 6.19 Where the review has identified possible expansion opportunities discussions are taking place with the schools and their Governing Bodies on the proposals. Once these proposals are agreed to be pursued, a further report will be presented to Cabinet for approval.
- 6.20 In the short term it may be necessary to identify suitable school sites to locate the additional pupils until major works have been completed to provide the places needed in the longer term. It is recommended that a sum of £400,000 is included in the programme as a financial provision. If this is not required, the funds will be included in the main programme.
- 6.21 On 5 September 2012 Cabinet adopted a capital estimate of £10m for the project to expand Woolmore Primary School from 1FE to 3FE. The report stated that this would be funded from the DfE Basic Need grant. The project for Woolmore School forms part of the Blackwall Reach redevelopment. Over time the Blackwall Reach scheme will contribute s. 106 funding of £14.48m in total. Within this, £6.4m is identified for the provision of school places. The s. 106 funding is profiled over a number of years as the development is implemented in phases. It is therefore proposed to fully fund the Woolmore School project from the DfE Basic Need grant and then apply the s. 106 receipt for subsequent school places schemes when available.

#### 6.22 Feasibility Studies and Project Development

- 6.23 There is a need to continue with development of proposals to provide additional primary capacity. Feasibility studies will continue to be undertaken to develop the programme. The Council has secured site allocations for new schools through the LDF process. These sites are in private ownership and the Council will need to respond to the developers' timetables. There will be a need to undertake some feasibility and viability testing work on these sites as they arise.
- 6.24 It is recommended that a sum of £500,000 is included in the programme to fund the feasibility studies and scheme development.

#### 6.25 Early Education Provision

- 6.26 Free early education will become a statutory entitlement for eligible two year olds from 1 September 2013, with the local authority having a duty to secure provision. The Department for Education has awarded Tower Hamlets £1.3m of capital funding in 2012-13as a contribution to local authorities' capital budgets. Revenue funding for free early education for two year olds will form part of the Dedicated Schools Grant (DSG) from 2013-14.
- 6.27 The Early Years Service will work closely with childcare providers to identify potential capital development projects that fit with the strategic aims of the funding programme. Once projects are identified, the providers will be supported in refining and developing their projects.
- 6.28 Once suitable projects have been identified formal approval will be requested either by delegated authority or Cabinet.

#### 6.29 **Short Break Provision**

- 6.30 The Council has received £214,184 from the Government's short breaks capital grant. This is to help local authorities and their health partners to create better access to short break provision by providing new equipment, adaptations and facilities for disabled children and young people.
- 6.31 Approval has already been given to allocate £87,835 of the grant to voluntary sector organisations providing short breaks for children and young people with disabilities, for various items of equipment to enhance our current short break offer.
- 6.32 It is also recommended that remaining £126,348.87 be used to renovate the Youth Services One Stop Shop, based at 150 Burdett Road. This would create a new purpose built accessible Hub with interactive sports and leisure facilities for young people with disabilities and their siblings/ friendship groups. As the building shares a site with the Urban Adventure Base, it will help make other facilities at the site more inclusive through better use by disabled young people and also benefit young carers from the Young Carers Group who use Urban Adventure Base. The Hub will be available for exclusive use by young people with disabilities and their siblings for 60% of the after school, weekend and holiday sessions, including sessions on Saturdays and Sundays. The remaining 40% of weekly sessions will be universal provision, available for all young people.

#### 7.0 COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 The Education Social Care and Wellbeing (ESCW) (CSF) capital budget of £43.903m, agreed at Council on 7 March 2013 reflected the profiled position based on spending to the end of quarter 2 2012/13 and expected government grants known during the budget setting process. This report now provides an update on the CSF capital programme for ESCW to reflect the Quarter 3 2012/13 spending, known government grants for 2013/14 and any further changes either affecting the profile of spend or the priorities. Projects included in this report are all affordable within the available resources.
- 7.2 The table below explains how the capital budget of £42.883m in Appendix B relates to the figure agreed by Council.

