

Notice of Non-Key Executive Decision

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| Subject Heading: | Non-Key Authority to procure a contract for the construction of a new Special School at Balgores Field |
| Decision Maker: | Tara Geere, Director of Starting Well |
| Cabinet Member: | Councillor Oscar Ford, Cabinet Member for Children's Services |
| SLT Lead: | Tara Geere, Director of Children's Services |
| Report Author and contact details: | Nicola L Prandini RIBA, Design and Architecture Manager, Capital Delivery and Corporate Estate. 01708 432142 Nicolalorenzo.prandini@havering.gov.uk |
| Policy context: | <p>The Council's Children and Young People Education Place Planning Plan, sets out ambitious and realistic objectives to ensure Havering's provision is the first choice for children and young people with high needs and their families. The Strategy also recognises that children with Social, Emotional and Mental Health difficulties (SEMH), alongside those with Autistic Spectrum Disorders (ASD) are increasing in numbers and requires the establishment of a new 300 place Special School, catering for children aged 4-19.</p> <p>The local authority has a legal duty to meet the Special Educational Needs of those children for whom it is responsible. The needs of pupils who require provision additional to or different from that generally available is determined by a formal assessment pursuant to the Children and Families Act 2014.</p> |

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| Financial summary: | Cost for the contract works required for providing a new Special School at Balgore Field is estimated at £33,410,000 and this will be met within the Basic Needs allocation. |
| Relevant OSC: | People Overview and Scrutiny Sub Committee |
| Is this decision exempt from being called-in? | Yes, it is a Non Key Decision by Officer |

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The subject matter of this report deals with the following Council Objectives

People - Things that matter for residents [x]

Place - A great place to live, work and enjoy []

Resources - A well run Council that delivers for People and Place. []

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

1. For the reasons detailed in this report the Director of Children's Services is recommended to approve the commencement of a procurement exercise, for a works contract to undertake the establishment of a new Special School at Balgores Field with the construction works anticipated to start in January 2025, at an estimated total project sum of £33,410,000.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 of the Council's Constitution

3.3. Powers of Members of the Senior Leadership Team

(a)

Contract powers

- (a) To approve commencement of a tendering process for all contracts above a total contract value £500,000.

STATEMENT OF THE REASONS FOR THE DECISION

At the Council meeting on the 8th November 2023 ([Link here](#)), upon recommendation by the Director of Children Services, the following decisions were taken:

- (I) To approve the LA to deliver a 300 place new all through free special school to meet the needs of children and young people aged 4-19 years who have complex or severe ASD, SEMH and SLD needs by September 2027.
- (II) To approve use of Balgores Field site for the proposed new special free school (subject to all necessary permissions being obtained to do so i.e., planning, property etc.).
- (III) To approve for the LA to start the presumption process (separate from this briefing note).
- (IV) To delegate to the Director of Asset Management authority to submit planning applications after consultation with planning officers, commission all associated surveys/investigations (including transport assessment, soils survey, environmental check etc.) and commence tender processes as required.

Introduction and project objectives

The Balgores Special School project aims to establish a 300-place special school in Gidea Park, to meet the increasing demand for specialist provision. The proposed school will serve

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primary and secondary aged pupils, along with post-16 pupils. This addresses a critical need, ensuring every child in Havering with special educational needs and disabilities (SEND) has access to an inclusive learning environment, without the need to travel out-of-Borough for it. Additionally, the project includes the possible demolition and reconstruction of Gidea Park Library, subject to relevant approvals, which would create a modern special school and enriching public spaces. The project also plans to include leisure facilities for shared use by the school and the community, subject to budgetary constraints. This could potentially be managed by the Council's current leisure provider, fostering collaboration and enhancing the overall well-being of the community.

The need for a new Special School

Children Services report that there is a steady increase across all areas of SEND need in Havering's schools, the most marked in Communication and Interaction and Social, Emotional & Mental Health. The capacity in our current provision is not enough to meet their needs, especially in the special school sector. The most marked is the increase from 557 children in mainstream provision in 2018 to 904 in 2022, rising to 1627 in 2025, and 2388 in 2029. The current special schools which are Lime Academy Ravensbourne, Lime Academy Forest Approach and Corbets Tey are all up to capacity and it will not be possible to expand them to absorb the increase in numbers.

