



# EXECUTIVE MEMBER DECISION

<b>REPORT OF:</b>	Executive Member for Children, Young People & Education
<b>LEAD OFFICERS:</b>	Director of Children's Services (Please Select)
<b>DATE:</b>	10 May 2019

<b>PORTFOLIO/S AFFECTED:</b>	Children's Services
<b>WARD/S AFFECTED:</b>	Audley and Queens Park Livesey with Pleasington

**SUBJECT: Variation to the school capital programme 2019/20**

## 1. EXECUTIVE SUMMARY

To present for consideration and approval 3 variations to the capital programme for Schools and Education for 2019- 2020 as detailed within this report.

## 2. RECOMMENDATIONS

That the Executive Member:

1. Notes the content of the report and approves the variations to the 2019 school's capital programme to include asbestos removal/encapsulation work at:
  - Longshaw Nursery School
  - Audley Junior School
  - Feniscowles Primary School
2. Authorises officers to procure works in accordance with the Contracts Procedure Rules as written in the Council's Constitution.
3. Approves expenditure to be incurred on individual projects, in line with the Council's Standing Financial Instructions.

## 3. BACKGROUND

Recent annual assurance checks undertaken by Capita have revealed a risk in relation to asbestos in boiler rooms at:

- Longshaw Nursery School
- Fensicowles Primary School
- Audley Junior School

As these boilers rooms need to be accessible to school based facilities staff and other maintenance contractors there is an immediate requirement to undertake the necessary works to either remove or encapsulate the asbestos and minimise any potential risks.

Audley Junior school contract their routine repair and maintenance through Capita who have obtained quotes for the required works. The quotes suggest a cost of works in the region of £15,000. It is estimated that the cost of the works at Feniscowles may be similar to that of Audley and the cost of works at Longshaw will be slightly lower (£10,000-£12,000)

Each of the schools has a relatively healthy balance of capital funding in the form of Devolved Formula Capital, however much of this funding has already been committed by the schools either to support existing LA capital programme schemes or as part of the schools scheduled asset management planning/development.

#### **4. KEY ISSUES & RISKS**

The boiler rooms at each of the schools have currently been placed in a quarantined state and staff prevented from entering them. This causes some challenge in respect of managing schools heating and hot water on a day to day operational level.

The boiler rooms are not accessed by children, and the proposed works will be undertaken during school holiday periods.

The recently received asbestos reports/information are known to the LA and as Community schools the LA has a responsibility under Health & Safety at Work legislation to ensure that any risks presenting are removed or minimised to an acceptable level.

Quotes obtained to date are via Capita. For the LA to undertake the works, further quotes will need to be obtained via the LA's standard procurement systems and processes and/or waivers sought.

There is a specific challenge at Audley Junior School in respect of completing the work in a timely manner due to the existing planned programme of asbestos removal prior to the roofing works being carried out. This may result in the planned roofing scheme being phased across 2 years to ensure that the works required to the boiler room (where regular operational access is required) are prioritised.

#### **5. POLICY IMPLICATIONS**

The Executive Board papers for the 2019/20 schools capital programme, which were approved in March 2019, authorised the Executive Member for Children, Young People and Education to be the decision maker for any in-year programme variations.

##### ***Extract from the recommendations of the 2019/20 Schools Capital Programme Executive Board report:***

*"Notes that regular reports will be provided for the Executive Member detailing any variations/amendments to programmes of work and seeking necessary approvals where these are required to ensure compliance with financial instructions and the Constitution".*

##### ***National Policy Context***

The Council has responsibility to ensure that all allocated funding for maintained sector schools is used in accordance with the associated grant terms and conditions.

##### ***Performance Implications***

The capital programmes will be closely monitored against agreed performance indicators representing measures of quality, cost and timescale.

## 6. FINANCIAL IMPLICATIONS

A contingency fund however of £100,000, for unplanned emergency/compliance works, was agreed by the Executive Board in March 2019 for the 2019/20 schools capital programme and it is requested that the works detailed above be afforded to this budget line. To ease the pressure of the contingency fund, the schools will be asked to make a contribution of 20% of the total costs of the works.

### ***Extract from the 2019/20 Schools Capital Programme Executive Board report:***

*“An allocation of £100,000 from the 2019/20 Schools Condition Allocation will be retained as a contingency fund to address any unforeseen emergency works, including those that compromise health & safety and/or safeguarding regulations”.*

## 7. LEGAL IMPLICATIONS

A failure to act upon the information known to the LA may result in a failure to comply with Health & Safety legislation and compromise the Councils position.

Procurement will be in accordance with Council Contract Procurement Procedure Rules and Public Contracts Regulations 2015. Contracts shall be in a form approved by legal officers in Contracts and Procurement team.

## 8. RESOURCE IMPLICATIONS

NA

## 9. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1 ☒ Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 ☐ In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 ☐ In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

The variation to the school's capital programme 2019/20 will be shared with the relevant schools governing bodies following Executive member approval.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted

by the Chief Executive will be recorded and published if applicable.

**VERSION:** 1

<b>CONTACT OFFICER:</b>	<b>Carol Grimshaw</b>
<b>DATE:</b>	10.05.19
<b>BACKGROUND PAPER:</b>	Appendix 1 – Schools and Education capital programme 2019 - 2020 , indicative budget allocations  Appendix 2 – School and Education 2019 - 2020, existing live projects and new proposed projects  Appendix 3 – Details of schemes to be carried out in the 2019/20 period