Table 1: Movement in CSF capital budget 2013/14-2015/16 from Cabinet 9<sup>th</sup> January 2013

Component	Value £m
CSF capital budget as per Cabinet 9 <sup>th</sup> January 2013 (2012/13 – 2015/16)	£43.903m
Less 2012/13 budget (because the programme is now looking at 2013/14 onwards)	-£16.998m
Slippage of programme since reported quarter 2 2012/13 position for 2012/13	+£3.506m
Increase in programme because of confirmation of final government capital resources for school condition. basic need and short breaks.	+£10.172m
Increase in programme because of additional S106 monies	+£2.300m
CSF capital spend 2012/13 as per this report (Appendix B).	£42.883m

7.3 Within the overall programme resources of £42.883m, £20.202m is as yet uncommitted and will be the subject of proposals at a later stage.

# 8.0 <u>CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE(LEGAL SERVICES)</u>

- 8.1 The report outlines proposed projects in CSF and seeks Cabinet's approval of the associated capital estimates.
- 8.2 The Financial Regulations set a threshold of £250,000, above which Executive approval is required for a capital estimate. The Financial Procedures supplement this requirement. In accordance with Financial Procedure FP 3.3, senior managers are required to proceed with projects only when there is a capital estimate adopted and adequate capital resources have been identified. Where the estimate is over £250,000 the approval of the adoption of that capital estimate must be sought from the Executive.
- 8.3 There is no legal impediment to approval of the estimates, as the Proposed projects are capable of being carried out within the Council's statutory functions. The Council has a duty under the Education 1996 to secure that sufficient schools are available for Tower Hamlets. The Council has a duty under the School Standards and Framework Act 1998 to make premises available as part of its duty to maintain schools. The Council is also subject to duties under the Health and Safety at Work etc Act 1974 to ensure so far as is reasonably practicable the health and safety of staff, pupils, visitors and volunteers on school premises. It will be for officers to ensure that individual commitments are carried out in accordance with legal requirements.
- 8.4 Procurement for the various projects will need to be carried out in accordance with the Council's Procurement Procedures and, where relevant, the Public Contract Regulations 2006. Compliance with the procurement procedures should assist the Council to comply with its duty as a best value authority to "make arrangements to secure continuous improvement in the way in whichits functions are exercised, having regard to a combination of economy, efficiency and effectiveness" (section 3 of the Local Government Act 1999).

#### 9.0 ONE TOWER HAMLETS CONSIDERATIONS

- 9.1 The implementation of the CSF capital programme is part of the LA's strategy to improve achievement by improving the teaching and learning environment.
- 9.2 Strategies to raise educational attainment, including improving quality of school buildings, support students moving into employment.
- 9.3 The expansion of schools under the capital programme is necessary to ensure the Council meets its legal obligation to secure sufficient schools for Tower Hamlets, but will also promote equality of opportunity for children and young people (including within the meaning of the Equality Act 2010).

#### 10.0 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

10.1 The proposed capital works aim to improve and preserve the quality of the building stock. Sustainability considerations are applied as far as possible to design and materials used. Major projects included are expected to obtain a rating of Very Good in the BREEAM Assessment.

#### 11.0 RISK MANAGEMENT IMPLICATIONS

11.1 The individual projects will be closely monitored to ensure that programmes are completed on time and within the budget provision.

#### 12.0 CRIME AND DISORDER REDUCTION IMPLICATIONS

12.1 There are no specific implications arising.

## 13.0 **EFFICIENCY STATEMENT**

13.1 The capital works identified in the report will seek to improve energy efficiency and reduce ongoing maintenance.

#### **APPENDICES**

Appendix A-CSF Predicted Capital Out-Turn 2012/13

Appendix B - Proposed Allocation of Funds 2013/14 to 2015/16

Appendix C - CSF Condition and Improvement Programme

Appendix D - Primary Capital Programme

Appendix E - Expansion Programme

Local Authorities (Executive Arrangements) (Meetings and Access to Information)
(England) Regulations 2012
List of "Background Papers" used in the preparation of this report

Brief description of "background papers"

None.