This will have a negative impact on their educational achievements, affect their outcomes and life opportunities. The current spread and capacity of provision is not equipped to meet the needs of our children and deliver what they and their families want, need and deserve.

The creation of 300 additional places at a new special school within the local authority (LA) will result in fewer pupils being placed at more costly provision outside the borough than would otherwise be the case.

Town and Planning and Architecture

The planning permission process for the Balgores Special School involves thorough consultation with the Local Planning Authority (LPA) and the Greater London Authority (GLA) with their designated Quality Review Panel. Given the project's referable status to the GLA as an "application for planning permission of potential strategic importance (PSI)," this collaboration ensures alignment with broader urban planning strategies and architectural considerations. The appointed developer will navigate this process on behalf of the Council, working closely with regulatory bodies to secure necessary approvals and uphold high standards of design and functionality.

Preliminary engagement with the Havering Planners has assisted in preparing a scheme design which, without pre-empting the GLA and the LPAs recommendations, should be approvable. Havering Planners have suggested that for a scheme of such scale and strategic importance, the developer should enter into a Planning Performance Agreement (PPA), outlining agreed-upon milestones and a pre-defined timeline for the pre-application process. The purpose is to enhance the likelihood of securing planning permission efficiently.

The playing field off Balgores Lane has been identified as a suitable site for the proposed special school as it is a large, under used, piece of open land suitable because of its size, with a central location with good transport links. The field is not currently accessible to the public and use of the land is restricted by a covenant for the purposes of education use. Utilising the site for a new school would be an appropriate use within the covenant. The

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southern half of the site is occasionally used by Squirrels Infant & Junior Schools - this will continue if the special school is built.

The Capital Delivery and Corporate Estates (CDCE) Architecture Group has developed initial architectural proposals, which have been met with favour by Children Services, acting in lieu of the end user, yet to be appointed, and informally by the LPA. The scheme has been developed keeping in mind the following considerations:

(I) *Fitness for purpose*. The scheme is designed to fit the brief, making specific reference to Government guidelines such as BB104 and the incorporation of a community asset, including the demolition of the Gidea Park Library.

(II) *Sustainability*. This is a key focus, adhering to high environmental standards such as BREEAM excellent. The design emphasizes ample natural light and features extensive photovoltaic installations coupled with heat pumps to achieve net-zero carbon in operational aspects.

(III) *Vernacular*. The design considers a low skyline profile and architectural morphology that reflects a traditional aptitude, harmonizing with the surrounding environment. The proposal is designed to be as low impact and neighbourly as possible.

Procurement Strategy

It is proposed to procure these works using a JCT 2016 Design and Build Contract, with the Council's Supplemental Amendments.

The estimated contract cost is £33,410,000. This is above the threshold required by Contract Procurement Regulations, it is therefore proposed to procure by a call off from a framework subject to a two stage tender exercise. It is envisioned that the preferred framework provider for this is: Southern Construction Framework.

The procurement approach has been endorsed by the (Procurement) Gateway Review Group on the 13.12.203.

A separate Decision to waive the procurement regulations to adopt the Framework's recommended cost/quality ratio is being executed concurrently.

Master Programme

| RIBA Stages | LBH Stages | Task | Start | End |
|-------------|-------------|--|--------|--------|
| Stage 1 | Feasibility | Feasibility study, establishment of the Balgore Special School Project Board, definition of brief for the special school. Financial Viability. | Jun 23 | Oct 23 |
| | Preparation | Confirmation of project brief, Confirmation of budget availability, initial informal consultation with stakeholders including Leader of the Council and Ward members. Confirmation of budget availability by Council. Submission of PIF, preparation of business case, ELT briefing, preparation of ERs. | Oct 23 | Dec 23 |

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| Stage 2 | Tender Stage 1 | GRG-1 to agree procurement, Preparation and execution of ED-1 to tender. Tender period, tender evaluation and clarification period. Tender award and GRG-2 to award PCSA to a developer-designer, ED-2 to award PCSA. | Jan 24 | Mar 24 |
| Stage 3 | | Developer to carry out designs, prepare and submit planning to Havering LPA, planning Quality Review Panel, planning permission. | Apr 24 | Oct 24 |
| Stage 4 | Tender Stage 2 | Tender period and evaluation, confirmation of firm contract sum, preparation of Cabinet report (the contract sum exceeds procurement threshold for delegated decision). Cabinet approval of contract award, call-in period. | Jul 24 | Nov 24 |
| | Contract phase | Contract award and execution, design detailing phase and mobilisation. | Nov 24 | Jan 25 |
| Stage 5 | | Construction on site including contingency period. | Jan 25 | May 27 |
| Stage 6 | Commissioning phase | Handover to School | May 27 | |
| Stage 7 | | School in operation | Sep 27 | |

