

Decision maker:	Cabinet member contracts and assets
Decision date:	29 January 2018
Title of report:	Provision and removal of temporary classrooms at Colwall primary school
Report by:	Sufficiency, Planning and Capital Investment Manager

Classification

Open

Decision type

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 10 (General Exception) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012.

Wards affected

Hope End;

Purpose and summary

To authorise additional funding required for the extended hire of temporary accommodation and to enable the removal of the temporary accommodation and reinstatement of the land to its former condition at Colwall CE Primary School.

Recommendation(s)

That:

- (a) additional revenue costs of up to £78k to fund the additional hire charges required for the extended use of the temporary accommodation be approved;**
- (b) removal of the temporary accommodation and reinstatement of the land in accordance with planning conditions be authorised at a cost of not more than £450k; and**
- (c) the interim education and capital manager be authorised to take all operational decisions necessary to implement the above recommendations within the approved budgets.**

Alternative options

1. The extended use of the temporary accommodation is not approved. This is not possible as the classrooms are required.
2. The temporary accommodation is not removed from site and the land is not reinstated. This would go against the conditions of planning granted at the time the temporary accommodation was installed, which states that the Portakabins and associated infrastructure shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority.
3. The temporary accommodation is not removed from site. There is a requirement to provide three months' notice to Portakabin for the termination of the contract for the hire of the temporary accommodation. This notice was given on 3 November 2017. It is possible that if a date cannot be arranged and agreed with Portakabin for the removal of the temporary accommodation, after notice has been given, that additional charges will be incurred. Current monthly hire charges are £27,790.

Key considerations

4. Colwall CE Primary School was experiencing damp problems in 2014. The potential causes were explored and independent specialists engaged to identify possible causes and solutions. Despite a range of investigative work taking place, it was not possible to establish the cause of the damp. Steps to mitigate against the damp were not successful and it became apparent at the end of the 2014 school summer term that continuing education in the school, particularly whilst further investigative works and appropriate remedial works were carried out, would not be in the best interests of the pupils or staff.
5. It was agreed that temporary accommodation would be installed on the playing fields of the school as determined by the Cabinet member corporate strategy and finance in a meeting on 8 August 2014. A contract was entered into with portakabin for the provision of temporary classrooms this included installation and removal and was procured via the integral framework following initial enquiries that were made with 3 companies; of which only portakabin were able to fulfil the brief within the proposed timescales.
6. The temporary accommodation was initially considered to be required for between 12 and 24 months until a permanent resolution was found for the school. It was also

acknowledged that one-off costs, ground works, installation, removal and reinstatement costs would be significant, but these costs would be kept to a minimum.

7. A permanent solution to build a new school on a new site in Colwall was reached and approved by Cabinet on 26 February 2015 and 21 January 2016.
8. The risks that the new school building would not be delivered by September 2017 in time for the new school year and the land purchase would take longer than envisaged were recognised in the report determined by Cabinet on 21 January 2016. The land purchase did take longer than anticipated which resulted in a later completion date for the building than originally anticipated. The new school building was completed on 14 December 2017 with the associated highways works completed on 22 December 2017, the school decanted over the Christmas holiday period and started the new spring term 2018 in the new buildings on the 8 January 2018. The temporary accommodation is therefore no longer required.

Community impact

9. Colwall CE Primary School is a popular and successful village school rated as 'Good' by Ofsted. Children, parents and friends of the school are supportive of the new build school. There was a strong community commitment to see the problems of the old school resolved.
10. The scheme supports achievement of the council's corporate plan priority to keep children and young people safe and given them a great start in life by ensuring that the educational environment is safe and fit for purpose.
11. The removal of the mobile accommodation and more particularly the reinstatement of the ground will reduce the risk of injury to students and others tempted to use the area as a playground and will improve the environment around the site.

Equality duty

12. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
13. A public authority must, in the exercise of its functions, have due regard to the need to -
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
14. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

Resource implications

15. A total of £2m was allocated to the programme of works surrounding the temporary accommodation in the original decision. This was made up from £1.2m capital and £800k revenue funding.
16. The contract with Portakabin for the hire of the temporary accommodation was renegotiated at the end of the first 12 month hire period to secure a better rate. The length of time needed to identify a preferred solution and complete the new build has resulted in the temporary accommodation being in situ for three and a half years and therefore incurred additional hire costs to those originally anticipated, alongside further enabling works such as fencing and removal of old mobile costs. £800k was allocated in revenue funding towards these costs and a further £200k was approved as part of the revenue funding for 2017/18. The Portakabin's are required for a further period whilst the new school is being completed and handed over. The additional £79k required has been reported in the children's wellbeing 2017/18 revenue budget as part of budget reporting.
17. Portakabin has provided a quotation for the full project costs associated with the enabling works, removal and reinstatement of the land. These works will be undertaken as a separate contract to works done to date and will be managed by the council's property services team.
18. Portakabin's knowledge of what was installed and how the process was carried out for the installation process should make the removal and reinstatement a simpler and therefore more cost effective exercise. A large portion of the work would have to be carried out by Portakabin and, as they are their units, it does negate the main contractor adding profit and overheads to this element and gives them scope to vary removal dates to suit the council. The procurement recommendation is therefore for Portakabin to remove their units and reinstate the site to its former condition.
19. £450k is required to cover these elements, which includes a contingency.

i.	Portakabin costs	£320k
ii.	Professional fees	£ 32k
iii.	Contingency	£ 98k
iv.	Total	£450k
20. In the full Council meeting on 12 December 2014 an allocation of £6.5m was approved for spend on the new Colwall school. There has also been a receipt from the Education and Skills Funding Agency (ESFA) of £3.19m towards the provision of the new school, alleviating some of the pressure on the council associated with the original approval of £6.5m. £6.3m has been spent or committed to the new school build, leaving a balance of £200k approved but uncommitted. The additional capital funding required will therefore be sourced from Basic Need Funding - £250k and the £200k uncommitted corporate capital funds from the Colwall school capital programme allocation.

Legal implications

21. In accordance with the hire contract entered into with Portakabin the council has provided three months' notice, expiring on 3 February 2018 when the hire of the portakabin will cease. As a consequence of termination under the contract, the council is responsible for all charges relating to the removal.

Risk management

22. There was a risk that if the new school or associated highways works would not have been completed in time, the school however moved in for the start of the new term on 8 January 2018 and therefore the temporary accommodation is no longer required and this risk has therefore been mitigated.
23. The costs of the removal and reinstatement works could exceed the available budgets. Costs will be monitored at all stages of the project and discussions will be had with land owners and planning to ensure that costs are kept to a minimum and no unnecessary works are undertaken. Portakabin has a good understanding of the underground services associated with the modular buildings, having originally installed them. There is a contingency included in the capital element of the budget, which is not expected to be exceeded.

Consultees

24. Political groups have been consulted and no objections or comments were received.
25. The ward member has been consulted and he is supportive of the works.

Appendices

None.

Background papers

None identified.