# Appendix A Out-turn 2012/13

Supported Borrowing (SB)	Resources	Commitments	Carry Forward
*Other ICT	1.454	0.800	0.654
Grants (G)			
Capital Maintenance	1.220	0.960	0.260
Basic Need/New Pupil Places	28.722	13.577	15.145
PCP	0.591	0.591	0.000
Sure Start – Globe Town	0.025	0.025	0.000
Short Breaks	0.068	0.068	0.000
*Unapplied Children's Services grants held			
within the Early Intervention Reserve	1.100	0.030	1.070
*Modernisation	1.053	0.471	0.582
	32.779	15.722	17.057
Developer Contributions (S106) Bishops Square – Christ Church Community provision *Bishop Challoner Community facilities	0.300 0.850 1.150	0.300 0.000 0.300	0.000 0.850 0.850
Local Priorities Programme (LPP)			
Youth Services Accommodation	0.010	0.010	0.000
BMX Bike Track	0.042	0.042	0.000
Sale of Lukin Street (Bishop Challoner)	0.768	0.768	0.000
Bishop Challoner community facilities	0.600	0.600	0.000
Non-School Condition & Statutory	0.075	0.075	0.000
Osmani Youth Centre	0.007	0.007	0.000
*Swanlea – Crossrail Contribution	0.350	0.000	0.350
	1.852	1.502	0.350
RCCO – Gorsefield	0.010	0.010	0.000
Total:	37.245	18.334	18.911

 $<sup>^{\</sup>ast}$  Funded items added since February 2013 Cabinet Report  $\,$  - £1.301m in 2012/13 and £3.506-m carry forward.

APPENDIX B Proposed Allocations of Funds 2013/14 to 2015/16

CAPITAL BUDGETS (£m)						FL	INDING	(£m)			
Programme	2013/14	2014/15	2015/16	Total	G	SB	RCCO	SC	S106	LPP	Total
Condition & Improvements	1.110	0.100	0.000	1.210	1.010					0.200	1.210
Primary School Expansion	11.630	4.855	0.000	16.485	16.485						16.485
Early Education Funding	1.300	0.000	0.000	1.300	1.300						1.300
Short Breaks Funding	0.180	0.000	0.000	0.180	0.180						0.180
Other commitments (*Appx. A)	3.506	0.000	0.000	3.506	1.652	0.654			0.850	0.350	3.506
Uncommitted balance	4.187	8.000	8.015	20.202	17.902				2.300		20.202
Total Allocations	21.913	12.955	8.015	42.883	38.529	0.654			3.150	0.550	42.883
Funded by:											
Carry Forward:					17.057	0.654			0.850	0.350	18.911
2013/15DfE Basic Need					16.438						16.438
2013/14DfE Capital Maint.					3.554						3.554
LBTH Resources										0.200	0.200
2012/13 Early Education Funding					1.300						1.300
2012/13 Short Breaks Funding					0.180						0.180
Developer Contributions (S.106)									2.300		2.300
Funding by Year											
Grant (G)	19.959	12.855	5.715	38.529							
Supported Borrowing (SB)	0.654			0.654							
School Contribution (SC)											
Developer Contribution (S.106)	0.850		2.300	3.150							
Local Priorities Programme (LPP)	0.450	0.100	0.000	0.550							
Total Funding:	21.913	12.955	8.015	42.883	38.529	0.654			3.150	0.550	42.883