OTHER OPTIONS CONSIDERED AND REJECTED

Undertake the works identified in the report – Although the implementation of these works would result in an initial capital investment this is being fully funded from external grants. In addition this will generate substantial longer term savings in terms of reduced revenue expense associated with out-of-Borough SEND education and transport costs associated to this.

Do nothing - The “do nothing” option would result in the Council not being able to offer SEND education according to its statutory requirements, and therefore needing to externalise SEND education for its residents on an out-of-Borough basis. This would have a substantial revenue implication.

PRE-DECISION CONSULTATION

The following consultations or decisions have been carried out: Cabinet decision; ELT briefing.

No further formal consultation is required to make these arrangements although key stakeholders are kept apprised of the project.

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NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Nicola L Prandini RIBA

Designation: Design and Architecture manager, Capital Delivery and Corporate Estate, LBH

Signature:



Date: 26.01.2024

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

1. The Council must ensure that there are sufficient schools for providing primary and secondary education in its area, which must be sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education, in accordance with section 14 of the Education Act 1996. The Council is making a decision to procure a contract for building works for that purpose.
2. The Council has the power to procure a contract for these works through section 111 of the Local Government Act 1972, which allows the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions or through its general power of competence in section 1 of the Localism Act 2011 to do anything an individual can do. There are limitations on the general power of competence, but the limitations do not apply to this decision.
- 3.
4. The proposed contract value is above the threshold for works contracts stipulated in the Public Contracts Regulations 2015 (PCR) of £5,372,609. Therefore, the procurement process will be subject to the full PCR regime.
5. For these reasons, the Council can start the procurement process.

FINANCIAL IMPLICATIONS AND RISKS

Budget estimates by RICS Quantity Surveyors, including benchmarking against similar projects, have been sought in relation to these works. A breakdown of costs is as set out below:

| Category | Value | Notes |
|---------------------------------|---------------------|----------------------------------|
| Contract works, prelims and OHP | £ 33,010,000 | Upper cost limit incl. inflation |
| Pre Contract Service Agreement | £ 400,000 | |
| FF&E and ICT allowance | £ 600,000 | |
| Project contingency / Risk | £ 3,400,000 | |
| Contractors design fees | £ 1,100,000 | |
| Technical fees incl. surveys | £ 490,000 | Internal and consultants' fees |
| Total project cost | £ 39,000,000 | |

An agreed capital sum of £ 39,000,000 has been approved for this project, at the last Full Cabinet meeting on the 8th November 2023. This funding is Basic Need which the Department for Education has granted to London Borough of Havering for the establishment of school places.

Summary of funding

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| | Value | Notes |
|---|--------------|-------|
| Funding approved by Cabinet for the establishment of the Special School | £ 39,000,000 | |

The establishment of the new school is anticipated to bring in a revenue cost reduction for the Council estimated at over £ 3,100,000 each year (travel costs, out-of-Borough education costs, etc.) the benefit of which would fall across both the general fund and DSG (Dedicated Schools Grant).

A separate report will be submitted at award of tender which will contain detailed costs.

As with most capital schemes, there is a risk that the scheme could overspend due to issues arising during the build process. Any small issues arising can be funded from the main project contingency.

As with all contracts there is a risk to contractor delivery or continued operation, however, the contractor selection process will seek to mitigate this risk.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA has been carried as part of the consultation for the Children and Young People Education Place Planning Plan which covers the new Special School project alongside others and the proposal in this report has been assessed therein as having a positive impact on groups with a protected characteristic.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

In general

The project subject of this relates to improving building efficiency within the educational asset portfolio and delivers a modern and efficient facility which is substantially more efficient and more environmentally friendly or viable than the rest of the educational portfolio.

The following sections outline the environmental and climate change considerations that have been addressed as part of the building design and procurement of the construction contract which is subject to the present report. This has been divided into design considerations and contractor selection considerations.

