

Record of operational decision

Decision title:	Decision to fund up to £102,000.00 of Section 106 monies for “Education” (Primary) towards a single-storey extension to the front of existing school for the formation of new library and remodelling of reception area, at Burley Gate Primary School, Burley Gate, Hereford, HR1 3QR.																						
Date of decision:	03/11/2023																						
Decision maker:	Service Director Education, Skills & Learning																						
Authority for delegated decision:	Economy and Environment scheme of delegation line 71 Corporate Centre Directorate Scheme of Delegation line 159 Cabinet decision dated 02 March 2023 - Section 106 Portfolio of Works – S106 Delivery Proposals. Cabinet Report 02 March 2023																						
Ward:	Bishops Frome and Cradley																						
Consultation:	Internal consultation with Quentin Mee (Head of Educational Development, HC), Karen Knight (Sufficiency, Planning & Capital Investment Manager, HC) and Sarah Buffrey (Schools Organisation and Capital Investment Officer, HC). External consultation with Michelle Lewis (Executive Head teacher) at Burley Gate Primary School.																						
Decision made:	Decision to fund up to £102,000.00 of Section 106 monies for “Education” (Primary) towards a single-storey extension to the front of existing school for the formation of new library and remodelling of reception area, at Burley Gate Primary School, Burley Gate, Hereford, HR1 3QR.																						
Reasons for decision:	<p>The project to deliver a new library provision and remodelled reception area will provide new learning provisions and improve overall safeguarding.</p> <p>The project received planning consent in September 2022 under application number 222389. The planning decision notice and all approved plans have been contained with appendix 1.</p> <p>The project will be fully funded from three Section 106 legal agreements:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Planning Reference</th> <th style="text-align: left;">GT / FIN Code</th> <th style="text-align: right;">Contribution £</th> <th style="text-align: left;">Expiry Date</th> </tr> </thead> <tbody> <tr> <td>P151937/O</td> <td>FIN1868</td> <td style="text-align: right;">£46,462.00</td> <td>31/01/2025</td> </tr> <tr> <td>N102065/F</td> <td>FIN1489</td> <td style="text-align: right;">£21,000.00</td> <td>27/10/2026</td> </tr> <tr> <td>P150473/F</td> <td>FIN1902</td> <td style="text-align: right;">£34,538.00</td> <td>TBC</td> </tr> <tr> <td colspan="4" style="text-align: center;">TOTAL £102,000.00</td> </tr> </tbody> </table> <p>From the above Primary contributions, there has been no expenditure to date.</p> <p>In April 2023, tenders were invited for the undertaking of these works and in addition, provision of an external classroom. The tenders far exceeded the S106 allowance for this scheme, so omissions were identified and a revised cost established. This cost still exceeded the budget available and</p>			Planning Reference	GT / FIN Code	Contribution £	Expiry Date	P151937/O	FIN1868	£46,462.00	31/01/2025	N102065/F	FIN1489	£21,000.00	27/10/2026	P150473/F	FIN1902	£34,538.00	TBC	TOTAL £102,000.00			
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Owen Pell Ltd, the lowest contractor, were unable to identify any further savings following a value engineering exercise.

The decision was made to re-tender the scheme on the reduced specification, as the time-scale for the work had changed and some material costs had gone down.

Following the re-tender in September 2023, three contractors returned submissions as detailed below:

Contractor	Tender Figure (plus VAT) £
S C Joseph Ltd	82,721.00
P J B Merchants Ltd	88,350.00
Owen Pell Ltd	118,354.00

A priced specification was requested from the lowest contractor. A detailed technical and arithmetical check was undertaken and no errors were found.

Including all relevant preliminaries and professional fees the total costs for the works are outlined below:

Contract	82,721.00
Additional Security Works	2,900
Additional foundation costs	5,000
Building Regulations & Planning fees	2,000.00
Professional fees @ 10%	9,262.10
Total	£101,883.10

A contingency sum has been allowed to cover unknown risk during the delivery of the works.

A full tender report has been included in Appendix 1. The project programme has a 16 week works programme. Completion of the project is therefore due in early March 2024.

We are therefore satisfied that a sufficient tendering exercise has been completed in accordance with Herefordshire Councils Contract Procurement Rules (CPR).

It is therefore recommended that a contract is placed with S C Joseph Ltd for the undertaking of this scheme.

Responsibility for monitoring the project and managing expenditure within the total spend budget is to be with the S106 Programme Manager.

Equality Considerations

Equality duty

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to

	<p>the need to -</p> <ul style="list-style-type: none"> 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. <p>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.</p>
<p>Highlight any associated risks/finance/legal/considerations:</p>	<ul style="list-style-type: none"> • Delivery oversight – The project is fully funded by S106 contributions contribution but works on-site will be fully managed by Burley Gate Primary School or their nominated representatives. Herefordshire Council will provide delivery oversight and assurance to ensure effective delivery. • Cost variation – Project has an assigned S106 budget, which it cannot exceed. • Unforeseen events/costs – Potential unknowns or unforeseen costs could lead to overspend. The S106 contribution is finite, any overspend would need to be provided through additional means.
<p>Details of any alternative options considered and rejected:</p>	<p>Not to fund.</p> <p>This option is not recommended.</p> <p>Alternative projects were considered in conjunction with the school however this project was determined to be the best use of available funds.</p>
<p>Details of any declarations of interest made:</p>	<p>None declared.</p>

Date: 03/11/2023

Print Name: Liz Farr