## **APPENDIX C**

## **CSF CONDITION & IMPROVEMENT PROJECTS**

Premises	Works	Estimate	Previous Spend £m	Apr 13- Mar  14 £m	Apr 14 - Mar 15 £m
2012/13 Commitments					
Blue Gate Fields J&I	Upgrade Electrical Supply	0.200	0.100	0.100	0.000
Globe	Replace heating pipework (Phase 1)	0.150	0.000	0.150	0.000
Mayflower	Replace heating	0.140	0.130	0.010	0.000
	Total:	0.490	0.230	0.260	0.000
2013/14 Programme					
Blue Gate J&I	Boiler Replacement	0.070	0.000	0.070	0.000
Cubitt Town Junior	Create Fire Escape Staircase	0.020	0.000	0.020	0.000
Mayflower Primary	Electrical Rewire Phase 3	0,080	0.000	0.080	0.000
Smithy Primary	Recover Roof	0.080	0.000	0.080	0.000
Statutory Requirements To support schools in providing physical access for staff pupils with disability and improving fire protection.		0.500	0.000	0.500	0.000
	Schools Total:	0.750	0.000	0.750	0.000
Non-Schools					
Eva Armsby CC	Replace Roof Covering	0.060	0.000	0.060	0.000
Statutory To address works required to meet statutory requirements eg.fire prevention  Non-Schools Total:		0.140	0.000	0.040	0.100
		0.200	0.000	0.100	0.100
Total of all Condition &	Improvement Schemes	1.440	0.230	1.110	0.100

# **APPENDIX D**

# **PCP Projects**

Premises	Works	Allocation £m	Previous Spend £m	Apr 13- Mar 14 £m	Total £m
Globe	Refurbishment, remodel and planned maintenance	2.46	2.46	0.00	2.46
Canon Barnett	Refurbishment, remodel ground floor and planned maintenance	1.02	1.02	0.00	1.02
Malmesbury	Remodel and planned maintenance	1.39	1.39	0.00	1.39
Bygrove	Refurbishment, planned maintenance and remodelling	1.67	1.67	0.00	1.67
Mayflower	Refurbishment, extension & planned maintenance	1.46	1.46	0.00	1.46
Stebon	Refurbishment, extension and planned maintenance	1.05	1.05	0.00	1.05
Elisabeth Selby	Refurbishment, extension and planned maintenance	1.23	1.23	0.00	1.23
Smithy Street	Refurbishment, extension and planned maintenance	1.88	1.88	0.00	1.88
Various kitchen improvements	Improvements to school meals kitchens	1.39	1.39	0.00	1.39
Voluntary Aided Scho	ols				
Christ Church CE	Refurbishment and planned maintenance	1.50 (1.17 grant)	1.17	0.00	1.17
St John's CE	Refurbishment and planned maintenance; including additional site	1.60 (1.26 grant)	1.26	0.00	1.26
St Paul's CE Refurbishment and planned maintenance		2.00 (1.62 grant)	1.62	0.00	1.62
	TOTALS:	17.60	17.60	0.00	17.60

# Appendix E

# **Primary School Expansion Programme**

Premises	Allocation £m	Previous Spend £m	Apr 13 - Mar 14 £m	Apr 14 – Mar 15 £m	Apr 15 – Mar 16 £m	Revised £
Arnhem Wharf	4.68	4.68	0.12	0.00	0.00	4.80
Ben Jonson	3.31	3.31	0.00	0.00	0.00	3.31
Bonner (Phase 1)	2.00	1.50	0.50	0.00	0.00	2.00
Bethnal Green Centre Refurbishment	2.30	0.15	2.12	0.03	0.00	2.30
Cayley	5.80	2.90	2.82	0.08	0.00	5.80
Culloden	5.70	5.70	0.00	0.00	0.00	5.70
Manorfield	5.17	5.17	0.00	0.00	0.00	5.17
Marner	6.84	6.84	0.32	0.00	0.00	7.16
St Luke's	4.00	4.00	0.00	0.00	0.00	4.00
Wellington	3.58	3.48	0.10	0.00	0.00	3.58
Woolmore	10.00	0.50	4.75	4.75	0.00	10.00
Sub Total:	53.38	38.23	10.73	4.86	0.00	53.82
Provision of Bulge Classes	0.40	0.00	0.40	0.00	0.00	0.40
Schemes Development	0.50	0.00	0.50	0.00	0.00	0.50
Sub Total:	0.90	0.00	0.90	0.00	0.00	0.90
Totals	54.28	38.23	11.63	4.86	0.00	54.72