Design element

The design was carried out by professional architects, who recognise, as the Royal Institute of British Architects (RIBA) has declared, that the climate emergency is the most pressing professional challenge of this generation, and that it should receive proportionate attention and care.

Designs have been carried out following the latest and most up to date tools and advices arising from the RIBA, the Building Research Establishment (BRE), the Ministry of Housing, Communities and Local Government (now the Department for Levelling up) and other professional and advisory bodies.

The impact of carbon emissions has been considered as part of the design. Designers of this building are fully aware that the built environment is responsible for a large part of the carbon emissions in Great Britain. Current figures estimate that 47% of carbon emissions arise from the built portfolio. This includes space heating and electricity. The design proposed seeks to reduce space heating related carbon emissions by improving the fabric of the building; by reducing dissipation of heating, we minimise the need for fuel to heat spaces. Furthermore, this educational design has been carried out with particular attention to natural lighting and ventilation. This has the effect of minimising energy spent for artificial lighting and mechanical ventilation. Where artificial lighting is required, the design has privileged LED lighting which delivers an energy saving of around 75% and is designed to last up to 25 times longer than incandescent lighting. In light of the above, the targets of energy performance of the building fabric and of its services have been increased to 10% over the Building Regulations levels.

With a view to reduce the dependency of the building to fossil fuels and to reduce the ongoing costs of the service users, the designers have considered implementation of thermal and photovoltaic installations. In this scheme design, PV panels have been implemented and it will be functioning alongside an electric heat pump, which means that the majority of the energy consumed by the facility will be sustainably produced on site.

In order to mitigate the adverse effects of climate change on the building that is being designed and on the business continuity of the service being delivered therein, designers have devoted time and attention to reducing direct summer sunshine into the building fabric, which would create a need for electrical or mechanical cooling.

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Additionally, architects have noted that the risk of flash flooding has greatly increased, and is likely to increase further. Design has been carried out, that focuses on minimising the risk, not only of flood pressure being displaced to neighbouring properties, but also of damage and disruption of service to the building. Where practicable, floor levels have been raised and other flood resilience measures have been implemented, often above and beyond the statutory requirements.

With a view to improve local, urban and sub-urban biodiversity, the architects have tried to privilege, within the boundaries of the requirements of the service users, soft landscaping and planted areas to hard landscaped areas, such as concrete or tarmacked areas.

Additionally, in order to improve urban biodiversity, habitat for pollinators and water run-off slowing, green and living roof solutions were considered as part of the design. In this scheme design, due to roof pitching restrictions and roof geometry requirements, which would make the installation of living roofs un-economic, these have not been implemented.

Procurement element

As part of the tender exercise, tenderers will be asked to produce their environmental credentials, and will be evaluated on this basis, along with other technical queries. In particular, tenders will be evaluated in relation to their response to waste management, energy and carbon footprint questions.

Contractors will be asked to confirm what measures, above and beyond their contractual obligations, they propose to take in order to minimise the production of waste arising from operations, and how the remaining amount of waste will be recycled and disposed of.

Furthermore, contractors will be asked to confirm describe what measures, above and beyond their contractual obligations, they propose to take in order to minimise the use of fossil fuel energy in your operations, and to generally decrease the carbon footprint of operations. Additionally, contractors will provide details describing their process to calculate their organisation's carbon footprint and what concrete steps they will have already taken in order to reduce this, or offset the emissions produced by their business.

All tender responses will be evaluated carefully and the successful tenderer will be asked to fully show their understating of all the issues, and to demonstrate proactive, above and beyond commitments and practical steps taken to improve their environmental policies and practices and to reduce site waste and operational carbon emissions.

Lastly, as part of the Council's commitment to go paper free, the tender exercise, which some years ago would have resulted in huge amounts of paper being produced, has been moved online and it is now a fully digitalised exercise.

BACKGROUND PAPERS

Cabinet report agreed on the 8th November 2023 ([Link here](#))

APPENDICES

There are none.

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

Details of decision maker

Signed

A handwritten signature in black ink, appearing to read 'Tara Geere', with a long horizontal flourish extending to the right.

Name: Tara Geere, Director of Starting Well

Cabinet Portfolio held:

ELT Member title:

Head of Service title

Other manager title:

Date: 12.02.24

Lodging this notice

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____